

Comprehensive Legal Vision "CLV"

WORKGROUP UPDATES
FUTURE WORKGROUP PLANS
MFSRC CONFERENCE, OCTOBER 2015

What is the "CLV"?

- Commitment to resolve legal issues across the state so that similarly situated cases are treated similarly
- Who is involved?
 - Executive Committee – DHS and MCAA
 - Workgroups – Staff from DHS CSD, County Attorney Offices, and County Program Offices

What is the CLV?

- **Executive Committee:**
 - Jim Koppel, Assistant Commissioner, DHS
 - Jeff Jorgenson, IV-D Director, DHS
 - Kathleen Heaney, Sherburne County Attorney
 - Mark Ponsolle, Director, Ramsey County Attorney's Office Child Support Services Section (but retired, no longer on the committee)

What is the CLV?

• **Three subcommittees:**

- Court Issues – Melissa Rossow, Ramsey County
- Enforcement Issues – Jeff Jorgenson, DHS CSD
- Guidelines Issues – Julie Harris, Hennepin County

What is the CLV?

• **Possible solutions:**

- Agreement
 - New or Change of policy
 - Reminder
 - Training
- Litigation and Appeal
- Legislation

• **Best Practices Manual**

Court Issues Subcommittee

• **Establishment Subgroup** – Lisa Kontz, Dakota County

- Married but separated (6 sub-issues in this topic)
- Parenting expense adjustment (2 sub-issues in this topic)
- Role Reversal (2 sub-issues in this topic)

• **Modification Subgroup** – Michele Schreifels, Washington County

- Basis for a modification
- Redirection
- Subsequent marriage
- Reconciliation

• **Paternity Subgroup** – Autumn Nelson, Ramsey County

- ROPs (4 sub-issues in this topic)
- Filing Orders with MDH (2 sub-issues in this topic)

Enforcement Issues Subcommittee

- **Generally** - Deceased persons, Garnishment of veterans benefits, Interest (4 sub-issues to this topic), Passport Recreational Licenses (3 sub-issues to this topic)
- **Income Withholding Subgroup** – Bobby Jackson, Hennepin County
 - Reconciliation of parties
 - Emancipation or a TPR
 - IW Variance
 - Eliminate 20% Payback
- **Financial Institution Data Match** – Julie Ellis, Stearns County
 - Exemptions
 - Account Balances
 - Expand use of FIDM
- **Judgments Subgroup** – Jennifer Stanfield, Carver County
 - JOLs
 - Expiration
 - Satisfaction of an obligation

Guidelines Issues Subcommittee

- **No Subgroups:**
 - Credit for prior order (Branch case)
 - Low-income obligors (4 combined sub-issues in this topic)
 - Lump sum payment toward arrears
 - Medical (4 sub-issues in this topic)
 - NCPs on cash PA
 - Relative caretaker calculation
 - State funded MFIP
 - Tribal issues (2 sub-issues in this topic)

What has been accomplished so far?

- **Evaluation**
 - Is it a high, medium, or low priority?
 - Is it easy or difficult?
- **Meetings**
 - Subcommittees
 - Evaluation, work, research, recommendations
 - Executive committee
 - Process, communication, review of recommendations
- **Recommendations**
 - Approval and assignment of work
 - Questions and additional considerations

Approved Recommendations & Status

• Court Issues

- Minor ROPs
 - Court of Appeals decision clarified the law
- Filing Paternity Adjudication Orders with MDH
 - Working on a joint memo to encourage filing
 - Legislative issues list (\$40 fee barrier)
- Parenting Expense Adjustment
 - Working on clarifying DHS policy and a best practice guide
 - Legislative workgroup meeting about PEA and possible Guidelines Commission
- Reconciliation
 - NCP Obligation List (NCOL) was reprogrammed

Approved Recommendations & Status

• Enforcement Issues

- FIDM Notice of Levy – Exemptions and Exclusions
 - Updated exemption notice and claim form
 - Created a "FIDM Checklist"
- IW 120% on Arrears
 - Statutory change in 2015 legislative session
 - Working on policy to clarify in an IW variance case it will take manual intervention to add the additional 20%
- Termination of IW at Emancipation or Termination of Parental Rights
 - Working on policy clarification
- Judgments – SOL on JOL question
 - Working on updating and clarifying entire judgment policy

Approved Recommendations & Status

• Guidelines Issues

- Credit for Prior Order (Branch)
 - Watching for an appropriate case to appeal
 - Legislative issues list
- Low income obligors
 - Potential income statutory changes (30 hours FT and 100% of minimum wage)
 - Legislative workgroup meeting about PEA and possible Guidelines Commission
 - Working on policy clarification and best practices and a training
- RSDI Issues
 - Court of Appeals decision in Gillespie Case clarified the law for some of the issues
- NCP on Cash PA
 - Legislative issues list
 - Working on policy clarification

Next Steps on Issues

- Subcommittees continue to prioritize and work on assignments and answer questions after approval of the Executive Committee
- Updated policy and user documentation will be issued
- Trainings will be offered
- Consideration of the best legislative approach for issues
- Work continues on issues without recommendations

Updating Policies and User Documentation

- These updates will happen, but some will take time
 - If PRISM needs updating – needs to be put into the MN IT priorities
 - With PRISM, updating one screen or one line may require updates to other screens, as the screen may be tied to many other screens
 - If policies need updating – needs to be put into approved language levels and prioritized with other policy updates

Pursuing Legislative Proposals

- Approved legislative proposals will be pursued, but...
 - Legislation takes time and depending on the issue, it may not be the right year or political environment
 - DHS may not be able to carry the bill due to DHS priorities
 - Could MACSSA, MFSRC, or MCAA carry the bill?
 - Remember, even though there were not bills brought by DHS based on CLV recommendations in 2015, the work of the subcommittees got something done through other mechanisms
 - Guidelines Group – imputing income at 30 hours full time
 - Court Group – PEA discussion in Legislative workgroup
 - Enforcement Group – IW 20%

Approved Legislative Proposals

- Court Issues:
 - Parenting Time Adjustment (PEA)
 - Filing Paternity Adjudication Orders with MDH
- Enforcement Issues:
 - None at this time, but some in discussion at the subcommittee level
- Guidelines Issues:
 - Low-Income Obligors
 - Credit for Prior Order
 - NCP on Cash PA or SSI
 - State Funded MFIP and Imputed Income

Pursuing Appeals

- Appeals are often the best of only way to resolve a legal issue
- While appeals take time and resources, they can sometimes have the biggest bang for the buck – an appeal can result in changed law, changed policy, or changed statutes
- Appeals require a risk/benefit assessment
 - What is the risk if the county loses or the appellate court just gets it wrong versus the benefit of just having an answer
 - Yes, bad facts make bad law, but sometimes bad law is something that can be used as a mechanism for legislative fixes or policy change
- Examples of some appellate work this year
 - Minor ROPs – Ramsey County
 - RSDI – Dakota County

Best Practices Guide

- Best Practices Guide is a great idea, but it is a monumental project, but other states have done it



- CLV Best Practices will likely be published somewhere in the mean time
 - SIR?
 - MCAA?
 - MFSRC?

If nothing else, we're talking and sharing

- The CLV subcommittee meetings provide a safe environment for county and state staff to talk about what is really going on out there
 - If policies are not being followed, why not?
 - If PRISM forms are not being used, why not, and what is being used instead?
 - What great ideas and workarounds are counties doing?
 - What resources can be shared?
- Solutions to issues are being resolved on a lower level at these meetings

Time for New Members and New Chairs

- Thank you to the current members of the subcommittees!
- We want current members to stay!
 - But if you need a breather, let your chair know!
- New members can join!
 - Get permission from your supervisor or manager
 - Let Jeff, Missy, and Julie know what subcommittee you are interested in joining
 - Court, Enforcement, or Guidelines
- It is time for new subcommittee chairs!
 - More on that coming

Time for New Issues

- While each of the subcommittees continues to work on the issues that were originally on the list, other issues have come up!
- What issues can you think of today?
- If you think of an issue in the future, please send it to Cyndy Melby at the Ramsey County Attorney's Office: cyndy.melby@co.ramsey.mn.us
 - Be sure to make a suggestion as to which subcommittee you think the issue belongs to, and include your contact information
 - The Executive Committee review these ideas periodically and either send them to the chair of the subcommittee or put them in a parking lot for future work (maybe because of a pending appeal, legislation, or policy)

Questions? Thoughts? Ideas?
