

Kansas Child Support Guidelines Advisory Committee
March 25, 2011

~~Draft~~ Minutes Approved April 29, 2011

Present: Hon Tom Foster, Chair; Hon. Connie Alvey; Hon. Amy Harth; Professor Linda Elrod, Sen. Tom Holland; John Bird, Roy Brungardt, Jamie Corkhill, Larry Rute, Charles Harris, Holland, Bird. Jodi Pelkowski, Elizabeth Reimer, Mark Gleeson,

Absent: Rep. Lana Gordon; Gary Pomeroy; Sherri Loveland;

Review of Minutes from January 28, 2011

The minutes were amended to reflect Linda Elrod's absence. Rute moved to approve. Elrod 2nd ~~:-~~ Minutes approved.

Economist's Report

Dr. Pelkowski provided a revised set of child support schedules. The only change from the schedules was to change references of "adult child" to "older child." The calculations and figures on the schedules were not changed.

Dr. Pelkowski provided written comments on the proposed Revised Shared Formula (see attached). She recommended that the relevant percentage should be applied from the schedules and not after the insurance premiums and child care costs are included; specific instructions should be included that reflect the expectations from the party receiving the money; and that private school tuition and large expenses for extracurricular activities such as elite sports, dance teams and other high cost activities not be included as a direct expense. A formula cannot be created that "reasonably fits both households with and without the large anomalies in spending."

~~Economist has determined the 80/20 is flawed. 80/20 was an arbitrary choice by the committee in 2008.~~

~~This proposal would give us the chance to do the right thing and avoid the continuing arguments over linking shared custody linked with support. The proposal takes away the requirement for an agreement.~~

Proposed Revised Shared Formula

~~The committee agreed that high cost extracurricular activities and should be included along with child care costs. The committee also agreed that changes resulting in a 10% or greater increase or reduction in the amount of child support would be managed pursuant to Section V, Change of Circumstance.~~

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The committee discussed the need to inform judges, attorneys and the public that the rationale ~~behind for the Revised Shared Formula the change i~~ was to address the significant problems the ~~80/20 Rule-current rule~~ is creating for some parents. Problems ~~are generally~~ occurring when items subject to the shared direct expense purchased by one parent are ~~far~~ more expensive than a comparable product that would have been purchased by the other parent. One of the problems is in comparing what one parent purchases versus similar products purchased by the other parents. The ~~80/20existing R~~ rule also forces parents who don't/won't agree to try to work together. This creates an opportunity for one parent to use the process of negotiating and dividing expenses to exert power and control over the other parent.

The ~~committee discussed how the 80/20 Rule was a compromise intended to provide relief to parents who share equal expenses and roughly equal time with their children. However, there have been significant problems. The Economist believes the 80/20 Rule is flawed. other significant problem with the current formula is that the Economist believes the current 80%/20% rule is flawed, was an arbitrary choice by the committee, and is not easily defensible. The 80%/20% rule was a compromise intended to provide relief to parents who shared equal expenses and roughly equal time with their children.~~

The committee reviewed the proposed ~~R~~revised ~~S~~shared ~~expense F~~formula (see below). Charles Harris moved, Roy Brungardt 2nd, to adopt the proposed formula. The motion was approved.

Extracurricular activities

The committee agreed that the cost of ~~high-cost extraordinary~~ extracurricular activities ~~and private school~~ should be treated the same as child care and health care expenses and not ~~be~~ included as direct expenses. Charlie will have proposed language for the April ~~29th~~8 meeting.

Change of Circumstance

~~The committee also agreed that changes resulting in a 10% or greater increase or reduction in the amount of child support would be managed pursuant to Section V, Change of Circumstance.~~

Mini DRA

The committee reviewed the Mini DRA and recommended that language be added reflecting that the form should only be used in post-judgment divorce motions. ~~The~~ Judicial Council will consider taking the ~~_~~month ~~of birth~~ out to conform to Supreme Court Rule 123.

Appendix V, Income Tax Considerations, using 2011 ~~T~~ax ~~F~~actors

Roy Brungardt provided the committee with an updated Appendix V, Income Tax considerations. The committee adopted the revisions.

Input and Feedback on Current Recommendations

The committee reviewed the proposal for public input using You Tube style video segments similar to the model found on the United State Court at: <http://www.youtube.com/user/uscourts>. The general consensus was ~~two~~² or ~~three~~³ videos would be sufficient and should include: ~~a~~¹ general explanation of the guidelines; ~~an~~² explanation of the economic basis for the guidelines; ~~and~~³ an explanation of the changes recommended by the committee. Mark will draft a script and provide it to the committee by Friday, April 1. The goal is to conduct the survey concurrent with the availability of the instructional video and have all feedback to the Supreme Court in time for ~~its~~^{their} June 13, 2011 administrative conference. A complete strikeout version of the guidelines will be sent to judges, SRS, attorneys, private attorneys, court trustees, and hearing officers. Information regarding the schedule will also be provided to SRS and to companies preparing software in time for them to update their information systems.

PROPOSED REVISED SHARED FORMULA

Only if the court has determined a shared residential custody arrangement is in the best interest of the minor child, the Proposed Revised Shared Formula shall be used to set child support*

The proposed formula shall consist of three steps:

Step 1: A child support worksheet shall be prepared. The lower amount of the line F3, child support figure shall be subtracted from the higher child support figure from line F3. The resulting figure shall be divided by two and the remaining shall constitute the first portion of the revised shared formula.

Step 2: Using the same child support worksheet, the line D3, child support obligation figure, will be multiplied by one of the following percentages:

13% of total combined monthly income of less than \$4,690 from line A1;

15% of total combined monthly income between \$4,690 and \$8,125 from line A1;

18% of total combined monthly income great than \$8,125 from line A1.

Step 3: The resulting figure from Step 1 shall be added to the resulting figure from Step 2, which shall be the payor's child support amount entered at line F2.

In the instance of the Proposed Revised Shared Formula, the parent receiving child support shall pay all the direct expenses of the minor child(ren).

The adoption of the Proposed Revised Shared Formula alone does not constitute a material change in circumstances pursuant to Section V.

- This is in lieu of the current two formulas (cite) original Shared Formula and the Equal Parenting Time Formula (80/20). The Proposed Revised Shared Formula shall be used to set child support in instances of shared residential custody.
- Receipts no longer have to be exchanged. The receiving parent will be responsible for all direct expenses.
- Private school costs and extraordinary activity costs of the minor child which have been agreed to by the parties shall now be included on line D6 of the child support worksheet.