



Child Support Guidelines Review Commission

Child Support Enforcement Division

Human Services Department

1474 Rodeo Road

Santa Fe, NM 87505

Friday September 28, 2018

Minutes

- I. Call to Order and Roll Call
 - Present: Hearing Officer Stephen Klump, Judge James Martin (via video conference), Judge Matthew Wilson, Sarah Batzli, Betina McCracken, Michael Nelson
 - Not present: Representative David Gallegos, Judge Gerard Lavelle
- II. Introductions of Commission Members
 - Commission members and staff introduced themselves
- III. Approval of Agenda
 - Motion by Betina McCracken to approve the agenda. Voted all in favor of approving the agenda.
- IV. Child Support Guidelines Presentation - Jane Venohr, Ph.D.
 - Dr. Venohr walked through the report using power point slides that guided as to the page report number.
- V. Guidelines Review Discussion
 - Large arrears judgments that result from minimum wage imputation orders discourage noncustodial parents' payment.
 - More reasonable orders would get paid.
 - There is a difference between arrears that accrue after an order is established versus those that are imposed when a judgment is entered.
 - Previous legislation to cap retroactive arrears was vetoed.
 - Involuntary employment due to incarceration and the new income imputation requirements will create the need for process changes and will require input from stakeholders.
 - A minimum order concept may result in having to slide the schedule or go away from income shares model.
 - The Utah solution of income shares schedule and low-income adjustment table was offered. Most states use the income shares model.
 - From the agency standpoint, a worksheet change would be very challenging to implement.

- Having two schedules is problematic for judges and pro se litigants.
- The minimum self-support reserved (SSR) should be explicit in guidelines, either in the commentary or the guidelines itself, and should be evident that it's considered for both parents.
- The SSR doesn't necessarily need to be added to the worksheets as it is built into the schedule and it does not change the calculation.
- Different scenarios were demonstrated using the different schedules.
- There is support for seeing a specific amount when income is less than \$800.
- A zero minimum support order is not supported as it doesn't recognize the custodial parent's value.
- Federal regulations take into account more detailed granular employment and economic data around prevailing wages, the availability of jobs, the types of jobs, success in finding jobs, job searching history.
- There was a proposal to update the schedule by setting the first income interval at zero to \$1,350 which is state minimum wage imputing at 35 hours a week, instead of \$800.
- There was discussion regarding methodology and cost of raising children and prior poverty and methodology.
- A minimum order of \$60 was one recommendation as it's the average amount of in-kind support fathers will voluntarily provide for children per one study noted by Dr. Venohr. A \$50 minimum order is used by many states.
- We can apply a minimum amount and then add for each additional child, and then apply a phase-in section and then ramp it up a bit more quickly to set pace with that shape of the curve.
- There was a concern raised that following the curve results in high increases for middle incomes.
- There were counter points raised that the middle section should go up as well based on economic data.
- The methodology used for higher incomes was that the schedule was extended to \$30,000 and a formula was used applying a straight line for determination of support.
- Monthly income at the \$30,000 level and above is not uncommon now and there is no language as to what to do when income is greater than \$30,000. A cap is not wanted. There can be judicial discretion, but there should be guidance for the court on how to calculate an amount.
- Dr. Venohr can extrapolate and come up with a percentage that can be used in high end income situations.
- When discussing the calculation method for a minimum order, the issue was raised that the court has discretion to deviate on a case by case basis.
- Language can be added to statute that says, if income is less than \$800 (or whatever amount), the presumed order amount is \$50 subject to the court's discretion. This would not be part of the chart and the chart would look like the existing one.
- The general idea was supported but there was a counter point on no adjustment to the guideline table.

- The lower presumed order amounts of \$50 and \$60 were discussed. The attachment point of \$800, \$1,000, \$1,300 and \$1,012 were discussed, taking into consideration the federal poverty level and rounding.
- The discussion moved toward an agreement along the lines of a presumed \$60 minimum order for non-custodial parents with monthly income from zero to \$1,000. The table would not have a specified amount from zero to \$999 and then the support order amount would start increasing from there. Statutory language could be added stating the presumed minimum order would be \$60, subject to the discretion of the court, and then add a step up for each additional child.
- Minimum orders were suggested for \$60 for first child and \$15 per extra child and for \$60 for first child and \$10 per extra child.
- It was suggested that statutory language regarding guidance for imputed wages and language regarding the SSR for both parents will be needed.

VI. Public Comment

- No members of the public present.

VII. Vote on Guidelines

- No vote during this meeting.

VIII. Next Steps

- Dr. Venohr will prepare a schedule that would have a \$1,000 SSR and support order amounts that move up consistently in the same pattern as the schedule in Appendix A.
- Dr. Venohr will identify a percentage or set of percentages by which to calculate support orders for income increments greater than \$30,000.
- There was conflict with October 19th meeting so the next meeting will be rescheduled.

IX. Adjourn

- Motion from Betina McCracken to adjourn. Voted all in favor of adjourning.

Note: The entire transcript of this meeting can be found at the following site:
http://www.hsd.state.nm.us/LookingForAssistance/Child_Support.aspx