

Kansas Child Support Guidelines Advisory Committee  
Minutes  
April 27, 2007

Members Attending: Hon. Nancy Parrish, Chair; Charlie Harris, Gary Pomeroy, Hon. Hon. Tom Graber, Hon Tom Foster, Sherri Loveland, Staff attending: Elizabeth Reimer, Mark Gleeson,

Public hearing Webcast Preparations

The public hearing webcast proposal will be submitted to the Kansas Supreme Court for their approval. The webcast will originate from the Curtis Office Building in Topeka. Hosted sites will be available in Wichita (Sedgwick County District Court Jury Room), Hays (Forsythe Library, Fort Hays State University), and Overland Park (Johnson County Community College). The following individuals will be invited to attend and serve as hosts at the following sites:

Wichita

Hon. Tom Graber  
Charlie Harris  
Dave Gregory  
Ellen House, District Court Administrator

Topeka

Hon. Nancy Parish  
Hon. Tom Foster  
Professor Linda Elrod  
Larry Rute  
Rep. Lana Gordon  
Professor Jodi Messer-Pelkowski  
Mark Gleeson  
Elizabeth Reimer  
KDHE Staff

Olathe

Sherri Loveland  
Rep. Tim Owen  
Gary Pomeroy

Hays

John Bird  
Roy Brungardt

The agenda for the public hearing is as follows:

- 1) Formal presentation
- 2) General Overview and Structure of public hearing – Hon. Nancy Parrish
- 3) Instructions for participation and questions – Mark Gleeson
- 4) History of the Kansas Child Support Guidelines – Professor Linda Elrod
- 5) Economic Basis for the Kansas Child Support Guidelines – Professor Jodi Messer-Pelkowski
- 6) Shared Residency – Hon. Tom Foster
- 7) Parenting Time Adjustment – Hon. Tom Foster
- 8) Questions from public

Computers will be available at each hosted site allowing for the host to submit e-mail questions to the panel at the broadcast site. If that is not possible, cell phones will be used to submit questions from participants at the hosted sites.

Notices of the public hearing webcast will be distributed to the Kansas Bar Association, the Kansas Register and through a general press release.

#### Parenting Time Adjustment

The committee discussed changing the Parenting Time Adjustment formula to the following:

35 – 39%	10%
40 – 44%	15%
45 – 50%	20%

Charlie Harris moved to adopt the change and Sherri Loveland 2<sup>nd</sup> the motion. The motion was approved.

- a-b. The court may consider the amount of time that the parent spends with the child.** If the child spends 35% or more of the child's time with the parent not having primary residency, ~~and the court does not find that it is a shared residential situation as defined in III.B.7,~~ the court shall determine whether an adjustment in child support is appropriate. In calculating the parenting time adjustment, the child's time at school or in day care shall not be considered. To assist the court, the following table may be used to calculate the amount of parenting time adjustment. The adjustment percentage should be averaged if there is more than one child and if the percentages are not the same for each child. The percentage

adjustment should be applied to Line D.9 and then entered on Line E.2.

Nonresidential Parent's % of Child's Time	Parenting Time Adjustment
35%-39%	-5%
40%-44%	-10%
45%-49%	-15%

or,

c. In situations where **the court has not approved the use of the shared expense formula (III.B.7) but has determined that equal shared residential custody arrangement parenting time** is ordered is in the best interest of the minor child, ~~if the shared residential formula (III.B.7) is not agreed to,~~ the parent with the higher income shall pay child support to the lower income parent. ~~but the~~ **The** higher income parent shall receive a ~~25%~~ **20%** parenting time adjustment reduction in their line F-3 child support obligation. This adjustment is given in recognition that the parent has the child or children in their care approximately half of the time during which they are assuming substantial additional costs and the other parent is relieved of a substantial amount of additional costs.

There was concern that this proposal moves away from Shared Parenting Time and moves toward Equal Parenting Time.

The committee discussed the following amendment to the Parenting Time Adjustment section IV.E.2. This language will be submitted for a vote of the committee via e-mail.

2. Parenting Time Adjustment (Line E.2)

The court may allow a parenting time adjustment in favor of the parent not having primary residency using either subsection IV.E.2.a below or subsection IV.E.2.b below but not both. Likewise, the court may allow an adjustment in favor of the parent with primary residency pursuant to IV.E.2.c below. If the Shared Expense Formula ~~Residency provision~~ (Section III, subsection B.7) applies ~~to a child,~~ no **parenting time** adjustment may be made under this section. ~~for parenting~~

~~time by either parent with that child. This~~ **The parenting time** adjustment, like all other adjustments, is subject to the 10% rule pursuant to Section V.A.

Because the adjustment is prospective and assumes that parenting time will occur, the court may consider the historical exercise or historical non-exercise of parenting time as a factor in denying, limiting, or granting an adjustment under this section.

**Adjustments under this section may be prorated over twelve months unless the parent having primary residency requests otherwise.** The court in considering ~~an~~ **a parenting time** adjustment may use one of the following subsections:

a. ~~In making this determination, The court shall~~ **may** consider: 1) ~~the fixed obligations of the parent having primary residency that are attributable to the child the decreased cost to the parent having primary residency~~ **because of the increased parenting time of the nonresidential parent;** and 2) the increased cost of additional parenting time to the parent having nonprimary residency, and 3) **the fixed obligations of the parent having primary residency that are attributable to the child.** ~~Any adjustment should be prorated over twelve months unless the parent having primary residency requests otherwise, or;~~

The following label should be added to sections in IV.E.2

- a. Actual Cost Adjustment
- b. Time Formula Adjustment
- c. Equal Parenting Time Adjustment
- d. Extended Parenting Time Adjustment
- e. Non-exercise of Parenting Time Adjustment

The meeting on May 25 has been cancelled. The next meeting will be June 22, 2007.