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Child Support Advisory Commission
June 27, 2014

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The Child Support Advisory Commission met at 9 a.m. on Friday, June 27, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska. Members present: Senator Brad Ashford; Angela Dunne; Judy Beutler, designee for Corey Steel; Michelle Chaffee, designee for Kathy Campbell; William MacKenzie; Paul Merritt; Karin Noakes; Troy Reiners; Monty Shultz; and Byron Van Patten. Absent: Kathy Campbell; Corey Steel; Eric Thompson; and Amy Williams.

SENATOR ASHFORD: Why don't we get started by...obviously this is a meeting that's covered by the Open Meetings law. But why don't we go around the room and introduce ourselves to each other, some I know and some I don't, and go from there. So why don't we start over here, Judy.

JUDY BEUTLER: I'm Judy Beutler. I'm representing the State Court Administrator's Office. The State Court Administrator Corey Steel was unable to attend and apologizes. But I'm here in his...to represent the office.

BYRON VAN PATTEN: I'm Byron Van Patten from the Department of Health and Human Services, the child support administrator.

WILLIAM MacKENZIE: I am William MacKenzie, Deputy Sarpy County Attorney. I run our child support enforcement division.

SENATOR ASHFORD: Oliver, introduce yourself, my friend.

OLIVER VanDERVOORT: I am Oliver VanDervoort. I'm the Judiciary Committee clerk and the clerk of this commission.

SENATOR ASHFORD: Brad Ashford, Legislative District 20. Jenn.

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JENN PIATT: Jenn Piatt, legal counsel to the Judiciary Committee and then serving the commission here.

PAUL MERRITT: Paul Merritt, District Judge in Lancaster County.

MONTY SHULTZ: I am Monty Shultz. I represent the noncustodial parent.

ANGELA DUNNE: I'm Angela Dunne. I'm an Omaha divorce lawyer. I've been in practice for 15 years.

TROY REINERS: I'm Troy Reiners, the director of the Nebraska Child Support Payment Center.

SENATOR ASHFORD: Great. As I mentioned, this...Judge, do you want to introduce yourself?

KARIN NOAKES: Well, sure. I'm Judge Karin Noakes. I'm a district judge in the 8th Judicial District.

SENATOR ASHFORD: All right. I don't know if it's...you're kind of breaking up, but hopefully, that will improve.

KARIN NOAKES: I can hear you just fine.

SENATOR ASHFORD: Okay. So I guess that's good. For the record, this meeting is subject to the Open Meetings Act and will be conducted according to that act. Yeah. There is a copy of the Open Meetings Act binder over on the desk to the right of the...of my right, of the hearing room. Any binding action the commission takes will be initiated with a motion followed by a second and a roll call vote. The agenda is in your binder.

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We need a motion to approve the agenda. Do we have such a motion? Does anybody want to...?

WILLIAM MacKENZIE: I will make that motion. William MacKenzie.

SENATOR ASHFORD: Thanks, Bill. Do we have a second?

ANGELA DUNNE: I second.

SENATOR ASHFORD: Second. Okay. Got a second over there by HHS. Call the roll.

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Senator Campbell.

MICHELLE CHAFFEE: Yes.

OLIVER VanDERVOORT: Judge Noakes.

KARIN NOAKES: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Corey Steel.

JUDY BEUTLER: Yes.

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OLIVER VanDERVOORT: Angela Dunne.

ANGELA DUNNE: Yes.

OLIVER VanDERVOORT: Byron Van Patten.

BYRON VAN PATTEN: Yes.

OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

OLIVER VanDERVOORT: And Monty Shultz.

MONTY SHULTZ: Yes.

SENATOR ASHFORD: Okay, I'm going to...this report is due by December 2014, and so we do need to have a time line and series of meetings discussed, and we do need to discuss whether or not to hire an expert. We did not hire an expert at the last commission...during the last commission process, primarily due to fiscal constraints; but obviously that's an issue we're going to have to take up today. But Jenn, would you go over the scope of the process for me, please.

JENN PIATT: Sure. So as you know, probably more than I do, there are two things that sort of govern what we do here today. There are federal requirements and then there are state requirements. The federal requirements, if you haven't read them, they're in regulations mostly and we're required to review our guidelines every four years as a condition for having our state plan approved. We...that review is required to...we're required to analyze case data regarding deviations and the application of the guidelines.

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And we should during that review also consider economic data (inaudible) child (inaudible), and that's sort of (inaudible) the experts. So the state requirements, I sent you all a copy previously and then again it's in your binder under background materials. You can see in there it lays out the duties of the commission and that includes combined with federal law, of course, for reviewing the guidelines that are adopted by the Supreme Court, basing our recommendations on the economic data and the statistics provided by the state, we'll talk about it in a minute; and then once we're done with that, make a report to the Supreme Court on our findings and any (inaudible) recommendations. So we do not...we're not required to make recommendations. My role is to assist you in that process and really just help facilitate your needs. So if there's something that comes up as we do this, please feel free to, you know, let me know individually or in front of the group what you need and I'd be happy to get that to you, so. And then once the report is finalized, it has to be submitted to the Supreme Court by December 31 and then they have a separate process that they'll utilize if they decide to adopt any of our recommendations. They have a separate public comment period, as you all well know, and then that will be the last step. So that's sort of the background about the law involved. There are a couple of folks who served on this commission before and I think we had attempted to sort of give them the opportunity to talk about what worked last time or some things that they experienced during the last time that this commission took place. Senator Ashford mentioned that the 2010 commission did not hire an expert, mostly because of budget requirements. They did make a number of recommendations to the Supreme Court. Most of those were adopted but they didn't address the economic tables. We do have a budget to do that this year, and under your first meeting tab you'll see the I solicited sort of proposals from two experts, and we can talk about that more (inaudible) after those folks who have served on that commission have an opportunity to sort of tell you a little bit about what they've done. But I will be happy to answer any questions if you (inaudible).

SENATOR ASHFORD: There was...I might add that there was quite a bit of discussion in the last meeting on a variety of different proposals, and most of those were adopted,

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and...do we have copies of those? I don't suppose we do, do we.

JENN PIATT: It is, in your binder, and I also sent you a copy of that before we...

SENATOR ASHFORD: Okay.

JENN PIATT: ...the 2010 report.

SENATOR ASHFORD: Okay.

JENN PIATT: You have a copy of that.

SENATOR ASHFORD: Okay.

JENN PIATT: And I also have all of the reports since the commission was established in statute that any of you are welcome to look at or I can make copies for you if you'd like to see what previous commissions have done. So the only thing I did not do, which I probably should have, is sort of indicated which recommendations from the last time that the court adopted but I do have a list of that if you'd like to see which ones were adopted and which ones weren't.

SENATOR ASHFORD: Do you have those with you?

JENN PIATT: I do.

SENATOR ASHFORD: We might...can we just, sort of in a summary fashion,...

JENN PIATT: Yes.

SENATOR ASHFORD: ...because those that weren't on the commission. I know some

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of us were on the commission, and...would you go over some of those?

JENN PIATT: Right. So the report should...

SENATOR ASHFORD: Put everything in context a little bit.

JENN PIATT: I will do my best. I did not staff the commission last time.

SENATOR ASHFORD: No, I know. But do you have...

JENN PIATT: No, I just wanted the others to know so that they...

SENATOR ASHFORD: Oh.

JENN PIATT: So that they were not...okay, so there were roughly nine recommendations to the Supreme Court and there was one on cash medical support, I see I wrote CMS on that one. That recommendation was adopted. There was regarding health insurance. That one was adopted. There was a recommendation regarding the birth expenses. That was partially adopted but not subsection (i). There was a recommendation regarding joint physical; that was adopted. There was a recommendation regarding high income; not adopted. There was a technical clarification that was adopted. There was another recommendation regarding child support, recommendation 7; that was not adopted. Recommendations 8 and 9 regarding rounding up and third-party issues; those were both adopted. And I can send you out a list of that. You can look at that in your own (inaudible).

SENATOR ASHFORD: I think that would be helpful just to do that. I know you had...Judge, you had some...we had some...would you like to reflect, do you recall some of your comments and your proposals during that...it's four years ago for goodness sakes.

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PAUL MERRITT: Yeah, I'm sure I didn't...in fact, I saw the agenda that said that you and Bill and somebody else were going to talk about it, and I thought, good, somebody is going to remind me of what we talked about last time.

SENATOR ASHFORD: Okay. Bill, do you recall? I know we...

WILLIAM MacKENZIE: I...well, you know, I have a hard time finding my car keys in the morning; so four years ago. (Laughter) I did go through the material from 2010 yesterday and refreshed my recollection. And thank you that it's in the materials. I did recall correctly that the Supreme Court did adopt most of our recommendations, and we've gone through that.

SENATOR ASHFORD: Right.

WILLIAM MacKENZIE: We kind of did a "review light," I'd call it, last time. This will be I believe my third time on the commission, and eight years ago we did quite a revamping. We had an economist, Dr. Venohr, who met with us a number of times and almost overwhelmed us with economic data. And we adopted some notable changes eight years ago to the worksheets after we found that our tables were a little high in some areas and a little low in some areas, more than we were comfortable with. So those changes were adopted eight years ago. We hadn't heard a lot of rumblings, I guess, four years after that; and so we didn't hire an economist four years ago. And we tweaked...for lack of a better term, we tweaked the guidelines as shown in the materials. And the Supreme Court tweaked our tweaks and didn't make a lot of changes. The big change had to do with cash medical support, because that was new to Nebraska laws. It was being adopted across the country at that time and we had to do something with that. So we did. The Supreme Court took our recommendations and shifted them around a little bit. In the final guidelines that they adopted in 2010--2011 it would have been--they prorated the costs of the cash medical between the parents, which is not

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something we had recommended, if I recall correctly; and that was at least a surprise to me that they did that. But that's basically where we were. We made some small revisions. Personally, I think the time has come to look at an economist to review our guidelines, because it will have been eight years; and then we're going to have to live with these for four more years, so I think it's probably time we bite the bullet and jump a little deeper into the pool as far as looking to see where we want to be in the next four years. That's all I have.

SENATOR ASHFORD: Any other comments regarding the past work? I would agree with Bill that it's appropriate that we hire an economist this time, in my view. We have the budget to do that. You know, I would like to be able to...Jenn, is that on the agenda so that we could make some recommendations...

JENN PIATT: Yes.

SENATOR ASHFORD: ...at least, today on...and has everyone had...? Let's go to that issue. Do you have something else, first?

JENN PIATT: Well, so I would say then, in my view someone would need to make a motion to actually say that we're going to hire an economist and then move into the discussion of which economist we're going to hire.

TROY REINERS: I would make the motion that we hire an economist. I would agree with Bill's comments also.

ANGELA DUNNE: I second that motion.

SENATOR ASHFORD: Ollie.

OLIVER VanDERVOORT: Senator Ashford.

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SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Senator Campbell's representative.

MICHELLE CHAFFEE: Yes.

OLIVER VanDERVOORT: Judge Noakes.

KARIN NOAKES: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Judy Beutler on behalf of Corey Steel.

JUDY BEUTLER: Yes.

OLIVER VanDERVOORT: Judge Merritt.

PAUL MERRITT: Yes.

OLIVER VanDERVOORT: Angela Dunne.

ANGELA DUNNE: Yes.

OLIVER VanDERVOORT: Byron Van Patten.

BYRON VAN PATTEN: Yes.

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OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

JENN PIATT: So in the packet of information I sent you originally there was a background about the economist that we hired last time. But I would be remiss to say that that economist and the model that that economist used isn't criticized by some. And so I just...I want you to have the full knowledge of that before you make a decision, so. And the last page under 1st Meeting, there's a brief document from the National Conference of State Legislatures, and it breaks down the different models that states use to base their economic calculations on. So you see, most...overwhelmingly, most states use the model that we currently use, which is the Income Shares Model. That model is subject to criticism by some who would label them as probably in the father's rights category, though I'm not sure that's entirely fair, but I'm just giving you the background, as not being...not sufficiently providing for the fact that some...during a divorce, then the parent has to also provide for their own income and their own household, plus the child support. Because that's really the crux and a very basic (inaudible) that there are technical differences between those three models. But that's a lot of what the controversy is around. So I just wanted you to know that that is out there. You probably already know that, but it is my duty to inform you. And so the economist that we hired last time is criticized for being an ardent supporter of the Income Shares Model, which some people view as unfair. And so this time what I did was I solicited two proposals from two economists that have differing perspectives, both of whom use the Income Shares Model; however, the one economist uses the Income Shares Model but tweaks it so that it addresses that concern from the so-called father's rights groups, that

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they're now having to support their own household as well. And so what you have under that 1st Meeting are two economists that you can view the materials on. Their resumes are there plus all the e-mail exchanges that I've had with both of them, so you can read what we talked about and what the scope of what they're willing to do for our state is. So Dr.--and I'm probably not saying her name correct--Venohr, she is the one that we relied on last time. Roughly, she can do the entire thing for around \$35,000, give or take some travel expenses. The gentleman, Mark Rogers, who is new, you haven't seen his resume. This is the economist that I specifically solicited so that we would have fair representation of both sides. He can do it for roughly \$50,000 to \$65,000, because he gives us the basic model that the doctor would, plus he accounts for that second (inaudible). So we get a little bit more with him but he is a little more expensive, so. And those are just rough estimates. We would then have to go through contract negotiation to re-finalize all that. But I did want to lay out that background for you.

WILLIAM MacKENZIE: You have some material from a Mark Sarro.

JENN PIATT: So he's...Mark Rogers is the lead economist and he contracts with that second gentleman, Mark Sarro.

WILLIAM MacKENZIE: Okay. So that's all one proposal.

JENN PIATT: It's all one proposal. And then at the end of that you can see the e-mail exchange that I had with him where it sort of lays out what his very general examination would look like. And so since the second economist is new, I don't know if you guys would feel comfortable sort of...might need time to sort of process both economists before we decide which economist we'd like to hire or not. But I do throw that out there for you.

WILLIAM MacKENZIE: Well, I'm a little uncomfortable picking an economist without reviewing the material, and I'm...if you had sent that out to me earlier, I apologize, I

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didn't...I overlooked it.

JENN PIATT: No, I did not. I just...

WILLIAM MacKENZIE: Oh, okay.

JENN PIATT: Like over the course of the last three days I just was able to get an alternative prospective,...

WILLIAM MacKENZIE: Okay.

JENN PIATT: ...a perspective as an economist. So it was...I did not send out the second economist. I just myself got it.

WILLIAM MacKENZIE: Okay.

JENN PIATT: My rough (inaudible) both of them very qualified. (Inaudible) worked at the Federal Reserve. But I understand. I was a little uncomfortable with that as well.

SENATOR ASHFORD: I...go ahead, Bill.

WILLIAM MacKENZIE: I'm somewhat familiar with Dr. Venohr, because she was there eight years ago. She's out of Denver.

JENN PIATT: Right.

WILLIAM MacKENZIE: And as I recall, she was here at least twice...

JENN PIATT: Right.

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WILLIAM MacKENZIE: ...and made two presentations. Our commission in the past has only met face to face about three times per year. We do a lot of work by e-mail, as I...looking back. I'm a pack rat and I save all my old e-mails. So we were...you know, we did a lot of our work by e-mail last time, at least, but we did meet about three times I think in person. And when we did have the economist, she addressed us at least twice face-to-face, and made presentations both times.

JENN PIATT: Both of the economists are willing to, in that package, come twice--at least twice, with presentations. They both included that in their budget. There would be extra costs in housing them and their airfare expenses.

ANGELA DUNNE: Jenn, do we have budget for both, or would we need to be negotiating with the economist who costs more? I just...you said we have budget but I don't know if these both fit inside of that.

JENN PIATT: Right. So roughly we have around \$59,000.

ANGELA DUNNE: Okay.

JENN PIATT: And I did talk to the second economist and asked him if he was willing to negotiate on that price, and he said absolutely. He actually gave me an (inaudible). He said this is about business, right; so he's more than willing to negotiate it seems on the price. And so the last commission, as you mentioned, they met less frequently, but they also had a little more time. You may not remember, but there was probably about a year for that commission. We're about...we have six months, which it looks like the last commission met around a year; so they met less (inaudible). That's just what my records show that to be, so.

WILLIAM MacKENZIE: I don't recall that but...I seem to recall we started about this time in was summer, and we finished up after Christmas. We were kind of on a deadline

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there. But a lot of the work was done by the...well, behind the scene people, and so whatnot, so. I can just punctuate my comments with that.

TROY REINERS: My thoughts are we would have an ample amount of time to review this, to do it by e-mail, figure it out. I mean, just from what you said, I've got somewhat of an idea of the direction I would probably go. But, you know, I haven't read through all of it. I'm familiar with Jane also. I have served on the commission, this will be my third time also, so. I mean, I think we have an opportunity to review these materials and then everybody, you know, says one way or the other and we just kind of go by popular vote would be an idea, with discussion, you know, on that final day when we would decide.

JUDY BEUTLER: What specific charge did you give them as far as this is what we want to do; these are the issues that we want covered? Is that written anywhere?

JENN PIATT: In the e-mails they sort of lay out what they generally do for other states. So both of them do this type of work around the country where they come in as an expert and sort of provide the basics. So part of also what we have to do is hear what the public has to say about the guidelines and/or any of the folks on the commission, and give that specific issue to the economist to do as well. So, for instance, somebody...I can't remember which member, a commission member mentioned that perhaps the guidelines don't adequately address the changes in the Affordable Care Act; so then we would need to work that into our contract with him or her to say we would want...as a part of your work, we would you to specifically look at these issues in addition to the general work. Does that answer your question?

JUDY BEUTLER: Kind of.

ANGELA DUNNE: Jenn, do you know if either has experience in looking at the disparity between what we call basic child support and child support under a joint custody calculation?

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JENN PIATT: I don't know that one specifically but I can ask the economists any questions that you'd like.

ANGELA DUNNE: I do think that's important for us to be looking at.

SENATOR ASHFORD: Well, and to your point I think what we're...I mean to cut through this a little bit, since we met four years ago, obviously there's been a great deal of discussion about how we deal with not so much father's rights but how do we properly allocate--it's not really father or mother, it's how do we properly allocate time; and then how do we properly allocate...you know, split resources to address that. I...you know, one of the problems I think the Legislature, I can tell you my colleagues have had over the last year or so in dealing with taking the presumptive language that we have in the statute now, which talks about a presumption of equal fitness of both parties in a proceeding to a presumption of shared time. I think every time we got into that issue in any depth, and no matter how many writings that we saw, it all came back to how does the economics of the situation blend into how that works. So I think this is a very important decision. I think...well, the ultimate December decision is a very important decision on what we do here because the Legislature will be taking up this issue. There will be a variety of different proposals and, I assume, to address shared parenting time, you know, whether or not presumptions are changed, whether or not there's other language changes in the statute. And obviously, our commission is not charged with the responsibility of that, doing that, or even recommending any sort of policy shifts. But I know a lot of work has been done. So that gives us, I think, this particular bill, this particular...after eight years and then looking ahead, if we don't do anything then it will be 12 years without looking at economics, you know, it's certainly clear to me that we have to do that. But also thinking about what really, I mean, at least in my years in the Legislature, has always been a kind of bugaboo is when you have advocates on either side of the issue or in the middle or whatever, bar association's advocates, whatever, when you start to change...as we have done with the, to some extent, with the

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presumptive language in the statute up till now, a few years ago, what...you know, how does the economics blend into that. I really think we have to come to grips with that issue somehow in this commission without recommending...and the best way to do that is through the economist. Now with that being...I think more than in the past, that economist is going to have to take into consideration more...there's going to be public comment and this public comment is going to be addressing some of these shared...because that's the issue on the dais. I mean, that's the issue of the day, is should the courts be...have more direction or should it be...you know, the board is left as a discretionary item. So the more discussion, the more we can report to the Legislature in January, the new Legislature, the new Governor, on...you know, how this economics folds into it, I think is very, very important. I mean, I know from the Judiciary perspective, the Judiciary Committee perspective, again whenever we would get to a point, well, maybe this language works, you know, to try to encourage more shared time, well, then the economics comes into it. And then the other thing that's happened, or other event or process that has occurred over the last year or whatever, is the report by the bar association...or by the Supreme Court on data, reporting data back to us on how shared parenting time differs throughout different parts of the state. It does. I mean, if you look at the data, it does. It is different. It's different in the urban areas from as far as who gets what time with the children. That is a...you know, that's a...and I think we should at least have that. Do we have that report in the office, Jenn?

JENN PIATT: The...yes.

SENATOR ASHFORD: Or I know Judy can get it probably or we can get it. I think you should at least have that report. I don't know if you have at all looked at it or--probably not all have--but seen it. But I think we have to be aware of what the Legislature at least has had for it to see...and this issue is a difficult one. So we'll get that mailed out to you or e-mailed out to you so that at least you have that. We do need to have a public hearing prior to...do we have to have a public hearing prior to the decision on the economist, or...?

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JENN PIATT: No. We just have to have a public hearing at some point.

JUDY BEUTLER: Excuse me. Are we aware of these two economists as far as them being an advocate for one side or the other, or how do we know that they're a neutral entity?

SENATOR ASHFORD: They are...they have two models. They both...one has one model and one has one model plus. And the question is...I don't know if it's so much that they're advocates, but they are...the second one, the newer one, the one we haven't used before, you know, and from looking at this and talking to Jenn, I mean, this person does additional calculations to try to determine the actual cost or the real economic impact of parenting time. So, you know, I don't know if it's a bias so much as it is just another model. I don't know. Jenn, can you speak to that?

JENN PIATT: I admittedly haven't had the same amount of time to research the second economist. I just wanted to ensure that we had more than one option. And I can tell you that the doctor that we used last time is often attacked for...from the father's rights--and I hate to keep using that, but unfortunately that's the label that they've received, probably unfairly, but--from that group. And then this gentleman was given to me from that group. So I specifically solicited a proposal from them of an economist that they would recommend. And his...I mean, his CV is extensive, so he's got a lot of experience (inaudible) and he's done a lot of this kind of work around other states.

JUDY BEUTLER: So you're saying the so-called father's rights group recommended this second person.

SENATOR ASHFORD: Right.

JENN PIATT: Yes.

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JUDY BEUTLER: Well, that's...

SENATOR ASHFORD: We sought that...Judy, we sought that information out. I mean, I think...here's the point. Here's the point so we're all on the same page here. The reality of the situation is that there is another side. There is in this debate. And the side, the other side, if you will, the side that advocates for...I mean, aside different from the sort of status quo judicial determination of how parenting time should be allocated, there is another side, and that side is a side that feels that the parenting time allocation is not fair; that it is not a fair allocation. And what has happened is that a number of states have, in fact, adopted statutes that have reflected that. It seems to me--and I asked Jenn to get this other information--seems to me that the reality is that this commission should at least make that initial cut to determine, you know, whether this additional information...and it may be necessary to get him on the phone at some point, and I think that makes sense to me, to try...because this is a big decision. I mean, do we want to go into that new area of economics? And I'm not an economist and I don't totally understand it. I mean, I can read what you can read and...but yeah, the...so it's clear, I'm trying to at least to give to you in this particular commission session what's real in the legislative process. I mean, that is what's really there. And so anyway, I interrupted over here, and...

MONTY SHULTZ: Yes, if I may, having read a lot of Mr. Rogers' work, it's based off the cost-shares analysis which seems to be a more equitable thing for each parent, the noncustodial parent and the custodial parent, as it tends to use some of the costs that the noncustodial spends to live their life. Nebraska uses the Income Shares. Many states use that. I guess I don't know if it's a fair statement to continue to say this is a father's rights issue. This is a kids issue and we're doing what's in the best interests for the kids. Not father's rights, not mother's rights, so. I mean, really we're looking at supporting the children of the state of Nebraska in the best way possible.

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TROY REINERS: I would even take that farther, I mean. I feel that we're tasked to seek improvements for all parties of the child support community, and what these economists are, they are our tools. So what type of tool do you want? I mean, you only...I mean, don't get me wrong.

SENATOR ASHFORD: Right. And that's what I'm presenting to you.

TROY REINERS: It's like...

SENATOR ASHFORD: You will do whatever you guys want to do, I mean, yeah, so.

TROY REINERS: Well, and my immediate take, right away, as soon as I looked at it, I have to be honest with you, I mean, I have nothing against Jane. It's just to me the other gentleman appeared to me to be a more...you know, a better...a tool that has...as (inaudible) looked at her stuff but also look at additional things. And so to me, if I'm tasked with making improvements to the entire program, I want to have the best tools I can. And I'm not...you know, I'm not talking about the money or the costs or anything. I haven't looked at it that closely, I just...

SENATOR ASHFORD: The cost...

TROY REINERS: ...you know, it's my immediate take.

SENATOR ASHFORD: The cost is not an issue.

TROY REINERS: Yeah.

SENATOR ASHFORD: I mean, both of these people would fit into the cost. It's my understanding...and Jenn, again, we've only had this information, so we apologize. But really, I...we felt or I felt, Jenn felt, that we needed to reach out to additional economists.

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But is that from the second one you do get the basic information that you would get otherwise. That doesn't change. And then there would be subsequent information that would be available to us that we could parse through and determine whether it should be applied or not. To me it does get...it's much broader, more expensive...a much broader piece. There are two economists working on...or two people working on it. You know, it's a little short notice, Bill, to your point, and to your point. Judge.

PAUL MERRITT: Well, a couple things. Number one, I would hope the commission doesn't lose sight that this is not a parenting time committee. This is the best interest of the child for child support. Whatever the Legislature is going to do, it's going to do. But I agree, the paramount is, regardless of whether it's joint legal custody or primary physical custody or whatever it may be, I think what we should be looking at is regardless of what the Legislature does and even if the legislation doesn't change anything today, there are parents out there who are a day on...a week on, week off. Whether it's...I mean, not enough; I don't disagree with that. But there are parents out there, and I don't think the guidelines today take into account those types of situations. And I'm hopeful that what we can do is try to come up with some model that will address all of these different scenarios that we can envision based upon what we have today and whether...and I think we have those today in some circumstances. I know we do in some circumstances. I don't disagree. Not enough. But we do. And so what I think we need to do is deal with those circumstances that we know may exist and figure out how to equitably treat everybody financially with the primary goal being the best interests of the children. That's what this is all about. And so whether the Legislature should change something and make it different, either way or another, I hope we don't get lost in that, because I don't believe that's what the committee is supposed to do. Secondly, I thought I heard Jenn say that both of these people are Income Shares but Mr. Rogers tweaks it. And I just don't know what "tweaks it" means, and I'd like to have a little information, because it looks to me, at least, on the information she has here, that the majority of the states use Income Shares. So I would just like to know, when he says "tweaks it," what are we talking about? Is he looking to these types of things? That's all

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I'd like to know is just a little bit of information as to what that means.

WILLIAM MacKENZIE: Just casually reading these articles, it seems that 30-35 states use the Income Shares, and the trend is in that direction. I can't recall the state that just went that way the last year, somewhere back in New England or back East somewhere. But my concern, I don't want someone...I don't want us to hire an advocate on either side that has an axe to grind. There are two economists whose names have been...or two firms whose names have been put in front of us. Are there others out there? Are there those that are used by these other states that maybe we might want to investigate? I would think a Google search would tell us a lot about these two, their standing in the community, their standing as economists. At this point in time that might be helpful to us. We could all individually do that but it would be more helpful if probably the committee organizers put something together for us, and also maybe investigate whether there were other economists out there that are highly regarded in this type of work and maybe solicit a bid from them in the next month or so. And to what Judge said, I agree, I don't want this committee to get derailed onto these other sidetracks. Our issue is the child support guidelines; it's not to make recommendations for any other issues. The Legislature has had plenty of input from people on that, and they'll continue to have that. Whatever the Legislature decides to do or not do in that regard, these guidelines will be there ready for whatever that law is for people to apply the guidelines. So what we do shouldn't really have any impact on those issues, and those issues shouldn't have any impact on what we do, other than the fact that we know that those issues are out there.

SENATOR ASHFORD: Well, I don't...

ANGELA DUNNE: Well, Bill, to speak to that point, I've been testifying in front of the Legislature on the Parenting Act changes for the last couple of years now. And where it gets stuck is the question between moving from worksheet 1 to worksheet 3 for...I'll catch everybody up. Worksheet 1 is the basic child support calculation. Worksheet 3 is

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what we use when it moves to joint custody. So it's not...I agree with the Judge, I agree with everybody here, we're not tasked to decide if there should be presumptions or what that should look like, but where the legislation gets stuck is that if there was a move to a presumption of joint custody it drastically changes the child support. And the question that's been asked is, is it still a fair model to move to worksheet 3? The other change that we've seen as practitioners, in the last 4-8 years, is the requirement for expense sharing when you move to the joint custody calculation. We call it our insurance policy as divorce lawyers, because we're back in court all the time on those kinds of disputes. So that's where the Legislature kind of gets...we have viewed it as the guidelines need to be in sync and to be fair, if we're moving into that model or not, because right now it doesn't appear that it is because there's such a stark change in how that looks. And then you require parents to coparent on a higher level and there are times where that's not successful. So I agree with you, but we have to be mindful of how this all comes together, because every year we're getting stuck in, well, we need to look at the child support too. And it's unfortunate that we can't have a comprehensive committee that looks at all of the pieces. But I think we are taxed with looking at, it is fair. It doesn't matter what the Legislature does, but right now, if they make changes, we keep saying, whoa-whoa, this is going to be...we need to make sure that child support is looked at in this way to ensure, again, for the best interests of the kid, that they're being financially supportive.

SENATOR ASHFORD: Judge.

PAUL MERRITT: Regretfully, Nebraska is not in the forefront of this parenting time issue that's been talked about here. So I can't imagine there aren't states around us that have something like what they're talking about; that is, where it's a shared--terms, I don't know what to use--but week on and week off, 50/50, however you want to call it, that don't have child support guidelines in effect to address those things. And I would hope that what we could maybe do is try to find a few of those states that are close and then find out who is providing most of the information; what expert have they relied on.

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Because he or she then may have some expertise in trying to help us address what are issues that I think we need to cover across the board for all these people. And I think this is kind of what Bill was talking about, that...I mean, I don't know anything more than Mr. Rogers is great or not, and they may be using him, these other places, but I...somebody has to be doing this out there that...

SENATOR ASHFORD: Wait, listen, I think that...let me just try to address a couple of the points. I don't think that certainly this commission is not charged, Judge, nor should it be, with even implying any sort of policy shift or change. I agree with that. Secondly, I think that we don't know enough about Mr. Rogers other than the fact that he's been suggested to us by advocates of legislation that talks about more shared parenting time. And that's clearly...I mean, that's a reality. That's a group that's national. They have economists, they have everybody. You know, I think that the recommendations we give to the Supreme Court then are reviewed by the Supreme Court. They then will make a final decision. What we do or don't do on economics or on money is subject to their review. I would feel comfortable with this. I don't know about Mr. Rogers; I certainly can't vote on Mr. Rogers. I mean, I don't know enough about Mr. Rogers to vote on Mr. Rogers, but I would say this: I think I'm going to ask the Supreme Court to get more involved in this issue. We are here in this shared time getting more involved not so much in prejudging what we do but in providing us with more information. I know that the Chief and I talk about this a lot, and in his capacity as the chairman or maybe almost not chairman of the State Court Commission--and I may be giving the wrong name, Judy. What is he? He's chairman of two or three things at the same time. He travels all over the world. What does he do?

JUDY BEUTLER: Are you talking about the national Chief Justices...are you talking about the national organization?

SENATOR ASHFORD: Well, I'm talking about the national organization in Arlington, Virginia, that has...and that's the...

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JUDY BEUTLER: The State Court...

SENATOR ASHFORD: That's the State Courts. And he's the chairman of that this year, or about ready to go off, I guess, maybe. But...and I've met with them and I've talked to them about these issues. And I...and they're a great resource. They gather information from around the country and have that information in a variety of forms. The Supreme Court went ahead and did this study on parenting time, and that to some degree initiated much of the discussion that we've had by providing that data. So I do feel comfortable in asking the court to, in the next month or so, to help Jenn and the commission and whomever else wants to be involved to try to ferret out who is doing this work in addition to whom we--you know, to these two--that might give us some degree of flexibility or they might add some additional factors which aren't being included traditionally, and get a more of a sense of this. Because I do know that the commission, the national commission does have this kind of information available to it. So I think we are talking a little bit in a vacuum, so. And I appreciate Jenn. She did what I asked her to do, which was to seek out information from the advocates that feel that there should be more shared time, or changing statutes and have done across the country, so that the commission at least is aware of that. So what I would recommend we do is go back to the Supreme Court, ask them to help us review other experts, other approaches to the economics of the different statutory presumptions. I don't know if that...that's kind of pushing the issue a long by a month or so, but at least it gives us at least some guidelines. Would that make sense that we did that?

ANGELA DUNNE: It makes sense to me.

SENATOR ASHFORD: Okay. So why don't we do that? Why don't we leave this decision? We're not going to make a decision on these economists today, so--I don't think, unless someone feels strongly about doing it. And, you know, let's look for 30 days and try to gather some more information, and so we can...we're most looking at

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these people in a vacuum but we're relating it back to what the national trends are or what...you know, and who's involved in that. There have to be more than two economists that work on this issue, so. Yes, Judge.

PAUL MERRITT: And, you know, that's fine. I was involved also when we did this eight years ago, and I know we have to push it off. I know we can't do anything today. I'm just concerned about 30 days. Thirty days to get the information, then we're going to meet in 30 days and then we're going to hire somebody, negotiate a contract, whatever that takes and get that done, and we may be 60 days down the road. And then they're going to want all this information that everybody is going to have to send to them, and then they're going to cull through all that information. And then they're going to put together a report that most of us, at least I, am not going to understand when they present it. And then whoever it is is going to have to kind of walk us through it because it's going to have all these graphs, if it's anything like the one that was presented eight years ago. It's got all these graphs and everything on it. And then we're down to over 90 days. And we're having to have this report submitted by December 31. And I'm just really concerned about a time line of waiting for the Supreme Court to do something; and they, generally speaking, don't act real fast. Am I right, Judy, on a lot of things?

JUDY BEUTLER: I wouldn't say that, Judge.

PAUL MERRITT: You wouldn't say that. Okay, well.

JUDY BEUTLER: I can't say that.

PAUL MERRITT: Yeah, okay. My experience is...

WILLIAM MacKENZIE: She's paid not to answer that question, so.

PAUL MERRITT: And it may very well be that the Chief himself would take care of it. It

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can go to him and he doesn't need any consultation or anything; then I'm sure he would do something on it.

SENATOR ASHFORD: Right.

PAUL MERRITT: I'm just real concerned that this is...I don't know how long it's going to take to get a contract negotiated and get it reduced to writing. I have no idea how that cog works here. But time is of the essence in some respects. I only point that out.

JUDY BEUTLER: Do you need the Supreme Court...I mean, do you need the Supreme Court to go to the national center and ask for this information?

SENATOR ASHFORD: Yeah.

JUDY BEUTLER: Can you ask for it yourself?

SENATOR ASHFORD: Well, we've talked to the national center. As long as the Chief or Corey or somebody or you or whomever can contact the center, and...the Supreme Court is, by getting involved in this issue to the degree that it has by issuing that report and by getting into this issue to the degree it has gotten into this issue, I think is a little bit of added pressure to this process. I don't...I'm not going to make a value judgment on it, except that it raises more questions almost than it answers and...in my view. And so, you know, I think we have to take...to your point, I think we have to take a little extra time to talk to the center, to find out, you know, do they have others...and it can be two weeks or a week or ten days or whatever Jenn can find out, and get some more information. Are these guys...is Rogers...you know, does he have a good reputation? Is he reputable? Does he do good work? He may be recommended by certain advocates but does he do good work? Is he reputable? I think we could find that sort of information out quickly.

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ANGELA DUNNE: And are we, the people...for those of you who served when Jane...I'm not hearing anybody say, oh, she was great; we loved her, I mean. So I feel like we're not hearing much about a past experience with somebody. So are we ready to write her off and keep pursuing, or does anybody here think she did a great job and we should...you know what I mean?

SENATOR ASHFORD: She may be the one that we choose.

ANGELA DUNNE: I mean, I don't...

SENATOR ASHFORD: I just think we need to...it's up to you, but I think we need to take one further step, three days, four days. I didn't give Jenn enough time. I take...that's...the Chair takes responsibility for that. But I do...I do...would like to explore...you know, I am...again, and I know I'm being redundant, it is...I am mindful of the...our legitimate responsibility here, our statutory responsibility. But I also am aware of the incredible passion that goes into this issue and you can well understand because of the issues involving children. And I just want to make sure that we have looked at these different options.

PAUL MERRITT: Well, it seems to me, Senator, if the issue is that somebody needs to grease the wheel so that Jenn can make contact with State Courts, there probably is somebody who has fairly easy access to the Chief can ask the Chief to get that approval to make whatever calls he needs to make.

SENATOR ASHFORD: Yeah, I think we can do that.

PAUL MERRITT: And I'll bet that could happen today or Monday, so that...

SENATOR ASHFORD: No, I can do it. I can promise. The Chief has gone.

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PAUL MERRITT: So that she could make a call by Monday.

SENATOR ASHFORD: The Chief has left as far as...

PAUL MERRITT: Well, but maybe there's somebody...

SENATOR ASHFORD: But we can contact the Chief. I know for a fact that he has his cell phone with him.

JUDY BEUTLER: Yes, I do too.

PAUL MERRITT: I'm just saying if that's what it needs to grease the wheel, I can't believe that can't be done in the next few days.

SENATOR ASHFORD: No, we will do it today.

PAUL MERRITT: Okay. And then Jenn can make a phone call like that, and then we can be quicker than probably a month down the road to try to get more information. That's...my only concern is the time.

SENATOR ASHFORD: We will get it done quicker.

TROY REINERS: And I can't believe that there's, you know, hundreds of consultants out there. There's going to be a finite number of them, and I can't believe the ones that have been hired that they are so strongly biased, because who is going to hire...you know, what state is going to hire a strongly biased one? Jane, I thought, did...she did a great job. I mean, I didn't have any qualms with how she did it. And some of the criticism is probably very undo, so it's, like I say, who do we get. I think any of them that are out there, there's probably going to be four or five we looked at, and then boom, go from there.

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JUDY BEUTLER: Well, and part of the problem that...and I'm new to this, so forgive me, but I'm hearing Jane was criticized by one side. This other person was recommended by the other side. I mean, right there,...

SENATOR ASHFORD: I don't know if Jane is...I'm not so concerned...

JUDY BEUTLER: Okay, that's what I heard.

SENATOR ASHFORD: ...about Jane being criticized.

JUDY BEUTLER: That's what I heard. I'm not saying...

SENATOR ASHFORD: No, no. I...what I'm saying is...I'm not saying Jane was criticized. What I'm saying is that...and I don't know whether she has been or was, and what I am suggesting to you is that the Supreme Court issued a report, okay? That report put in doubt in my mind and to my colleagues in the Legislature the equitable distribution of parenting time across the state. And that issue is not ours to decide. That's a policy issue. But it created a sufficient doubt in many of the minds of my colleagues that we needed to, as we look at this issue, that we need to make sure that whom we do bring in, number one, is not biased, that has the credentials, that understands that there are all sorts of different sides to these issues but doesn't utilize that understanding as a way of weighting the numbers, so to say. But I think the Supreme Court study and that whole process of the Parenting Act and reviewing the Parenting Act and all of that has I think put a little bit more burden on us to make sure that whom we bring in here is whether it's Rogers or Jane or whomever it is, is somebody that has been vetted. And I will take responsibility for the fact that you don't have enough information on Rogers. But I think to Judge Merritt's point, we can contact, get in touch with the Chief or get in touch with the center as quickly as possible, and have them help us vet through that. That's what I think we should do.

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JUDY BEUTLER: And that's my only point, that perceptions are what they are and we don't don't...can't always control them. That it needs to be important that we have somebody that those perceptions don't exist.

SENATOR ASHFORD: Right. And there may be some...I'm sure there are others, so we will find that out.

WILLIAM MacKENZIE: Well, just my one-minute Google search on Dr. Venohr, goes she was hired by the state of Illinois child support division in 2012. She was hired by the state of Virginia, apparently in 2013. I'm not going to go beyond that. But, I mean, that just shows that you can look someone up pretty simply, and...

SENATOR ASHFORD: No, and we looked her up.

WILLIAM MacKENZIE: ...and we can look at bias. It's going to...if someone is not happy with one of these economists, they're going to take to the Internet and they're going to express that, so.

SENATOR ASHFORD: I'm not trying to...the...Illinois has a shared parenting law and they hired her, okay? So, you know, it's a revision of...so I don't think there necessarily is a...there is not necessarily a nexus between somebody using Jane and having a shared parenting law that's different from what it was in the past. So I'm not making...I'm not trying to say that. What I'm trying to suggest is I want to give you some option and that the Supreme Court's report I think does raise the anti a little bit on making sure we have somebody that's objective. Yes, sir.

MONTY SHULTZ: And I think, you know, to carry that further...and I'm not sure, it is my guess it's the same company with just a different name was started by Dr. Williams back in the '80s who did some consulting work back when Congress first took up this issue

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and have made millions of dollars based off of the Incomes Shares Model and marketing that model around the country. So I would question some of that with if that company is the same tie to Dr. Williams.

SENATOR ASHFORD: Yeah, I just don't know, and I think...you know, I think we should do Google searches, as Bill suggests very wisely.

JENN PIATT: It is the same company that you're...it's the same company as to what you're referring to.

ANGELA DUNNE: So do we just want to set a date by when we might get more information?

SENATOR ASHFORD: Yeah.

WILLIAM MacKENZIE: The good new is we do a lot of this through e-mail and hopefully we can come into the next meeting ready to hit the ground running on that issue as far as hiring an economist. And potentially, I don't know how the Open Meetings thing works, but potentially we could even do...make a decision by e-mail. I don't know if that's permissible or not.

JENN PIATT: I would think that there has to be...any, like, binding decisions has to be by roll call vote. I will look on the electronic stuff through the AG Opinion and see if that...I have a feeling that something like that would need to be (inaudible) in person...

WILLIAM MacKENZIE: Because I know when we wrote...

JENN PIATT: ...on the record.

WILLIAM MacKENZIE: When we finalized the last, before, we did a lot of it...we did all

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of it by electronic.

SENATOR ASHFORD: Right.

JENN PIATT: Right.

WILLIAM MacKENZIE: We didn't meet. We didn't meet here.

SENATOR ASHFORD: We met a couple times because I remember you making substantial...

WILLIAM MacKENZIE: But not in December.

SENATOR ASHFORD: ...making wonderful arguments on various things.

WILLIAM MacKENZIE: I don't think we did in December. We were passing around final drafts and provisions and whatnot, and we got a lot of that work done that way. We were up against a time schedule and it's very hard to coordinate people's schedules to meet, so. But I agree with what the Judge said, we want to move this along. Summer is a good black hole where nothing gets done, and I don't want us to fall into that trap where it's after Labor Day and we haven't done much.

PAUL MERRITT: How long does it take to negotiate the contract? You said that would have to be done. What's the process for that, Jenn?

JENN PIATT: We have to go to the Executive Board to negotiate the contract. So I...

SENATOR ASHFORD: Well, they have to approve it.

JENN PIATT: Yes.

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SENATOR ASHFORD: The Exec Board has to approve the expenditure of the funds. I don't anticipate any particular problem with that as long as it's within the budget and...

PAUL MERRITT: Do you write the contract?

JENN PIATT: I don't think so. I am seeking clarification on that from the legal counsel of the Exec Board. But from my understanding, both of these experts do this all over the country, and so they have a standard contract and then we tweak it with the certain things that we task the expert to do. As I mentioned, the Affordable Care Act has come up again as a specific issue that we might need to look at in the state. So then we add: And we also want you to look at Affordable Care Act and etcetera.

PAUL MERRITT: Tweak is the term today, huh?

ANGELA DUNNE: Can we look at...

JENN PIATT: Right. I'm sorry.

ANGELA DUNNE: Can we look at meeting the week of July 14? That's about two weeks out. And then we would address roll call and all of that and have more information.

SENATOR ASHFORD: I think we can do it by...I think we can do it without coming here, and I will verify that, but I believe we can.

WILLIAM MacKENZIE: And possibly you could these two economists to submit proposed contracts, saying, you know, don't take that as we're going to hire you, but we're trying to move this along and we'd like...if the committee does select you, we want to be able to get that part resolved quickly, so they could get the (inaudible).

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PAUL MERRITT: Was it four years...eight years or twelve years ago that we got the new tables?

WILLIAM MacKENZIE: I think it was eight years ago.

JENN PIATT: Eight.

PAUL MERRITT: Okay. Now I will say, Jane...then if that's when it was, I can't remember how far back that was, that's on somebody and I think it was...she, I can't imagine, discovered the \$480 that was not being given credit for, because it was already included in the tables; so we had to...we changed the guideline rule itself with respect to uncovered meds, because it was covered. And she was the one that discovered that, if it was eight years ago that we did the tables also.

WILLIAM MacKENZIE: And I don't know that that \$480 is some magic elixir figure, you know, with nothing has stayed the same over eight years in our budget, so that may be needed to be tweaked up too.

PAUL MERRITT: Yeah, because I think here we're looking primarily at...for the experts, primarily at the worksheets and the tables, the worksheets to see because of taking in all these options that may be available. I mean, Judge Noakes and I sent an e-mail to the district judges, and the only real comment we got back was, how do we deal with joint legal physical...joint physical custody, if you will, because it should not be a matter of financial considerations in making that determination; so how do we deal with it? Under these particular guidelines we have now it creates a lot of problems. And so again that's not whether it should or shouldn't happen; that's just whether it does happen. And so how do we deal with it? Fiscal considerations should not be the controlling or predominant issue in addressing that issue.

SENATOR ASHFORD: And the data shows that the joint custody has increased

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dramatically over the last several years, since the last...certainly over the last 12 years. And so that is an important issue. It has to be addressed. It needs to be addressed in this effort. So give us a couple of weeks and we will...or maybe we can get it done in a week, Judge Merritt.

JENN PIATT: And if I may just say we're going to kind of run into a little bit of a circular problem with the contract, because if there are specific or extra issues we want the economist to look at, we need to include that as a part of the contract. So I can ask them for a basic contract and they've kind of...both of them did an excellent job of sort of outlining basics in the e-mail chains; and I realize you didn't get enough time for the second one, but...

SENATOR ASHFORD: It might be helpful to forward those e-mails to the commission members (inaudible).

JENN PIATT: Sure. So I just want to also point out then, that then we're going to have to circle back with...you have to consider as a commission, or you have to consider as a commission then the roles that the public comment period plays and issues that the public may bring to light and any other issues that maybe the bar would like to submit or advocacy groups or other folks; so I just want to point that out as well that if we have to task them with extra issues in the contract.

MICHELLE CHAFFEE: The other thing, Jenn, is that anything that's \$50,000 or more has to go out for an RFP...

SENATOR ASHFORD: Right.

MICHELLE CHAFFEE: ...in regards to the Exec Board.

SENATOR ASHFORD: Right.

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MICHELLE CHAFFEE: So if you can keep it under \$50,000, then you can write up the job description and put up a contract proposal and provide it to the Exec Board and they usually are pretty good about okaying it. And then it goes to...really, Senator Wightman is the one who signs it. But if it goes beyond \$50,000, then you have to...as a Legislature, we have to put out an RFP.

ANGELA DUNNE: What's an RFP?

MICHELLE CHAFFEE: A request for proposals, which means then you open it up and you get...

PAUL MERRITT: There's your time line.

MICHELLE CHAFFEE: Yes. There's your time line. Then maybe December of 2015 you'll get to the end product.

WILLIAM MacKENZIE: Well, I think we definitely want them to address the Affordable Care Act, because we have to. I mean, it's something that is the law now, and it requires parents to obtain insurance for their children, and it's, frankly, thrown kind of a money wrench into how we approach setting child support, and because health insurance is a part of that child support puzzle and part of an important consideration. Sometimes it's the most important consideration in an individual case, so. And as I look at some of the other material I've either...you've either sent me or I've found on-line, when some...under IRS law now, when someone is given custody, primary custody of a child so that they are getting a tax exemption for that child, they have to be the same parent that provides the health insurance. You can't split that up between the parents. And you can't flip the tax exemption every other year, like everybody has been doing for many years, because the IRS says, no, that's not going to work, because then you have to flip the health insurance every other year between the two parents, and that's not going to

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work, or they could be sanctioned when they come to file their taxes...

SENATOR ASHFORD: Or they could be taxed.

WILLIAM MacKENZIE: Absolutely.

SENATOR ASHFORD: They could be taxed, yeah.

WILLIAM MacKENZIE: So that's an issue we can't avoid resolving as part of the guidelines.

JENN PIATT: So is that a motion then to have the expert consider the Affordable Care Act in the contract?

WILLIAM MacKENZIE: At least consider that as a motion.

ANGELA DUNNE: I second.

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Michelle Chaffee on behalf of Senator Campbell.

MICHELLE CHAFFEE: Yes.

OLIVER VanDERVOORT: Judge Noakes.

KARIN NOAKES: Yes.

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OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Judy Beutler on behalf of Corey Steel.

JUDY BEUTLER: Yes.

OLIVER VanDERVOORT: Judge Merritt.

PAUL MERRITT: Yes.

OLIVER VanDERVOORT: Angela Dunne.

ANGELA DUNNE: Yes.

OLIVER VanDERVOORT: Byron Van Patten.

BYRON VAN PATTEN: Yes.

OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

JENN PIATT: So then just to kind of go back to the agenda a little bit, Item VI is circling around that issue: what are the issues that we need to have the economist consider.

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And maybe we don't know them all now, maybe some will appear as we move through this process.

SENATOR ASHFORD: Or other issues that we need to consider other than...

JENN PIATT: Affordable Care Act, yes.

SENATOR ASHFORD: Well, no. Other than what the economist is going to consider. I mean, there may be other issues that we could be thought about.

WILLIAM MacKENZIE: Did anyone else send you any other issues?

JENN PIATT: So, we had a few suggestions, and that was going to be another question I have for the commission because it's really what you decide, do we maybe want to maybe solicit input maybe by sending it out to the bar and asking their membership to work the attorneys to having maybe a public notice, you know, where people could send me, from the public, their...I don't know. I just was thinking we should find ways to get more input. And then also we do have to have a public hearing where we would get more input.

SENATOR ASHFORD: I don't think we need to do that, but we can give some other comments. But I do...we do need to have a public hearing.

WILLIAM MacKENZIE: Right. The family...the bar association maintains a list there. One of them is a family law list, of which I'm familiar with, and it's just a matter of sending a note out and waiting for the responses to come in. And I think I did that several months ago when I was named to the commission and I don't...actually don't recall if I got much other than the Affordable Care Act, which I did forward on to you, so. But I can do it again. I'm happy to do that. There's like 1,500 or so members of that (inaudible).

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JENN PIATT: So the only other one as it relates to the actual data, I received a number of suggestions on how the commission should overall conduct its work, and I can share those with you (inaudible). But the only one relating to what we would ask an economist to do is considering the cost of raising children in Nebraska (inaudible) the reimbursement rates of foster parents, and I don't have a lot of experience in that area so I'm not quite sure. And that was submitted by Mr. Jim Creigh, who is an attorney for Kutak Rock; so not on behalf of Kutak Rock. And I can follow up with him for more detail on that, or unless somebody knows that he's referencing.

ANGELA DUNNE: Jenn, I don't think the guidelines govern that at all, so I don't think it applies.

SENATOR ASHFORD: No.

JENN PIATT: Okay.

MONTY SHULTZ: So I guess I have a question about if we're going to consider the Affordable Care Act, there's a couple other issues. My understanding is it changes the poverty level as well. So would that, in fact, affect child support?

WILLIAM MacKENZIE: That's an independent decision. They're not connected. To my knowledge, they never have been. The federal poverty guidelines are set by the federal government every January, and it's adjusted up every...well, no, isn't actually adjusted up. It's generally adjusted up every January. There's one or two years it wasn't adjusted. And then Nebraska automatically piggybacks ours onto the federal. But that's done based upon federal economists and (inaudible). But it's not connected with the Affordable Care Act. It's been...they've had these guidelines forever.

MONTY SHULTZ: And then the other one is the hours per week of the work week.

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We're talking, what, they set it at 32 hours a week for a full-time employee. Do we consider that as part of the child support enforcement? Because we're looking at a 40-hour work week, taxing overtime as well, even. So how does that noncustodial parent get their in arrears make up some of that if they're already, you know, having their wage taxed for child support as well as their overtime? Where do they get ahead?

WILLIAM MacKENZIE: I think that is a legitimate issue to discuss: average work week lengths. We typically think of them as 40 hours but a lot of people work 38, 37, 35. Full-time I think is considered 32 legally, so I think that's a legitimate issue.

JENN PIATT: And then the one comment, another comment was, examine the basis for including overtime (inaudible). And I guess there was a specific concern that sometimes overtime (inaudible), because that was one comment being submitted.

ANGELA DUNNE: I think the rule is now that if it's regular and consistent income it gets included, and if it's you worked overtime over a Christmas holiday it's not going to be. It's judicial discretion. And in practice, we don't ever see that that's an issue. I think the judges do a good job about looking at if it's regular and consistent like they're supposed so. Bill, I don't know if you have...

PAUL MERRITT: Well, I think it's a thing we should look at as a committee, but I don't think it's something the economist obviously needs to work at. It's just whether we need to, I'll use a term that I've heard today, tweak the guidelines language with respect to overtime. I think it's fairly broad right now to allow the discretion to the judge, but it's something we could sure look at, but I don't think it's something the economist would look at, because he or she wouldn't...well, I suppose they can give you statistical data on almost anything, but I think it's beyond the economists. But I think it's something the committee should look at. I also agree with the 32 hours versus 40. I mean, there's a lot of people who have jobs that can't get over 32. Even though they want to work over 32 they can't get them because that's...for a lot of reasons, that's what employers are

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limiting to that. So I...

WILLIAM MacKENZIE: Well, a lot of them are doing the 29 so they don't have to provide the health insurance, so (inaudible).

PAUL MERRITT: (Inaudible), that's right.

WILLIAM MacKENZIE: So then they have two jobs and, you know, there's another set of issues there.

ANGELA DUNNE: Do we want to be looking at the economics of moving to the joint custody calculation? I know we've been in seminars for family law lawyers where they show us graphs of how...and I don't understand it. I would love for an economic person to explain it to me in layman's terms in terms of why does it...why do the numbers say, follow this very specific graph, where it's most detrimental to lower-income families than it is to higher-income families. And I just feel like as a commission we should be having some education about that.

PAUL MERRITT: And I would hope that's what the economist would look at, that that would have some bearing on worksheets that you're going to use to try to take into account those types of things.

ANGELA DUNNE: And I don't know if that's their normal scope or if that's something different.

JENN PIATT: Oh, I've added it. So specifically I'm going to ask them to address the...just to summarize so I make sure I get my request correctly: Affordable Care Act, looking at the average work week, and then the economics of moving to joint custody or how that impacts that area. Is that...?

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TROY REINERS: I was curious, you know, while spousal support is not child support, I know that, you know, Nebraska we don't necessarily enforce the spousal support the way, as such, once it's...if not tied to a child support case. I'm wondering, is that a question for an economist as far as, you know, the impact of whether or not you are going to enforce spousal support as it may or may not tie to child support? Because, I mean, at times it does, and then all of a sudden, when it's no longer, it ends. And I know one of the other states had something about spousal support and whether or not to, you know, continue to enforce for...and I think it can impact the economy if that spouse is on assistance and receiving, you know, assistance from the state.

WILLIAM MacKENZIE: As I understand it now, the spousal support is not counted as income to the parent who receives it, and it's not counted as an expense to the parent who pays it when you're going through the child support guidelines. So that might be an issue to address with an economist too. I mean, ultimately that's an issue for us in the Supreme Court, but.

TROY REINERS: Right. I mean, for taxes, they have to report it as income. I mean, it's just like (inaudible), right, but not for...correct, correct.

WILLIAM MacKENZIE: But there is no line on the worksheet for it.

TROY REINERS: Yep, right.

PAUL MERRITT: Well, I think the guidelines specifically say child support should be calculated exclusive if anything with respect to spousal support. So you do child support first, and then look at...,

ANGELA DUNNE: That's right.

PAUL MERRITT: I mean, it says that specifically in the guidelines.

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WILLIAM MacKENZIE: Right. But say a parent owes spousal support to another spouse from another relationship,...

PAUL MERRITT: Correct.

WILLIAM MacKENZIE: ...it's nowhere going to be factored in for (inaudible) other than the court always has the right to deviate from the guideline.

SENATOR ASHFORD: Judge Merritt, could you help me a little bit, or...and I want to just pick up just very...and we don't have to go into long division, about the joint custody issues that you feel are possibly unresolved in the guidelines. Could you actually just to speak to that in a narrative? What do we need to do, in your mind, to address that issue?

PAUL MERRITT: I think what we need to do...right now, if you look at a...it's so hard to do it in the abstract, but if you take a case and you do a worksheet 1, which is where you have a primary custodial parent and normal parenting, what's normal, let's just say what we have in Lancaster County as a 10-4. Then that's...there's no credit that's going to be given to the...a 10-4 is not going to take you to another worksheet is what's going to happen. So you work off that worksheet 1 and you show how much money is owed by the custodial parent to the noncustodial parent. If, however, you go above a certain percentage, and there are some cases that talk about how many overnights change the percentage. But if you go over a certain percentage, and you clearly do if you're on a 50-50, okay; and that's what we're talking about here. Then you go to worksheet 3, and if you fill our worksheet 3 and you look at how much is owed from the noncustodial parent to the custodial parent, I'm going to bet that that's the one that the senators are seeing being presented as showing the difference...let's just say, for example, and these are...no basis for this, that in one it may say...on worksheet 1 it may say you're entitled to \$500, and when you do worksheet 3 it may say you're entitled to \$250. And there's a

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lot of reasons for that.

SENATOR ASHFORD: Right.

PAUL MERRITT: But I'm not sure that that's taken into account everything for both of these parties.

SENATOR ASHFORD: Right. And that's what I'm trying to get.

PAUL MERRITT: And that's what I...and maybe a worksheet will do it. Maybe some type of...I can't believe that there's not states out there who deal with this and there aren't economists who know. And they may just say that's the facts of life, that's the way it goes. And I think if we have that, if the economist comes in and says, that's the facts of life, that's the way it goes, then at least that's something we will know where we're at. But I think that's the one...and again, I just pulled those figures out of the air, but I think that's the one when you look, worksheet 1 versus what happens under the same people for worksheet 3.

ANGELA DUNNE: And I can provide...I did this as part of testifying, and we compiled in our office, like the last ten child support calculations that we used in cases, and it's even more stark, it's either you're...it's \$800 to 0...

SENATOR ASHFORD: Right.

ANGELA DUNNE: ...and it just didn't make...it doesn't make sense to us.

SENATOR ASHFORD: Right.

ANGELA DUNNE: And so what...I practice in a county where we do lots of joint custody. In fact, I could tell you with 100 percent certainty the last ten cases I've resolved either

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through judge or in negotiation, it's joint custody. That's just what we're doing. What we do in practice a lot is we will say to, usually it's the higher wage earning parent, just pay full support so we don't have to mess around with expense sharing, because it's just...it causes problems. Or we take both worksheets. We don't average them. Then usually we're looking for a fair number, what do we think makes sense about if it goes from \$800 to 0, are doing \$600? That's what we're doing in practice, and so there's no consistency. It's just whatever lawyer you have, whatever judge you have. It's just there's no rhyme or reason to it.

SENATOR ASHFORD: What I think my colleagues are struggling with is--and they're not all lawyers obviously--what I think they're struggling with is this, is...and that's why passing legislation on this issue in any form, without what Judge Merritt and you are talking about, at least resolved in some rational fashion in the worksheets, it doesn't make...so what...get a determination made where the high wage earner has less time, the concern is, and they get it anecdotally from their constituents, if I have a high wage earner that's seeing...even if though they're getting...they're a high wage earner...they're paying...they're a high wage earner, they're paying more in child support, they are...and they're not getting to see their--this is what I hear over and over again--and they're not getting to see their children in any equitable...there's nothing wrong with them, I mean, they're all fit people and they're not getting to see their children in an equitable way, that's the...that's what I get. That's what we get in the committee. That's what we get.

ANGELA DUNNE: And as soon as we take out child support...if we...if I have a dad and I say, just go in there saying you'll pay full child support, I can get him 50 percent of the time, because the courts are wary about motives. Are you trying to avoid child support? Are we going to leave children?

SENATOR ASHFORD: Right.

ANGELA DUNNE: So we've been successful with that strategy, but I don't know that

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that's fair. I don't know that it makes sense.

SENATOR ASHFORD: Can you say that again and explain that more?

ANGELA DUNNE: Yes. So say dad comes...

SENATOR ASHFORD: Give a concrete example.

ANGELA DUNNE: All right, so this happens all of the time. Dad comes in, good dad, nothing wrong with him. We've got two parents working outside in the work force, not at home, and we will recommend to Dad, pay child support under worksheet 1, which is full child support. Then we don't have to get into expense sharing. And I can go into the judge and say, look, this isn't about money; he'll pay the full child support; we just want the time. Judges will give me 50 percent of the time if they see that the children are still going to be financially provided for. What I'm saying is I don't know that that's fair. I don't know that that's the right way. All I know is from a legal...from the lawyer's...

SENATOR ASHFORD: Well, you're representing your client and he won't...

ANGELA DUNNE: Yeah. All I know is I can get them the time if that's what they say they want, if he will agree to pay. Now,...

SENATOR ASHFORD: And what I hear over and over again is, same scenario, and it...same scenario, both working out of the home, one parent makes considerably more than the other parent. Both fit. I'm not getting anywhere near 50 percent. That's the anecdotal pushback on why...why you need...

ANGELA DUNNE: And I practice in a county that doesn't, so.

SENATOR ASHFORD: ...why you need some sort of person. And I don't want to go

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necessarily to that. I'm just saying what we're hearing. Yes, Judge.

PAUL MERRITT: Well, that isn't fair what she just said.

SENATOR ASHFORD: Right.

ANGELA DUNNE: Right.

PAUL MERRITT: I mean, there's no doubt about, that is not fair.

SENATOR ASHFORD: Right.

PAUL MERRITT: And there are a lot of...and let's just presume for purposes of this discussion that that's a father. There are a lot of fathers who can't afford to do that and still maintain their house, which they have to maintain for the children so that they can have their children. And so what she's recommending, she has somebody who can afford it and still provide that.

SENATOR ASHFORD: Right.

PAUL MERRITT: There are some other fathers who should be afforded that same option who can't afford to do that under the circumstances. And there has to be some...and as a district judge or as a county judge, whoever is handling this particular case, there has to be something where you aren't saying, okay, how am I going to try to deviate, because I have a right to deviate under certain circumstances; how am I going to be able to articulate a deviation? I'm a great disbeliever in worksheet 5, which is the worksheet for deviations, because I believe in worksheet 5 you can put down at the bottom what answer you want and then you go up above it and you just figure out how...what you subtract to get to that answer. I mean, that's how you do worksheet 5 generally. But we're not looking at...this should be fair for everybody,...

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SENATOR ASHFORD: Right.

PAUL MERRITT: ...and recognize...if it can be, recognizing that under a 50-50 split both parents have expenses. And so how do we deal with the income? And is it the Income Shares Model that's the best to do that? Or is there another model that's better...

SENATOR ASHFORD: Right. That's what I'm trying...

PAUL MERRITT: ...available to deal with that issue?

SENATOR ASHFORD: That's what I'm trying to ask that question. Yeah.

PAUL MERRITT: And so that's what I'm hoping we can get by looking at the information you're saying.

SENATOR ASHFORD: Right.

WILLIAM MacKENZIE: Well, eight years ago when we addressed all these issues, I believe it was the time when we developed worksheet 3 to where it is now, where you take the support out of worksheet 1 and you multiply it by 1.5 percent...150 percent. So if it's a \$500 order for one parent to pay in worksheet 1, it automatically becomes a \$750 order in worksheet 3. And then you go down and you divide up by what percentage each parent has the child or children, and then you can slice it down from there. But you automatically start at 150 percent at what that worksheet 1 figure is. So potentially that support can be pretty high. The reason we chose the 150--150 percent--is because obviously there's a greater cost associated with joint parenting than there is for one parent. That child is going to need a bedroom in both houses. That may mean the father needs a bigger apartment. And so, you know. And then there's transportation costs, there's two sets of clothes, maybe toys, you know, all that stuff. So the economists we

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work with, we decided somewhere along the line that 150 percent was the right way to go and that's what we did. And so that's an issue that I think the economist we hire should revisit.

SENATOR ASHFORD: Is that a different issue than...?

PAUL MERRITT: No, I think it's the same. It's how do we account for this. And, quite frankly, when we did this before this wasn't a paramount...this wasn't as prevalent as it now. I don't think we had the experience we have now as to what appeared to be inequities between these two worksheets. And so I think that through experience we've discovered, we need to look at this again. And maybe it's tweaking worksheet 3.

SENATOR ASHFORD: Who said tweak first? Did you, Jenn? God.

PAUL MERRITT: On worksheet 3. Or maybe it's coming up with a different worksheet under certain things.

SENATOR ASHFORD: Worksheet. Yeah. Maybe there's another worksheet that addresses...

TROY REINERS: Well, how do you scale it? I mean, that's...

PAUL MERRITT: Yeah, there just may be. And that's what we need...but I think it's the exact same thing we're talking about here.

WILLIAM MacKENZIE: Jenn, at least you're not twerking, twinkling, or tweeting, so.

JENN PIATT: It's early yet.

WILLIAM MacKENZIE: It is Friday though, so.

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JENN PIATT: Yes. So for me, since I'll be sort of coordinating the work for you, we can start by...and at this time I'm going to recommend that we schedule a meeting in person to vote on the economist. And if I investigate that and find that we can do it electronically, then we can defer that. But I say we start with meeting in person. I just have a feeling that...

SENATOR ASHFORD: I think we can do it by phone, can't we?

JENN PIATT: Well, I just have a feeling that given the fact that we're talking about an expenditure of dollars and...

SENATOR ASHFORD: We have to be here to spend money.

JENN PIATT: ...and that we would need to be here and it needs to be on the record. That's my intuition and (inaudible).

SENATOR ASHFORD: Well, I think you have to be on the record, but I wonder...the question is, whether we can do it by conference call.

JENN PIATT: Right. And I'll look into that and clarify. My intuition, after going through all the AG Opinions, is that we're going to have to meet in person for that decision.

SENATOR ASHFORD: Okay.

JENN PIATT: But I will...honestly, I'll look and then get back to you. So if we just maybe decide a date for the next meeting where we decide...

SENATOR ASHFORD: Well, or we could...as long as we have a quorum, we can have others call in. I think there are other options so not everybody has to show up

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necessarily. We'll look at that, because I thought we did that last time. We had a couple...we had more than one person on the (inaudible).

PAUL MERRITT: But I don't think we spent any money.

SENATOR ASHFORD: What's that?

PAUL MERRITT: We didn't spend any money...

SENATOR ASHFORD: We're not spending any money.

PAUL MERRITT: ...and that may be what her concern is, is the money.

SENATOR ASHFORD: Yeah, maybe. But I feel very comfortable with your, all of your explanations as to what my concern is, so I now fully understand my concern. Because when you have a...and I'm not...Judy, please, I'm not critical of the report necessarily. But when you have a report that shows differences demographically...or, you know, geographically across the state, you know, we're not going to solve that problem. But at least, if we could start thinking about this joint custody issue, that will help, I think, people across the state understand what we're trying to do. I just feel that that's the problem, and...or one of the problems. And if we can address it in this process, that would be really, really quite good.

JENN PIATT: So July 14?

SENATOR ASHFORD: I don't know what day that is. Is that a...?

JENN PIATT: That's a Monday. That would be (inaudible).

SENATOR ASHFORD: I know I'm not here on Monday.

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JENN PIATT: So okay, you're not here. What about the 16th?

SENATOR ASHFORD: We can have somebody else...I mean, I should be here.

ANGELA DUNNE: Can we do afternoon of the 18th?

JENN PIATT: The afternoon of the 18th?

SENATOR ASHFORD: I think I'm gone (inaudible). Maybe we can meet the week before. I mean, we can get it done before.

WILLIAM MacKENZIE: The 11th?

JENN PIATT: The 10th or the 11th?

SENATOR ASHFORD: Like the 10th even, to Judge Merritt's point. Does that work?

ANGELA DUNNE: I'm in Oregon.

SENATOR ASHFORD: Oregon?

JENN PIATT: Okay, what about the 11th?

ANGELA DUNNE: Breathe in fresh air...that whole week.

SENATOR ASHFORD: Maybe you could...can you call in, or...?

JENN PIATT: So?

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SENATOR ASHFORD: You're around, Judge Merritt?

PAUL MERRITT: For...on when?

SENATOR ASHFORD: That week of the 6th, 7th, 8th, 9th?

PAUL MERRITT: I'm in jury term, so I'm around.

SENATOR ASHFORD: Okay.

JENN PIATT: Shall we look at maybe Friday morning (inaudible)...so maybe 9:30 Friday morning.

SENATOR ASHFORD: Or 9:00.

JENN PIATT: 9:00?

SENATOR ASHFORD: Yeah.

JENN PIATT: So Friday,...

SENATOR ASHFORD: I have to leave at 11:00, so we'll have to decide by 11:00.

JENN PIATT: ...July 11 at 9:00?

ANGELA DUNNE: Do we all need to be present?

SENATOR ASHFORD: I don't think so. I think you can call in. Let's figure that out and we'll adjust it for you.

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JENN PIATT: I don't think we need to all be present, but I think that we need a quorum of people present, for sure.

SENATOR ASHFORD: Right.

ANGELA DUNNE: Because that will be 7:00 a.m., and that's the day we're going to release the (inaudible).

SENATOR ASHFORD: Oh. Oh, my.

ANGELA DUNNE: It's not the best day.

SENATOR ASHFORD: Well, let's see here. That's...what day is that? The 11th?

ANGELA DUNNE: That's the 11th.

SENATOR ASHFORD: What about...? And the 10th, how about the 10th?

ANGELA DUNNE: I can do the 10th.

SENATOR ASHFORD: Let's try the 10th. I'm sorry about that.

JENN PIATT: Okay, so Thursday, July 10, at 9:00?

KARIN NOAKES: At what time?

JENN PIATT: At 9:00 a.m.

SENATOR ASHFORD: 9:00 a.m., Judge, can you...?

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KARIN NOAKES: Yeah. But I won't be able to be there on the 10th.

SENATOR ASHFORD: Okay.

PAUL MERRITT: I'm less likely. I start a trial. I know on the afternoon...well, I don't know but it's scheduled to start and I'm told it's going to go on the afternoon of the 7th. I'm just not sure it's going to be done by the morning of the 10th, but we can see.

SENATOR ASHFORD: Okay.

KARIN NOAKES: What about the 9th?

SENATOR ASHFORD: He's...he's probably...Judge Merritt is probably definitely in something.

PAUL MERRITT: But that's okay. I'm confident with everybody here, so.

MICHELLE CHAFFEE: Senator Campbell is not available the 10th.

SENATOR ASHFORD: Well, how about the 9th?

MICHELLE CHAFFEE: I think she is.

SENATOR ASHFORD: Let's try the 9th then, at 9:00.

JENN PIATT: Okay, so Wednesday...

WILLIAM MacKENZIE: I'm just back from Mexico and I don't know...I...that's my first day back, so.

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SENATOR ASHFORD: And what's your sense of what your quality of life decisions will be at that...I mean, you know, back from Mexico.

WILLIAM MacKENZIE: Yeah, exactly.

SENATOR ASHFORD: You would have to come down from that certainly.

WILLIAM MacKENZIE: Right. Well, I'm just saying that's...

SENATOR ASHFORD: No, that's a fair...that's...

WILLIAM MacKENZIE: ...there are potential problems with me on that day but not for sure. I mean, if everything works fine then I'll be here.

SENATOR ASHFORD: And we can adjust around.

WILLIAM MacKENZIE: If the plane is late, I won't be, so.

SENATOR ASHFORD: We can adjust around, so.

WILLIAM MacKENZIE: Okay.

JENN PIATT: Well, we would need seven days. We have to publish the agenda seven days in advance.

SENATOR ASHFORD: Okay. So that's by next Wednesday.

JENN PIATT: The 2nd.

SENATOR ASHFORD: We can get it all cleared up by next Wednesday and then

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publish on that day.

WILLIAM MacKENZIE: So what day are we looking at?

SENATOR ASHFORD: The 9th.

JENN PIATT: The 9th. So Wednesday, July 9, at 9:00 a.m. And I'll send out a summary with that so that everybody knows (inaudible). And then, so then I would just ask, there were...somebody made a comment that there were questions that they would like to pose to the economist. If you could send me those questions by the 3rd, that will give you a little bit of time to review their CVs, and if you have any questions send them to me and then I'll...that way, when we meet again, you'll have everything already pre-answered for you and we can vote at that time. Does that sound all right?

PAUL MERRITT: When do you think you'll have additional names, if any, and CVs to us?

JENN PIATT: I'm going to work on that as soon as I walk out of here.

PAUL MERRITT: Okay.

JENN PIATT: So I'll try to get you a couple more names and CVs by next week, mid next week at the very latest.

PAUL MERRITT: When did you say questions to you by?

_____ : The 3rd.

JENN PIATT: So Thursday. And then I should...hopefully, by the 1st or the 2nd I will have additional names with resumes (inaudible). That's actually the easiest part

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(inaudible) getting their resumes.

KARIN NOAKES: Jane...or no, Jenn, did you send out the prior expert Jane's previous report at some point?

JENN PIATT: I'm sorry, can you say that again?

KARIN NOAKES: Our prior expert from eight years ago, do you have that report?

JENN PIATT: Yes. For the commission or for her background?

KARIN NOAKES: Well, the report that she gave to the commission.

JENN PIATT: What I have from her in the files are copies of the PowerPoint slides that she gave to the committee.

KARIN NOAKES: Okay.

JENN PIATT: I could scan that in and send that to you if you'd like to see it.

KARIN NOAKES: Yeah, I would. Thanks.

JENN PIATT: And there's one thing on the agenda, if I may, that we didn't touch and that's the issue of the deviations; so as a part of the federal requirements we have to look at the deviations. And it's my understanding that, Mr. Van Patten, you have the system for pulling all the deviations up, is that right?

BYRON VAN PATTEN: That's correct.

JENN PIATT: Okay. And so it's also my understanding that the last time the commission

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did this, they looked at a four-year lump sum. Right?

BYRON VAN PATTEN: I'm not sure. I can't recall.

JENN PIATT: The time frame? Okay. So that's one of the things that we have to get to the expert is that report.

BYRON VAN PATTEN: Um-hum.

JENN PIATT: Do you know how long it would take?

BYRON VAN PATTEN: Not long. I think they may have already pulled it...

JENN PIATT: Okay (inaudible).

BYRON VAN PATTEN: ...or at least started the process.

JENN PIATT: Okay.

PAUL MERRITT: Is that worksheet 5 or is there some other basis that you compile that data from?

BYRON VAN PATTEN: It comes off of...

PAUL MERRITT: ...if you know.

BYRON VAN PATTEN: It comes from the court system, I believe.

PAUL MERRITT: I'm sorry?

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BYRON VAN PATTEN: It comes from the JUSTICE system, the system used by the courts.

PAUL MERRITT: Okay.

BYRON VAN PATTEN: The clerks enter some information, I believe.

JENN PIATT: So if you could just send that to me whenever you get that so I can send it to the economist, because that reduces what we have to pay the economist too, if they don't have to be responsible for that information. And also the deviations tell us how the court or why the court is deviating, which we're required to look at under federal regulations.

PAUL MERRITT: Do you know whether that information that they put into JUSTICE, that that gets the right reason for it?

BYRON VAN PATTEN: I'm not sure if it does, Your Honor.

WILLIAM MacKENZIE: I'll bet it doesn't.

BYRON VAN PATTEN: I don't think it does. Do you recall, Bill?

WILLIAM MacKENZIE: I'll bet it doesn't.

JENN PIATT: Right. So I had a preliminary meeting with Corey Steel--he is not here today unfortunately--when we talked about that very issue. He thinks it doesn't either give a very accurate picture about what we're required to look and do that, so.

WILLIAM MacKENZIE: Well, technically, you could say it was in the best interests of the child 100 percent of the time, because the court has to find that to be the case; but

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that's not going to give you much information. A lot of times it's for transportation reasons or other unusual medical expenses of the child. It could be all kinds of reasons. Judge, you (inaudible).

PAUL MERRITT: Well, I understand that. But in the last 18 months or so, the Court of Appeals has required for deviations notwithstanding the fact that the--I think they've required--notwithstanding the fact the guidelines say you can articulate a basis for a deviation in the order. In the last 18 months or so, the Court of Appeals has said they want a worksheet 5 attached. And so if there...I'm just knowing...you know, if there are worksheet 5s, obviously, you can look at those, and they should say \$25 for transportation, \$130 for transportation, or those types of things. But we're probably never going to be able to look...figure that out from all the deviations. And then there may not be very many, but.

WILLIAM MacKENZIE: Our courts use worksheet 5 so little that I forgot there was a worksheet 5, and so...that court decision.

PAUL MERRITT: Because before that court decision, the guidelines say a judge can articulate...

WILLIAM MacKENZIE: In the order.

PAUL MERRITT: ...a basis in the order for a deviation. And when that case came out, the case basically said you will now provide worksheet 5s whenever there is a deviation. And again, I don't think it's been that long ago, maybe 18 months or so that they've started that, but. Okay.

JENN PIATT: Is there anything else that I can do for you or provide you with, so that you can make a decision that you feel comfortable with? And if you can't think of it now, please (inaudible) get it to you. (Inaudible) the last thing on the agenda. Is there any

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other business?

PAUL MERRITT: Are we going to set dates now when we're going to try to move...appear for the year, so that we aren't at the last minute...I mean, I had...Jenn had nicely set out when we all were going to be meeting first in May, dates, and I have those all on my calendar, which mean nothing now. I can remove them all I suspect. But it would just...it just helps to be able to try to jockey things if you can, if we come up with some tentative dates...

WILLIAM MacKENZIE: I agree.

PAUL MERRITT: ...to try to get as many of us present as possible.

SENATOR ASHFORD: Let's work on that.

_____: I agree.

PAUL MERRITT: Okay. And maybe she could get us a proposal as her suggestion or something like that,...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...because that will help also, I suspect, with us trying to make sure we're available when the expert calls. Because I'm going to imagine most...a lot...as many of us as possible are going to want to be here when the expert is here to watch the PowerPoint or whatever he or she presents to try to explain to me what all the numbers mean.

TROY REINERS: I was here on one of those earlier dates, by accident, so.

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JENN PIATT: If there's nothing else, somebody could make a motion to adjourn.

SENATOR ASHFORD: I move to adjourn.

WILLIAM MacKENZIE: I'll second.

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Michelle Chaffee on behalf of Senator Campbell.

MICHELLE CHAFFEE: Yes.

OLIVER VanDERVOORT: Judge Noakes.

KARIN NOAKES: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Judy Beutler on behalf of Corey Steel.

JUDY BEUTLER: Yes.

OLIVER VanDERVOORT: Judge Merritt.

PAUL MERRITT: Yes.

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OLIVER VanDERVOORT: Angela Dunne.

ANGELA DUNNE: Yes.

OLIVER VanDERVOORT: Byron Van Patten.

BYRON VAN PATTEN: Yes.

OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

SENATOR ASHFORD: Thank you.

JENN PIATT: Thank you.

PAUL MERRITT: Thank you, Senator.