

NCCSD Imputation Committee

September 1, 2015

4:00 PM Eastern

712-775-7031

Access Code 703338

NOTES

1. Roll Call

X\_ Craig Burshem

X\_ Alisha Griffin

X\_ Jeff Jorgenson

X\_ Wally McClure

X\_ Rebecca Perez

X\_ Kate Richardson

X\_ Benidia Rice

A\_ Sharon Santilli

X\_ Steven Smith

X\_ Eileen Stack

X\_ Liesa Stockdale

X\_ Jim Fleming (chair)

1. Meeting Notes for August 12 and 19 were reviewed and approved
2. Michigan’s imputation policy was reviewed. Sentiment of group appeared to be that the policy provisions aimed at reducing the number of cases where income is imputed are consistent with the general rule in most states, although one member noted that going so far as to pursue a subpoena prior to imputation may be a little further than many states would go. One member wondered how often discovery happens.

The group discussed whether there are databases that will be particularly helpful to which IV-D does not have access. We discussed potential employment databases to validate identity and assets of parents, but no specific database was mentioned. It was observed that more companies seem to be paying cash.

1. Develop Structure of State Survey
   1. Procedures for establishing and modifying orders

Group discussed need, and methods for, communicating with customers up-front before establishment, and the third-party sources of information that are used. We want to ask that in the survey. We also want to ask what kind of verification is done up-front for income information. The point of this area of the survey is to learn about the steps to reduce the prevalence of default obligations without participation of one of the parents (excludes agreed orders where the obligation is entered by “default” without hearing under the court rules because the parties have presented a stipulation). The exclusion of “agreed orders” is important in the survey. In general, the group talked about the benefits of a definitions section of some kind so the responders to the survey are clear on what is being asked. The distinction is also different between presumed income (we don’t know) and imputed income (known unemployed or underemployed).

Selective use of scenario-based survey questions would be helpful in common situations, such as inmates and malingerers.

Also want to survey the prevalence of smaller orders for a limited period of time to allow the obligor to find work. How long? In state experiences, is this approach successful in the sense that obligors find work and can pay when the order increases?

Discussion turned to review practices, including early reviews and re-opening orders after they are entered. One state indicated it can set aside a default if the parent was not served; they offer early reviews in certain circumstances, but not merely because income was imputed. Another state noted it can re-open a judgment for mistake of fact – up to 6 months. A third state said they can open a case for late hearing as much as 1 year later and have the resulting obligation be retroactive.

For the scenarios, it will be important to ask “why” so the response can be understood and compared to other states.

Practices vary between serving the parent first (by certified mail etc.) or open the dialog first with a welcome letter by regular mail with a request for a phone call. One state pursues personal service (hand-delivered) in each case; others use all options for personal service permitted under the Federal and uniform rules of civil procedure.

* 1. Imputation of income under state guidelines

This will be discussed more at the next meeting.

1. Next meeting September 15, 2015, at 4:00 Eastern (later cancelled – next meeting will be September 29).