

Child Support Guidelines Advisory Committee  
Minutes  
February 23, 2007

Committee Members Present:

Hon. Nancy Parrish	Gary Pomeroy
Hon. Thomas Graber	Sherri Loveland
Charlie Harris	Dave Gregory
Staff: Mark Gleeson	
Elizabeth Reimer	

Minutes

The minutes of the January 26, 2007, meeting were amended and approved. Charlie Harris moved that the minutes of January 2007, be approved. Sherri Loveland seconded the motion. Minutes from the meeting on November 3, 2006, were approved on a motion by Charlie Harris and seconded by Sherri Loveland.

Change in Circumstance

Concern was expressed about the change in age categories, shared custody, and the change in minimum wage creating a burden on the court. The committee discussed the age brackets 0 to 6, 7-12 and 13 – 18. Charlie Harris moved to approve these changes and it was seconded by Thomas Graber. Approved.

Need to review K.S.A. 60-1610 (a) in reference to the age categories.

Legislative Update

Mark Gleeson provided an update on pending legislation. HB 2143 creates an obligation on Court Trustees to provide the Secretary of Wildlife and Parks with information on obligors who owe arrearages. Trustees do not exist in every judicial district and some do not track arrearages. This legislation has had a hearing but it has not been worked by the committee.

Kansas Payment Center

Change in contract from Tier to JP Morgan. The contract is effective May 1, 2007.

Public Hearings

Options for public hearings were discussed. The committee's preference is to conduct an interactive video session in multiple sites across the state. It is also possible to combine this with a web-based session with possible public participation via e-mail. OJA will work with the Kansas Department of Public Health and Environment to create this opportunity for public

comment on the committee's recommended changes to the guidelines. OJA will also create an executive summary of the recommended changes and a PowerPoint presentation explaining the basics of the Child Support Guidelines and the changes recommended by the committee. Keep focused on changes and on the guidelines. It was suggested that this session be offered for Continuing Legal Education as a way to encourage participation from attorneys.

### Annotating the Guidelines

The committee discussed the best method for annotating the Child Support Guidelines. Kansas Supreme Court Rules contain all cases applying to the guidelines. The Committee prefers to have the annotations attached to the Kansas Child Support Guidelines as an appendix. The guidelines also need to be updated annually or reference the Supreme Court Rules which are updated annually. It is not necessary to embed annotation into text. OJA staff will query appellate court cases impacting the guidelines and include them in the annotated version.

### Shared Custody

The committee discussed amended language and examples provided by Charlie Harris. Judge Graber moved and Sherri Loveland seconded the motion to approve, as a draft, the language included as an attachment titled "Shared Expense Formula Language Adopted as Draft on 2-23-07." This was adopted as a draft (see attached) for the committee's consideration and final approval at the meeting on March 23, 2007. Also to be considered is the inclusion of the chart provided by Dave Gregory as example #6 (see attached) and whether this modification would be considered as a material change of circumstance.

Discussion on the draft included concerns that providing a specific list of items to include would be interpreted as mandatory items and the fact that many of the discretionary items have highly variable costs (i.e. vehicles, insurance, clothing, etc.). One option is to make it very clear that these are samples of possible agreements.

### Interstate Pay Differential

The guidelines do not reference the Interstate Pay Differential as discretionary. This has particular application when change represents a voluntary cut in pay when one party moves to another state. The guidelines state that the Interstate Pay Differential is a rebuttable presumption and that the IPD will be applied.

Charlie Harris will work on new language regarding the use of the Interstate Pay Differential and present it at the next meeting.

## March Agenda Items

K.S.A. 60-1610 (a) re: Change in Age Categories  
Annotation of the Child Support Guidelines  
Public Hearing Proposal  
Shared Expense Formula Language Draft - Approved Language  
Interstate Pay Differential - Charlie will Rework and Update the Appendix  
Parenting Time Adjustment - John Bird, Charlie Harris, and Judge Graber  
Draft of Guidelines Changes To Date to Committee  
FAQ and Complete tables from Dr. Pelkowski

## Next Meeting

March 23, 2007  
9:00 AM  
Kansas Judicial Center  
Room 269