

Kansas Supreme Court Child Support Guidelines Advisory Committee
Committee minutes
April 15, 2006

Members attending: Hon. Nancy Parrish, Hon. Tom Graber, Hon. Tom Foster, Dave Gregory, John Bird, J.D., Charlie Harris, J.D., Mark Gleeson, staff.

Guests: William Terrell, Ph.D., Jodi Pelkowski, Ph.D., Brad Short J.D., Jamie Corkhill, J.D.

IV-D Caseload Assessment

Jamie Corkhill, attorney for the Kansas Department of Social and Rehabilitation Services (SRS) reported on the recent study conducted by the department on the rate of deviations from the basic child support obligation in IV-D cases. Ms. Corkhill reported most of the cases in the study were lower income. Most of the adjustment were downward adjustments and few of the adjustment were for special needs. Thos adjustments for special needs that did occur were generally for medical circumstances.

Judge Graber indicated he would conduct a similar study of non IV-D cases in Sumner County.

Of the 9000 orders established during the period May 1 2004 through April 30, 2005 approximately 6% of orders had a deviation. This deviation is defined as an adjustment applied after the basic child support order was determined. A total of 638 deviations were in discovered in 550 orders. The query reported specific deviations. A copy of the full report was provided to the committee.

The purpose of the federal requirement that the State have limited number of deviations is to assure a reasonable expectation of predictability. Jamie believes the 6% adjustments will not be viewed as greater than a limited number of deviations/adjustments that the feds would view as a problem and she oes not recommend further review of Non IV-D cases.

The query was not able to determine the origin of the visitation adjustment, whether both parties were represented by counsel. Since the query included only IV-D cases, it was impossible to determine if the same rate of deviation occurs in non IV-D cases.

Brad Short questioned whether a low rate of adjustments or deviations is desired. One of the benefits of the child support guidelines is that it offers the court the opportunity to establish a child support obligation that addresses the circumstances of both the obligor and the oblige. Mr. Short and members of the committee agreed that one of the strengths

of the guidelines is the ability to apply deviations and it would be a mistake to attempt to drive down the frequency of deviations.

The SRS figures suggest a 94% predictability rate which the CSG Advisory Committee believes is acceptable. Charlie Harris moved to adopt the report from SRS as the final report justifying the case review. Judge Graber seconded the motion. Motion carried.

Ms. Corkhill was asked to brief the committee on other matters of federal interest. She indicated that federal demand on SRS is always increasing and there are broad performance standards that have to be met. Overall, states are establishing more orders and doing a better job of collections. Paternity establishments must be at least 90% (born out of wedlock) or improve by 2% a year. There is an emphasis on in-hospital establishment of paternity and locating missing fathers. If birth certificate identifies a father, those do not count in calculation.

Brad Short

Mr. Short is a private attorney representing parents. He also publishes software calculating child support guidelines. As such, he gets a lot of feedback from attorneys and staff using software and calculating child support. Provided letter to committee dated April 20, 2006 and distributed to the members of the committee prior to the committee. Mr. Short's letter makes recommendations in the following areas: Equal sharing of direct expenses, support beyond majority, computing a case management fee into the guidelines, shared custody and the use of proportional shares..

Economic Basis for Child Support Schedules

Dr. Terrell introduced Dr. Pelkowski, Associate Professor of Economics who will be taking over for him as the economist working with the committee. Dr. Pelkowski has worked with Dr. Terrell and is familiar with the economic foundation underlying the Kansas child support guidelines.

Dr. Terrell and Dr. Pelkowski continue to be satisfied with the dissolution burden adopted by the Supreme Court as part of the current tables. Dr. Terrell also spoke in support of using gross income as the starting point for computing child support obligations and reported that states that use after tax income require judges to determine exactly what constitutes after tax income in individual cases.

Dr.s Terrell and Pelkowski report the primary change to the current child support guidelines is the adjustment to the poverty level. They also suggested that some states have collapsed the three age categories into a single schedule but indicated doing so could result in problems for the youngest and oldest child categories.

The committee requested the economists' assistance in locating a new resource for determining the cost of living differential as the U.S. Department of Labor is no longer publishing the report referenced in the child support guidelines. Dr. Terrell indicated the

US Dept. of Labor is now publishing a quarterly quarterly census of employment and wages publication changes at the following web site:
www.bls.gov/cew/cewdisc.htm. www.bls.gov/cew/peoplebox.htm. Although slightly more complex, it no allow for users to obtain specific data for national, state, metropolitan and county areas. Dr. Terrell recommends OJA update the guidelines annually to report changes in DoL data. New system allows for analysis by industry in addition to geographic location. The committee was able to explore the Department of labor web site showing employment and wage data published quarterly.

The committee requested that OJA review and publish cost of living data annually and to report to the committee at the June 2006 meeting as to what that would require.

Judge Graber moved and Sherri Loveland seconded the motion to not pursue combining the three age groups into one. Mark will contact Dr. Pelkowski to inform her of this action.

Charlie Harris moved and Judge Graber seconded a motion to offer a contact to Dr. Pelkowski. Mark will work with OJA to determine what is required to obtain Dr. Pelkowski's services.

Future meetings

Judge Parrish requested that an agenda committee be created to work on developing future agendas.

Subcommittees are requested to meet in May and report to the full committee on June 23, 2006.

Future meetings

June 23

July 28

August 25

September 22

October 27

December 1