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CHILD SUPPORT ADVISORY COMMISSION
July 09, 2014

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The Child Support Advisory Commission met at 9:00 a.m. on Wednesday, July 9, 2014, in Room 1113 of the State Capitol, Lincoln, Nebraska. Members present: Senator Brad Ashford; Senator Kathy Campbell; William MacKenzie; Paul Merritt; Karin Noakes; Dan Redler, designee for Byron Van Patten; Troy Reiners; Monty Shultz; Corey Steel; and Amy Williams. Absent: Angela Dunne, Eric Thompson, and Byron Van Patten.

SENATOR ASHFORD: We'll give it another two minutes, I guess, and wait for Judge Noakes to call. Even though the judge has not called in, we'll get started. As I mentioned at the last meeting, we are subject to the open meetings law and all business here will be conducted pursuant to that. And I mentioned before, we have a copy of the Open Meetings Act here. You also have similar material in our binder. Any...(phone ringing) Okay.

OLIVER VanDERVOORT: Your Honor?

KARIN NOAKES: Yes, this is Judge Noakes.

SENATOR ASHFORD: Morning.

KARIN NOAKES: Morning.

SENATOR ASHFORD: Just getting started.

KARIN NOAKES: Okay.

SENATOR ASHFORD: Any binding action the commission takes will be initiated with a motion followed by a second and a roll call vote. So why don't we get started with a motion to approve the agenda which we have before you, you should have before you.

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SENATOR CAMPBELL: So moved.

SENATOR ASHFORD: Do I have a second?

WILLIAM MacKENZIE: Second.

SENATOR ASHFORD: Ollie.

OLIVER VanDERVOORT: Okay. Senator Ashford.

SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Senator Campbell.

SENATOR CAMPBELL: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Corey Steel.

COREY STEEL: Yes.

OLIVER VanDERVOORT: Byron Van Patten's representative.

DAN REDLER: Yes.

OLIVER VanDERVOORT: Troy Reiners.

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TROY REINERS: Yes.

OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

OLIVER VanDERVOORT: Amy Williams.

AMY WILLIAMS: Yes.

OLIVER VanDERVOORT: And Judge Noakes.

KARIN NOAKES: Yes.

SENATOR ASHFORD: Okay. Now I need a motion to approve the minutes from the last meeting. Do I have a motion to approve the minutes?

AMY WILLIAMS: So moved.

SENATOR ASHFORD: Nice move...motion. (Laugh) Do I have a second, I guess?

TROY REINERS: I second.

SENATOR ASHFORD: Senator Campbell wasn't here so maybe she...

SENATOR CAMPBELL: I chose not...

SENATOR ASHFORD: But welcome, Senator Campbell, to this meeting.

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SENATOR CAMPBELL: Thank you. I thought it best not to move when I wasn't here.

SENATOR ASHFORD: And Corey Steel, welcome to Corey and congratulations, Corey, on your...well, it's probably...it's an old job now. You've had it for at least a month, haven't you, okay, court administrator, and it's really great. I'm glad that that has happened. We call the roll, Ollie?

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yes, here.

OLIVER VanDERVOORT: Senator Campbell.

SENATOR CAMPBELL: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Corey Steel.

COREY STEEL: Yes.

OLIVER VanDERVOORT: Byron Van Patten's representative.

DAN REDLER: Yes.

OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

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OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

OLIVER VanDERVOORT: Amy Williams.

AMY WILLIAMS: Yes.

OLIVER VanDERVOORT: And Judge Noakes.

KARIN NOAKES: Yes.

SENATOR ASHFORD: Great. Let me...a couple things: First of all, before we get into the discussion of the expert, Senator Campbell, we, you know, we have not had an expert for a while and to calculate the economics of the child support issue, so at the last meeting, as you saw from the minutes, we've discussed that and have decided to have an expert, which is good. So today really the only matter on the agenda is to discuss the experts. We asked, the group asked, that Jenn look out into the...talk to NCSL, which she's done, National Conference of State Legislators, talk to others in the field and get a few more choices for an expert, so we have four here. I think what I would like to do is simply open this up for discussion and so we can...and then move to a...we do, in my view, we are going to have to get that decided today. And then what I'd like to do is have a public hearing probably sometime in early August or some...as long as we find the dates that we can all sort of agree on, and then so that the expert will have the input from the public hearing as well. So with that, do I have any discussion, comments on these various candidates? Bill? Judge? Senator Campbell? Anyone?

SENATOR CAMPBELL: No. I mean I had an opportunity to read the transcript and look over it, so. Was there any additional information, Jenn, from NCSL?

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SENATOR ASHFORD: Jenn, why don't you go over your conversations with various people and discuss how we got to these four.

JENN PIATT: Sure. Well, I put together that chart and I kind of...this is just very basic, so there's a lot of information but I tried to make it pretty...as simple as I could. I sent out, I think, eight or nine official requests for information and I think the holiday set us back a little bit. I know Mr. Rogers was on vacation so his answers came in very late so...which wasn't his fault. So I tried to just whittle their answers down. I did talk to NCSL. They recommended two people, of which I've noted on the second page of this chart. That was Mr. Rogers and Dr. Venohr. They were both recommended by NCSL.

WILLIAM MacKENZIE: Could you remind me what NCSL is (inaudible)?

JENN PIATT: Yeah, the National Conference of State Legislatures.

WILLIAM MacKENZIE: Okay. Thank you.

JENN PIATT: They're, as a staff person, they're exceptionally helpful because they have a lot of information where you can compare what other states are doing and there's no, in my view, personal view, there's no real agenda other than just getting you basic information. And so there was one additional expert who responded. I did not include him on the chart because he required a subcontractor as well, so...and he had some time constraints as well, so he didn't really fit the picture. So and you can see, I think one of the questions at the last meeting was have these folks worked in other states, so the third line on this spreadsheet just kind lays out where folks have worked. Dr. Barnow worked...actually advised the government of Australia on this issue, which he was somebody that we hadn't...the commission hadn't considered last time.

SENATOR ASHFORD: And the two you mentioned that...okay. Does anybody have any

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questions or comments about what Jenn has just mentioned? On the cost, the \$30,000 to \$40,000 Jane Venohr has proposed is set; \$40,000 is the most that she would charge to complete this.

JENN PIATT: Uh-huh.

SENATOR ASHFORD: Two thirty-one is Dr. Barnow. We don't know how many hours he's going to spend, right?

JENN PIATT: Right. That's unclear.

SENATOR ASHFORD: And \$50,000-\$55,000 is Dr. Rogers. And the reason for that was that Dr. Rogers was also going to use other individuals. Is that right?

JENN PIATT: Yeah, he works with an individual for the, as I understand it, for the assistance on the tables. His resume was also provided to you last time. Sarro I believe is his last name. Both of them seem qualified.

SENATOR ASHFORD: Does anyone have any other comments regarding this matter? Hello, Judge.

PAUL MERRITT: Morning.

SENATOR ASHFORD: What we are doing, as you came in here, is we are discussing the candidates for the expert function, and we are discussing that as we speak. And get ready there, then we'll ask you if you have any comments.

SENATOR CAMPBELL: Senator Ashford, I have a question for Jenn. In the states where the candidates have worked with, do we know how recent those are?

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JENN PIATT: Yes, I believe their resumes indicate that.

SENATOR CAMPBELL: I just thought off the top of your head you might...because it seems to me that that's one of the things in Venohr--am I saying that right, Senator Ashford--I mean obviously she points out that a fee for taking a look at the ACA and the medical. And as we were walking down here, Michelle Chaffee was trying to give me background and orientation. And she had done some looking at this. And that's an area that we're going to want to have some expertise in, that's for sure, because of the changing nature of that. And so that's why I was looking at how recent some of this work was because that will make a difference.

SENATOR ASHFORD: Dr. Venohr I think has had ongoing experience and I think she's doing this on an ongoing basis, yeah.

SENATOR CAMPBELL: She's done this for 25 states. It would seem to me she's probably got that...the experience edge there.

JENN PIATT: So the 25 states for the Center for Policy Research, those are states that she's actually worked in. She's also served in an advisory role to, I think she said, roughly 33 states. That's in her resume as well. So I just know with respect to Rogers, the contract he sent was 2005, and I think he's currently working in Georgia.

WILLIAM MacKENZIE: Well, I know he resides there.

JENN PIATT: Yeah.

WILLIAM MacKENZIE: Has he had a contract with any states recently?

JENN PIATT: I don't know about other states other than the Arizona contract and Georgia.

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SENATOR ASHFORD: I think he testifies, Bill. I think he testifies in a variety of states.

JENN PIATT: He does do quite a bit of consulting and testifying.

SENATOR ASHFORD: But I don't know whether that...as far as doing the actual economics for the state for the child support calculation, we couldn't find any. And I asked Jenn to look at that again to make sure that we weren't leaving out something.

WILLIAM MacKENZIE: I went...when I went to his Web site a couple weeks ago, I confess I hadn't looked at any of this since June, but I couldn't find any recitation to any current activity in the last four or five years.

SENATOR ASHFORD: Right, and that's what...

WILLIAM MacKENZIE: And I might have missed it, but maybe somebody else would have uncovered that.

SENATOR ASHFORD: I mean we found Georgia and maybe Arizona.

WILLIAM MacKENZIE: And the other two, Barnow and David Betson, you indicate New York, New Jersey, and Australia and Arizona. Are those recent?

JENN PIATT: I think the government of Australia was quite a bit of time ago. Let me...I can pull up his Web site right now and tell you about the other ones.

WILLIAM MacKENZIE: And then David Betson, you indicate currently Indiana. California would obviously be a big plum. I didn't know if that was recent or not.

SENATOR ASHFORD: We couldn't get any real handle on the price for...

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WILLIAM MacKENZIE: Okay.

SENATOR ASHFORD: ...for David.

MONTY SHULTZ: I guess I would have one question. With Mark Rogers, with his response to the questions, he references a study done by Dr. Betson in 2011. You know, I guess if we look at the bias, that the model he presents there's alleged bias of father bias, then the allegation of mother-pro bias with David Betson. So that doesn't really seem to match if he's using a model based off of David Betson's work. And it would seem like his work may be up to date if he's referencing models that were developed in 2011.

SENATOR ASHFORD: You're talking about...

MONTY SHULTZ: Dr. Rogers.

SENATOR ASHFORD: ...Mark Rogers?

MONTY SHULTZ: Yes, if you look at page 3, he references...

SENATOR ASHFORD: Right.

MONTY SHULTZ: ...David Betson's work.

SENATOR ASHFORD: Judge Merritt, I know you had some comments last time. Do you have any thoughts on this? I'm sure you have thoughts on it but...

PAUL MERRITT: You know, it is too bad we're trying to get this all figured out in ten days as to who we're going to hire as an economist, in my opinion. When I...and I didn't

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get the one, and nobody got the one from Dr. Rogers until late this morning because (inaudible) getting it. But I noticed on mine it's page 2 at the bottom where he talks about Dr. Professor Betson, basing his model on Professor Betson, and he's saying that that's used in 37 to 38 other states. And I guess my question would have been, and I was going to send an e-mail to Jenn but I ended up having to go right into court, to make sure that Dr. Venohr was familiar with that. I mean because it looks like Dr. Betson's model is being...his information is being used by a lot of people when he says 37 to 38 different states are using the report of Dr. Betson, his research. I also was interested again whether Dr. Venohr was aware, and I'm sure she is, of the applicability of the report done by Dr. Shockey at the University of Arizona back in 1995, which seems to be used...being used for purposes of fifty-fifty parenting time, more looking to the percentages of time that people actually have, which I think is one of the issues that was brought up one of the times that we want...that was brought up at the last meeting that we want to look to. And at least from this information, if you look at his Appendix A, it has an interesting...that's an interesting appendix to read with respect to particularly the explanation provided by the judge in Missouri. And I feel woefully inadequate that I go back and read that there are in 1998 and 1999 and that we are just coming around to looking to those things. But quite...I'm still not...I still believe, personally, on the information that I've looked at that Dr. Venohr would do what we want her to do, and that if we tell her what we want her to do that she will do it. And a lot of that is based on the fact that I was involved when we worked with her eight years ago, and I knew she did what we wanted her to do. And I think we can only guide her into certain areas, and I just don't know anything other about the other people whose names we have other than what we see on pieces of paper or to evaluate without being able to send them more questions now based upon the information they've provided us. And I'm not sure that our time frame allows us to do that. So I don't know if that helps, Senator, but.

SENATOR ASHFORD: It does help. I think the point we made last week is that there are questions. Senator Campbell brought up ACA. Judge Merritt has talked about time actually spent with the children and how that fits into the economic models. I think those

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are issues that are critical. It seems to me, and I don't know, but from...I've never met Dr. Venohr. My sense in looking at...talking to others and looking at her information, that if we tell her to approach those issues that she's certainly capable of doing that and she is able to do it at a rate that...at least comparative. I don't know about Dr. Barnow because it's hard to calculate \$231 an hour and figure out what that means. Plus, if there is some concern about bias on somebody then...without delving further into it, it's hard to know. But I would say Dr. Venohr probably can do the job we ask her to do. That's my sense.

WILLIAM MacKENZIE: As the Judge said, I was also on the committee eight years ago and Dr. Venohr was very helpful at leading us through the woods of these issues. And as the Judge said, we directed what we wanted her to provide us, information we wanted her to provide us, and she did it. As we went along the process we came up with new questions, new issues, and we'd say, could you look at this, could you look at that, and she would come back and provide us that information. I don't want to use the analogy of, you know, don't change horses in the middle of the stream, because we're out of that stream. This is eight years later. But I found that she was very helpful. I don't know that the dollar figures should be our guiding concern. I think our concern is to do it right because we live with the results for four years.

PAUL MERRITT: Senator? Senator?

SENATOR ASHFORD: Yes, Judge.

PAUL MERRITT: And I have another...a concern that Dr. Venohr pointed out. She says, I didn't do the tables;...

SENATOR ASHFORD: Uh-huh.

PAUL MERRITT: ...I did the guidelines,...

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SENATOR ASHFORD: Uh-huh.

PAUL MERRITT: ...you know? And I think that we need to have the tables looked at, too, at least based upon what we've seen. And so that's going to be somebody else to whom we're going to have to pay money...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...to do that. And so again, I don't...I agree, I'm cognizant of fiscal issues, but I'm more concerned about trying to do what's in the best interests of the kids. And so I think what we're looking at here, what we should be looking at is our guidelines and what do we need to do, which may include worksheets or may include doing something very similar to what is discussed by Dr. Rogers in the information he's provided...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...about trying to look to different variables: What do two households have in common and what follows the children,...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...depending upon where the children go?

SENATOR ASHFORD: Right.

PAUL MERRITT: And we may have...we may want Dr. Venohr to look at that, but somebody else, at least from what she says in her answers that she sent, somebody else is going to have to evaluate whether our tables are accurate, inaccurate; whether

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they do encompass \$480 in the figure that's there now; if they do, whether they should. And that's going to be somebody else that's going to have to pay X amount...to whom we're going to have to pay X amount of dollars to get that done.

WILLIAM MacKENZIE: Judge,...

PAUL MERRITT: Yep.

WILLIAM MacKENZIE: ...do you recall how we came up with those tables eight years ago? Because I seem to recall Dr. Venohr going through a presentation showing where Nebraska seemed high, where they seem low, where they seemed on target. And it wasn't all high, it wasn't all low; it varied by income level, as I recall.

PAUL MERRITT: And I remember a Power presentation that wanted to, and I didn't go through the PowerPoint that she attached--I just didn't have time to do it--to her e-mail, but I agree she did that. But I think we have many more questions now. We know a little bit more about what effect these guidelines have had on people and families in trying to do things, that we might be able to be in a position to ask better questions. But from what she's saying, somebody is going to have to look at our tables separate from her, and that's just another cost I wanted to mention, if we have a ceiling.

SENATOR ASHFORD: Yeah, and it would be someone else? Maybe I'm missing a stroke here. It's somebody else because...?

PAUL MERRITT: She said it was Tier...

SENATOR ASHFORD: Yeah.

JENN PIATT: Tier Technologies.

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SENATOR ASHFORD: Okay.

PAUL MERRITT: ...Technologies that...

SENATOR ASHFORD: Oh, I see, her reference to who the other person...okay.

PAUL MERRITT: Her reference: Tier Technologies is the one that did all the guidelines...

SENATOR ASHFORD: Okay.

PAUL MERRITT: ...and did all the information necessary to establish incomes...

SENATOR ASHFORD: Okay.

PAUL MERRITT: ...and she didn't do that.

SENATOR ASHFORD: Right.

PAUL MERRITT: That's not what she does.

SENATOR ASHFORD: Okay. No, I see your point. Okay.

JENN PIATT: And those tables were based on that Betson-Rothbarth, which I guess is associated with Income Shares Model, as I understand it. So that is our state currently, when Tier Technologies did it, based it on those estimates, and that she also uses that as well. So I think that as I understand it, that Betson, those numbers are sort of the standard of the cost of living or...and I'm not an economist, I don't know that world, but just to clarify that. And then, Senator, you asked about a question about Dr. Barnow and his recent, so what I was able to find was it looks like New Jersey was 1992, New York

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he didn't provide a time on his C.V., I couldn't find a time for Australia, and Arizona was 2006-2007.

SENATOR CAMPBELL: Thank you, Jenn.

JENN PIATT: Yeah.

WILLIAM MacKENZIE: I think any of them can probably provide us with comparisons with where we rank in terms of support levels for different incomes compared to the other states, and I think most importantly would be our surrounding states, because this region has more in common than we would, say, with California or New York or Florida, so. And I believe Dr. Venohr spent quite a bit of time doing that eight years ago. We compared all of our surrounding states.

JENN PIATT: That is in the PowerPoint slide that she sent. I know there's a lot of information but I didn't want to filter any of it to you.

WILLIAM MacKENZIE: If you sent it to me in the last two weeks, I haven't seen it.

JENN PIATT: Yeah. I have a copy if you'd like to peruse it.

WILLIAM MacKENZIE: Oh, I can find it on my...

JENN PIATT: Yeah.

WILLIAM MacKENZIE: ...e-mail when I get back to work.

MONTY SHULTZ: I guess my question, question number nine, which was how does your model take into account the noncustodial parent and the importance of the monetary source, I would look at Dr. Venohr's answer, which was rather interesting, and

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then Dr. Rogers' answer, which is really based off of what Judge Merritt said, based on the nurturing of the child, both parents are important. So it would seem, you know, one is based off of purely numbers and the other one takes into account each parent and how that affects the child.

TROY REINERS: One thought I have is, you know, if we kind of recognize what is it we're really trying...where are we trying to make our improvements. Because I mean if Nebraska's isn't working the way we would like it to ideally work, what areas do we need to improve? And I think it's shared custody is obviously the biggest issue out of all of it. And so then you say, okay, of these tools we have, which one is going to be the most effective or, you know, efficient at helping us improve that particular area? And I guess maybe I look more at Rogers as being that person than Venohr. And I'm not, you know, it's just kind of as it seems to me like they're focusing more on that shared custody and how can we make improvements for all the parties, because it's no longer noncustodial parent/custodial parent. It's becoming where it's a shared custodial or shared parent, is what it is, and that's just becoming more and more. And I think that's the biggest issue that Nebraska has is that one parent ends up paying considerably more than what potentially they should be paying due to the fact that they're sharing custody of the children. So how do we fix that?

WILLIAM MacKENZIE: I wouldn't...

SENATOR ASHFORD: I think that is a good summary of where we're at.

WILLIAM MacKENZIE: I wouldn't necessarily jump to those conclusions. I don't know that our guidelines...I mean there's always criticisms. We can get them from both directions. I don't know that our guidelines are bad. That's the point of the commission, to meet and look at where we are and where other states are currently, more recently to determine whether or not our guidelines are appropriate or not. The issue of the shared custody is something for the Legislature, I think, to address. Court decisions, appellate

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decisions have addressed that but they're somewhat restricted by what the legislation (inaudible).

SENATOR ASHFORD: Bill, let me ask you a question, because I think you have a...again, you're much more of an expert than I'll ever be on this, but...

WILLIAM MacKENZIE: Oh, don't put that on my shoulders.

SENATOR ASHFORD: No, no. No, I...if...and just I'm getting down to its simplest form as I understand it. If Judge makes an order, the guidelines establish the various economic factors that go into determining child support, so forth and so on. When we talk about shared time, meaning that the children go somewhere, go to one or the other parent, that determination is made in the best...I mean theoretically it's made in the best interest of the child. Then the economic division of how people are...who pays who is then done. We're first trying to determine what's in the best interest of the child and determine how they interact with their...with that particular parent. Correct?

WILLIAM MacKENZIE: Well, our...as I understand, our charge is to, you know, review the guidelines in which...

SENATOR ASHFORD: No, no, but I'm just saying in a broad macro sense. I mean that's the first job. So if you...am I...I mean who...how should this parenting time be allocated?

WILLIAM MacKENZIE: Well, I'd just go back. The courts are somewhat hamstrung by the...and I'm not an expert on the issue because, as a deputy county attorney, I don't address or work with parenting time issues directly or splitting of custody, and very few of our cases involve those.

SENATOR ASHFORD: Right.

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WILLIAM MacKENZIE: But obviously, the trend or the discussion nationally is to increase that. I heard a story on that on NPR this morning driving down here.

SENATOR ASHFORD: Right. Right.

WILLIAM MacKENZIE: So that's something that we've got to be aware of. But the way the legislation reads and as I understand it, and Judge Merritt or the other judge may correct me, is that right now there's a presumption that shared custody is not in the best interests of the child--...

SENATOR ASHFORD: Well, there's a presumption that both parents are fit parents.

WILLIAM MacKENZIE: ...right, but that's not the same, that's not the other side of the same coin--unless the parents agree to it. But I really am not comfortable with this commission going down that road, because I don't think that's our charge.

SENATOR ASHFORD: Is that the law?

PAUL MERRITT: Well, let me...can I go back to that a second? I agree that I don't think the commission should be deciding whether a parent's...joint custody, whether it's presumed or not presumed that there's going to be joint custody. But I think one of the things the commission does need to look at that the Senator brought up last time is that, at least from what I recall him saying, is that whenever the issue is brought up to the Legislature, a group of legislators feel that they're hamstrung by the guidelines, which everybody goes to them and says if you divide this, look at the disparity you do in child support when you have it under Worksheet 1 versus when you use Worksheet 3...

SENATOR ASHFORD: Right.

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PAUL MERRITT: ...and what the...the economics it takes up. So I think one of the things that we should be doing, not making a decision whether something is going to be presumed or not presumed, but have the model there that says whichever way you go, it's going to be fair and in the best interest of the child. And on the face of it, it may not financially appear to be so the way the worksheets are now, and I think that that is something we can look at. Is there a way that once, if a judge either makes a decision because he or she...there's a presumption that hasn't been rebutted or even without a presumption he or she believes it's in the best interests of the children,...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...that they're not going to then step back and say, okay, now I want to look at the financial aspect up and see whether that has effects. I think we should be trying to take that out of the picture, so that's not part of the process, the best we can.

TROY REINERS: And I think that, you know, when you're looking at deviations, are not most the deviations in these shared custody situations? And I mean I'm well aware of parents that flat-out say he or she are not going to be able to pay that amount and we're going to have fifty-fifty custody of the children; I am not going to agree to this; I want it to be a lower amount; I only want this. And I mean you mentioned it at the last meeting that, you know, a lot of times you'll have parents that will say the individual won't be able to pay for their house and pay for, you know, this wasn't...their intent wasn't that. And so they're both still parents. They're both...and they're agreeing on that, they're agreeing on the custody. They've got all that stuff. But the way our system is now, it won't...it is like...it's rather almost grossly...

SENATOR ASHFORD: And you make a great point. And when I used to do...and obviously I was involved in the Parenting Act and all that stuff, and then when I would go to mediations or be involved in mediations there would be a...my sense was that the parents were very interested in working out the custody issues because they wanted to

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do what was best for the children. But then, bingo, then you go (laugh)...you go to the economics and then all of a sudden all this goodwill (laugh) evaporates into nothingness and you're back...

TROY REINERS: Well, and I mean it's sad because I've seen where,...

SENATOR ASHFORD: Right.

TROY REINERS: ...I mean, one parent will say, you know, \$65 a month which will assist on just my insurance and basically that's it.

SENATOR ASHFORD: Right.

TROY REINERS: So now all of a sudden they get stuck at that. And then what happens to insurance costs? They go way up and still it's just \$65. Even when the other child emancipates it's still \$65. I mean and that...

SENATOR ASHFORD: Right, and I think that's the reality. That's what I saw. And one of the problems with the Parenting Act, I mean it was my bill initially and then Mike Flood did it a lot more refinement, but was that concern, was you get people to agree on half a loaf, in a sense, which is really the full loaf, to Judge Merritt's point, because all we're talking about here really is the best interest of the child. But then you go into the second tier of it and everything gets sort of blown apart. That and when...so when we talk about mediation in divorce cases, you know, you have to really, in order to settle the economics of it and the sharing part of it and all those things, what church they go to and all that stuff, you've got to have a pretty...two people who really, really want to reach agreement on all these issues, because it's very difficult to do. And then you...and to your point, Bill, we can't solve all that but, boy, I sure think we should try to reflect some of that. That's my...and then when you try to do legislation on this whole issue of shared parenting, legitimate concern, legitimate issue, you always run into that problem too. So

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anyway, I don't know how we do that in an expert...I mean how should we...Kathy, do you see that? I mean you see that, I'm sure, because you see it in HHS all the time.

SENATOR CAMPBELL: Yes.

SENATOR ASHFORD: I don't know. So what should we do about that? (Laugh) We need an expert here.

MONTY SHULTZ: But it seems like, if you come back to what the Judge's quote was and the information that Mark Rogers presented, if you come back to the variable expenditures and the duplicated fixed expenditures, you remove some of that from the custody dispute, so to speak. Because here you have a set amount that you can say is a fixed variable...or a fixed expenditure or a variable expenditure, and then there's some overlap in there. But we don't take into account right now what a noncustodial parent has to pay out of pocket. We still have to have a place to live. We still have electricity costs. We still have to pay for gas at \$3.44 a gallon. It becomes overwhelming at times.

PAUL MERRITT: Well, this is Paul Merritt. I just go back to those are the kinds of things that I think that whoever we hire, we will be inquiring of him or her to give us information about those things. And whoever we hire, I hope we just believe that he...feel that he or she is qualified to reach out, get that information, bring it back to us. And to me, that's who I think we're looking for is somebody who's going to do what we tell them to do...

SENATOR ASHFORD: To do.

PAUL MERRITT: ...without trying to sway us one way or another...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...but, rather, to just provide us with the information we want and let us

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take it where we think it leads us.

SENATOR ASHFORD: Let me be the bad guy or good guy or whatever, act like judges, feel like a judge and actually presume...come up with a suggested decision. What I...and I think there's a case to be made for both Venohr and Rogers, quite frankly. I'm going to recommend that we go with Venohr with the...only because for these reasons. One is that she's done this before, and that's not a reason necessarily except it's sort of a reason. But secondarily, in our looking at this we don't find, I don't find any particular bias in her approach. I mean I think she's...and I think, thirdly, I think that she is...has ongoing work that's going on throughout the country. She can reference back to states that are states that are engaged in this sort, you know, legislative discussion about parents' rights. I don't sense that she's going to be taking one side or the other. But to Judge Merritt's comments, she's going to need to provide us information on these other points so that when we get a finished product, so to say, getting back to this--I hate to put it in terms of two sides because I think we're all...both sides or how many ever sides there are, are here in the best interests of the children anyway. So that in the end, you know, the finished product will give certainly direction to the court but also to the Legislature and say, you know, we got this. We understand that ACA is an issue, we understand that shared custody is an issue, and as much as possible we're putting that into this. So I'm going to make a motion that we hire Dr. Venohr with the, you know, with the understanding that she's going to have to, part of this, give us the information we want her to give us. (Laugh) And so that would be my motion.

WILLIAM MacKENZIE: I'll second your motion.

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Do we have any other...any other discussion?

PAUL MERRITT: Well, I'm sorry. Yeah, I wanted to have some discussion.

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SENATOR ASHFORD: Yeah.

PAUL MERRITT: Thank you. In response to her answer to number nine, I think that...and I think she's right in this and hopefully what she says, that basically you have to tell me which model you want to use;...

SENATOR ASHFORD: Right.

PAUL MERRITT: ...and if you want me to make a presentation on different models, I will, as part of this. And that may be where we want to start. We may want with her with which models do we want to use.

SENATOR ASHFORD: Right.

PAUL MERRITT: Do we want to keep using the Income Shares, or do we want to use something else? And then that will help us. I think again she has indicated in her answer that that's where we need to start and she will help us at that starting place. And so hopefully that will allay some of the fears of Dr. Venohr over Dr. Rogers, it may not, but at least I think that's how she has approached it.

SENATOR CAMPBELL: I agree with Judge Merritt. I also think that you want someone here who has a breadth of experience with a number of states who can reference that work and bring that to the table for us to answer. When you're looking at any kind of a study, a person's who's had experience with a great number of states, as she has had, it seems to me could bring a lot of background to our questions. Because things have changed greatly, I would assume, since she first did this. And so you want somebody who can bring forward who's had that experience in a number of areas. I think that gives Dr. Venohr an edge here and certainly would support the motion.

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SENATOR ASHFORD: Call the roll.

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yes.

OLIVER VanDERVOORT: Senator Campbell.

SENATOR CAMPBELL: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Corey Steel.

COREY STEEL: Yes.

OLIVER VanDERVOORT: Judge Merritt.

PAUL MERRITT: Yes.

OLIVER VanDERVOORT: Dan Redler on behalf of Byron Van Patten.

DAN REDLER: Yes, and just for the record I do have an e-mail from Mr. Van Patten saying he believes we are best off with Dr. Venohr, just so it's clear I'm not trying to substitute my judgment for his.

OLIVER VanDERVOORT: Troy Reiners.

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TROY REINERS: Yes.

OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: No.

OLIVER VanDERVOORT: Amy Williams.

AMY WILLIAMS: Yes.

OLIVER VanDERVOORT: And Judge Noakes.

KARIN NOAKES: Yes.

OLIVER VanDERVOORT: Motion carries.

SENATOR ASHFORD: Okay. Next...the next step is to...well, for this commission is to have a public hearing and, you know, I propose somewhere...well, I propose whatever works for as many of us as possible, but I propose, you know, prior to the 15th of August, hopefully, which is a month away or more than a month away.

JENN PIATT: And, sorry, if I may, I was trying to put together a proposed schedule but I was running into a problem of whether we're going to hire an expert and that expert's schedule. So I do not have a proposed schedule for you for that reason. It would...yeah.

SENATOR ASHFORD: Well, why don't we...should we mail out some dates and get dates and...I mean it's going to be hard right this very second to get everybody's, unless we can do that, I mean.

JENN PIATT: Well, I think just based on talking with both the experts, Dr. Venohr said

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that she could be here September 1, so it would be my suggestion that we hold the public hearing sometime in August so that we can present her...

SENATOR ASHFORD: But how...doesn't Venohr have to be here to listen to what's being discussed?

JENN PIATT: She could, but then we would also have to pay her for listening to that. So it might be helpful to...

SENATOR ASHFORD: Well, why would we? We're only paying...

JENN PIATT: ...have the public hearing and then summarize the points that were made by the public for her.

SENATOR ASHFORD: Boy, I would like to see...have her here. I don't know what everybody else...well, we're paying her between \$30,000 and \$40,000.

JENN PIATT: Uh-huh. Well, we'll have to...the next step with her is that we would have to nail down the points that we want her to specifically look at. And so...

SENATOR ASHFORD: But I think she needs to be here to...

JENN PIATT: Right, and so...

SENATOR ASHFORD: ...get a flavor of what those points are.

JENN PIATT: Sure.

SENATOR ASHFORD: I'm not arguing with you, Jenn. I'm just suggesting.

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JENN PIATT: No, no, absolutely. I'm just...so then there will be points that the public brings to us that we may not have considered, and so the idea of having the public testimony...I mean the commission, you...I'm just providing you the time line. So the idea of having the public testimony without her would be that we could, if there were any issues raised by the public, we could say we want this in the contract as well. So that was my only thought, but whatever you prefer.

DAN REDLER: Well, do we have the technological capability for her to be...

SENATOR ASHFORD: Yeah.

DAN REDLER: ...you know, present from somewhere else,...

SENATOR ASHFORD: Sure.

DAN REDLER: ...I guess, for lack of a better description?

SENATOR ASHFORD: Sure.

PAUL MERRITT: Plus, I saw we got a verbatim transcript of our last hearing,...

SENATOR ASHFORD: Yeah.

PAUL MERRITT: ...which could be forwarded to her, obviously, to let her know what people were saying. You don't always glean the flavor from reading something, but.

SENATOR ASHFORD: Well, let's talk about when we can have the public hearing. Then we'll worry about how we get Venohr involved. I would suggest sometime before the 15th of August, if that works for...or what would work for everyone?

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SENATOR CAMPBELL: How would it be if each one of us sent to Jenn the dates that we could not,...

SENATOR ASHFORD: Yeah.

SENATOR CAMPBELL: ...where they're going to be on vacation, some of us are going to NCSL conference in August.

SENATOR ASHFORD: When is that, Kathy? I...do you recall? Is it...

SENATOR CAMPBELL: I got it on the calendar if you'll just give me a minute.

SENATOR ASHFORD: It's the 1st. It's before the...yeah, it might be in that little gap before the 15th.

SENATOR CAMPBELL: I don't know if it's...

SENATOR ASHFORD: That's okay. I was just trying to remember.

SENATOR CAMPBELL: I can't remember. I think it's next week.

TROY REINERS: And August 10 through something, before, I'm going to be in Portland.

SENATOR ASHFORD: To the 10th of August?

TROY REINERS: I said from the 10th of August until like the 14th.

SENATOR ASHFORD: That week of August 4, 5, 6, sometime in there, is that a week, is that a Monday?

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WILLIAM MacKENZIE: Fourth is a Monday.

SENATOR ASHFORD: How does that week look, 5th, 6th? Well, you have to check on NCSL, but I think that's later. NCSL is like...

SENATOR CAMPBELL: Yes, it is.

SENATOR ASHFORD: ...the 12th of one of those dates.

SENATOR CAMPBELL: It's later.

OLIVER VanDERVOORT: I'm seeing August 18 as the first NCSL thing.

SENATOR ASHFORD: Okay. The week of the...

SENATOR CAMPBELL: NCSL is the week of August 18 in Minneapolis.

JENN PIATT: And, oh, this might be a good time to say Dr. Thompson was unable to come today because his student had a...was defending a dissertation. And so he expressed that he would like to be a part of selecting the next date so that he could participate. So it may be, Senator Campbell, recommended if you send me dates that work in that week and then I can consolidate everybody's schedule and...

SENATOR ASHFORD: Well, who can't...the dates they can't, I think.

PAUL MERRITT: Well, the only...I'll say the only day I am available that week, just so I'm popping in, and I'm not a controlling, but I have things scheduled that have to be scheduled, is the 7th.

SENATOR ASHFORD: Okay.

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PAUL MERRITT: And I have those locks that I could open.

SENATOR ASHFORD: The 7th you are available.

PAUL MERRITT: Yes, sir. Doesn't mean that I, I mean I have other things scheduled for the rest of the week but doesn't mean I couldn't change the...well, I should say my bailiff couldn't get them changed. But those two, those morning and afternoon are available on that day and that's a Thursday.

SENATOR ASHFORD: Well, let's try to get...let's try to...well, Thursday wouldn't be a bad...do I have any...? Let's check on that date, the 7th, and we'll consult back and forth, but that might be a good time. And we'll probably allocate, for a public hearing, we'll probably 9:00 to 11:00 probably and cut it off at 11:00. But two hours would probably be sufficient time. And as a public hearing, if you can't be here for the whole two hours, you know, as long as we have a quorum and you're here as much as you can be. So maybe tentatively the 7th and we'll look at it again in the next few days and make sure that works, okay?

JENN PIATT: Okay. And then from there then I'll put together a proposed schedule and send that out as well so that everybody can respond on that one.

SENATOR ASHFORD: And we'll figure out how Dr. Venohr can either listen or get a transcript, which obviously we can get quite quickly for her. So, okay, is there anything else for the good of the order, so to say? Do I have a motion to adjourn? Yes.

PAUL MERRITT: Were we going to...and I don't know whether it's on the agenda. It's kind of...what I had was kind...are we going to talk about whether we also want to have somebody look into getting somebody to maybe look at the tables? Because, I mean, I am...I talked to our referee just last week and I'm asking her to get me information too.

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And she also said that having Bill was the greatest thing in the world to have him on this committee, but I knew that already. But...

SENATOR ASHFORD: A lot of pressure on Bill.

PAUL MERRITT: But she also said to me there are sometimes on our schedules, on our tables when it just doesn't seem fair on the face of it the way the amounts are. And I'm just wondering whether that's a function of the tables or the guidelines or the worksheets or both of them. And I just wonder whether we should be looking to having the tables, because I don't know that we modified the tables four years ago,...

WILLIAM MacKENZIE: We didn't.

PAUL MERRITT: So it's been eight years since they've been looked at and a lot of things have happened in eight years, as the Senator mentioned earlier. I just throw that out, whether we want to look at it.

SENATOR ASHFORD: Well, Jenn will look at that and see what we can do about that.

WILLIAM MacKENZIE: As I recall, Dr. Venohr, as we mentioned earlier, gave us a myriad of information on tables, looking at different states and whatnot, and we adopted what we did.

PAUL MERRITT: But she made it real clear in her e-mail--I know you haven't had a chance to look at it--...

WILLIAM MacKENZIE: No, I haven't.

PAUL MERRITT: ...that I didn't have anything to do with those; that was done by Tier Technologies.

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WILLIAM MacKENZIE: Okay. Well, was that something...a company she picked or that we picked or...

JENN PIATT: We, the state chose them...

WILLIAM MacKENZIE: Okay.

JENN PIATT: ...previously before they hired her.

SENATOR ASHFORD: Let's go back to...

JENN PIATT: So they, as I understand it, they put the tables and then in her 2006 report, that you all have a copy, she did update them or suggest updates, but as you can imagine, most of them were higher, you know.

WILLIAM MacKENZIE: Well, I think what we did was we...I think it cut off at \$10,000 a month in income for the family. The tables ended there. There was nothing. We raised that to \$15,000, recognizing inflation and whatnot. It affects .001 percent of the cases I deal with and probably a little bit more of what Judge Merritt deals with, but not a lot of the families that come through the court system have someone earning \$15,000 taxable income a year (sic), after all the deductions for everything else in the guidelines. That's, I think, all we did on the tables four years ago. The record would correct me if I'm wrong, but.

PAUL MERRITT: That's when Bill referred to the two or three pony rule.

WILLIAM MacKENZIE: Oh, I used it. It did come up, yes. Okay.

PAUL MERRITT: You brought that up and I had to look it up in the Strahan case out of

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New Jersey, that's right.

WILLIAM MacKENZIE: Okay.

MONTY SHULTZ: So what Dr. Rogers has recommended was that work with an accountant to adjust the tables and maybe there's an accountant at UNL that can...

SENATOR ASHFORD: Yeah.

MONTY SHULTZ: ...that can work with Dr. Venohr to adjust those tables accordingly.

SENATOR ASHFORD: We'll look into it.

JENN PIATT: Did you have somebody in mind that you know of?

MONTY SHULTZ: No, I don't.

JENN PIATT: Okay. I'll send them a general...and Dr. Thompson is actually an economist at Lincoln, UNL so I'll ask him for his input as well.

PAUL MERRITT: Sorry, I didn't have anything else. That was (inaudible).

SENATOR ASHFORD: Thanks, Judge Merritt. No, that was a good, substantive point. Do we have a motion to adjourn? Senator Campbell.

SENATOR CAMPBELL: So moved.

SENATOR ASHFORD: Second?

PAUL MERRITT: Second.

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SENATOR ASHFORD: All those in favor?

OLIVER VanDERVOORT: Senator Ashford.

SENATOR ASHFORD: Yeah, I guess we have to roll call. Yep.

OLIVER VanDERVOORT: Senator Campbell.

SENATOR CAMPBELL: Yes.

OLIVER VanDERVOORT: William MacKenzie.

WILLIAM MacKENZIE: Yes.

OLIVER VanDERVOORT: Corey Steel.

COREY STEEL: Yes.

OLIVER VanDERVOORT: Judge Merritt.

PAUL MERRITT: Yes.

OLIVER VanDERVOORT: Dan Redler on behalf of Byron Van Patten.

DAN REDLER: Yes.

OLIVER VanDERVOORT: Troy Reiners.

TROY REINERS: Yes.

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OLIVER VanDERVOORT: Monty Shultz.

MONTY SHULTZ: Yes.

OLIVER VanDERVOORT: Amy Williams.

AMY WILLIAMS: Yes.

OLIVER VanDERVOORT: And Judge Noakes.

KARIN NOAKES: Yes.

SENATOR ASHFORD: Thank you very much. We'll get this going here.