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New Mexico CSED Guideline
Commission Meeting #2

Moderated by Betina McCracken
Tuesday, September 13, 2022
10:01 a.m.

Remote Proceeding
Santa Fe, NM 87501

Reported by: Brett Torrence
JOB NO.: 5425388

A P P E A R A N C E S

List of Attendees:

Betina McCracken, Acting Director of CSED

Jill Goodmacher

Kari Armijo, Deputy Secretary

Wanda Martinez

Antoinette Sedillo Lopez, Senator

Gina DeBlassie, Governor's Office

Teague Gonzalez, Center on Law and Poverty

Johnny Wilson, Fathers New Mexico

Shannon Broderick Bulman, Judge

James T. Martin, Judge

Stephen Klump, Hearing Officer

Dr. Jane Venohr, Economist

Blas Villaneuva

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P R O C E E D I N G S

MS. MCCRACKEN: Also, we did some tests from the last time, and it doesn't appear that the GoTo Meeting we have available to us is -- allows us to raise hands. However, what you can do is, in the chat, you can type a message to everyone and either say you have a question, "I have a question," and then we'll monitor that, and we'll pay attention to it, or you can type your question directly in there.

We're going to go ahead and mute everyone. And then when you want to speak, you can unmute yourself, so that way we don't have, you know, noise that's going on at the same time. So Jill or John, can you mute everyone, and then I'll have to unmute myself real quick.

Jill, are you able to do that?

MS. GOODMACHER: Everybody is muted, Betina.

MS. MCCRACKEN: You did it. Great, thank you. Okay. So everyone should have received the power point presentation that we're going to go over today. I'm going to start. We're going to get moving. Okay?

We always start our meetings at the Human Services Department acknowledging that we're on

1 the unceded ancestral lands of the original peoples of
2 Apache, Dine, and Pueblo, past, present, and future,
3 and with gratitude, we pay our respects to the land,
4 the people, and the communities that contribute to
5 what today is known as the State of New Mexico.

6 Our mission at the Human Services
7 Department is we transform lives. Working with our
8 partners, we design and deliver innovative
9 high-quality health and human services that improve
10 the security and promote independence for New Mexicans
11 and their communities.

12 And we are focusing on four goals at
13 the Human Services Department. We help New Mexicans,
14 we communicate effectively, we make access easier, and
15 we support each other.

16 The meeting agenda, if we can approve
17 this meeting agenda, that would be great. We have the
18 Welcome. Welcome, everyone. Roll call, I'll go over
19 it, and then we'll go to the approving of the agenda.

20 So roll call, we have Kari Armijo, you
21 are with us. Is that correct?

22 MS. ARMIJO: Present. Thank you.

23 MS. MCCRACKEN: Great. I am here.
24 Thank you, everyone. Betina. I am the acting
25 director at Child Support.

1 Wanda Martinez, I know she was running
2 late.

3 MS. MARTINEZ: Hi, I'm here. I'm here.
4 Thank you.

5 MS. MCCRACKEN: Thank you, Wanda.
6 Senator Antoinette Sedillo Lopez, we heard from her
7 earlier, so I know she's with us. Are you still with
8 us? We muted her mic at the same time, so she's
9 driving, that might be difficult.

10 Gina DeBlassie from the governor's
11 office. Gina, are you with us? I see you. Can you
12 hear us? Okay. Great. Thank you.

13 Teague Gonzalez with the Center on Law
14 and Poverty, are you with us? I don't see Teague, so
15 we'll pay attention closely and see if she joins us.
16 Okay? John and Jill, if we can pay attention to that.

17 Johnny Wilson, I think I saw you join
18 in. Are you with us, Johnny? I could have sworn I
19 saw him join earlier. Maybe he dropped. Okay. We'll
20 pay attention that as well.

21 Judge Shannon Broderick, are you with
22 us?

23 MS. BULMAN: Yes, Shannon Bulman. I am
24 present. Thank you. Good morning, everybody.

25 MS. MCCRACKEN: Thank you very much.

1 Judge Martin, I know you're with us.
2 Right?

3 MR. MARTIN: Good morning. I am
4 present.

5 MS. MCCRACKEN: Good morning. Judge
6 Kallunki? Not yet. Okay. Let's pay attention to
7 that in case we get him to join in.

8 And Hearing Officer Klump? Stephen,
9 you're with us?

10 MR. KLUMP: Good morning, all.

11 MS. MCCRACKEN: Good morning. Thank
12 you.

13 Okay. Today's agenda. We had some
14 action items from the last meeting and we have some
15 answers to go over. CSED modernization efforts,
16 enforcement action results, child support payment
17 sources, where we're getting our payments, actual
18 hours worked, national and local data, \$5 medical
19 support, impact of incorporating the self-support
20 reserve.

21 We'll have public input, then we have
22 some decision items and next steps to go over as a
23 commission, and then Deputy Secretary Kari Armijo is
24 going to go over some agency legislative ideas under
25 discussion.

1 So if we're good with this agenda, if I
2 can have a motion to approve the agenda, we can move
3 on.

4 MS. MARTINEZ: I move to approve.

5 MS. MCCRACKEN: Thank you. Anyone
6 second?

7 MR. MARTIN: James Martin, I'll second.

8 MS. MCCRACKEN: Thank you very much.
9 Anyone opposed? Great. And I see that Teague
10 Gonzalez has joined us. Thank you, Teague, for
11 joining us.

12 MS. GONZALEZ: Thank you.

13 MS. MCCRACKEN: All right. So here's
14 our action items that we are going to report out
15 today. Child support modernization efforts. We have
16 been doing a lot of work in the Human Services
17 Department to modernize the child support program.
18 Senate Bill 21 -- sorry.

19 Legislative Session 2021, we passed
20 Senate Bill 140, which implemented child support
21 guideline changes that reflect actual income, ability
22 to pay, and reduced what we call the look-back period
23 to three years, which is the -- I'm going to forget
24 what the actual term is now -- retro arrears from
25 twelve years to three years. This is something that

1 the department had been trying to do for years,
2 actually, and we were very pleased to do that in 2021.

3 It took effect in July of 2021, so
4 we're just over a year of we have these child support
5 orders that are based on actual income, ability to
6 pay, and we're not looking back beyond three years for
7 retro arrears.

8 Early data is showing promise, with 73
9 percent of new orders making monthly obligations. And
10 this is actually from Dr. Venohr's report. And in
11 Exhibit 10 here, you can see that the data from July
12 to December, it's early data, and it's a small sample,
13 but you can see that 73 percent of newly established
14 orders with payments are being made, so that's current
15 support. And that's an increase from 67 percent for
16 calendar year 2020 data that is in the report, and an
17 increase from 62 percent back in 2017. So I'm really
18 -- we are very pleased with the early results here.

19 Continuing our child support
20 modernization efforts, this is huge one that we've
21 been working on, and it's supporting, training, and
22 employing parents up. It's our STEPUp! program. It's
23 a partnership with the Department of Workforce
24 Solutions for job development and job opportunities
25 for our non-custodial parents who are unemployed or

1 underemployed.

2 We also offer up this referral to the
3 Department of Workforce Solutions for custodial
4 parents who are not on TANF, because TANF refers those
5 parents to Department of Workforce Solutions through
6 the TANF program.

7 The pilot began in 2019 and went
8 statewide in 2020, just in time for the pandemic. So
9 it was -- it's been a struggle, there is no doubt
10 about that. But what we are -- we're seeing some
11 promise here. About 48 percent of all of those
12 referrals that complete their interviews have job
13 placements during state fiscal year '22.

14 We are doing things to try to improve
15 this program even more. We have an initiative to
16 automate our referrals in state fiscal year 2023.
17 We're working on that, so it refers from our system,
18 the Child Support Enforcement System, to the
19 Department of Workforce Solutions. Right now it's a
20 manual process, and it's pretty time consuming.

21 The STEPUp! program is the focus of our
22 public service announcements that we launched in
23 September. They are on TV and radio in English and
24 Spanish, and on radio in Dine. And there's a link
25 right here if so -- the power point presentation that

1 you have, you can link there, and you can -- this is a
2 link to the English version. But we are really trying
3 to get the word out about this program.

4 And I see that Johnny joined, so thank
5 you for joining us, Johnny.

6 We're trying to get the word out about
7 this program so that we can increase these referrals,
8 so that we overall increase the placements for jobs.
9 So STEPUP! program is a really key modernization
10 initiative at the child support program.

11 Other modernization efforts, we now
12 have online and by phone payment options for
13 non-custodial parents. Pilot began in June of 2020
14 and went statewide in November 2020. Actually -- yes,
15 November 2020. I have October data, but that was
16 still pilot. We're exploring options to cover fees
17 for debit and credit payments, because that might be a
18 hindrance for some non-custodial parents in making
19 payments through online or by phone.

20 On the right side here, this is our
21 online payment count. You can see in October of
22 '20 -- June -- sorry. October of 2020, we had about
23 69 payments that were being made. August of 2022 here
24 was our highest number of payments made through online
25 or by phone, and that was 2,260.

1 We e-file -- we started e-filing with
2 the courts, and we phased that in. All offices are
3 e-filing with the courts as of January of 2021. This
4 is a much more efficient way to get our orders and
5 communication through the courts. So we're thrilled
6 about that. And the administrative office of the
7 courts was a great partner in helping us get that
8 implemented.

9 We implemented performance measured
10 data driven processes statewide in February of 2022.
11 What this means is that all of our modernization
12 efforts that we've been focusing on, we changed the
13 way that our child support legal assistance and the
14 field offices are working. We're working with the
15 data that we have to improve our performance. We used
16 organizational change management to get that done, and
17 we're evaluating this on -- semi-annually to see if
18 changes need to made further.

19 We moved our Child Support Enforcement
20 System to an online version from the mainframe.
21 That's not a really sexy thing to do, but it was
22 extremely important, and it will allow us to make more
23 modernization efforts in our CSES replacement
24 modernization, which is our next step in modernizing
25 the system itself.

1 We have electronic document management
2 in progress. We have two offices of our fourteen
3 offices that are on EDM, electronic document
4 management. And we're going to roll that out to all
5 of our offices by the end of the calendar year. So we
6 are getting rid of our actual files.

7 We are updating the child support
8 unified portal, so for both our customers and for our
9 employers, and we're hoping that will be a much more
10 customer friendly way of communicating with us,
11 uploading documents, really just making it easier for
12 our customers and our employers, who are so important
13 to us in communicating with us.

14 And the big next change is funding we
15 received in the last legislative session to implement
16 Families First Distribution Rule changes. So we're
17 moving from perora [ph] distribution to DRA
18 distribution, and that will be effective January 2023,
19 just in time for tax season. But on the right, this
20 is an idea of how much, when our -- how much money
21 comes in.

22 As an average New Mexico child on child
23 support, how much can I expect to receive each month?
24 So this is all dependents and all money that comes in.
25 You can see these spikes that happen periodically.

1 This was during stimulus money that was coming in in
2 2020, and we saw a lot of unemployment benefits that
3 were coming in in 2021. So despite spikes, we're
4 hoping that this is going to be more consistent. And
5 with this change, the Families First Distribution
6 Rules, more of this money will go to families and not
7 be collected for TANF recoveries.

8 We are focusing on establishment and
9 modifications. And you can see on the chart here,
10 before the pandemic, and before we really implemented
11 a lot of our modernization efforts, we had a lot of
12 enforcement actions that were happening. Those --
13 that's the red portion of the graph.

14 And we had establishment cases and
15 modifications. What we're really -- now, definitely,
16 we decreased our court cases or court filings during
17 the pandemic, but what's nice is that we're still not
18 seeing as many enforcement actions and we're focusing
19 on modifications and establishing orders, and
20 establishing right size court orders so that people
21 can make those payments.

22 You all wanted to know about
23 enforcement actions and success. There was a study
24 that we did in 2017, and this chart, on the right,
25 shows the success of the Bench Warrant program. So

1 orders to show cause may result in bench warrants, and
2 that is our ultimate enforcement action.

3 And when a bench warrant is issued,
4 they may result in payments, but usually one-time
5 payments. That's either someone who wants to quash
6 the bench warrant and they come and they pay it, or
7 they get arrested, and they pay it. They get
8 arrested, they may not get -- they may not have to pay
9 to get out of jail. It depends on what the situation
10 is.

11 But the -- what we can see here is that
12 that first month is a payment, usually the bench
13 warrant that they pay. And that bench warrant goes
14 directly to the child support payment, not to --

15 I got muted. Sorry. So you can see
16 the graph. It just decreases. They may make some
17 payments the second month. It continues to decrease,
18 and for that year, there are no more payments that are
19 coming in for bench warrants.

20 Our goal here is to get payments in
21 through wage withholding. And state fiscal year 2022,
22 we collected \$130.3 million, and 60 percent of those
23 payments came in through wage withholding, 17 percent
24 through regular NCP payments. Tax intercepts are at
25 12 percent, and here, look at 3 percent for

1 unemployment compensation.

2 Earlier, I mentioned that that was a
3 spike in 2021, and you'll see that in the next chart.
4 Right here, you can see on our HSD website, anytime
5 there's a link here to the scorecard measures, and
6 you'll see where the payments are coming in. So, for
7 example, in May of this year, a lot of our payments
8 came in. You see that spike, and that is IRS tax
9 intercepts. So, again, our goal is wage withholdings
10 and getting people, you know, jobs so that they can
11 make those payments.

12 In 2021, unemployment compensations was
13 at 10 percent. And any given month it's between 1 and
14 3 percent max, so we can see that people were
15 unemployed. And only 55 percent of our payments came
16 in through wage withholdings. So, again, our goal is
17 getting people jobs and, hopefully, they can make
18 those payments.

19 Actual hours worked. You all asked us
20 to go back and see what we might be able to find for
21 New Mexico, more detailed average hours.

22 Unfortunately, the Department of Workforce Solutions
23 does not break it down any further. So this is what
24 we have. National data, average is 34.6 hours, 30.1
25 hours per week in retail and 25.9 in leisure and

1 hospitality. And for New Mexico, it's 34.1 hours per
2 week for private non-farm payrolls.

3 And the history of \$5 medical support.
4 \$5 medical support came up in the last -- and I'm
5 really glad you guys brought that up. 2009, New
6 Mexico Senate Bill 57, we amended the Mandatory
7 Medical Support Act to allow for cash medical support
8 when health insurance is not available. At that time,
9 federal regulations required cash medical support to
10 be ordered when private health insurance is not
11 provided for minor children.

12 But in 2016, the Federal Office of
13 Child Support Enforcement Flexibility, Efficiency, and
14 Modernization Act, the FEM Rule, and there's a link to
15 it right there, redefined health care coverage to
16 include private health insurance and public health
17 care coverage, and no longer required to seek cash
18 medical support for those children who were covered by
19 a public health plan, such as Medicaid.

20 So that is something that we are --
21 well, you'll see later, we're looking at maybe
22 eliminating as it may not be necessary any longer.

23 Okay. We can move on to incorporating
24 self-support reserve in the guideline schedules, but
25 before we go, I want to see if there are any questions

1 about our modernization efforts or any of the action
2 items that you all asked us to go back and get answers
3 to. And, again, there is no ability to raise your
4 hand, but if -- okay, everyone -- all cameras went off
5 for some reason. But what you can do is go into chat
6 and ask a question, if you have one.

7 Okay. I don't see any questions. Then
8 I'm going to keep going. Okay. Incorporating
9 self-support reserve in the guideline schedule. So
10 the shaded area here in blue equates the shaded area
11 here on the left. Self-support reserve considers the
12 subsistence needs of obligated parents. So it assumes
13 that the custodians income does not increase the order
14 or it assumes the CP's income is zero, so it will not
15 increase the order.

16 And the 2018 commission recommended
17 using SSR and assume CP has no income when obligated
18 parent's income and the number of children fall into
19 the SSR, but it did not make it into any legislation
20 or we did not incorporate that.

21 And then data shows that setting right
22 size court orders encourages employment in the formal
23 economy, instead of the underground economy. So the
24 idea is, if we're setting the right size order, court
25 order, that someone can pay, we're more likely going

1 to see employment and get those payments made.

2 So here's an example. SSR set at the
3 Federal Poverty Guidelines times New Mexico price
4 parity. I keep looking at Jane because, Jane, if I
5 say something wrong, I need you to pitch in here, for
6 sure.

7 So the assumption here is each parent
8 earns 1,250 per month. With the SSR, the order would
9 be \$60 for one child or 75 for two. Because here is
10 the income, 1250. Even though the custodial parent
11 makes 1250 as well, we're going to assume the
12 custodial parent is at zero, 1250, then the order is
13 going to be for one child, 60 dollars, for two
14 children, 75, because it falls within this shaded
15 area, the SSR.

16 Under our current guidelines scheduled,
17 the New Mexico's existing example, each parent earns
18 1250. That's a total 2500, so we're going to come
19 down here, and here's 2500, and for one child, it's
20 \$436 or 50 percent of 436 because the custodial parent
21 is making the same amount of money. And then for two
22 children, would be 50 percent of 663. So that is
23 incorporating self-support reserve in the guideline
24 schedule.

25 So the guideline schedule and

1 self-support reserve options that Jane -- I mean, what
2 we -- the last meeting we had, I think there was
3 some -- we wanted to see what self-support reserve
4 did, but there was also some concern about lowering
5 the schedule for the lower income families at this
6 point. So we have several different options to
7 consider. I'm sure we have even more, but this is
8 what we have right now.

9 If New Mexico -- if we assumed, so this
10 is making a lot of assumptions here, if we assumed
11 that income imputation is -- we're not imputing at 40,
12 we're going to impute at 35 hours at 11.50, which is
13 the current state minimum wage. We recognize that
14 there are other counties, for example, Santa Fe, that
15 has a higher minimum wage. But in this assumption,
16 it's 35 hours imputation at 11.50 per hour, that's
17 1,744 per month. And we're going to assume -- we're
18 using the SSR and the CP's income is \$0.

19 All examples here are for two children.
20 So column one for two children, we're looking at this
21 area over here, and if you all have the power point,
22 the last page, I blew this chart up larger if you want
23 to look at it that way as well. But under existing
24 two children, we're going to go to right here,
25 earnings at state minimum wage at 35 hours, that's

1 \$468.

2 Updated guidelines based on the
3 economic data that Dr. Venohr provided us during our
4 last meeting, that would raise that, and that would
5 include the low income adjustment that we have, so
6 that's column two. That would be \$480 is what the
7 monthly obligation would be.

8 Updated with the SSR column three, this
9 is at Federal Poverty Guidelines times New Mexico
10 price parity, so that would be \$415, would be the
11 monthly obligation. And column four is in between the
12 Federal Poverty Guideline, and column five, which is
13 SNAP eligibility. So what Dr. Venohr did was just
14 pick in between SNAP eligibility and the Federal
15 Poverty Guideline, and that would be 267 a month,
16 monthly obligation. And at SNAP eligibility, that
17 would lower that to \$89 per month.

18 Okay. So I want to open it up for any
19 questions right now before we go to public comment,
20 but I want to see if people get that. It's confusing,
21 there's no doubt. And it took me a while to try to
22 figure this out, so I'm hoping that I explained it
23 well, and see if anyone has any comments at this point
24 in time.

25 Yes, you can definitely clarify, Jane.

1 DR. VENOHR: Thank you. For the
2 record, I am Dr. Jane Venohr. I am the economist
3 working on this child support guidelines review. And
4 what I want to clarify is that there are actually two
5 policy issues here -- well, three. One is your income
6 amputation policy, and some states formally put that
7 in their guidelines. And we had a long discussion
8 about that last time, whether 40 hours is appropriate
9 for low wage earners.

10 And the data is definitive at the
11 federal level, the federal Bureau of Labor Statistics,
12 that New Mexico's average hours worked is 35 hours.
13 So there are some states, like South Dakota, that
14 officially put that in their guidelines. It's also
15 something that could be done in practice. You don't
16 need to put it in your guidelines.

17 The advantage of putting it in the
18 guidelines is it makes everybody aware of it, if
19 there's inadequate income information and income
20 amputation is appropriate, and so it provides more
21 consistency. The disadvantage is that that 35 hours
22 probably isn't appropriate for all industries. We saw
23 some data last time that was national that showed
24 construction is obviously a higher hours per week.
25 And leisure is less, you know, something like 24 or

1 26, I'm remembering off the top of my head.

2 So that's an option, you know, but as
3 far as a policy perspective, it's just for the
4 obligated parent and the obligee when you impute
5 income because the job opportunities, particularly in
6 the service sector, which are -- they don't usually
7 offer 40 hours a week. And we also saw data that
8 there's a lot of turn in those industries, that they
9 don't always work every week of the year, those 52
10 weeks. So that's one issue is the whole income
11 amputation, whether you want to do something formally
12 or not.

13 The second is changing up the low
14 income adjustment. That column two is just an update
15 using the same methodology that was used in your
16 existing guidelines, and there was a discussion about
17 whether that was appropriate, particularly since New
18 Mexico has an above average minimum wage. So those
19 order amounts are pretty high.

20 Oftentimes, when income is imputed, it
21 is because the obligated parent or both the parents
22 have little employment experience, you know, they've
23 been in and out of jail or prison or they're not
24 stably employed. And to come up with that population
25 of 400 -- in the 400 range is high, relative to other

1 states. I would say, 250, 300.

2 So we looked at some options with the
3 self-support reserve, and I see already that Judge
4 Martin put some stuff on the SNAP, and we looked at
5 some of -- things that were -- made sense. We looked
6 at the option in the third column, updating the
7 self-support reserve times FPG times the price parity
8 because that's consistent with the child support
9 schedule. It's based on economic -- the one that we
10 proposed, the economic data on child rearing costs,
11 which is national data, and multiplied it by New
12 Mexico's price parity. So this is a consistent
13 methodology.

14 But we also recognize that there's some
15 limitations to the federal poverty measure. And this
16 has been batted around in national circles for
17 probably 20 some years that it probably understates
18 poverty. So some states use higher than the federal
19 poverty level, and one barometer that they use, they
20 say, well, okay, if we have these programs, assistance
21 programs that -- for SNAP, for instance, the income
22 eligibility for a single adult would be 130 percent on
23 the poverty, so that's why we looked at that. And
24 that, obviously, seemed like a high amount, so that's
25 why we looked at with the 1200.

1 So the question, you know, when we were
2 trying to look at it from we know that New Mexico is
3 probably going to continue to impute at the state
4 minimum wage, so what are the order amounts at those
5 incomes, and are they reasonable for the population
6 that's being served? So that's the second issue, is
7 the self-support reserve amount and whether you want
8 to change methodologies.

9 And the third is using the shaded area
10 to protect that self-support reserve when both parents
11 have income. So that was a lot, but I just wanted to
12 separate those three issues.

13 MS. MCCRACKEN: Judge Martin, did she
14 explain the SNAP issue that you raised or are you
15 still -- I can see your concern on that for sure?

16 MR. MARTIN: Sure. My -- I would like
17 Dr. Venohr to explain that a little further because it
18 seems to be a pretty big jump. Especially when you
19 get over the -- about the \$1500 amount, you know, it
20 goes up -- you know, it goes down substantially right
21 about that mark, and then keeps going down, and it
22 doesn't really reach parity until you're almost at the
23 bottom of the blue shaded area.

24 And my concern is that, you know, yeah,
25 you might get better payment at \$89 a month, but is

1 that truly a sufficient amount to support, you know,
2 two children on?

3 DR. VENOHR: That's definitely a valid
4 concern, and the self-support reserve, it definitely
5 prioritizes the obligated parent's self-sufficiency or
6 subsistence needs. The perspective is, in the federal
7 rule changes in 2016, that was the first time the feds
8 required states to consider the basic subsistence
9 needs of the obligated parent. And I agree that,
10 mathematically, it's -- there's just not enough income
11 to go around.

12 And the federal government justified --
13 they also said that you consider the subsistence needs
14 of the custodial parent when providing for that
15 consideration. And their justification was it's
16 better to get consistent payment. And they cited a
17 lot of studies that show, if the orders are set too
18 high that the obligated parent is more likely to not
19 work in the formal economy, more likely to drop out,
20 in the sense of engagement with the children.

21 But that is -- it's a very, very
22 difficult issue to figure out where is the right
23 point, and that's why we put up three options. We
24 probably could come up with more, but at least it's a
25 talking point.

1 I would probably say that 480 is too
2 high, you know, for somebody that has income imputed
3 that's marginally employed, but I do see -- I think
4 your point about 89 not being sufficient to, if paid
5 in full, to really adequately make a difference to
6 that family's life, is a concern. So I mean, these
7 are exactly why we came up with a range to discuss.

8 MR. MARTIN: Sure. And then inform me
9 again, the self-sustaining reserve difference between
10 1037 and 1200, where did those numbers come from
11 again?

12 DR. VENOHR: The 1037, and the current
13 federal poverty level is 1,133, and that was
14 multiplied by New Mexico's price parity. So New
15 Mexico's price parity is about 96 percent, 93. I
16 should have double checked that before I got on the
17 call. Sorry about that. And then what was the other
18 one you wanted to ask about?

19 MR. MARTIN: And the next column, which
20 is the 1200. How --

21 DR. VENOHR: Oh, that was arbitrary.
22 I -- when I saw that 14 -- when I saw that last
23 column, I thought -- I originally started with
24 Medicaid eligibility, which is even higher than SNAP.
25 It's something like 133 percent. So I looked at SNAP

1 eligibility, which is 130 percent of the poverty
2 level, so 130 times 1133 is how I got that. And, I
3 thought, you know, that's a major drop to go down to
4 89, so let's look at something in between.

5 And I think a good starting point is
6 whether the commission members believe that the
7 self-support reserve should apply to somebody that has
8 income imputed, particularly knowing that the
9 circumstances when income is imputed, you know that
10 these parents -- what I see in other states, and, you
11 know, you all are in New Mexico, so you have a better
12 experience, is that those situations where income is
13 imputed, it's usually those parents that don't have a
14 stable employment history.

15 It might be because they were on and
16 off TANF. It might be because they were incarcerated.
17 It might be because they had some substance abuse
18 issues. So that might be a way to frame it,
19 whether -- what you think the order amount should be
20 appropriate for somebody in that circumstance.

21 MR. MARTIN: Okay. All right. Thank
22 you. I think that answers my questions, or at least
23 my concern so far. We'll see if you can stir up more
24 concern. Thank you.

25 MS. MCCRACKEN: Good question. I think

1 we've all had that question, so great. Anyone else on
2 the commission that has questions or thoughts about
3 this right now? We can, before we move to public
4 comment.

5 Okay. I'm going to open it up for
6 public comment. Are there any members of the public
7 that are participating with us today that would like
8 to provide any input to this process?

9 I know we had one that was submitted,
10 but I also understand that the person who submitted it
11 is also on, so I wanted to give that individual an
12 opportunity to ask the question, otherwise we can
13 read -- or not -- provide an opportunity to provide
14 their input, or we can read the input. I don't know
15 if that is wanted right now.

16 Okay. Since we did receive public
17 input written, I think, Jill, we should read that. So
18 can you -- and I'm sorry. Can you please read that
19 one?

20 MS. GOODMACHER: Absolutely. I'll read
21 this now. This person states her name. "I am a
22 resident of Farmington, New Mexico. I am asking that
23 if the choice has to be made to lower the guideline or
24 keep the guideline the same, that they be kept the
25 same, and if the non-custodial parent be awarded a

1 reserve, that a custodial parent should also be
2 rewarded the same.

3 "After reading the transcript from the
4 last hearing in August 2022, I saw it quoted that,
5 'There is a correlation between high support orders
6 and contact with their children.' I would like to
7 challenge that notion by telling you my own story from
8 two different perspectives.

9 "In my parents' case," and she cites
10 the case, which is closed, "the custodial parent has
11 left -- was left with three children under the age of
12 ten. The non-custodial parent didn't see the children
13 for a whole year before a CSED case was opened. After
14 the non-custodial parent obtained a minimum wage
15 order, the -- and worked a job under the table until
16 the case was opened. After the non-custodial" --
17 sorry -- "until the youngest child was 18 and the
18 obligation would stay at the minimum. Still never saw
19 his children.

20 "My personal case, I told my son's
21 father that I would not ask for help through CSED as
22 long as he paid the active role in my son's life and
23 helped with things he needed. He hasn't tried to see
24 my four year old son, nor has he seen him since he was
25 six months old, and has time and time again tried to

1 get out of paying the court ordered amount.

2 "He voluntarily quit his job in
3 February 2022 and claims to be unemployed, but in
4 March of 2022, he posted on a local car dealership
5 page that he purchased a new 2022 Jeep Wagoneer and
6 has since paid \$100 on sporadic months. I was told
7 that he could pay \$100 a month for the next 18 years
8 if he wanted to with no repercussions because that is
9 the minimum requirement in both of these -- because
10 that is the minimum requirement in both of these cases
11 in regard to child support.

12 "On paper, both of these non-custodial
13 parents are considered low income," quote unquote.

14 "And even with them being 'low income,' and not being
15 required to support their children to the fullest
16 extent to their possibility, they still didn't and
17 don't contact or play an active role in their
18 children's life.

19 "With permission of the custodial
20 parents, I have two more examples where the
21 non-custodial parent is considered low income, ordered
22 to pay a miniscule amount, and is not or has not
23 active -- or is not actively in their children's
24 lives." These cases cited, the case numbers, CSED
25 case number.

1 "My point is, lowering" -- excuse me?

2 MS. MCCRACKEN: I just said okay.

3 Sorry. I thought you were done.

4 MS. GOODMACHER: No. "My point is,
5 lowering the guidelines and creating a reserve is not
6 going to encourage non-custodial parents to play an
7 active role. It's going to take from financial
8 security of the children. In my opinion, that more
9 non-custodial parents would be inclined to pay their
10 full court ordered child support if the custodial
11 parent would have to be accountable where the money is
12 spent and if it is contributing to the children,
13 children's support.

14 "Child Support Enforcement is about the
15 children. It is not to weigh on either -- on the side
16 of either parent. Thank you for your time."

17 MS. MCCRACKEN: Thank you for
18 submitting that. Okay. That's great. Thank you very
19 much. Thank you for reading that, Jill.

20 Okay. Any further public comment? All
21 right. Then we are going to move on. Now, these are
22 recommendations that, based on the different options
23 we have, we have lots of options to consider here, and
24 these were just some that, I think, we put together as
25 a group to keep the conversation going, and, clearly,

1 something else can come out of this.

2 But we can recommend to make no changes
3 to the existing guideline schedule that we have. We
4 can recommend to make no changes to the existing
5 guideline schedule, except add the shaded area, the
6 SSR. We can recommend to update guideline schedule
7 based on economic data that Dr. Venohr has provided
8 and use the current method for low income adjustment.
9 That's column two without the shaded area.

10 Recommend to update guideline schedule
11 based on economic data and add the shaded area, the
12 SSR. And then the three options with the SSR,
13 recommend to update guideline schedule based on
14 economic data and add the shaded SSR at the Federal
15 Poverty Guidelines times New Mexico price parity,
16 column three. In between the Federal Poverty
17 Guidelines and SNAP eligibility, that's column four.
18 And at SNAP eligibility is column five.

19 And then there is the issue of local
20 actual hours worked, and we can recommend that HSD
21 complete manual review of local hours worked, and for
22 purpose of imputing minimum wage as an actual income
23 and an ability to pay, and adjust accordingly through
24 policy. So those are some considerations.

25 I am going to go to, let's see, Blas

1 had a question. "Would it be possible to renumber the
2 spreadsheet so numbers do not overlap at high and low
3 ends?" Oh, you're asking about the \$0.99, basically;
4 correct, Blas?

5 MR. VILLANEUVA: Yeah, that's right.
6 Yes.

7 MS. MCCRACKEN: And I hear what you're
8 saying, so we do -- it goes zero to 1,000, 1,000 to
9 1,050, so we want to go zero to 1,000 -- 999, or we
10 need to narrow that down. And we mentioned that the
11 last time. I didn't ask Jane to redo that this time,
12 but we would need to do that.

13 MR. VILLANEUVA: No problem, it's just
14 been a lingering thing. It doesn't come up often, but
15 especially when you're imputing, you can come across
16 areas that are going to get hit on more commonly, you
17 know, and it might be useful to get rid of that
18 question.

19 MS. MCCRACKEN: Right. We have to do
20 that. I just -- we just didn't ask for that to be
21 done for this, but definitely. Okay. There's a
22 couple of things I want to say about what our options
23 are here. And meeting with all of our county
24 directors and regional operations managers over --
25 since they've been listening and participating in

1 these meetings as well.

2 A few things just to mention is, we are
3 starting to see results from the changes that we made
4 in 2021 by updating the guideline schedule at that
5 time and focusing on ability to pay an actual income.
6 And we are seeing some cases that, they are imputing
7 at lower than 40 hours per week if that is the -- you
8 know, we have proof that that is what is happening in
9 that case, in that situation. So those are some of
10 the things that we are starting to recognize.

11 And I am, as I mentioned earlier in
12 this presentation on slide -- I'm going to go back to
13 it real quick, but Exhibit 10 from Dr. Venohr's
14 report, where we are starting to see some improvements
15 here with newly established orders with payments, and
16 73 percent of those payments being made. So that is
17 just the work that we've been doing by actually using
18 actual income, ability to pay, and, of course,
19 hopefully arrears we'll start seeing lower as well.

20 And then, further, in Exhibit 11, I
21 didn't add it to it because I think the sample might
22 have been too small, and there might be some concerns
23 with it, but in Exhibit 11, it also mentions our
24 modifications, and we're seeing a higher increase in
25 people making their -- those payments when the case is

1 modified as well.

2 So also, all of the efforts that we're
3 doing with STEPUp!, we have an arrears management
4 program that we're still working on to try to reduce
5 arrears for some of these cases, so a lot of the work
6 that we're doing, I think we're starting to see
7 improvements. So I wanted to make sure that I shared
8 that with the commission and in our considerations as
9 we look to what we have before us.

10 MS. GOODMACHER: Hi, Betina, Johnny
11 Wilson from Fathers New Mexico left our -- posted a
12 comment. I am not sure if Johnny wanted to say this
13 out loud, or if he would like for us to read it.

14 MR. WILSON: I'm fine just reading it,
15 if you like. I just wanted to reference the comments
16 made, and I respect the personal experiences that were
17 articulated. The facts related, I don't believe, can
18 really be generally applicable, however. And as a
19 professional working with families, I really want to
20 point out that, you know, we have a -- we have large
21 numbers of mostly pairs, not all, that are in the
22 system.

23 And just to speak specifically to
24 numbers, I agree with, I think the judge made the
25 comment, 89 might be too low, and I actually agree

1 with that comment. However, I do think that the
2 general movement of that end of the scale, if that's
3 an appropriate way to articulate it, will bring up
4 payments, and I think the data is supporting that. So
5 sorry. I didn't read it, but I hope that -- yeah, if
6 that's not clear, I apologize.

7 MS. MCCRACKEN: Thank you. I
8 understand what you're saying. Okay. So, again,
9 these are the options that we have, and I guess I want
10 to hear from commission members to see what we're
11 thinking.

12 MR. MARTIN: Okay. Let me try.

13 MS. MCCRACKEN: Okay.

14 MR. MARTIN: I'd like -- I want to try
15 to break it up into bite-size pieces, and then request
16 a vote on each of them. So I'd like to start with the
17 \$5 medical support, because in light of the new
18 guidance, I believe that it would be appropriate to
19 eliminate the \$5 minimum medical support in these
20 orders. So at this time, I'd make a motion that, as
21 part of the guideline update, we eliminate the
22 mandatory \$5 medical support order.

23 MR. WILSON: Johnny Wilson will second.

24 MS. MCCRACKEN: The one thing I do want
25 to say is that it -- the \$5 medical mandatory support

1 is separate from the guidelines, and it is in -- where
2 is it? Sorry. It's the Mandatory Medical Support
3 Act, and there is -- we are looking at that of
4 eliminating cash medical support for Medicaid, so it's
5 separate from the guideline, so I just wanted to
6 mention that.

7 MR. MARTIN: Thank you for the
8 clarification. So then, I would like to amend my
9 motion that we recommend an amendment to the Mandatory
10 Medical Support Act to eliminate the \$5 medical
11 support order.

12 MS. MCCRACKEN: Okay. Johnny, you
13 still second that one?

14 MR. WILSON: I will second that amended
15 motion.

16 MS. MCCRACKEN: Okay. And we have
17 questions on it. Hearing Officer Klump?

18 MR. KLUMP: Thank you. I support the
19 effort to eliminate the cash medical provision, but I
20 do have a question. I guess it's more of an internal
21 question for the department. You have a lot of cash
22 medical judgements out there, so you, as an agency,
23 need to be thinking if you're going to consider a rule
24 change and zero out those balances, or if somehow you
25 want to consider transferring those balances over to

1 the custodial parent's household.

2 Because anything going forward, we can
3 mitigate the growth of it, but you have over ten
4 years' worth of cases where these have been -- these
5 judgements have been accruing, so you need to put some
6 thought into what you do with that money. So, again,
7 that was more of a comment than anything.

8 MS. MCCRACKEN: I appreciate it. It's
9 like you've done this job, Stephen, so yes, that is
10 definitely something that we'll have to do, and been
11 in conversations with Kari and what we might be able
12 to do. We'd have to, you know, look at our case load
13 and see what we would -- where we would go with that.
14 Do we stop it going forward? Do we end all cases that
15 we have currently?

16 And I think we can work on that
17 internally for sure. But I appreciate your thought on
18 that. Guidance, more than anything. Thank you.

19 Any other questions regarding this
20 particular motion? Okay. I think I would like to
21 just ask if there are any commission members who
22 oppose eliminating the cash medical support from the
23 Mandatory Medical Support Act?

24 Seeing no opposition, I think we can
25 keep going. Judge Martin?

1 MR. MARTIN: Okay.

2 MS. MCCRACKEN: Thank you.

3 MR. MARTIN: So the next one I want to
4 talk about is the imputation. And so I believe it is
5 the best practice, in my opinion, that we include a
6 policy decision in the guidelines about the
7 imputation. I don't think that 40 hours a week is
8 appropriate. Given the information that was provided,
9 I would make a motion that we provide guidance to the
10 hearing officers that, if they're imputing minimum
11 wage based upon unemployment or underemployment, that
12 they impute 35 hours per week instead of 40.

13 And I believe that would be across all
14 industries, not -- I don't think it's appropriate to
15 select out industries because of the difficulty in
16 identifying which industry, so it would be just an
17 imputation of 35 hours, based on minimum wage.

18 MS. GONZALEZ: This is Teague Gonzalez.
19 I second that.

20 MS. MCCRACKEN: Okay. Do we have any
21 questions, or comments, or concerns about that? And
22 to clarify, what you're asking, it's a motion to
23 provide guidance to the hearing officers that, if
24 imputing minimum wage, impute minimum wage with 35
25 hours per week?

1 MR. MARTIN: Correct.

2 MS. MCCRACKEN: Okay. We have a
3 comment from -- "Not a commission member, but what
4 about people with proven ability to work 40 hours in
5 the past?" I would guess in that -- or I don't want
6 to guess. In that particular hearing, would that come
7 up at that time, and then the hearing officer would
8 take that into consideration?

9 MR. MARTIN: The way I've phrased my
10 motion, it's that the guidance is to the hearing
11 officer, it's not required that the hearing officer
12 only impute 40 hours, but the guidance would be to
13 impute 35 instead of 40. And if there's evidence, I
14 believe the hearing officer can take that into
15 consideration.

16 MS. MCCRACKEN: Okay. Hearing Officer
17 Klump?

18 MR. KLUMP: Thank you. I guess I have
19 a concern about that from a variety of perspectives,
20 Judge. First of all, if we put it in a statute, what
21 is our Court of Appeals likely to do with that, if an
22 issue goes up? And, of course, that's speculative.
23 But I also have perhaps a better proposal.

24 Rather than saying that the hearing
25 officer should determine income based on 35 hours a

1 week for imputation, maybe a better solution is to
2 move that consideration to grounds for a downward --
3 or grounds for a deviation for the court to
4 articulate, calculated at 40 hours, and then broaden
5 the discretion, perhaps, for the hearing officers.

6 Because we have to prepare the
7 worksheet and the way the income guidelines are broken
8 out in the \$50 brackets, the five hours, we're
9 probably talking about a change to one grid level up
10 or down, essentially. I'm rounding off the numbers.
11 So while I'm not opposed to where your end game is,
12 I'm thinking, how do we structurally incorporate it to
13 move a mass volume of cases?

14 And I'm wondering if moving it to the
15 deviation considerations might be more appropriate,
16 and then the court, through AOC, could do some
17 outreach and judicial education for family law judges
18 and hearing officers. But you're obviously more
19 experienced on the judicial side, so I'd like to hear
20 from you, Judge.

21 MR. MARTIN: Sure. My concern with
22 doing it as a deviation from the guidelines is, you
23 know, disparity. You're going to have different
24 judges. There are some judges that think the
25 guidelines are, you know, lockstep, and deviating from

1 them is absolutely not going to take any traction.

2 Then you might -- I don't know if
3 there's any judges that think this way, but there
4 might be judges who think that, "Oh, well, if we can
5 deviate for this, we can deviate for all sorts of
6 other things." And I'm not sure I'm comfortable
7 opening up deviations for this type of analysis.

8 I think, as far as your concern about
9 the Court of Appeals view, if the policy of the
10 legislature, being the policy makers, decide that
11 imputing 35 hours in lieu of 40 is appropriate for
12 purposes of the guideline calculation, then the policy
13 decisions made by the legislature and the guidelines
14 incorporate that policy decision.

15 So it wouldn't be a deviation,
16 necessarily. It's a -- and then, to your point and to
17 the comment's point, if somebody can provide proof
18 that they've worked 40 hours, and they're capable of
19 working 40 instead of the 35, then the commissioner
20 could make the deviation. And like you say, it would
21 be a deviation upward one grid, as opposed to
22 deviating the amount of hours.

23 MS. MCCRACKEN: Okay. We also have
24 Wanda, who's on the commission, a comment that
25 "Believe the court already has the discretion, and

1 this should not be codified." Wanda, do you want to
2 expand upon that? Wanda, are you with us? Oh, she's
3 on muted. And you just have to click the unmute
4 button.

5 In the meanwhile, I've been texting
6 with Senator Sedillo Lopez, who is not able to unmute
7 herself, and I think she wanted to just say -- or she
8 agrees with the judge using it as guidance. So I can
9 pass that on.

10 And I don't -- Wanda -- she said she's
11 unmuted. But you can't speak Wanda? Or is that all
12 you wanted to say? Do you want to continue on that?

13 And then Johnny added, "I think that we
14 need explicit guidance that recognizes the
15 unpredictable nature of many modern employment
16 situations."

17 Wanda wanted to continue, but she
18 can't -- we can't hear her. I don't know why we can't
19 unmute her. Jill, is that something you can do?

20 MS. GOODMACHER: I've unmuted everyone
21 briefly.

22 MS. SEDILLO LOPEZ: Testing. Am I
23 unmuted?

24 MS. MCCracken: You are, yes. Thank
25 you, Senator.

1 MS. SEDILLO LOPEZ: Okay. Great.
2 Thank you.

3 MS. MCCRACKEN: Okay. Did you want
4 to -- I mentioned what you texted me, but did you want
5 to add anything further to that?

6 MS. SEDILLO LOPEZ: I think I just
7 wanted to agree with the judge to give guidance
8 because -- and to have consistency across the state.
9 I've been kind of testing, since our last meeting,
10 I've been in different hearings and with different
11 agencies asking about this 35 hours notion, whether
12 people worked only 35 hours. And all of the agencies,
13 yes, that's what they're finding.

14 New Mexico's economy is becoming more
15 and more of a gig economy where people might work,
16 like, say, on a production crew for Better Call Saul
17 for a while, for part of the year, and then they're
18 not working, but they -- the average over the course
19 of a year is 30 to 35 when you average it out. And I
20 think that we need to recognize that reality and give
21 that guidance to the hearing officers. So I agree
22 with the judge's approach.

23 MS. MCCRACKEN: Okay. Thank you.
24 Wanda added that "Please look at the income definition
25 at 40-4-11.1C1, actual gross income. This section of

1 the statue would have to be changed, so this is not
2 just a policy change." Okay.

3 And I think, in addition, it appears to
4 me that some of our own cases, we are considering
5 fewer than 40 hours a week when it's obvious to us.
6 So I did want to just mention that as well. But with
7 all of the conversation going on, Stephen has another
8 thought. I would like to hear it, Stephen, go right
9 ahead.

10 MR. KLUMP: Thank you. I'm just
11 thinking out loud here. What if we don't tinker with
12 the imputation of hours worked, but we have a more
13 robust conversation on an appropriate self-sufficiency
14 reserve or self-support reserve? I think that --
15 because that would put everyone on a -- both parties
16 in the case on the same playing field, but then you'd
17 have the self-sufficient or self-support reserve that
18 might mitigate some of the consequences to the payor.

19 And remember, we're talking about
20 imputing people here, we're not talking about actual
21 work history, so I think maybe that might be a better
22 solution and have fewer moving pieces that we'd have
23 to reconcile.

24 MS. MCCracken: Okay. So would we want
25 to table the motion at this time, and then go to SSR?

1 Is that what you're recommending, and is that
2 something that -- is that where we want to go?

3 MS. GONZALEZ: This is Teague, I
4 continue to second the motion, so I believe the motion
5 is still live.

6 MR. MARTIN: Yeah, and my response
7 would be, you know, couple-fold. One, Dr. Venohr, you
8 know, said that some states incorporate this type of a
9 rule in their guideline by the policy. And then, I
10 think we ought to remember that when we're imputing
11 income, we're imputing both to the custodial parent
12 and to the non-custodial parent. So the custodial
13 parent could be unemployed, and if we're over-imputing
14 income to the custodial parent, we're going to come up
15 with the wrong guideline amount.

16 So that's why I'm more inclined to say
17 we can have -- you know, if we want to be consistent
18 and fair, we have to impute minimum wage at some point
19 to both the custodial and the non-custodial parent.
20 And I think simply just moving them to the
21 self-sustaining reserve, might unfairly impact the
22 custodial parent.

23 MS. BULMAN: Betina, this is Shannon
24 Bulman. May I make a comment?

25 MS. MCCracken: Please. Thank you.

1 MS. BULMAN: Well, first of all, I
2 think most of the judges and hearing officers aren't
3 going to be aware of the average 35 hours worked by
4 individuals at the low income jobs, so I think it's
5 useful, perhaps, to add that. And when I look at the
6 statute, if we look at 40-4-11.1D2, it says, "Minimum
7 wage may be imputed if a parent has no recent
8 employment or earnings history and that parent has a
9 capacity to earn minimum wage. The minimum wage to be
10 imputed to that parent is the prevailing minimum wage
11 in the locality where that parent resides."

12 And perhaps, we could put discretionary
13 language in there, or recommend discretionary
14 language, and that might be based on Department of
15 Labor information or statistics, full-time minimum
16 wage may be imputed at 35 -- using 35 hours per week
17 or at 35 hours per week.

18 That puts the hearing officers on
19 notice that this could be an appropriate imputation,
20 but it's clearly discretionary, so I think it -- with
21 Stephen's concern, which I think is valid, that we're
22 not asking for appeals on these child support
23 calculations. It's a clearly discretionary factor.

24 MS. SEDILLO LOPEZ: May I say
25 something? I think we need to remember that when

1 we're imputing income, we're dealing with fiction.
2 We're not -- you know what I mean? We're just saying
3 this person is not working for whatever reason, and we
4 need to access child support based on what they could
5 be doing. And if most people, the best they can do at
6 that income level, the best they can do is the 35 hour
7 a week job, I think we need to make that clear policy
8 statement reflecting the realities of working people's
9 economics in New Mexico.

10 MR. GONZALEZ: I'm just going to -- why
11 I seconded the motion and why I think it should be
12 "shall be imputed," is to remove the discretion. The
13 reason I support this motion is because it eliminates
14 the wide variation you could have from the number of
15 hearing officers that would be hearing all of these
16 cases.

17 You know, the evidence that evaluative
18 judgement or predictive judgement is a sight of bias
19 is so strong in the literature, and I think that this
20 would be a very strong move and show that the
21 department is committed to eliminating the bias or
22 wide range of judgement here. I still continue to
23 support the motion as articulated.

24 MS. MCCRACKEN: Okay. So the -- and I
25 apologize, because I think when you amended the

1 motion, Ms. Gonzalez, I was texting with the senator.
2 So I have missed what the actual motion on the table
3 is.

4 MS. GONZALEZ: I made no amendment. I
5 continue to second Judge Martin's motion, as I stated.

6 MS. MCCRACKEN: Okay. I thought maybe
7 you amended it. So then, it is to provide -- motion
8 to provide guidance to hearing officers to -- if
9 imputing minimum wage, impute at 35 hours instead of
10 40?

11 MR. MARTIN: That's my motion.

12 MS. MCCRACKEN: Okay. And we have a
13 second, and we've had conversation. Do we have any
14 further conversation on it?

15 It would be nice if we could -- I don't
16 know if we're going to get -- if there are any -- I
17 would like to still try to get this by majority, more
18 than -- that everyone agrees, there's no opposition,
19 but I have a feeling we may have some opposition on
20 this one from the committee members.

21 So I think what we can do is go to
22 committee members and see if there's any opposition on
23 this motion right now. So if there is any opposition
24 from the committee -- commission members, if you can
25 either put it in chat or open your mic?

1 MS. SEDILLO LOPEZ: I just wanted to
2 say, under the Attorney General's guidelines for
3 remote meetings, there's supposed to be a roll call on
4 the vote, just to satisfy the Open Meetings Act.

5 MS. MCCRACKEN: Thank you, Senator.
6 Okay. So we're going to go to the commission, and
7 we're going to ask yea or nay on each member. Okay?

8 Deputy Secretary Armijo?

9 MS. ARMIJO: You know, I think I'm
10 going to abstain from voting and just take the
11 recommendation made by the commission. Thanks.

12 MS. MCCRACKEN: Okay. I'm going to
13 skip, and I'll come back to me, since I'm -- Wanda,
14 I'd like to go to you next.

15 MS. MARTINEZ: Okay. And Wanda's in
16 chat. "This is not addressed to recommendations to
17 guidelines. I oppose for purposes of what the purpose
18 of the guidelines review committee is for." So we
19 have someone who's against it.

20 Senator Sedillo Lopez?

21 MS. SEDILLO LOPEZ: Yes, I support it.

22 MS. MCCRACKEN: Okay. Gina DeBlassie?
23 I see your mic is open, Gina, but we can't hear you.
24 That's odd. I'm going on record, I'm not a fan of
25 GoTo Meeting.

1 MS. GONZALEZ: If she's able to chat,
2 could she chat her --

3 MS. MCCRACKEN: Yeah, I think that's
4 what maybe she's trying to do. I'm going to come back
5 to Gina.

6 Teague Gonzalez?

7 MS. GONZALEZ: I support the motion.
8 Yea.

9 MS. MCCRACKEN: Support. Johnny
10 Wilson?

11 MR. WILSON: I support.

12 MS. MCCRACKEN: Judge Bulman?

13 MS. BULMAN: I support.

14 MS. MCCRACKEN: Judge Martin?

15 MR. MARTIN: I support.

16 MS. MCCRACKEN: Judge Kallunki? Did we
17 have Judge Kallunki join us? We never did. Okay.

18 And Hearing Officer Klump?

19 MR. KLUMP: In the interest of building
20 consensus, I'll support it, but I still have concerns.
21 But my vote is, I'll support the motion.

22 MS. MCCRACKEN: Okay. Thank you. And
23 Gina is going to abstain, new to the commission. I
24 understand that. And I am going to support it myself.
25 Okay? Thank you.

1 Okay. Now, the guideline schedule and
2 our options. I appreciate Judge Martin leading us
3 through this, and I don't know if you want to dive
4 into this one as well?

5 MR. MARTIN: Sure.

6 MS. MCCRACKEN: Okay.

7 MR. MARTIN: I will dive into this one
8 as well.

9 MS. MCCRACKEN: Okay.

10 MR. MARTIN: So I would make a motion
11 that we update the guidelines to include the shaded
12 area for a self-sustaining reserve. I would -- I'm
13 going to -- my motion is going to be to go between the
14 Federal Poverty Guidelines and the SNAP eligibility,
15 and using column four because including a
16 self-sustaining reserve at that level will, in my
17 opinion, encourage more non-custodial parent payments.

18 We've already seen, with the updated
19 guidelines, an increase in payments. And I am
20 concerned that if we go with the column five, it would
21 be too low, and if we use column three, it's too high,
22 so I'm trying to use Dr. Venohr's, it's just right, of
23 column four.

24 MS. MCCRACKEN: Okay.

25 MS. SEDILLO LOPEZ: I'll second that.

1 MS. MCCRACKEN: And that was Senator?
2 Thank you. Okay. So basically, what you're looking
3 for is this one right here, commission -- I mean,
4 sorry. A recommendation 5-2. I don't know why I
5 didn't put A, B, C. Sorry guys. And column four is
6 what's up on the table right now.

7 MR. MARTIN: Yes, that's my motion and
8 recommendation.

9 MS. MCCRACKEN: Okay. Input, comments,
10 concerns?

11 MS. BULMAN: This is Shannon Bulman. I
12 am really concerned that that's too extreme. I mean,
13 that \$200 to the parent who's raising two children is
14 huge. And I recognize the policy considerations
15 behind reducing this and making it more collectable,
16 but, you know, from -- assuming it's a mother or a
17 father, I have a lot of fathers who are custodial
18 parents these days, that's quite a huge decrease in
19 their monthly budget.

20 And I would like to recommend that we
21 go with column three, which is the -- based on the FPG
22 times price parity. I'm not making a motion, I'm just
23 contributing to the conversation right now.

24 MS. MCCRACKEN: Okay.

25 MR. WILSON: And I'd just like to make

1 a point that I think it's really unfortunate that we
2 cannot weigh -- or this schedule doesn't give us an
3 opportunity to weigh considerations with respect to
4 the amount of time children are at one of the two
5 residences, which is where costs are incurred. That's
6 all I have to say.

7 MS. MCCRACKEN: Okay.

8 MS. SEDILLO LOPEZ: And I do find -- my
9 understanding is, is the kids will be eligible for
10 more support from the state than the non-custodial
11 parent. And so I think this sells the sufficiency
12 idea for the non-custodial parent that's really
13 important.

14 And then, we need to connect the kids
15 to all of the benefits that they're eligible for, you
16 know, and kind of seal in that gap with as much state
17 support as we can in all areas. I mean, because when
18 you're dealing with people in this income level,
19 there's just not enough money to go around. And so I
20 think it behooves our state to fill in that gap.

21 MS. MCCRACKEN: And I think that is the
22 idea behind it, that there are programs available for
23 families at that level.

24 I do want to speak up, and I think I
25 actually support Judge Bulman in thinking that that

1 column four -- sorry -- column four, which is under
2 consideration here, I appreciate that there is an in
3 between because the SSR at SNAP eligibility, I think,
4 is way too low.

5 And I'm still concerned, actually, with
6 the in between, and I, as I mentioned earlier, I do
7 believe that in the Child Support Enforcement
8 Division, we are starting to see, you know, getting
9 orders at ability to pay and actual hours worked. And
10 we're starting to see some increase in current
11 support, so I'm hoping that that -- we can build upon
12 that and continue to get the current support in at the
13 levels that we have over here.

14 So I don't want to go this far, but I'm
15 wondering whether or not -- I think the SSR at Federal
16 Poverty Guideline is probably something that we can
17 work with in the Child Support Enforcement Division,
18 along with all of the other programs that we have
19 right now. For example, the SNAP program, or if
20 there's arrears owed, that we look at the arrears
21 management program and try to help them get the
22 current support coming in. So I just wanted to add
23 that.

24 MS. SEDILLO LOPEZ: I reviewed them
25 before this call, but now I don't have access to them

1 where I am, so could somebody explain more concretely
2 the difference? I apologize. If I had the charts, I
3 wouldn't need this, but I don't have the charts in
4 front of me.

5 MS. MCCRACKEN: Sure. You want me to
6 read the difference between those -- sorry. What did
7 I just do?

8 MS. SEDILLO LOPEZ: Yes, between what
9 you're -- the concrete difference between what you're
10 proposing, you know, because I would be able to see it
11 on the chart, but I can't.

12 MS. MCCRACKEN: Sure. So this is an
13 assumption of earnings at state minimum wage, so we're
14 imputing at minimum wage at 35 hours per week. So if
15 we were to do that --

16 MS. SEDILLO LOPEZ: Yes.

17 MS. MCCRACKEN: Okay. For a family of
18 two at the Federal Poverty Guideline level, that
19 monthly obligation would be \$415. For in between
20 Federal Poverty Guidelines and SNAP eligibility, that
21 monthly obligation would be \$267. And at column five,
22 which is SSR at SNAP eligibility, would be \$89. And
23 those are all examples for family of two.

24 So at, again, Federal Poverty Level
25 would be 415, in between would be 267, and at SNAP

1 eligibility it would be 89. I don't think -- I'm
2 going to stop saying SNAP eligibility because I don't
3 think anyone is supporting that one right now.

4 MS. SEDILLO LOPEZ: Would you remind me
5 what the custodial parent would be earning if she had
6 to pay \$200? I mean, I supported the middle ground
7 because I was thinking that that would be a
8 sufficient -- you know, it would allow the parent
9 to --

10 MS. MCCRACKEN: Well, under the SSR,
11 under the shaded area, we are making -- and Jane,
12 again, correct me if I'm wrong here -- but we are
13 making the assumption, because it's in the SSR, the
14 custodial parent's earnings are at zero.

15 MS. SEDILLO LOPEZ: Oh, so this is just
16 accruing? Okay. Yeah, I think --

17 MS. MCCRACKEN: This would be the
18 monthly obligation.

19 MS. SEDILLO LOPEZ: That is accruing?

20 MS. MCCRACKEN: Not -- this is the
21 monthly obligation that the NCP would be required to
22 pay on their court order.

23 MS. SEDILLO LOPEZ: Yes, but how much
24 is the individual earning? How much is the
25 individual -- is it 1500 that they're earning? I just

1 want to know the percentage --

2 MS. MCCRACKEN: Sorry. It's an
3 assumption that the NCP -- it's based on the NCP's
4 income at 17.50.

5 MS. SEDILLO LOPEZ: Okay. Yeah, then I
6 understand your point, and that's a really good one,
7 but I think if you're earning 17.50, you ought to be
8 able to pay \$200 towards your kids. But, you know, if
9 people go with the lower one, I don't have a problem
10 with that, either the lower one or the middle way.

11 You know, I was just thinking of the
12 flow of income, and I think you can still live on 1500
13 -- which, I mean, the truth is that very few people
14 can live on any of that, but if you're getting --
15 well, and when you're talking about custodial parents,
16 a lot of times -- I mean, non-custodial parents, a lot
17 of times, non-custodial parents are not eligible for
18 other support, but the kids and the custodial parent
19 are.

20 MS. MCCRACKEN: Right. And I just want
21 to clarify, Senator, so the -- at Federal Poverty
22 Guideline, that's 415, 267 is at in between Federal
23 Poverty Guideline, and 89 is the SNAP eligibility. So
24 the one I'm wondering if we move to is at Federal
25 Poverty Guideline plus -- times New Mexico price

1 parity, which, in that example, would be 415 for two
2 children. And that's at an NCP making 17.50.

3 MS. SEDILLO LOPEZ: Okay. I support
4 either lower or the middle one that the judge
5 proposed. I don't have a problem with either of
6 those.

7 MS. MCCRACKEN: I hear you. Thank you.

8 MS. BULMAN: And this is Shannon Bulman
9 again. I'm just looking online. It says that the
10 average payment for TANF is 335 a month. This zero --
11 if we're looking at this fact scenario, we have a
12 custodial parent who's getting about 335 a month, so
13 we're looking at whether that custodial parent gets
14 \$415 potentially from the non-custodial parent or \$150
15 less at 267.

16 So we're still -- you know, the
17 custodial parent really, unless the TANF program is
18 changed substantially, still isn't likely to be in a
19 position with the 415 a month, you know, to barely get
20 by under these circumstances. That's just a thought
21 from this end.

22 MS. MCCRACKEN: Okay. So with that
23 information, Judge, you're still more in support of
24 the SSR at Federal Poverty Guideline versus in
25 between?

1 MS. BULMAN: Are you asking me or Judge
2 Martin?

3 MS. MCCRACKEN: Yes.

4 MS. BULMAN: Oh, I would make a motion
5 to amend Judge Martin's motion. I don't know if
6 that's proper procedure, but to adopt the column three
7 calculation, which is the FPG times price parity. And
8 I recognize, Judge Martin, maybe that's not the proper
9 procedure.

10 MR. MARTIN: Sure. Yeah, it would
11 be -- it's not a friendly amendment, so I'm not
12 inclined to amend my motion. I want to -- I'd like to
13 see how the commission feels about the in between.
14 Because you're right, it's a difference of about \$148
15 per month to the custodial parent. And when you're
16 talking minimum wage or, you know, you're down there
17 at the poverty level, \$148 month is a significant
18 amount.

19 My concern, and the reason I'm -- I
20 made a motion that we adopt the in between is that if
21 the payor is, you know, at too low, they will make no
22 payment. And I believe that the shaded area, the
23 purpose of that self-sustaining reserve, is to
24 encourage more payment. And that \$148 difference
25 might make the difference between, you know, paying

1 something versus paying nothing.

2 MS. MCCRACKEN: And then just building
3 arrears in the -- behind it.

4 MS. GONZALEZ: I just wanted to -- I'm
5 sorry. I'm just in support of what Judge Martin just
6 said. It's that balance between wanting to make sure
7 there's payment, and then wanting to encourage
8 payments between payor and the children. But I also,
9 on the other hand, with wanting to make sure that the
10 custodial parent has enough funds to support the
11 children.

12 But I really do feel like it's that
13 quandary that Judge Martin just stated is -- gets at
14 the heart of why I support his motion. It's we want
15 them to pay and not go into arrears so often or so
16 frequently. Thank you.

17 MS. MCCRACKEN: I appreciate that
18 input, too. Can I ask Dr. Venohr a question? And
19 Jane, I'm sorry. In your original draft report that
20 you submitted, I believe you compared New Mexico's
21 current or existing child support guideline schedule
22 and we're -- it's higher than some of the surrounding
23 states. Would you happen to have like some of that
24 information at the top of your head?

25 DR. VENOHR: I think the big difference

1 is, you know, your surrounding states, which would be
2 Arizona, Colorado, and Texas, and then, arguably, you
3 could include Utah, depending on how you look at that,
4 is that your Arizona and Colorado have some of the
5 more generous self-support reserves in the nation.

6 Colorado's cost of living is slightly
7 higher. We're at 104 percent price parity, so we're
8 on the higher end. Arizona is pretty flat. So
9 there's a justification in Colorado for our
10 self-support reserve, which is about 1500 a month.
11 And then in Arizona, it's 80 percent of their
12 full-time minimum wage, and it ends up being closer to
13 about 1600 a month. And Arizona's price parity is
14 just slightly above -- slightly below 100 percent.

15 Now, Texas doesn't have a low income
16 adjustment. They just have a flat percentage of net
17 income as their guidelines. It's 20 percent for one
18 child, and I think it's 25 percent for two children.
19 And then they treat their -- to meet the federal
20 requirement to provide for the subsistence needs of
21 the obligated parents and at the state's discretion,
22 the custodial parent, they have a deviation factor.

23 Utah has a low income table, so what
24 I'm saying is that the neighboring states are probably
25 going to be less, but it's largely because you have

1 Arizona and Colorado that have high self-support
2 reserves, and then Texas that has a different
3 guidelines formula.

4 And Betina, tell me if I didn't answer
5 that as you expected, as far as the information I'm
6 sharing.

7 MS. MCCRACKEN: You probably exceeded
8 it. But I mean, I think that the bottom line is, is
9 that New Mexico's schedule, guideline schedule, in
10 general is a little bit higher than our surrounding
11 states.

12 DR. VENOHR: And I think the big issue
13 in New Mexico, I mean, you know, it says a lot about
14 the New Mexico leadership, is that you have a high
15 minimum wage relative to other states. I mean, you
16 have the same minimum wage of Maryland, and Maryland
17 is a high income state. It's usually in the top
18 three, depending on how we slice and dice our
19 definition of income.

20 And so the challenge really is, is are
21 their job opportunities at that minimum wage for
22 somebody where income amputation is appropriate, where
23 there isn't a history. Like, if there is a history of
24 40 hours a week, of course, a judge or a referee is
25 going to use that 40 hours a week.

1 But it's, you know, those -- and then
2 New Mexico has above average unemployment rate. And,
3 you know, the economy in some of the areas in New
4 Mexico isn't that great. Granted, there is some
5 underground work, you know, and that's kind of a
6 challenge. But yeah, I think just to really bring
7 those order amounts, you do have to expand those
8 self-support reserves somehow to get them at a
9 reasonable amount.

10 And that's with respect to the federal
11 position, which is the federal position that came out
12 in 2016, is consider the subsistence needs of the
13 obligated parent and at the discretion of the
14 obligees, and they cited a bunch of studies,
15 including, you know, stuff about driver's license
16 suspension.

17 Let's get the order right at the front
18 end so we're not suspending the driver's license,
19 we're not taking enforcement actions, jailing for
20 non-payment, and make them more payable so that the
21 custodial -- to the benefit of the family. And I do
22 respect that there was some public testimony earlier
23 about some case circumstances that they didn't realize
24 increased parent time sharing.

25 And it's hard to generalize, but

1 unfortunately, these are guidelines, and I mean, it's
2 not unfortunate. They are incredible presumptive
3 guidelines, and there's still some discretion. So
4 I'll stop there. I talked too much, and I apologize.

5 MS. MCCRACKEN: No, I think that was
6 helpful, I believe. I have to remember that when
7 I'm -- just remember that, that New Mexico, where we
8 are in the state, and if our guideline schedule is
9 higher than others, maybe there's something we need to
10 do about that. And that's why we go through this
11 quadrennial review on a regular -- every four years,
12 hence quadrennial.

13 Okay. Any more comments with the
14 current motion that we have on the table? Are we
15 ready to vote on the motion? It looks like we are.

16 Okay. So Senator, thank you for
17 letting me know that with online, we need to ask all
18 of the commission members. Yes?

19 MS. GONZALEZ: Yeah, point of order,
20 then, we would need to do the vote for the \$5 Medical
21 Support Rule that we took earlier. We didn't do a
22 roll call vote for that one.

23 MS. MCCRACKEN: Okay. Thank you.
24 We'll go back. Okay. So I'm going to -- let's see,
25 the motion is to update the schedule to include the

1 shaded area for the SSR between the Federal Poverty
2 Guideline and the SNAP, which is column four.

3 Correct?

4 MR. MARTIN: Yes, ma'am.

5 MS. MCCRACKEN: Okay. Thank you. So
6 I'm going to start at the top again. Deputy Secretary
7 Armijo?

8 MS. ARMIJO: Thanks. I am going to
9 abstain again in the interest of taking the
10 committee's consensus recommendation. Thank you.

11 MS. MCCRACKEN: Thank you. Wanda? I
12 think you're going to have to go in chat, Wanda.
13 Wanda agrees with the motion. And I see that Gina
14 abstains.

15 Senator Sedillo Lopez?

16 MS. SEDILLO LOPEZ: I vote yes, I
17 support the motion.

18 MS. MCCRACKEN: Thank you. Teague
19 Gonzalez?

20 MS. GONZALEZ: I support the motion.

21 MS. MCCRACKEN: Johnny Wilson?

22 MR. Wilson: Support.

23 MS. MCCRACKEN: Judge Bulman?

24 MS. BULMAN: Well, with all due
25 respect, I vote nay.

1 MS. MCCRACKEN: Okay. Judge Martin?

2 MR. MARTIN: I vote yes.

3 MS. MCCRACKEN: And Judge Kallunki is
4 not with us.

5 And Hearing Officer Klump?

6 MR. KLUMP: I support the motion.

7 MS. MCCRACKEN: Okay. And I support
8 the motion as well.

9 Okay. That is -- I think that is our
10 job for -- oh, sorry. We have to go back. Thank you,
11 Teague. And why did I move back? Because we're going
12 to go back. Well, did we have anyone abstaining? We
13 had -- Jill, you're going to have to help me out. I'm
14 hoping that you have the motion on the \$5 medical
15 support.

16 MS. GOODMACHER: Give me a minute to go
17 through my notes.

18 MS. MCCRACKEN: I have it here, I know.

19 MS. GOODMACHER: The motion presented
20 by Judge Martin and seconded by Ms. Gonzalez is they
21 recommend removing the \$5 medical support. Judge
22 Martin, can you rephrase -- can you restate that for
23 us, please?

24 MR. MARTIN: I believe I amended my
25 motion to amend the mandatory Medical Support Act to

1 eliminate the \$5 per month minimum order. Because
2 it's not part of the guidelines. It's part of the
3 Mandatory Medical Support Act.

4 MS. MCCRACKEN: Great. You are
5 absolutely correct.

6 Okay. Deputy Secretary Armijo?

7 MS. ARMIJO: I support that
8 recommendation. Thanks.

9 MS. MCCRACKEN: Okay. Wanda Martinez?
10 Supports. Senator Sedillo Lopez?

11 MS. SEDILLO LOPEZ: Yes, I support.

12 MS. MCCRACKEN: Gina DeBlassie? Let me
13 see, is that one -- okay. Agree with the motion.
14 Awesome.

15 Teague Gonzalez?

16 MS. GONZALEZ: I think Gina abstained,
17 it says in the chat, but I support.

18 MS. MCCRACKEN: Oh, abstain. Sorry.
19 Thank you. Abstain, thank you. Thank you, Teague.

20 Johnny Wilson?

21 MR. WILSON: Support.

22 MS. MCCRACKEN: Judge Bulman?

23 MS. BULMAN: I support.

24 MS. MCCRACKEN: Judge Martin?

25 MR. MARTIN: I support.

1 MS. MCCRACKEN: No Judge Kallunki.
2 Hearing Officer Klump?

3 MR. KLUMP: I support it.

4 MS. MCCRACKEN: Thank you. And I
5 support as well.

6 Okay. Great. We have all of our T's
7 crossed and I's dotted, it appears. So unless there
8 are any other discussion or motions that someone wants
9 to entertain, I think the commission's work is done.
10 I do want to hand it over to Deputy Secretary Armijo
11 to talk about some of the things that we have under
12 discussion, which you guys brought up as well.

13 MS. ARMIJO: Okay. Thank you, Betina.
14 I just wanted to -- sorry. I'm getting some
15 background noise. If you're not talking, can you go
16 on mute, please? I'm not sure what that is. Okay.
17 Thanks.

18 So we talked about this last time.
19 There's actually a couple of ideas that the department
20 is thinking about for the legislative session, both of
21 which have either -- have been discussed in this
22 commission, and so we just wanted to raise them here
23 for awareness and see -- you know, sort of take a
24 temperature check to see if there's any objection.

25 The first one, you all just voted on,

1 so I don't think I'm going to hear any concern about
2 this one, but the agency is at this time sort of
3 contemplating an amendment to that Mandatory Medical
4 Support Act so that we can eliminate the charge, that
5 \$5 fee that we're charging to non-custodial parents
6 who have their kids on Medicaid.

7 And so you all just took a vote on
8 that, but that would be a piece of legislation that
9 would need to be run through in the 2023 session. So
10 I'll pause there, see if there are any thoughts in
11 addition to what was just discussed, any concerns?

12 MR. MARTIN: I think it came up
13 earlier, but the HSD is going to have to come up with
14 some sort of a policy decision on how to deal with the
15 arrears that have accumulated on these \$5 orders. If
16 there are arrears, you know, what are you going to do?

17 Are you going to continue collection
18 efforts, or are you going to seek some sort of
19 judicial approval to waive them? You're going to have
20 to, I guess figure out, from an agency perspective,
21 how to handle those that are either not collected or
22 uncollectable.

23 MS. ARMIJO: Yeah, exactly. So that's
24 definitely something that we're talking about. I
25 appreciate the point. I think that was a really great

1 question, and so we'll stay tuned on that. I think
2 the agency will be putting forth some additional
3 options for consideration.

4 The other piece of legislation we
5 talked about at our first meeting, this is just the
6 suggestion that we're making is to take the actual
7 guideline amounts, take them out of the statute, and
8 put those in regulation. The regulation goes through
9 a full promulgation.

10 We would continue, of course, to have
11 this quadrennial commission meet to update the
12 guidelines, we would follow all of the same
13 requirements that we follow today, but we would remove
14 those actual dollar figures from the statute and put
15 them in our administrative code with the intention,
16 then, of removing the guidelines from what is a
17 legislative process and more of a regulatory process.

18 And so we talked about this last time.
19 There seemed to be general support, but just wanted to
20 raise it again as we kind of look to flesh that out,
21 idea out further and what that would like. So wanted
22 to also find out if there area any concerns after you
23 all have had a chance to think more on that one?

24 MS. SEDILLO LOPEZ: I just wanted to
25 say, I think it's a good idea because our sessions are

1 so short, and there's so, you know -- well, you know,
2 you've been through it. It's such a heavy lift, and I
3 think given economic situations, given the changing
4 dynamics over time, agencies have much more
5 flexibility. So I think it's a great idea.

6 And just, by the way, if you need -- if
7 you haven't already identified someone to run the
8 legislation, I would be happy to do it.

9 MS. ARMIJO: That's awesome. Thank
10 you. I will be reaching out to talk to you about
11 that, Senator. Okay. Thank you. Any other -- any
12 concerns?

13 MR. MARTIN: Sure. I do have a
14 concern.

15 MS. ARMIJO: Okay.

16 MR. MARTIN: And it's probably just
17 more of a practical concern. It's so easy for, you
18 know, either custodial parents or non-custodial
19 parents to look up a statute and figure this out. And
20 looking for regulations online is much more of a
21 challenge. And trying to -- you know, if
22 self-represented parties are trying to figure out on
23 their own what their obligations are and how to come
24 up with it, trying to do that research is much more
25 challenging when you're talking about regulations as

1 opposed to a statute. Of course, we keep the
2 statutory volumes here at the courthouse they can look
3 at, but they can look it up easier online.

4 That's a concern. If it's more
5 accessible, sure, I think you're right that amendment
6 by administrative rule is more convenient, but we need
7 to keep the self-represented parties in mind when
8 we're adjusting these guidelines.

9 MS. ARMIJO: Okay. That's great
10 feedback. So accessibility or making sure that it's
11 even more accessible or at least as accessible as it
12 is today. Good feedback.

13 Anything else?

14 MS. MCCRACKEN: It doesn't sound like
15 it.

16 MS. ARMIJO: Okay. So thank you for
17 that. We'll go ahead and you all may see some of
18 these flesh out more as we head into the coming
19 months, and so we'll be happy to communicate with all
20 of you in terms of like where those two initiatives
21 are headed and any operational considerations that the
22 agency has to undertake for those. So we'll keep you
23 all in the communication loop on that and appreciate
24 everybody's input today.

25 Back to you, Betina.

1 MS. MCCRACKEN: Thank you, Kari. I
2 just want to thank everyone for their participation.
3 We had great representation, and I thank Judge Martin
4 for taking the lead on some of those motions. I
5 thought was very, very helpful, so I appreciate that.

6 And I look forward to us moving forward
7 with finalizing the report. Dr. Jane Venohr has until
8 the end of October to complete that and turn that back
9 around to us, so it will be -- you'll get that when
10 that is all complete as well.

11 But thank you all, and I guess I just
12 need a motion to adjourn and a second. I guess I can
13 motion --

14 MR. MARTIN: I make a motion to
15 adjourn.

16 MS. MCCRACKEN: We've got a first and a
17 second, I think. All in favor -- or no one -- anyone
18 opposed? How's that? Can we do that, Senator, this
19 time?

20 MS. SEDILLO LOPEZ: I think that's okay
21 for motion to adjourn.

22 MS. MCCRACKEN: Thank you. I
23 appreciate it. Okay. Well, I appreciate everyone's
24 time, attention to the details. It was -- it is
25 complicated, but thank you all very much and have a

1 terrific day.

2 MR. MARTIN: Thank you very much. I
3 appreciate everybody. Have a nice day.

4 MS. MCCRACKEN: Thank you.

5 MS. SEDILLO LOPEZ: Thank you,
6 everyone.

7 THE REPORTER: Going off the record at
8 11:48 p.m. [sic]

9 (Whereupon, the meeting concluded at
10 11:48 a.m.)

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CERTIFICATE OF DEPOSITION OFFICER

I, BRETT TORRENCE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

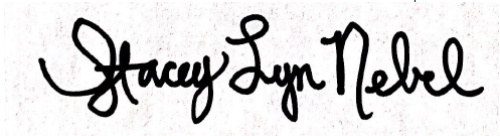


BRETT TORRENCE
Notary Public in and for the
State of New Mexico

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I, STACEY NEBEL, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



STACEY NEBEL

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New Mexico Rules of Civil Procedure for the
District Courts

Article 5, Rule 1-030

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have thirty (30) days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Subparagraph (1) of Paragraph F of this rule whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES
ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.
THE ABOVE RULES ARE CURRENT AS OF APRIL 1,
2019. PLEASE REFER TO THE APPLICABLE STATE RULES
OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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