

Child Support Task Force Minutes

February 27, 2019

9:00 a.m. to 1:00 p.m.

180 State Office Building

100 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, MN 55155

Members Present: The following task force members were present on Wednesday, February 27, 2019:

<input checked="" type="checkbox"/> Beth Assell	<input checked="" type="checkbox"/> Shaneen Moore	<input type="checkbox"/> Rep. Peggy Scott
<input checked="" type="checkbox"/> Rahya Iliff, Chair, by phone	<input checked="" type="checkbox"/> Rep. Laurie Pryor	<input checked="" type="checkbox"/> Jason Smith
<input type="checkbox"/> Sen. Mary Kiffmeyer	<input checked="" type="checkbox"/> Melissa Rossow	<input checked="" type="checkbox"/> Victoria Taylor
<input checked="" type="checkbox"/> Lisa Kontz	<input checked="" type="checkbox"/> Joseph Russell	<input checked="" type="checkbox"/> Sen. Melissa Wiklund
<input checked="" type="checkbox"/> Jodie Metcalf	<input checked="" type="checkbox"/> Rachel Sablan, by phone	<input checked="" type="checkbox"/> Mia Wilson, by phone

DHS Staff:

<input type="checkbox"/> Tara Borton
<input checked="" type="checkbox"/> Julie Erickson

Other Meeting Participants:

<input checked="" type="checkbox"/> Jessica Raymond	<input checked="" type="checkbox"/> Stacy Sjogren, facilitator

Welcome, Announcements and Meeting Objectives

Agenda review and introductions of the group. New parent member, Joseph Russell, was welcomed to the task force.

Review and approval of December Meeting Minutes

Minutes approved: The December 19 meeting minutes were approved and will be posted on the Child Support Task Force website.

Update on Data Request on Number of Cases with Minimum Orders in MN

DHS provided information based upon a task force member's request at the last meeting for the total number of open IV-D cases in Minnesota with minimum order amounts. A query was ran for all open cases with basic support obligations ranging from \$50 to \$100 per month in January of 2019. The results are likely over-inclusive, however, there were 16,323 cases in this range, constituting approximately 7.5% of open cases.

Reminder of Task Force Purpose and Decisions to Date

Jessica went over a recap of the task force's decisions surrounding the update of the basic support table.

Self-Support Reserve: Applying the SSR to both Parents

Jessica went over a recap of the task force's decisions and discussion about how to apply the SSR to both parents. Jessica shared a draft of proposed legislative changes to 518A.42. Group discussed proposed language and identified the following areas of concern:

- New subdivision (e) may be confusing when read with the rest of the SSR statute;
- As written, the use of the word "shall" in subdivision (e) will require the court to make findings about deviations in every case where the parents are below SSR, which may be very burdensome;
- Drafting legislative language may be beyond the purview of the task force;
- This language may not be easily understood by pro se clients.

After reviewing the language, the task force decided to revisit this at the next meeting. Per the task force's request, Jessica will send out an updated draft making subdivision (e) permissive rather than mandatory and with a new deviation factor about a parent's income being below the SSR set forth in Minn. Stat. 518A.43.

Decision: Task force will review the language at the March meeting after DHS incorporates the desired changes.

Presentation on Adjustments for Nonjoint Children, Discussion and Decisions

Jessica gave presentation on three issues related to the adjustments for nonjoint children. The first issue concerned the interaction of the SSR and deductions for nonjoint children that creates inconsistent treatment of similarly situated families with nonjoint children, (depending on if the nonjoint children are in the home, or the subject of support orders). The group voted in favor of deducting the SSR from the PICS, (Parental Income for Determining Child Support), rather than gross income to correct this. The group also voted in favor of recommending that the deduction for court-ordered support obligations also occur when determining PICS, rather than gross income, as the current definition/calculation of gross income is very confusing.

Decision: The SSR will be deducted from PICS, not gross income. The deduction for court-ordered support obligations should also be part of the deduction to determine PICS, rather than an exclusion from gross income.

The second issue in the presentation concerned the current limit of two nonjoint for nonjoint children in the home. The cap is inconsistent with the treatment of nonjoint children for whom parent pays support as there is no cap or limit of the amount of court orders that may be deducted from a parent's income. The group discussed the issue and voted against keeping the cap at two nonjoint children. A member pointed out that the decisions related to the cap is impacted by how the task force decides to calculate the deduction, (50% of guideline, 75% of guideline, OR/TX method, etc.).

Decision: The task force voted against keeping the deduction for nonjoint children in the home limited to two.

The third issue in the presentation concerned the current way the deduction for nonjoint children in the home is calculated. MN is unique in using 50% of the guideline amount of a hypothetical support order as most states use 75%. The presentation also gave an overview of the way Massachusetts and New Jersey calculate the deduction as well as Oregon and Texas' method. The task force was not ready to vote on whether to adopt a new method of calculating the deduction. The task force requested more information about how other states calculate the deduction, particularly the states identified by Dr. Venohr in her report on multiple families that do not distinguish between nonjoint children in the home and those the subject of court orders. Jessica will provide this information at the next meeting.

Decision: The task force was not ready to vote on whether the nonjoint child in the home deduction should be changed from 50% of the guideline amount.

Legislative Proposals from DHS Staff

Julie went over a number of legislative proposals that DHS has considered to see if the task force would be interested in publicly supporting them. Some members expressed concern that their roles as representatives of other organizations may present a conflict and they do not feel comfortable supporting the proposals. Ultimately, the group expressed appreciation for the opportunity to learn about the proposals, but declined to support any of them publicly.

Decision: The task force will not publicly support any of the legislative proposals.

Plan for Next Six Months and Wrap Up

The group discussed the fact that there are a number of issues that remain to be addressed before the task force expires on June 30, 2019. The task force acknowledged that there is likely not enough time to finish all of the work in the next four months and agreed to focus on the completing the issues related to nonjoint children and simultaneous orders. The task force also discussed the fact that legislation would be required to extend the task force beyond June of 2019, and the legislators on the task force would be the individuals best able to effectuate this. Rahya, as the task force chair, will reach out to the legislators to see if they are interested in sponsoring legislation to extend the task force to allow for more time to complete the work.

Other ways to best utilize the remaining time were discussed. Some ideas included possibly extending the meeting times and adding an additional meeting date. Stacy and Jessica will look into scheduling an additional meeting in April or May of this year.

Public Comment

1. Donna
 - Shared her perspective as high income obligee
 - Suggestion on how to improve the guidelines for high income cases
2. Michael
 - Case Manager at the Father's Project
 - Concerns how the current guidelines impact noncustodial fathers

New Action Items

1. DHS staff will continue work on statutory language for applying the SSR to both parents and present it at the March meeting.
2. Jessica will do additional research on other states' approaches to adjustments for nonjoint children and present it at the March meeting.
3. Rahya will reach out to task force legislators to see if they have interest sponsoring legislation that would extend the task force beyond June 30, 2019.
4. Jessica and Stacy will look into potentially adding another meeting before June of 2019.

Meeting Adjourned at 1:00 p.m.

Next Meeting

Wednesday, March 27, 2019

9:00 a.m. - 1:00 p.m.

Room 400S of the State Office Building, St. Paul, MN