NORTH DAKOTA LEGISLATIVE COUNCIL

Minutes of the

CHILD SUPPORT COMMITTEE

Tuesday, September 30, 1997
Harvest Room, State Capitol
Bismarck, North Dakota

Representative Eliot Glassheim, Chairman, called the meeting to order at 9:10 a.m.

Members present: Representatives Eliot Glassheim, Linda Christenson, William R. Devlin, George Keiser, Amy N. Kliniske, Sally Sandvig, Jim Torgerson; Senators Dwight C. Cook, Joel C. Heitkamp, John T. Traynor

Members absent: Representatives Wesley R. Belter, April Fairfield, Dale L. Henegar; Senator Donna L. Nalewaja

Others present: See Appendix A

It was moved by Representative Keiser, seconded by Senator Heitkamp, and carried on a voice vote that the minutes of the July 23-24, 1997, meeting be approved as mailed.

ENFORCEMENT OF VISITATION AND CHILD SUPPORT ORDERS

Chairman Glassheim called on the Honorable James M. Vukelic, Judge of the District Court, South Central Judicial District, for comments concerning the enforcement of visitation orders and child support orders. Judge Vukelic provided written testimony, a copy of which is attached as Appendix B.

In response to a question from Representative Kliniske, Judge Vukelic said in child support enforcement hearings, changes in an obligor's income generally are not addressed. He said the court that issued the child support order is responsible for addressing these changes.

In response to a question from Representative Glassheim, Judge Vukelic said it makes sense to require an obligor to return to the original court that issued the child support order because that court knows the facts and history of the case and this system is judicially economical. In child support enforcement hearings, he said, it is probable that the obligee is not in the courtroom and the witnesses that would be appropriate to address changes in an obligor's income are not present.

In response to a question from Representative Keiser, Judge Vukelic said although it may seem to be a duplication of court services when a child support enforcement hearing does not address an obligor's change in circumstances, he does not agree that having the original judge hear the child support enforcement hearing would be an appropriate remedy to duplication of services. He said court scheduling generally is based on venue, and with several judges working in the same district and rotating from courthouse to courthouse, assigning one specific judge to a specific child support case raises possible logistical problems.

In response to a question from Senator Heitkamp, Judge Vukelic said he has witnessed situations where it appears an obligor is intentionally changing his or her lifestyle to decrease a child support obligation.

In response to a question from Senator Traynor, Judge Vukelic said he has not suspended professional licenses or recreational licenses. He said few of the obligors he deals with in child support enforcement hearings are professionals, and he generally does not favor revoking an operator's license because that would be counterproductive because it would limit the obligor's ability to drive to work or participate in job-seeking activities. When a custodial parent moves out of state, he said, there is no certain answer to the question of whether the visitation rights of the noncustodial parent can be protected adequately. He said the primary focus is on the best interest of the child.

In response to a question from Representative Glassheim, Judge Vukelic said when a judge evaluates whether a custodial parent will be allowed to move out of state with a child, the judge may consider the relationships between the parties and the child, the stability of the current environment, the stability of the future environment, the custodial parent's job opportunities, and family ties in either of the communities.

In response to a question from Senator Cook, Judge Vukelic said the issue of visitation is seldom addressed in child support enforcement cases because visitation is not closely related to child support. He said one reason there are not many visitation enforcement hearings is because most visitation violations are minor and going to court is not a good use of time and money for a noncustodial

parent. He said it is difficult to prove contempt and the petitioner has the burden of proving contempt.

In response to a question from Representative Devlin, Judge Vukelic said some possible solutions to the problem of high expenses of going to court include supporting mediation programs and increasing funding to legal services such as Legal Aid of North Dakota.

In response to a question from Representative Glassheim, Judge Vukelic said the enforcement system can be improved, but judges currently have the necessary tools for enforcing child support and visitation orders. He said the Joint Task Force on Family Law is a valuable resource the committee should use in improving the current enforcement system.

In response to a question from Senator Heitkamp, Judge Vukelic said it is not a bad idea to require mediation at least once in enforcement cases. He said North Dakota statutes used to require parties to undergo counseling, but under this system waivers were freely available and it was tough to force parties to agree; therefore, mediation is not a quick fix. He said one drawback of mediation is that mediation resources are not available in this state. He said Judge Bowman in Grand Forks is experimenting with mediation in contested custody cases, but it is not mandatory mediation for the parties.

In response to a question from Representative Keiser, Judge Vukelic said when an obligor is brought into court for child support enforcement and the reason for noncompliance is that the obligor's circumstances have changed, a judge generally will not penalize the obligor; however, the amount of child support ordered continues at that amount until the court that set the child support order is requested to modify the child support amount. He said judges should be allowed to change retroactively child support amounts past the filing date, but this discretion should be weighed against the obligor's responsibility to seek timely modification of child support when circumstances change.

In response to a question from Representative Christenson, Judge Vukelic said the issues of child support and visitation can be volatile because they have dramatic impacts on individuals; however, the tools judges have to sanction individuals are powerful and cases that may be atypical should be able to be addressed with the existing enforcement tools judges already have.

Chairman Glassheim called on Mr. Richard James Riha, Burleigh County Assistant State's Attorney, for comments concerning criminal enforcement of child support orders. Mr. Riha said he is the only prosecutor in North Dakota that has been successful in prosecuting for failure to support. He said this case was very taxing from a prosecutorial standpoint and other prosecutors around the state do not look forward to initiating criminal nonsupport cases. He said law enforcement is not adequately trained to investigate criminal nonsupport cases.

In response to a question from Representative Keiser, Mr. Riha said the criminal nonsupport statute is an example of a criminal law that is not used.

In response to a question from Representative Kliniske, Mr. Riha said "cuffs" are not put on obligors without adequate notice.

In response to a question from Representative Glassheim, Mr. Riha said as a prosecutor he is involved in four to six child support enforcement hearings per month, and of those cases, four to five cases are actually issued warrants for nonpayment.

In response to a question from Representative Kliniske, Mr. Riha said the civil court system is effective at preventing obligors from finding loopholes to avoid nonpayment of child support, but the criminal court system is not as effective at preventing obligors from finding loopholes.

Chairman Glassheim called on Ms. Sheila K. Keller, child support enforcement attorney, Burleigh County Child Support Services, for comments concerning enforcement of child support orders. Ms. Keller said a variety of new child support enforcement tools were created by 1997 legislative action, and because these tools are new she has had little experience using them. She said generally there are two types of enforcement methods--those methods that are judicial in nature and those methods that are administrative in nature.

Ms. Keller said child support enforcement trials that are judicial in nature include income withholding; work activity provisions; suspension, restriction, and withholding of licenses; liens against property; orders to show cause; and civil contempt. She said in civil contempt cases the courts look at the circumstances and the obligor has the choice of meeting certain requirements to stay out of jail.

Ms. Keller said administrative tools for child support enforcement include tax refund intercepts; reporting child support payment history to credit services; interagency communication; new hire information; and the case registry system. She said all of the child support enforcement tools have merit and the more tools the attorneys have the better the attorneys will be able to enforce child support obligations. She said she is unsure of whether other child support enforcement tools are needed.

In response to a question from Representative Glassheim, Ms. Keller said child support enforcement agencies do not set child support amounts but enforce child support amounts that are ordered. She said the child support enforcement caseload is increasing monthly.

In response to a question from Senator Traynor, Ms. Keller said the centralization of child support services is in a state of flux and therefore she is unsure how the centralized system will address liens on property.

In response to a question from Representative Glassheim, Ms. Keller said the Internal Revenue Service thresholds for tax intercepts are $150 of arrears for aid to families with dependent children cases and $500 of arrears for non-aid to families with dependent children cases.

In response to a question from Representative Glassheim, Ms. Keller said in child support enforcement contempt proceedings, when determining whether an obligor has imputed income, the court considers the reason why the obligor is not working or is underemployed. She said she is not sure how often the courts impute income, but she does know that it is occurring. She said she is unaware how often contempt is based on the fact that an obligor is refusing to seek employment, but she does know this is occurring as well.

In response to a question from Representative Keiser, Ms. Keller said the obligor model of child support guidelines typically does not impute income from a custodial parent; however, in split custody situations, the income of both parents may be considered and income may be imputed for both parents. She said the guidelines are being evaluated to determine whether it is fair to allow a custodial parent to choose whether to work and force the noncustodial parent to work. She said on the surface it does not seem fair, but whether a custodial parent works does not necessarily affect a noncustodial parent's support obligation.

In response to a question from Representative Christenson, Ms. Keller said the safeguards built into the system to prevent maltreatment of noncustodial parents include the discretion given the judge and this is a check and balance with the child support enforcement agency. She said she recognizes there is a problem with increasing caseloads and even with additional resources, it is still a human system and human errors are bound to happen. She said with the uniform laws and guidelines inequities do occur; however, this system is more equal now because of mandatory guidelines.

In response to a question from Senator Heitkamp, Ms. Keller said mediation is not practiced in the area of child support because there is very little "wiggle room" in the child support guidelines. She said the one area where there may be discretion is with the child support deviations.

Chairman Glassheim called on Ms. Sandi Tabor, member of the Joint Family Task Force on Family Law. Ms. Tabor said the task force is readily available for the committee to use as a resource. She said there are mediation pilot programs that will be initiated to assist with the problem of access to the courts.

Chairman Glassheim called on Ms. Maureen Holman, member of the Joint Task Force on Family Law and private practitioner in North Dakota and Minnesota, for comments concerning enforcement of child support orders and visitation.

Ms. Holman said 100 percent of her law practice is divorce law. She said the nature of divorce is that parties lose 50 percent and therefore parties typically feel like they have lost in the divorce trial. She said things that can smooth the divorce process include scheduling orders and parenting education. She said Cass County requires parenting education for divorce and her experience has been that this helps with both custody and visitation determinations. Although mediation is a tool that may assist with custody and visitation determinations, she said, it is not a cure-all. She said the threat of the court system is often a successful tool that results in cases settling before going to court. She said visitation enforcement issues that actually make it to court are more major than "he was five minutes late in returning our child," although she recommends that her clients keep records of patterns of small offenses.

Ms. Holman said some of the differences in Minnesota law include no withholding of child support, an expedited visitation statute, administrative judges for child support enforcement, and encouragement of pro se representation.

Ms. Holman said the presence of child support enforcement agencies has decreased dramatically the use of private attorneys in divorce law.

In response to a question from Representative Keiser, Ms. Holman said the Joint Task Force on Family Law has not specifically addressed visitation issues; however, looking at requiring parent education may be helpful in situations where parents are manipulative through their children.

In response to a question from Representative Glassheim, Ms. Holman said on the whole the enforcement system is equitable. She said most people work out enforcement issues on their own with the exception of the time period immediately following divorce. Regardless of the improvements the committee may make in the divorce system, she said, some people will work out their domestic issues.

In response to a question from Senator Traynor, Ms. Holman said the lack of qualified mediators is in part a result of mediators not having the appropriate skills and the unavailability of training for mediators. She said mediators without legal backgrounds may not be qualified to deal with situations involving complex legal issues and mediation training requires a significant time commitment. Because Minnesota is using more mediators, she said, it is likely that the

availability of trained and qualified mediators will increase in eastern North Dakota.

In response to a question from Senator Traynor, Ms. Holman said traditional referees are one level below district court judges and one of their purposes is to be more easily accessible than district court judges. She said child support enforcement services should be free to the public or available at a nominal initial fee.

Representative Torgerson asked for clarification regarding what judicial referees do in rural areas. Mr. Jim Ganje, Supreme Court staff attorney, said judicial referees are available to some degree in rural areas, and there are a total of approximately seven to eight judicial referees within the state. He said these judicial referees are paid through the judiciary budget and appointed by presiding judges. Mr. Ganje said the issue of judicial referees is closely related to the issue of court unification.

Chairman Glassheim called on Ms. Susan Beehler, R-KIDS, for comments regarding specific solutions and recommendations relating to the enforcement of child support orders and visitation orders. Ms. Beehler said she has personal experience in a variety of situations that have negatively impacted her as a custodial parent; however, her reason for appearing before the committee is to address the problems her husband has had with his child support obligations.

Ms. Beehler said the child support guidelines need to include a modification system to use in emergency cases so that expedited or temporary orders can be made at an administrative level. She said visitation is affected by a child support amount because children are unable to visit a noncustodial parent if the noncustodial parent cannot afford to have the kids visit; therefore, it is important that reasonable child support amounts are ordered.

Ms. Beehler said when modifications occur and result in dramatic child support increases, obligors typically cannot afford to deal with these issues in court. She said the committee should adopt guidelines based on a strict percentage such as Wisconsin has, and this percentage should be based on the expenses of raising a child in North Dakota. She said the child support amount should be based on an income shares model.

Ms. Beehler said the current multifamily calculation is complicated and difficult to understand and obligors often pay too much in multifamily situations.

In response to a question from Senator Traynor, Ms. Beehler said court proceedings impact children because when the court system punishes parents it results in negatively impacting the children.

Chairman Glassheim called on Ms. Lyn Aus Roy to comment regarding personal experiences she has had as a custodial parent. Ms. Aus Roy said she fears that the enforcement of arrears her ex-husband owes as child support will be detrimental to the psychological health of her family because if the arrears are enforced her ex-husband may go after visitation enforcement solely to be manipulative.

Committee Discussion and Directives

Representative Keiser requested the Legislative Council staff to provide the committee with information relating to the extent to which the new child support enforcement tools are being used.

Representative Glassheim requested the Legislative Council staff to arrange to have a person address the committee with information relating to how well mandatory mediation is working in Minnesota.

Representative Glassheim asked the committee whether it would be helpful to distribute a survey among the committee members to establish the scope and direction of the committee's study. Representative Kliniske supported this idea.

Equity and Fairness of Child Custody and Visitation Orders

Chairman Glassheim called on committee counsel for comments relating to the enforcement of visitation and child support orders and equity and fairness of child custody and visitation orders. Committee counsel provided written material of portions of law from Alaska, Oregon, South Dakota, Utah, Washington, and Wisconsin; tables from the treatise *Child Support Guidelines: Interpretation and Application*; and a state-by-state summary of child support guidelines from the treatise *Child Support Guidelines: Interpretation and Application*. This material is on file in the Legislative Council office. She also addressed enforcement of visitation and described a variety of state statutes, including Utah Statutes Section 30-3-05, which provides that police officers may enforce court-ordered visitation orders, and Section 30-3-38, which creates an expedited visitation pilot project. She also described examples of state laws relating to enforcement of child support orders, including Alaska's statutes that criminalize nonsupport and also criminalize interference with support, states that allow "most wanted" posters of the state's worst child support obligor violators, and states that address a variety of administrative remedies for child support enforcement such as liens, license revocation or suspension, attorney's fees and costs, income tax interception, income withholding, and arrearages.

Committee counsel reviewed the handout of tables that includes Table 1-2, State-by-State Method of Implementation of Guidelines; Table 1-3, State-by-State Model of Implementation of Guidelines; Table 2-1, State-by-State Treatment of Gross Versus Net Income for Child Support Calculation; Table 3,

Child Support Guidelines; Table 2, Custody Criteria; Table 3-4, State-by-State Treatment of Shared Custody; Table 4-5, State-by-State Treatment of Use of Catchall (Discretionary) Deviation Factor; Table 4-7, State-by-State Treatment of the High-Income Parent; and Table 5-1, State-by-State Treatment of Standard of Variance Necessary for Modification. She pointed out Utah Statutes Section 78-45-7.9 addresses joint custody and said research indicates a trend that states affirmatively address that visitation is not related to child support and Oregon and Wisconsin are examples of this trend. She said Utah visitation law provides for advisory guidelines for visitation orders in Section 30-3-33 and provides minimum visitation schedules in Sections 30-3-35 and 30-3-35.5.

In response to a question from Senator Traynor, committee counsel said the high concentration of members of the Latter-day Saints could have an impact on Utah's legislation; however, Utah initiates progressive legislation in a variety of areas. Representative Keiser said there are typically large families in Utah, with an average of five children, and Utah is also on the cutting edge of education finance law.

Chairman Glassheim called on Ms. Holman for comments concerning joint custody and the fairness and equity of child custody orders and visitation orders. Ms. Holman said it is important for the committee to understand the difference between physical joint custody, which addresses the physical residence of the child, and legal joint custody, which addresses decisionmaking relating to a child. She said the pendulum is swinging from stressing joint physical custody to supporting heavy visitation with a primary custodian and a noncustodial custodian. She said the committee should distinguish between fairness to parents versus the best interest of children and fairness to the child.

Ms. Holman said in approximately three to five percent of cases the court decides visitation and in approximately 95 percent of the cases visitation is stipulated to or noncontested.

Ms. Holman said in North Dakota there is no definition of legal custody. She said 24 states define legal custody by statute and five states define legal custody by case law. She said in the recent case *Dixon v. Dixon,* the North Dakota Supreme Court stated there is no definition of joint legal custody in North Dakota and it does not exist unless specifically defined by the trial court. She said the Joint Task Force on Family Law would be willing to assist the committee in finding a variety of possible definitions of joint legal custody to adopt this in statute.

Ms. Holman said the amount of litigation relating to child support is less now than it was before the guidelines were adopted, and the child support guidelines have decreased the acrimony between the parties.

In response to a question from Representative Keiser, Ms. Holman said there seems to be a "standard visitation schedule" that most courts utilize and therefore judges are generally not all over the place when it comes to visitation orders.

In response to a question from Senator Traynor, Ms. Holman said the percentage of ongoing problems that require lawyers after divorce is not that large. She said that although switching a child between parents can be disruptive, the more involved parents are with their children the better off the children are and this may override the disruption issues. Ms. Tabor said postjudgment limitations help to decrease ongoing litigation in North Dakota.

In response to a question from Representative Glassheim, Ms. Holman said in situations where parents have 50-50 joint legal custody, typically decisions are made between the parties via discussion and reaching mutual agreements, and it is when this fails that the court is utilized as a last resort. Ms. Tabor said the Joint Task Force on Family Law is looking at issues related to joint legal custody such as access to medical records, and she will share this information with the committee as it becomes available.

Chairman Glassheim called on Mr. Daniel Biesheuvel, President, R-KIDS, for comments regarding specific solutions and recommendations relating to the equity and fairness of child custody orders and visitation orders. Mr. Biesheuvel provided written testimony and literature relating to child support guidelines. A copy of the information is on file in the Legislative Council office and a copy of his testimony is attached as Appendix C. He said the minutes of the July 23-24, 1997, meeting should reflect that he referred to "latent alimony" rather than "late alimony."

In response to a question from Representative Glassheim, Mr. Biesheuvel said the 17 percent income figure used in his written testimony is based on Wisconsin law.

Equity and Fairness of the Child Support Guidelines

Chairman Glassheim called on committee counsel to present information relating to child support guideline approaches used in other states. Committee counsel said she is not aware of any states that have a blanket requirement that custodial parents account for how they spend child support; however, in Oregon and Utah, the judge has discretion to request an accounting in individual cases. She said the arguments against accounting include that an accounting undermines the theory of guidelines by setting a child

support guideline and then requiring a custodial parent to prove expenses meet the guideline, and there is a fiscal impact via accountings. Under North Dakota law, she said, judges may have the discretion to request accountings even though there is not an express provision giving that authority.

Committee counsel reviewed various states' laws. She said Oregon provides that judges may establish trusts for children funded by a portion of child support payments. She said South Dakota has a rebuttable presumption that an obligor earns minimum wage for 40 hours a week. She said South Dakota also has a statutory provision that allows judges to phase in large modifications in the amount of child support ordered. She said Wisconsin provides interest may be accumulated against past-owed support, and some states allow interest but do not utilize the provision.

Committee counsel said some states allow courts discretion in determining how the income from a second job of an obligor is treated. She said the states allow the judge to exclude this income from the second job in determining the child support amount, depending on the circumstances.

Committee counsel said South Dakota incorporates the federal Internal Revenue Service's income determination for self-employment. She said one drawback of using income determinations under the tax code is that individuals crunch numbers for taxes in order to minimize the amount of income and this may not be in a child's best interest.

Committee counsel said that on the topic of extended visitation, South Dakota provides for abatement based on the amount of extended visitation, and Utah also addresses extended visitation.

Committee counsel said for income tax purposes the amount of child support received by an obligee is not considered for taxes and the amount of child support paid by an obligor is not considered under any special provisions for income tax purposes. She said the deduction for children goes to the custodial parent, and judges may order that this deduction be waived and provided to the noncustodial parent, or parties may agree independently how to treat dependent deductions. She provided a handout that includes a copy of the waiver for deductions and a federal publication that addresses divorce and separation, copies of which are on file in the Legislative Council office.

Committee counsel said some of the techniques used by states that have implemented an income shares model include assessing attorney's fees and costs to a party that frustrates the system; providing for court-ordered mediation for child support (Florida); simplifying the formula and the factors considered in setting child support; using gross income or adjusted gross income instead of net income (Wisconsin and Kentucky); treating subsequent born children in a simplified way; and increasing the amount of variation required before modification is allowed.

Committee counsel said Montana has adopted the Melson Delaware model and as a result of the transition to this model has incurred a significant fiscal impact.

In response to a question from Representative Keiser, committee counsel said if a North Dakota judge required an accounting, there is a good chance the ruling would be appealed. She said possible issues for appeal include due process challenges and jurisdictional challenges. She said a statute that authorized a judge to require an accounting may reduce the likelihood of success of a challenge because that would give the judge express jurisdiction.

In response to a question from Senator Heitkamp, committee counsel said according to a child support representative from Montana, the change to the Melson Delaware model was intended to increase the fairness and equitableness of the child support guidelines and was intended to increase the amount of child support orders to keep up with neighboring states such as North Dakota.

A representative from R-KIDS distributed copies of a letter written by Philip and Sharon Papineau, which are on file in the Legislative Council office.

Chairman Glassheim called on Mr. Blaine Nordwall, Legal Services, Department of Human Services, for comments regarding the history of the North Dakota child support guidelines and why the obligor model was adopted. Mr. Nordwall provided written testimony, a copy of which is attached as Appendix D.

In response to a question from Representative Glassheim, Mr. Nordwall said the only time the income of a spouse of an obligor may be considered is when there are multiple family calculations and there are other children for which an obligor is responsible. He said multiple family calculations require the averaging of two calculations, and the formula used is good because it does not require a significant amount of additional information.

In response to a question from Representative Glassheim, Mr. Nordwall said there is little inequity in a situation where an obligor earns $10,000 and is paying support to an obligee who earns $40,000, because obligees typically do not earn enough income to exceed a child's basic needs. He said this situation was studied in 1993 and there was a proposed change that the Legislative Assembly rejected.

In response to a question from Senator Heitkamp, Mr. Nordwall said in the situation where an obligor is earning $10,000 and an obligee is earning $40,000, there is very little difference in the amount of child

support ordered under the obligor model and the income shares model.

In response to a question from Representative Devlin, Mr. Nordwall said in response to criticism of Dr. Espenshade's work, some expenses are higher in North Dakota and some expenses are lower in North Dakota than in larger communities such as Minneapolis/St. Paul.

In response to a question from Representative Keiser, Mr. Nordwall said under the North Dakota obligor system, it is easy to deal with child support orders from other states because under the obligor model it is only necessary to look at the parent present in the state. He said the amount that North Dakota would order for an out-of-state child support order would be consistent with other North Dakotans but possibly more or less than the amount ordered in the original state.

In response to a question from Representative Sandvig, Mr. Nordwall said the initial determination that the income shares model would not work in North Dakota was made in response to a variety of individuals from the Department of Human Services, public comment, a drafting group, the judiciary, and the private bar. He said he would attempt to get a list of the individuals who were involved in the decisionmaking process.

In response to a question from Senator Traynor, Mr. Nordwall said he is not aware of any uniform laws for child support guidelines.

Representative Glassheim called on Mr. William Strate, Director, Child Support Enforcement, Department of Human Services, for comments regarding equity and fairness of the child support guidelines. Mr. Strate provided written testimony, a copy of which is attached as Appendix E.

In response to a question from Representative Keiser, Mr. Strate said he did not have any hypothetical example that illustrates what other states do when a custodial parent earns more than the noncustodial parent; however, he said he would attempt to get some data on this.

In response to a question from Senator Cook, Mr. Strate said Oregon, Utah, and South Dakota are all income share states but their child support amounts ordered in the examples differ for a variety of reasons, including the different factors considered under the formulas.

In response to a question from Representative Keiser, Mr. Strate said in the 1997 hypothetical data it is expected that North Dakota will be the same and other states may differ; for example, Minnesota has built in a three percent cost-of-living adjustment every year. He said the child support region that includes North Dakota is currently seeking a grant to fund an indepth study of the amount of money required to raise a child.

In response to a question from Senator Cook, Mr. Strate said individuals have informed him that in calculating multiple families, the birth of a new child can result in increased child support for the existing child. He said he is not aware of how the calculation can be manipulated to result in this and he has never been able to obtain this result.

In response to a question from Representative Keiser, Mr. Strate said the committee could have access to individual child support case files if a release is signed by the individual; however, the information the committee would be interested in is most likely held at the regional office and not at the state office.

In response to a question from Representative Glassheim, Mr. Strate estimated there are approximately 37,000 IV-D cases in the state and approximately 37 non-IV-D cases in the state. He said most of the collection enforcement is done outside the courtroom. He said mediation takes place every day between attorneys. He said 55 percent of IV-D child support money owed gets paid in North Dakota, and this is above the national average in collection.

In response to a question from Representative Sandvig, Mr. Nordwall said the minutes of past meetings that address the child support guidelines will not address the decisionmaking related to which child support model to adopt. He said in order to get insight on the decisionmaking the committee would need to request testimony from the individuals that made the decision.

Chairman Glassheim said the tentative dates for the next meeting will be November 17-18, 1997, in Fargo.

It was moved by Representative Christenson, seconded by Representative Devlin, and carried on a voice vote that the committee adjourn. Chairman Glassheim adjourned the meeting at 4:25 p.m.

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Jennifer S. N. Clark
Committee Counsel

ATTACH:5