

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

September 9, 2016

Attendees: Patrick Quinn (Chair); Barry Master, Christine Jennings, Daniel Starrett, Jennifer Karle, Loretta Everett, Terri Matson, Thomas Howard, Jeff Ball, Terry O'Halloran, Cindi Lucas

Old Business:

- 1) The minutes of the August 5, 2016 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Convention has been ratified and signed by President Obama. It was deposited at The Hague, and consequently is effective as of January 1, 2017.
 - a) This leads to “overlap” issues such as...”what law applies to pending International cases”. I.e., if the case was filed pre-enactment of the law (per UIFSA) but final order not entered.
 - b) Committee is awaiting OCSE guidance and forms on implementing provisions of the Hague Convention.
- 3) Same sex marriage couples and voluntary acknowledgements. – This a sub-set of “paternity” issues surrounding the Supreme Court ruling and “legalization” of same sex marriages. It was felt by committee that states will generally apply the heterosexual “rules” currently in place in states. Committee members will continue to monitor.

An example is the recent Maryland Supreme Court ruling, which “creates defacto parenthood” in Maryland.

- 4) Medical Support / ACA penalties. – The committee discussed the issues and interplay regarding the Title IV-D medical support requirements and potential penalties imposed by the ACA. While there is nothing definitive, the committee will continue to monitor.
- 5) Conference Agenda Items. – The P&L committee submitted six potential workshop ideas for consideration by the Planning committee.
- 6) 2016 Policy and Legislation Committee Mid-Year Strategic Plan Report. – The committee reviewed a draft P&L strategic plan report. There was only one proposed change...to eliminate use of the “Discussion Board”. This was a proposal from P&L Committee last year as well. Chairperson, Patrick Quinn will point this out for discussion at mid-year meeting.
- 7) The next meeting is scheduled for October 21st due to unavailability of the Chairperson as his son is getting married☺.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

October 21, 2016

Attendees: Patrick Quinn (Chair); Barry Master, Christine Jennings, Daniel Starrett, Margot Bean, Terri Matson, Jeff Ball, Terry O'Halloran, Cindi Lucas

Old Business:

- 1) The minutes of the September 9, 2016 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Convention has been ratified and signed by President Obama. It was deposited at The Hague, and consequently is effective as of January 1, 2017.
 - Discussion ensued regarding what roles that ERICSA Policy and Legislation Committee should play verses role Intergovernmental Improvement Committee should play in helping our members with the implementation of the Hague Convention.
- 3) Same sex marriage/couples: Issues/Concerns – At this time this will be “state by state” development. Committee will continue to track and monitor.
- 4) Medical Support / ACA penalties – At this time there is very little happening in this area. We will remove from the agenda; however, if/when OCSE addresses this issue, the committee will begin to look at again.
- 5) Strategic Plan – Chairperson reported to Committee that the issue of “removing the Discussion Board” from the strategic plan (as recommended by committee in 2015) was discussed at the mid-year board meeting. It was postured that the change was not made as the strategic plan is reviewed every five years. The Board of Directors indicated that the

Strategic Plan Committee should incorporate a process to address proposed changes to strategic plans as they are recommended.

- 6) NPRM – The committee reviewed a Reuter’s newspaper article, which discussed the Obama Administration’s “intent” to issue regulations which would not permit the charging of support to parents who are incarcerated. While not mentioned, it was assumed by committee that this was part of the NPRM proposed regulations. So it is assumed that this is a “sign” that the NPRM will be issued prior to President Obama leaving office. It was noted in the article that there may be some “push back” from Congress on use of the regulatory method to implement these changes.
- 7) Census Bureau Publication D60-256-Poverty in the United States – Jeff Ball provided this article for the committee to review. The article was interesting in that it references a number of things; including the existence and increasing reliance on “part-time” jobs, the fact that women still only earn 79% of what men earn, and other “findings”, which may have a future impact on child support and the process of establishing and enforcing support orders.
- 8) The next meeting is scheduled for November 18, 2016 at 12:15 p.m.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

November 18, 2016

Attendees: Patrick Quinn (Chair); Christine Jennings, Daniel Starrett, Margot Bean, Terri Matson, Jennifer Karle, Loretta Everett, Tommy Howard

Old Business:

- 1) The minutes of the October 21, 2016 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Pat Quinn participated in the first of six OCSE planned webinars on Thursday, November 17th. The first session was very general providing history and nature of the multi-year regulations. There was also a general presentation about which countries are the current signatories, where to obtain information from OCSE, etc. The Hague convention forms are currently undergoing the federal “paperwork reduction” process. OCSE anticipates releasing these forms and revised UIFSA forms in the near future.
- 3) Same sex marriage/couples: Issues/Concerns – There was nothing new to discuss.
- 4) The next meeting is scheduled for December 9, 2016 at 12:15 p.m., ET.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

December 9, 2016

Attendees: Patrick Quinn (Chair); Christine Jennings, Daniel Starrett, Margot Bean, Jennifer Karle, Loretta Everett, Tommy Howard, Barry Master, Cindi Lucas, Jeff Ball, Robbie Endris

Old Business:

- 1) The minutes of the November 18, 2016 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – OCSE very recently made Hague Convention forms available. It was determined that the comment period had expired. The only comments being solicited by OCSE at this time are in regards to the time/paperwork burden. The committee received the OCSE “Dear Colleague letter”, which contains a link to the forms. The Dear Colleague letter was shared with Terry O’Halloran, Chair of the Intergovernmental Improvement Committee to consider if they can utilize in some way to provide “tools” for website users.
 - No other “issues” were identified, but P&L Committee will continue to monitor.
- 3) Same sex marriage/couples: Issues/Concerns – No additional issues/concerns were identified. Committee will continue to monitor.
- 4) Future of IV-D program – The committee engaged in a lively discussion about the future of IV-D program, and most specifically about potential future funding changes (incentives, State block grants, reduction in FFD, etc.). At this point it is highly speculative. The committee will continue to closely monitor the situation and will be prepared to provide information, position, etc. with regard to future funding changes should the need arise.

- 5) Telephone Testimony in UIFSA hearings – Barry submitted a question from the North Carolina IV-D Attorney listserve regarding the UIFSA 2008 authorization of, and encouragement to engage in telephone testimony. Specifically, the question had to do with means of identifying the witness (i.e., insuring that they are “who they say they are”). Some committee members first noted that it isn’t that important of an issue. What does the party have to gain by providing an alternative person to testify in their place? That said, many agreed that identifying characteristics, such as last four numbers of a social security could be used. Others noted that most people would recognize a voice. The conclusion was that this should not be a deterrant to the use of telephonic testimony.
- 6) The next meeting is scheduled for January 20, 2016 at 12:15 p.m., ET.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

January 20, 2017

Attendees: Patrick Quinn (Chair); Daniel Starrett, Jennifer Karle, Loretta Everett, Barry Master, Cindi Lucas, Terry O'Halloran, Terri Matson, Robbie Endis

Old Business:

- 1) The minutes of the December 9, 2016 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Nothing new to report. Committee members encouraged to participate in OCSE “implementation” webinars.
- 3) Same sex marriage/couples: Child support Issues/Concerns – There have been no new developments.
- 4) Future of IV-D in new federal administration – Discussion deferred to next meeting if/when new federal policies emerge.
- 5) Newly Published Federal Regulations (formerly NPRM) – The committee first discussed recently enacted legislation that would permit the abolition of the recently published regulations. The “Midnight Rules Relief Act of 2017” would permit the “disapproval” and voiding of rules and regulations enacted within 60 days of the inauguration of the new President. We will have to wait and see if Congress takes this action with respect to the newly enacted child support regulations.

In the meantime, the committee agreed that we should “analyze” the nearly enacted regulations to determine what “survived” from the original NPRM, what effect the new rules will have, and what “position” (if any) the committee may want to take regarding the new regulations. The committee will then formulate a recommendation to the ERICSA Board following the “analysis”.

The committee agreed to divide up the new regulations for “analysis”. The format will be:

- 1) Old Rule
- 2) Proposed in NPRM
- 3) ERICSA position on NPRM (if any)
- 4) New Rule actually enacted

The attached memorandum to the committee contains the specific “assignments”

- 6) Next meeting: February 17, 2017?

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

February 20, 2017

Attendees: Patrick Quinn (Chair); Jennifer Karle, Loretta Everett, Barry Master, Jeff Ball, Tommy Howard, Robbie Endis

Old Business:

- 1) The minutes of the January 20, 2017 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Nothing new to report.
- 3) Same sex marriage/couples: Child support Issues/Concerns – There have been no new developments.
- 4) Future of IV-D in new federal administration – Discussion deferred to next meeting if/when new federal policies emerge.
- 5) Newly Published Federal Regulations (formerly NPRM) – The committee again discussed recently enacted legislation that would permit the abolition of the recently published regulations. The “Midnight Rules Relief Act of 2017” would permit the “disapproval” and voiding of rules and regulations enacted within 60 days of the inauguration of the new President. We will have to wait and see if Congress takes this action with respect to the newly enacted child support regulations.

The committee spent a large majority of the meeting reviewing the various aspects of the newly published rules in accord with the individual assignments “handed out” following our January meeting.

The format previously agreed to is as follows:

- 1) Old Rule
- 2) Proposed in NPRM

- 3) ERICSA position on NPRM (if any)
- 4) New Rule actually enacted

The following “pages” as assigned in the separate memorandum were discussed at the February meeting:

<u>Pages (of “strike out” version)</u>	<u>Committee member</u>
1. – 4. (includes section 302.33)	Barry Master
8. – 11. (includes section 303.3)	Daniel Starrett
11. – 13. (includes section 303.6)	Jennifer Karle
15. – 17. (includes section 303.11 a. b. c.)	Loretta Everett
23. – 27. (includes all of section 304.20)	Terry O’Halloran
34. – 36. (includes 302.50)	Cindi Lucas
37. – 40. (includes 304.25)	Jeff Ball
41. – 46	Patrick Quinn

These minutes will not include the specific discussion. Rather, a compendium of the “reports” will be compiled following the completion of all reports.

The following “reports” will be discussed at the March committee meeting. Committee members are encouraged to complete their assigned 3 pages and send to Chairman, as soon as possible, in order to permit time for committee review.

<u>Pages (of “strike out” version)</u>	<u>Committee member</u>
5. – 8. (includes section 302.56)	Christine Jennings
13. – 15. (includes section 303.8)	Lara Fors
18. – 20. (includes section 303.11 b.12 – d)	Margot Bean
21. – 23. (includes section 303.100)	Nick Palos
27. – 30. (includes all of section 305.36)	Patrick Quinn
30. – 34. (includes 301.13b)	Tommy Howard

Following the completion of individual reviews, the committee will discuss what recommendations it will make to the ERICSA Board of Directors regarding the new regulations.

6) Next meeting: March 10, 2017, 12:15-1:15 E.T.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

March 10, 2017

Attendees: Patrick Quinn (Chair); Jennifer Karle, Loretta Everett, Jeff Ball, Tommy Howard, Robbie Endis, Christine Jennings, Lara Fors, Terri Matson, and Cyndy Lucas

Old Business:

- 1) The minutes of the February 10, 2017 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Nothing new to report.
- 3) Same sex marriage/couples: Child support Issues/Concerns – There have been no new developments.
- 4) Future of IV-D in new federal administration – Discussion deferred to next meeting if/when new federal policies emerge.
- 5) Newly Published Federal Regulations (formerly NPRM) – The committee again discussed recently enacted legislation that would permit the abolition of the recently published regulations. The “Midnight Rules Relief Act of 2017” would permit the “disapproval” and voiding of rules and regulations enacted within 60 days of the inauguration of the new President. To date there has been no indication that congress will set aside the new IV-D regulations.

The committee spent a large majority of the meeting reviewing the various aspects of the newly published rules in accord with the individual assignments “handed out” following our January meeting.

The format previously agreed to is as follows:

- 1) Old Rule
- 2) Proposed in NPRM

- 3) ERICSA position on NPRM (if any)
- 4) New Rule actually enacted

The following “pages” as assigned in the separate memorandum were discussed at the March meeting:

<u>Pages (of “strike out” version)</u>	<u>Committee member</u>
5. – 8. (includes section 302.56)	Christine Jennings
13. – 15. (includes section 303.8)	Lara Fors

The following “reports” will be discussed at the April committee meeting.

<u>Pages (of “strike out” version)</u>	<u>Committee member</u>
18. – 20. (includes section 303.11 b.12 – d)	Margot Bean
21. – 23. (includes section 303.100)	Nick Palos
27. – 30. (includes all of section 305.36)	Patrick Quinn
30. – 34. (includes 301.13b)	Tommy Howard

Following the completion of individual reviews, the committee will discuss what recommendations it will make to the ERICSA Board of Directors regarding the new regulations.

- 6) Next meeting: April 14, 2017, 12:15-1:15 E.T.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

April 28, 2017

Attendees: Patrick Quinn (Chair); Jennifer Karle, Loretta Everett, Tommy Howard, Robbie Endis, Lara Fors, Barry Master, Margot Bean, Nick Palos, Terry O'Halloran

Old Business:

- 1) The minutes of the March 10, 2017 meeting were approved.
- 2) UIFSA 2008 / Hague Convention status – Nothing new to report.
- 3) Same sex marriage/couples: Child support Issues/Concerns – Nick reported on a New York case involving a woman's attempt to set aside a Paternity Acknowledgment executed in the hospital by two women who were together but not married at the time. The case is at the trial court level. Nick will follow and report.
- 4) Future of IV-D in new federal administration – Nothing new to report, although we may be hearing something soon. A new commissioner has not yet been named.
- 5) Newly Enacted Federal Regulations (formerly NPRM)

The following "reports" were discussed at the April committee meeting:

<u>Pages (of "strike out" version)</u>	<u>Committee member</u>
18.-20. (includes section 303.11 b.12-d)	Margot Bean
21.-23. (includes section 303.100)	Nick Palos
27.-30. (includes all of section 305.36)	Patrick Quinn
30.-34. (includes 301.13b)	Tommy Howard

This completed the individual review and report of the individual "sections" assigned to committee members.

The committee then discussed how to report our findings and recommendations to the board. Chairman, Patrick Quinn will prepare an "outline" report outlining the basic

changes to the resolution and where ERICSA had agreed with the proposal. The outline will also highlight two other areas:

1. Federal changes to the original NPRM and ERICSA's position as to same.
2. Any position taken by ERICSA contrary to the NPRM and the "final" regulatory results.

We will track the general parameters of the published regulation in a format similar to the article prepared by Jim Fleming, for NCSEA for presentation to the Board.

The Policy and Legislation Committee will review this at our May 12, 2017 meeting.

- 6) Next meeting: May 12, 2017, 12:15-1:15 E.T.

Respectfully Submitted,

Patrick W. Quinn, Chair

Eastern Regional Interstate Child Support Association

Policy and Legislation Committee

MINUTES

May 12, 2017

Attendees: Patrick Quinn (Chair); Jennifer Karle, Tommy Howard, Lara Fors, Cyndi Lucas, Margot Bean, Terry O'Halloran, Terri Matson

Old Business:

- 1) The minutes of the April 28, 2017 meeting were approved.
- 2) Future of IV-D in the new federal administration
 - Nothing new to report
 - No word on a new Commissioner
- 3) OCSE Final Rule – Committee Report
 - May 10, 2017 was deadline for congress to overturn the new federal rules; thus, they are final rules and will be applicable.
 - Patrick Quinn had begun to compile and synthesize the individual reports on the sections of the new rule which were prepared by the committee members and discussed by the committee.
 - The P & L Committee approved the proposed format of the “report” which will be provided to the full board. Pat Quinn will complete the report and get it to the P & L Committee for review and approval prior to presentation to the full Board (hopefully before the annual meeting.)
- 4) The Committee discussed what recommendation(s) we may want to make to the Board of Directors regarding the final rules. Those will be:
 - a) The rule is final and will not be set aside by congress, therefore, there is little to be gained by endorsing or opposing.
 - b) ERISCA should collaborate with NCSEA and NCCSD in regard to what efforts they are making relative to the Rule.

- This could include sharing questions/requests for clarification to OCSE.
- c) Per Jim Fleming – “The game-plan for NCSEA is to put together webinars and white papers or board resolutions on the public website about the rule. NCCSD continues to make big strides in finishing its guide with a projected finish at the end of June.” There will be a “public” document and a “private” document.
- 5) Policy and Legislation Committee discussed its rule relative to the Intergovernmental Improvement Committee’s rule.
- The “roles” seemed a little blurred this year due to the nature of the primary subject matter (New Rules).
 - It was ascertained following extensive discussion that the roles as defined in the by-laws remain appropriate. P & L Committee analyzes proposed statutes, rules and policy trends and makes recommendations to the Board regarding “positions” to be taken and advanced by ERISCA. Intergovernmental Improvement Committee provides information and “tools” to members to enhance intergovernmental case processing.

Accordingly, it was decided that this was a “non-issue”.

Respectfully Submitted,

Patrick W. Quinn, Chair