1   NEW MEXICO HUMAN SERVICES DEPARTMENT

2   CHILD SUPPORT GUIDELINES REVIEW COMMISSION

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6   Invitees

7   Kari Armijo, Human Services Department Deputy

8   Secretary

9   Betina McCracken, Acting Division Director Child

10   Support Enforcement Division

11   Wanda Martinez, Esq. Deputy General Counsel of CSED

12   Legal Services

13   Jane Venohr, Ph.D., Guideline Economist

14   New Mexico State Senator Antoinette Sedillo Lopez

15   New Mexico State Representative Gail Armstrong

16   Gina DeBlassie, Office of the Governor, Health

17   Policy Advisor

18   Teague González, Esq. Center on Law and Poverty

19   Johnny Wilson, Father's New Mexico, Executive

20   Director

21   Judge Shannon Broderick Bulman

22   Judge James T. Martin

23   Judge Jared Kallunki

24   Stephen Klump Esq., Child Support Hearing Officer

25

1   BE IT REMEMBERED that the meeting of

    2   the Child Support Guidelines Review

    3   Commission was taken on August 8th, 2022, at

    4   11:03 a.m., (Central Time) via remote GoTo

    5   Meeting technology, before Christina

    6   DeGrande, Professional Stenographer, Notary

    7   Public in and for the State of Minnesota.

    8   Whereupon, the following

    9   proceedings were had, to wit:

   10   MS. GOODMACHER: Thank you. Child

   11   Support Guidelines Review Commission 2022.

   12   Good morning, everyone. We can go to

   13   the next slide in, HSC, the left-hand page.

   14   Before we start, on behalf of the colleagues

   15   in the Human Services Department, we

   16   acknowledge we are on the people's land of

   17   the Apache, past, present, and future and

   18   with gratitude, we pay our respect to the

   19   people and the community that contribute to

   20   what today is known as the state of

   21   New Mexico.

   22   Next page. I would like to go over our

   23   mission at the Human Services Department.

   24   We transform lives at HSD working with our

   25   partners to design and deliver high-quality,

1   innovative health and human services that

2   improve the security and promote

3   independence for New Mexicans in their

4   communities. We communicate effectively.

5   We make access easier, and we support each

6   other, so all the goals we have at HSD tie

7   to what we're doing here today.

8   And the next slide goes on to the form

9   our agenda. And we'll approve the agenda,

10   but the next first next step is the roll

11   call of the committee members, so we can get

12   some of the members to take attendance.

13   Let me unmute. Next slide please.

14   Hold on.

15   MS. MCCRACKEN: Let me unmute the

16   committee members or if they want to raise

17   their hand, maybe they can unmute

18   themselves. So committee member, when your

19   name is called, if you can please unmute and

20   let us know you're present.

21   MS. GOODMACHER: Kari Armijo.

22   MS. ARMIJO: Kari Armijo. I'm present.

23   I can't see how to raise hands. Is there a

24   way to do that? I just want to make sure

25   everyone knows how to do that in this

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 1          format.
 2                  MS. MCCRACKEN:  I don't know of the
 3          raise hands.  I see the chat is on the top
 4          left hand -- right hand, excuse me.  But I
 5          don't see raise hand option.
 6                  MR. ARMIJO:  All right.  We need to be
 7          aware of that as we take questions
 8          throughout the meeting.  I don't see a way
 9          to do that, but I am here.  Sorry to
10          sidetrack everyone.  Thanks.
11                  MS. MCCRACKEN:  Jill, can you switch to
12          the next slide so you have the names of the
13          committee members?
14                  MS. GOODMACHER:  Absolutely.  Sorry
15          about that.
16                  MS. MCCRACKEN:  Thank you.  And I'm
17          present, yes.
18                  MS. GOODMACHER:  Wanda Martinez.
19                  MS. MARTINEZ:  Present.
20                  MS. GOODMACHER:  State Senator
21          Antoinette Sadillo Lopez.  Teague Gonzalez.
22                  MS. GONZALEZ:  Present.  Good morning.
23                  MS. GOODMACHER:  Johnny Wilson.
24                  MR. WILSON:  Present.  Good morning.
25                  MS. GOODMACHER:  Hi, there.  Judge
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 1        Shannon Broderick Bulman.

 2            MS. BRODERICK BULMAN:  Present.  Good

 3    morning, everyone.

 4            MS. GOODMACHER:  Judge James T. Morton.

 5            MR. MORTON:  Good morning, everyone.

 6    I'm present.

 7            MS. GOODMACHER:  Judge Jared Kallunki.

 8            MR. KALLUNKI:  Good morning, everyone.

 9    I'm present.

10            MS. GOODMACHER:  And Steven Klump,

11    hearing officer from the Second Judicial

12    District.

13            MR. KLUMP:  Good morning.  I'm here.

14            MS. GOODMACHER:  Thank you, all.

15            MS. MCCRACKEN:  Good morning.  Thank

16    you.  And we skipped over Gina Da lassie

17    just because we knew ahead of time she

18    wasn't going to able to join us.

19            So next on the slide, and the agenda

20    was sent to everyone as well.  So even

21    though this might be small, and, Jill, I

22    know that we are not as used to GoTo Meeting

23    as other formats that we use.  I don't know

24    if it's possible to make the slides larger.

25    I don't know.
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 1              So the agenda next would be to approve
 2       it.  And from 10:15 to 11:15, we want to
 3       hear from Dr. Jane Venohr.  She is going to
 4       provide us a preliminary update of the child
 5       support schedule.  At 11:15, we want to hear
 6       from committee members for question and
 7       answer from Jane's presentation.  Public
 8       comments will be from 11:30 to 11:45, and
 9       Jill will help us go over, hear from the
10       public, and hear any comments from them.
11              At 11:45, we would like to vote on
12       guideline recommendations or if there is
13       going to be a need for a second meeting,
14       which is already scheduled in September, if
15       needed.
16              And then next steps, Deputy Secretary
17       Kari Armijo will let us know about
18       considerations for the 2023 legislative
19       session or discuss what our next steps are.
20              So if we can approve the agenda, if I
21       have a motion from anyone to approve the
22       agenda.
23              MS. GONZALEZ:  So move.
24              MS. MCCRACKEN:  And who was that?
25              Ms. GONZALEZ:  Teague Gonzalez.
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1   MS. MCCRACKEN: Thank you, Teague. Do

2   we have a second?

3   MR. WILSON: Johnny Wilson will second.

4   MS. MCCRACKEN: Thank you. All -- any

5   opposed? And Jill, I know you just took off

6   the presentation, but we have one more slide

7   that I want to go over before we move to

8   Jane. Jill, if you can bring the

9   presentation back up to slide 7.

10   MS. GOODMACHER: Yes. Give me one

11   second. I was going to switch to her slide.

12   I apologize.

13   MS. MCCRACKEN: All -- and when she

14   gets there, all I want to do is go over the

15   commission's charge, what our goal is here

16   today.

17   So code of federal regulations tells us

18   we need to -- the State must review child

19   support guidelines at least once every four

20   years to ensure that their application

21   results in the determination of appropriate

22   child support order amounts. There's lots

23   more detail in CFR, and those details are

24   put in an appendix in Jane's presentation,

25   which will be sent to everyone as well.

1   And then New Mexico state statute let's

2   us -- tells us that Child Support Guidelines

3   Review Commission is administratively

4   attached to the Human Services Department,

5   and we are to review the child support

6   guidelines set forth in Section 40-4-1 --

7   40-4-11.1 NMSA 1978 to ensure that the

8   application of the guidelines results in the

9   determination of appropriate child support

10   order amounts and that it provides a report

11   of its findings to the Secretary of the

12   Human Services Department.

13   So you all -- all the committee members

14   did receive the reports from Dr. Jane

15   Venohr, but that's a lot of detail. So Jane

16   is now -- you can bring up Jane's

17   presentation, Jill. Jane is going to go

18   over her findings. So, Jane, you are up.

19   MS. GOODMACHER: Thank you. Give me

20   one minute, please.

21   DR. VENOHR: Thank you, everybody.

22   Thank you for your public service and taking

23   time out of your day for this important

24   issue. And I see that there are some new

25   commission members, and I see that we have a

1   couple returning commission members. So I
2   want to thank everybody for their public
3   services. And I recognize Judge Martin's
4   name. And we also have Steve Klump, who is
5   a child support hearing officer who served
6   last time. So that will certainly be
7   helpful and certainly helpful to hear from
8   the newcomers as well.
9   As we're waiting for the PowerPoint,
10   just a little bit of background. I'm an
11   economist. I'm with Center For Policy
12   Research in Denver. We're a nonprofit
13   organization. We provide technical
14   assistance to states on their child support
15   guidelines. And, ultimately, there's a lot
16   of data that goes into those child support
17   schedules, but there's a lot of policy
18   decisions. So New Mexico is very fortunate
19   to have this commission and to have each and
20   every one of you participating in this. So
21   I'm going to go through a lot of technical
22   stuff. I see that as we're waiting for the
23   PowerPoint to come up, I like to keep it
24   interactive. When you have clarifying
25   questions, please feel free to raise your

1   hand, which I think Jared clarified that you

2   can get there by going to the "More" button.

3   And I haven't figured that one out, but I'm

4   scanning the chat. If you can't figure out

5   the -- how to raise your hands. And you can

6   do that there, and I'll also pause

7   periodically. I'm sure Betina and Kari and

8   Jill will help identify where there's

9   questions.

10   So it looks like Jill got that up.

11   We'll have to see how we all like GoTo

12   Meeting. I -- I found it is better with --

13   we've used almost every platform. So I

14   think we'll see at the end. So we could go

15   to the next slide.

16   Our major purpose of what CPR, my

17   organization, did is, we're contracting --

18   MS. MCCRACKEN: Hold on one second.

19   Jill, is there a way of just showing the one

20   -- the full screen? You're showing two

21   slides at one time, and it's kind of

22   difficult to see.

23   MS. GOODMACHER: Okay. Let me -- let

24   me see.

25   MS. ARMIJO: You can push the zoom on

1	the right there Betina, and it enlarges the
2	slide just for folks. I was having trouble
3	seeing it before as well. But there's a
4	zoom on the right.
5	DR. VENOHR: Okay. Okay. So we have
6	control on our end. I see Antoinette Lopez
7	has just arrived on the chat box. Welcome.
8	MS. MCCRACKEN: Yes. Thank you,
9	Senator, for joining us. We're -- you're
10	jumping right into Dr. Venohr's
11	presentation.
12	Okay. Thank you. Jane, go right
13	ahead.
14	DR. VENOHR: Okay. So, again, we're
15	providing technical assistance, which means
16	we're handling all the data. So the feds --
17	federal government requires all sorts of
18	data analysis as part of those state
19	guidelines reviews. States are supposed to
20	review their guidelines every four years.
21	And as part of that review, they must use --
22	look at the economic data and the cost of
23	raising children. That's why I'm here. I'm
24	an economist, and we use that to develop the
25	child support schedule, which I helped

1   New Mexico last time.

    2   And then the couple of other things we

    3   have to do is we have to review case file

    4   data. We have to review case file data on

    5   the rates of deviation and the federal

    6   intent is to keep deviations at a minimum.

    7   So when you see the data, you might want to

    8   discuss that. And rates of default orders,

    9   orders entered by default, income imputation

   10   to the noncustodial parent, and the

   11   application of the low-income adjustments,

   12   we're going to go through that and then --

   13   and I'll explain why the federal government

   14   is interested in these things, and then

   15   we're going to analyze payment data. These

   16   were some of the things that are in the

   17   federal requirements.

   18   We're also going to analyze labor

   19   market data. And the reason we're going to

   20   do that is it's a federal requirement, but

   21   the intent is that they're really concerned

   22   about income imputation, and particularly

   23   among low-income, nonresidential parents.

   24   And they're concerned, because in the past,

   25   and this is across the country, there's

1   rampant income imputation at 40 hours a week

2   at minimum wage. And we weren't using all

3   the data that we have, you know, all the

4   wonderful new hire data, quarterly wage

5   data, all -- even the Department of Labor

6   that we could use. So I'll discuss that

7   more. And then I'm going to show you an

8   updated schedule. And the technical report

9   is forthcoming. We sort of got backlogged

10   because everybody got an extension due to

11   COVID. So we're a little bit slammed with

12   work right now.

13   We can go with -- over to the next

14   slide, but we -- we'll make sure that we

15   make your legislative timelines.

16   So on the next slide, so we're just

17   going to dive into the case file labor

18   market data, kind of do a warmup. That's

19   the easier part to understand. And then

20   we're going to dive into the economic data.

21   And then we reserved about ten minutes for

22   discussion, and again, clarifying questions

23   along the way. I'll pause. I'm scanning to

24   see if a hand raised and also in the chat.

25   I'm -- as you all know, it's kind of

1   difficult when we're on these Zoom or Webex

2   or GoTo Meetings formats.

3   So we can go to the next slide, and we

4   can actually skip to two slides. And just

5   to give you a little bit of background:

6   States have a -- oh, can we go -- go -- we

7   went just a little too far. One more slide

8   up.

9   So States were first required to have

10   state guidelines by 1987. In 1989, the

11   federal government required that states have

12   rebuttal presumptive guidelines, meaning

13   that they were to be applied in every case,

14   but they could be rebutted and that based on

15   criteria set by the state and that state

16   must have to consider the best interest of

17   the children in their criteria and also on

18   what's appropriate and consider an equitable

19   -- whether the guidelines amount is

20   equitable.

21   And then they -- in 1989, when they

22   expanded these requirements, they also made

23   the requirement that you're supposed to

24   review case file data and deviations, which

25   isn't an issue in New Mexico because the

1	deviation rate is low. In 2016, there was
2	some major changes in the federal
3	requirements, and mostly, it was expanded.
4	They didn't take any away. But now they
5	require that you consider the subsistence
6	needs of the parents, consider the actual
7	circumstances of imputing income, don't
8	treat incarceration as voluntary
9	unemployment, and with the -- and also, they
10	expanded the data analysis requirement. And
11	what they want were -- and what they were
12	cognizant of is, there were a lot of
13	low-income parents in that IV-D state
14	caseload, and a lot of them have a limited
15	ability to pay as many of them were in and
16	out of prison. And that can be a factor as
17	far as child support can be -- contribute to
18	recidivism. So there's things like that
19	that they're very concerned about as far as
20	making sure that those orders at low income
21	are appropriate.
22	And the feeling is, is the -- are the
23	data that supported these federal rules
24	suggest that if we can get those orders
25	right, they're more likely to be paid. We

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1        won't have to use punitive enforcement

2        methods such as driver's license suspension

3        that can exasperate the issues where they

4        can't get to work.  There's evidence that

5        too high of an order will lead to arrears

6        that will lead to more underground economy.

7        So that's the reason for these expanded

8        federal rules.

9             In 2018, the New Mexico guidelines

10       commission that they worked very hard to

11       develop on language and to consider how to

12       adopt these new federal requirements.

13            In 2021, it was a long haul, but the

14       New Mexico legislature eventually adopted

15       many of the changes, and Kari was certainly

16       instrumental in helping do that.  It's not

17       an easy road, as everybody knows, to get

18       legislative changes.  And here we are again

19       four years later.

20            And looks like somebody else joined us.

21       I didn't see that.  I just want to make sure

22       that the court reporter captures that.  Did

23       somebody else --

24            MS. MCCRACKEN:  Patty Warner came and

25       -- came and went.  But we're good.  And I
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 1        think we're going to identify those people
 2        who come and go.  You can keep going.  Thank
 3        you.
 4              DR. VENOHR:  Okay.  Okay.  So the
 5        analysis of the case file data, we can move
 6        on to the next slide.  We're going to
 7        consider three time periods.  We're going to
 8        consider the data that we analyzed last time
 9        period, which came from state fiscal year
10        2016.  Whoops.  Looks like I skipped a
11        slide.  Thank you, Jill.
12              So anyway, these -- if you want to see
13        all the federal requirements, they're at the
14        end of the PowerPoint.  And this is a
15        summary.  So today, I'm going to consider
16        the economic data.  I'm going to consider
17        the labor market data, the case file data.
18        The other things, if you look at the
19        left-hand corner, keep deviations at a
20        minimum.
21              I've already spilled the beans.
22        Deviation rate is very low in New Mexico,
23        but if it was higher, it would be up to the
24        commission agency and the legislature to
25        figure out what provisions could bring it
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1   down. It's ultimately the legislature's

2   authority to make any guidelines changes.

3   And then in the lower left-hand corner,

4   there's a "Provide meaningful opportunity

5   for public input." That's going to happen

6   today, including input from low-income

7   parties. That's an important concern to the

8   federal government. It's also important to

9   get the IV-D agency's perspective. There's

10   some states that they didn't have IV-D

11   representation on their commission.

12   So -- and then there's -- the last one,

13   as far as "Publish the report on the

14   internet, the membership of the reviewing

15   body," New Mexico's always been really good

16   about that. So that's not a heavy lift for

17   New Mexico to meet.

18   So now we're ready for the next slide.

19   Sorry, Jill. So now I'm jumping to the case

20   file. And we pulled two samples here

21   because many of you know that New Mexico

22   just changed their guidelines effective

23   July 1. And, usually, we like to get a year

24   of sample data, and we like to get the

25   payment for a sample for a whole year

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 1          because, you know, patterns, things change
 2          in the year.  Unfortunately, we could only
 3          get the first three months of that 2022
 4          sample.  And it's a little bit disappointing
 5          as far as it wasn't that informative
 6          probably because there's a little bit of a
 7          learning curve in using those new
 8          guidelines, and also, some of those
 9          complaints for child support were filed
10          before July 1, the guidelines changes, so
11          they use the old guidelines.  So we're --
12          we're not going to see a lot of trends, you
13          know, as far as what is happening since the
14          guidelines changed.  But we do have some
15          good sample sizes here, so it will still be
16          informative.
17               We'll move on to the next slide to see
18          what some of our findings are.  This is the
19          limitations in the case file.  We were -- we
20          can't get non-IV-D orders.  There isn't an
21          automated system that captures that.  The
22          automated system tracks deviations, which is
23          a federally-required field, but it doesn't
24          track defaults, income imputation, or low --
25          application of the low-income adjustments.
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1   We use proxies for those that I'll describe

2   later.

3   And deviations in income imputation are

4   likely to be understated. And one of the

5   reasons deviations are understated is that

6   the agency posting the information up on to

7   the automated system may not always have all

8   the information for the board or there might

9   be an oral record or it's not obvious on the

10   deviation. But I'm not losing sleep over

11   that. There's many other states that have

12   that same problem, and we compared it to

13   case file data, and I can go off on a segue

14   on that.

15   But another limitation and sampling is

16   during the pandemic. And -- and we know

17   that the pandemic has changed everything,

18   but we have to plunge forward and just use

19   the best data we have.

20   I'm going to go a couple more slides

21   before I give you a break and entertain

22   questions, so if you have some, you know,

23   hold on for a few minutes. So move on to

24   the next slide.

25   And the first thing that's most

1 important to know when we start looking at

2 the proposed changes to the guideline

3 schedule is that most of the orders in

4 New Mexico cover one and two children. So

5 we don't want to be focusing on the

6 six-child orders when we're thinking in

7 generalities of what the impact is. Another

8 thing that's really interesting on this

9 comparison and as you look, it goes from the

10 -- it goes to the right, it goes to the --

11 from the earliest sample to the next -- to

12 the calendar year 2020 and then the last

13 sample is the most current. And you'll see

14 that Medicaid enrollment has increased. And

15 that's probably an expansion of Medicaid.

16 And that makes me kind of pause. And this

17 is something you might want to discuss about

18 yourself -- among yourself and think about

19 whether your medical child support

20 guidelines are appropriate. And as all you

21 know is that states are required to consider

22 the healthcare needs of the child as well as

23 the financial needs in their child support

24 guidelines, and New Mexico does do that.

25   So moving on to the next slide. What

1   we -- these are the -- the regions, the

2   office -- regions office, and you'll see

3   when you look -- if you were to look at the

4   comparisons of the regions that it pretty

5   much tracks the changes in the demographics

6   in New Mexico where we see some areas that

7   are growing. Some are -- have declining

8   populations.

9   We can move on to the next slide. And

10   this is the current support order, and the

11   average financial order has increased over

12   time, and mainly, it's an increase due to

13   the state minimum wage. Again, there's a

14   lot of income imputation at minimum wage,

15   and we think that's what's driving the

16   increase.

17   Now, with regard to looking at whether

18   the low income adjustment applied, we used

19   the minimum order amount as a proxy, which

20   doesn't touch those where the low income

21   adjustment actually is above income or the

22   minimum order. We find that only about one

23   percent of the cases have that minimum order

24   apply, and that's probably due to the income

25   implementation at minimum wage. And if you

1   look at that bottom left-hand corner, you'll

2   see that 49 percent cash -- cash medical

3   support order. And that amount was almost

4     $5 -- it was -- it was mostly $5 per month

5   in every case.

6   And one thing I forgot to say, as Jill

7   moves us to the next slide, is, I want to

8   thank the CSED data team. You know, Carlos

9   spearheaded the data -- pulling this data,

10   and it's not a -- it's not an easy feat. So

11   I want to thank him for pulling this data.

12   They did a very good job in organizing it

13   for research purposes when it's used to

14   track child support cases is their priority.

15   I want to just pause for a minute to

16   see if there's any questions so far before I

17   plunge into this in income findings.

18   MS. MCCRACKEN: I don't see anything in

19   the chat, and not everyone, I think, can

20   raise their hand. So I want to give some

21   committee members an opportunity now if you

22   have any questions so far.

23   MS. ARMIJO: I have a comment, I guess,

24   related to the Medicaid enrollment, and that

25   is, you know, I don't know exactly -- I

1   couldn't see exactly the timeframe in which

2   you were seeing that Medicaid enrollment

3   increase. But I just wanted to know during

4   the pandemic, states were required to adhere

5   to maintenance of eligibility or maintenance

6   of effort provision. And so children

7   weren't able -- we weren't dis-enrolling

8   children or haven't been dis-enrolling

9   children, which could be one of the drivers.

10   So that is kind of an outlier. I would be

11   reluctant to set any policy decisions based

12   on what were a couple of years that really

13   represent an outlier, especially as we

14   anticipate the end of the public health

15   emergency coming sometime in the next few

16   months, probably, and we'll be resuming our

17   normal recertification process again. So I

18   just -- I wanted to mention that in the

19   context of Medicaid, the data may be sort of

20   an outlier there. So thank you.

21   MS. SEDILLO LOPEZ: Do we have any

22   people who will be affected by that?

23   MS. MCCRACKEN: Who -- who asked that

24   question? Sorry, before we go on.

25   MS. SEDILLO LOPEZ: I -- I did. This

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 1        is Antoinette Sedillo Lopez.

 2             MS. MCCRACKEN:  Thank you, Senator

 3        Lopez.  Go ahead, Kari.  I'm sorry.

 4             MS. ARMIJO:  Hi, Senator.  Yeah.

 5        Thanks.  I can drill down.  We do actually

 6        have the number of people who we think may

 7        lose eligibility -- who we think may lose

 8        eligibility who have kind of been maintained

 9        on the eligibility rolls.  I don't know how

10        many are children.  We would have to drill

11        down further on that data, but we think that

12        there's about 85 to 90,000 people who may be

13        financially ineligible for Medicaid who are

14        -- who have been maintained during that MOE

15        provision.  So happy to follow up on the --

16        to see if we can find out about how many are

17        kids.

18             DR. VENOHR:  And with that said, I

19        mean, it's interesting what Kari said, but I

20        have to admit that rate doesn't feel high to

21        me compared to other states just with the

22        Medicaid expansion for children.

23             The one thing I do want to highlight is

24        that some states do not require cash medical

25        support if the child's on Medicaid because
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1	the child does have health care coverage.
2	So assessing $5, which is a nominal amount,
3	is kind of old school as far as a way to do
4	it. Usually, in other states, they -- if
5	the child's on Medicaid, it satisfies the
6	provision of healthcare for that child, and
7	they don't assess an additional cash
8	medical, which I would say is the norm, just
9	as an aside. But I'm not going to -- I'm
10	not losing sleep over it because it's $5.
11	Did you want to add something, Betina?
12	MS. MCCRACKEN: Yes, just to explain
13	that $5. The $5 cash medical support is --
14	is actually for those children who are on
15	Medicaid, and the $5 goes back to the
16	Medical Assistance Division to pay for the
17	cost of that child being on Medicaid. So
18	that's the $5 cash medical in most cases.
19	Just as an aside, that's what we're doing in
20	New Mexico. Thank you.
21	DR. VENOHR: Yeah. Yeah. Medical
22	child support is complicated. So -- well,
23	let's get back to the financial child
24	support, and certainly, if you think of
25	things down the road, you know, we can

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 1           entertain those questions.

 2                So let's look at the incomes of

 3           parents.  And those incomes have increased,

 4           and we believe it's probably due to the

 5           increase in the New Mexico minimum wage.

 6           And if you look at the bottom cluster,

 7           you'll see that -- that some of those

 8           minimum wages, there's sometimes a lag in

 9           whether they use a 2018 or the 2020 minimum

10           wage despite the data year.  It might not be

11           the same year as the minimum wage as when

12           the sample was pulled, and that's just

13           because the -- the delay between when the

14           filing and when the order is actually

15           entered.

16                So move on to the next slide.  And this

17           looks at the deviation rate, and here,

18           you'll see the deviation rate has increased

19           a little bit for newly-established orders.

20           It's increased from 6 percent to 8 percent,

21           which is not statistically significant; and

22           for modified orders, it's increased over

23           time from 2 percent to 12 percent in the

24           2020 and then 10 percent in that 2021.  And

25           I'm -- I'm not worried about that.  That's
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 1        still a low deviation rate.  Arizona's
 2        deviation rate is, I think if I remember off
 3        the top of my head, is 28 percent.  It's
 4        just shy under 30.  It's either 28 or 24 now
 5        that I think about it, and so -- and they
 6        pull from actual case files.  And the
 7        deviation rate in Colorado is probably about
 8        the same as it is in New Mexico, so that's
 9        not a high deviation rate.
10             The three most common reasons for
11        deviation is agreement by parties, judge's
12        discretion, application of the guidelines
13        would lead to a substantial hardship.  The
14        courses of data mirrored.  I want to have
15        more specificity in make -- what was the
16        judge's discretion, but that's the way it
17        goes.  But still, that's a low deviation
18        rate.
19             So we can move on to the next slide.
20        And this is the -- we used full-time minimum
21        wage for income imputation because we know
22        that's used, and we can see that it's quite
23        a few cases.  It's 31 percent of the
24        calendar year 2020 year sample where
25        obligated parents had full-time minute wage
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1   imputed and 45 percent of the 2021 sample.

2   And it's high, but I want to -- I -- there's

3   several states that have it about the same

4   rate. I was just looking at Georgia's data

5   today, and there is a slightly higher.

6   There's a few states that get it down lower.

7   Pennsylvania is one of them. Arizona's

8   rate, I don't have it in front of me, but

9   it's slightly lower too.

10   We don't have default data from the

11   automated system. So we use a proxy.

12   There's a federal study that says about

13   45 percent of those cases with income

14   imputated are based on default. So that

15   would be a pretty reasonable default rate.

16   I think that's pretty comparable to what

17   we're seeing in other states, maybe just a

18   tad bit lower, but I wouldn't say this is

19   out of the ordinary, both the income

20   imputation and the default rate.

21   MS. MCCRACKEN: Jane, before going back

22   to the last slide, we have a question from

23   Senator Lopez. If we have information for

24   why the parties agree to deviate.

25   DR. VENOHR: We don't have that detail.

1   There is some research out there that says
2   it's a good thing if parties agree to
3   deviate because they've talked. They've
4   agreed to what are the situations they're
5   both in and what the situation is for their
6   children, and so they're the ones who know
7   their children and their situation the best.
8   So this was a study by Mookin (phonetic
9   spelling), who he's long since retired. So
10   he actually argues that deviations are good,
11   particularly those that are agreement by the
12   parties. Does that answer your question,
13   Senator?
14   MS. SEDILLO LOPEZ: It does, and what I
15   worry about are domestic violence victims
16   who tend to do really poorly in these kinds
17   of negotiations, and I just was curious and
18   maybe if there were correlation between DV
19   orders in the case and agreements in the
20   case, that would be interesting. That's
21   what I worry about with agreement.
22   DR. VENOHR: Yeah. And I think Betina
23   or one of the judges can speak to that
24   because I think they're very careful, you
25   know. The statement when they agree is

1   usually, it wasn't under distress. I'll let

2   somebody else explain.

3   MS. MCCRACKEN: Yeah. And I would

4   probably also ask one of the judges or

5   Hearing Officer Klump to answer that

6   question because I think in that instance,

7   you would be very cognizant of a domestic

8   violence situation and recognize a deviation

9   wouldn't be fair to one party or the other

10   if someone was being pressured in that

11   instance, which I think is where the senator

12   is going.

13   Does someone maybe want to provide an

14   example? Chirp, chirp. No one?

15   MS. BRODERICK BULMAN: Well, this is --

16   this Judge Bulman. I -- I was -- I'm a

17   former hearing officer as well. I think we

18   see a lot of deviations, and when I'm

19   reviewing a proposed deviation where both

20   parties have signed off, often, it's because

21   they have a 50/50 time share, and although

22   there would be child support payable, they

23   each want to do their own thing. Sometimes

24   it's just, you know, it's less than a

25   hundred-dollar deviation. I think I have --

1   I think that if I ran into a proposed order

2   where an individual -- the custodial parent

3   has primary custody of the children and is

4   fully waiving child support, I might set

5   that for hearing and ask for some more

6   questions. Sometimes we find out that the

7   custodial parent has other sources of

8   support, family support, that sort of thing,

9   and they are recognizing that their

10   situation is -- their financial situation is

11   strong even though it's not showing up on

12   the child support guideline analysis.

13   So I -- I think it really just depends

14   on the proposed deviation, at least from the

15   cases that I've reviewed.

16   MS. SEDILLO LOPEZ: Thank you. I

17   appreciate that the judges probably look

18   into it with the deviation, but I just

19   represented so many DV clients who just --

20   just want to be out of there, and so you

21   really -- and it's complicated because you

22   don't want to pressure them, you know, just

23   additional stress and -- and support -- I

24   mean, and control, but, you know, they --

25   they say I just -- I don't care. I don't

1	care. I just want out of here, and I did
2	find those cases very difficult.
3	DR. VENOHR: And I'd like to add that
4	the federal office of child support
5	enforcement will be doing some demonstration
6	projects on DV and child support and, you
7	know, with -- given the senator's concern,
8	it might be something that New Mexico might
9	want to continue to monitor the -- what
10	these best practices are that are being
11	developed for this federal project, this
12	demonstration project.
13	MS. MCCRACKEN: Excellent, Jane. And
14	just to add -- I'm sorry. The senator is --
15	we -- we are very well aware of the -- any
16	DV cases that are -- that have been brought
17	to our attention, and I think the likelihood
18	of us moving forward with a deviation would
19	be reviewed by our legal team as well before
20	we moved it forward to the -- to the court
21	as well. So we do take that into
22	consideration when we're reviewing these
23	cases.
24	MS. SEDILLO LOPEZ: Thank you. That's
25	excellent.

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1              MS. MCCRACKEN:  Thank you.

2              DR. VENOHR:  Moving on to the federal

3         requirement to analyze payment data is that

4         here is the findings for -- across the three

5         data years or data samples is the first one,

6         all orders, that's a percent with any

7         payment.  And you can see a little bit of an

8         increase from '17 to 2020.  I don't have too

9         much confidence in 2021, mainly just because

10        we pulled it from the first three months,

11        and there's -- sometimes there's some

12        posting issues and, you know, there was a

13        little -- we didn't have as much lag time as

14        it was, and this has nothing to do with the

15        automated system.  It's just too early to be

16        pulling data and trying to use it for

17        research purposes, just the way, you know,

18        we're trying to pull it from the ledger.

19             So I would -- I wouldn't interpret that

20        as a decline in the percent paying or even

21        by new orders or modified orders.  And when

22        you look at the compliance rate, it looks

23        like it's been increasing over time, and

24        then again, I would -- I -- I'd like to

25        re-pull that 2021 sample sometime when
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1   there's been a little bit more lag just for,

2   you know, the checking book to balance, sort

3   to say. So anyway, I wouldn't react that

4   too strongly.

5   The next slide, if you're ready for it.

6   The next slide shows the -- should show the

7   payment data for those with income

8   imputated, and this is those that had income

9   based on full-time minimum wage earning.

10   And the first cluster in the center is those

11   that had that income equal to full-time

12   minimum wage, and then the one off to the

13   right border is the ones that didn't. And

14   you'll see that percent -- what's

15   interesting is the difference is that you'll

16   see that those with full-time minimum wage

17   income, the percentage that made any payment

18   was lower than those had income more or

19   less. So we're assuming that if they had

20   income more or less that they probably had

21   the right income. They actually had income

22   data and that the -- when it was full-time

23   minimum wage, we're assuming that it was

24   imputed.

25   And you'll look at all the statics, and

1 generally, it's just some supports that
2 payment is lower when income is imputed.
3 Now, whether it's a cause or effect or if
4 income is imputed because they're more
5 disengaged or they're having trouble with
6 employment and we know that when things blow
7 up with families, a lot of things happen at
8 once. They might lose a job. You know,
9 they divorce, or the couple splits up. I
10 mean, there's -- there's a lot of trauma
11 happening at one once.
12   And just to reiterate why the federal
13 government is so concerned with income
14 imputation is that they realize that, and
15 they have lots of studies to back up that
16 more orders -- more arrears accrue when
17 income is imputed or when the obligated
18 parent is low income that they're concerned
19 about employment and underground activities.
20 There's a correlation with that, crime,
21 incarcerations. There's a correlation with
22 high orders and reduced contact with their
23 children.
24   And then there's also the Supreme Court
25 decision in Turner and Rogers that was

1   issued in 2011. And what they -- what that

2   decision was, was that happened in South

3   Carolina. There was less than stellar

4   obligated parent, and he had substance

5   abuse, alcohol abuse issues, and he had

6   income imputed to him, and he had trouble

7   keeping a job, and he was incarcerated for

8   nonpayment of child support. It was civil

9   incarceration.

10   And what the Supreme Court said is,

11   look. You need to make sure there's an

12   ability to pay. He didn't have a job. He

13   wasn't employable at the time. And you need

14   to make sure of that before you incarcerate.

15   So the gist of it is that the federal

16   says let's deal with this at the front end.

17   Let's get these order amounts at amounts

18   that are payable at the front end, have low

19   income adjustments, try not to impute income

20   at low minimum wage all the time, use the

21   data that you have and make those -- set

22   those orders amounts that an obligated

23   parent can reasonably pay and take less

24   enforcement actions by taking more actions

25   at the front end.

1   So moving on to the labor market data,

2   and I've got two slides here, and then I'm

3   going to pause again. So the labor market

4   data, again, this is required just to

5   compliment the policies on income

6   imputation. And New Mexico's unemployment

7   rate is higher than the national average.

8   So it makes some sense there would be income

9   imputation. The labor force participation

10   rate, New Mexico is also lower than the

11   nation. And it's really that national data

12   that speaks to this whole issue of income

13   imputation, is that there's this recent

14   study that was re -- released by the

15   congressional budget office that 35 percent

16   of the nonresidential parents not living

17   with at least one of their children had

18   incomes below 200 percent of the poverty.

19   So we have a lot of poor families in the

20   caseload, and it's both parents are poor.

21   And those nonresidential parents are less

22   likely to work full-time year around than

23   those that have incomes above 200 percent

24   above the poverty.

25   Another concern is that there's lots of

1   data out there that the pandemic reduced

2   labor force participation, and some of that

3   was parents reducing their work hours,

4   quitting their jobs, or being laid off

5   because they had children to care for at

6   home. And they were also concerned about

7   their own health. And that's -- that's a

8   policy issue. It does give pause onto

9   whether these are valid reasons to impute.

10   Another thing that's important to keep

11   in mind is that nationally, 55 percent of

12   people work an hourly wage. And those in

13   the lowest rung, that's the lowest tenth

14   percentile of wages, only a third of them

15   have paid sick time and 40 percent of them

16   have vacation time. And when you add that

17   up, on average, vacation days are 8 days on

18   average, 11 days on vacation time. That's

19   19 days a month or a year that are being

20   missed. And then on top of that, a lot of

21   these low-paying jobs don't offer 40-hour

22   work weeks, particularly in retail, leisure

23   and hospitality.

24   So the data challenged that assumption,

25   whether 40 hours per week 52-hour --

1   52 weeks per year is a reasonable assumption

2   for income imputation. And I'll show you

3   some data on that in a minute. So -- or as

4   we go on.

5   And then I'm going to go through this

6   slide, and then I'm going pause to see if

7   there's any other questions or concerns.

8   Right now, what we have in New Mexico

9   is we have a pretty good minimum wage in

10   New Mexico. It's 11.50 an hour, and at

11   full-time, 40 hours a week, that would

12   result in income of 1900, 1914. And that's

13   a lot more than the federal poverty level,

14   which is 1133 a month. So we have a gross

15   income of 1914 at full-time minimum wage,

16   and then we have a federal poverty level for

17   one percent of 1133.

18   And the question is, is there are low

19   paying jobs. They probably pay close to

20   minimum wage. We have some data here in the

21   chart. I didn't -- I wasn't able to capture

22   the year. These are the most new jobs. And

23   you'll see a lot of them are low-paying

24   jobs. They -- the home health, the personal

25   care that looks like it was about $10 an

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 1          hour.  So it might be in 2020 that these

 2          data were collected.  The fast food and

 3          counter work is about 20,750.  And

 4          unfortunately, Department of Labor, when

 5          they do this -- and all states' Department

 6          of Labor do the same thing.  They just

 7          assume a 40-hour work week.  So when you

 8          hear me saying it's about $10 an hour, I

 9          know that's the way of the Department of

10          Labor's role, so that's what makes me think

11          this is a little bit of old data.  But it

12          does give you a snapshot of what type of

13          jobs are out there in New Mexico.  And

14          hopefully, it gives you pause that 40 hours

15          per week minimum wage is a reasonable

16          assumption.

17               The other thing that I want to

18          highlight in the slide is that the

19          New Mexico average hours worked per week is

20          34.1.  I didn't have -- I couldn't find

21          New Mexico retail specific, but that's the

22          U.S.  It's 30.1, and then leisure and

23          hospital -- hospitality is about 26 hours

24          per week.  And this is -- it would have been

25          May or June 2022 that I would have pulled
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1   these data.

2   I'm going to pause there to see if

3   there are any questions or comments from

4   anybody.

5   MS. MCCRACKEN: Nothing is in the chat.

6   MR. MARTIN: Doctor, I do have some

7   questions. This is Jim Martin out of Las

8   Cruces. I'm wondering about the unintended

9   consequences of the rising minimum wage.

10   Kind of looking at your report, on page 9 of

11   your report, Exhibit 6, which is your

12   current support order amounts, I'm -- I've

13   kind of noticed a trend of increasing

14   amounts between 2017 and 2021. It looks

15   like the average amount went up 23 percent,

16   and then the median amount went up

17   26 percent. And then just doing the -- the

18   math between 2020 and 2021, it looks like

19   it's an 8 or 9 percent increase. With that

20   background, my concern is that with imputed

21   minimum wage going up, we're -- we're

22   capturing or we -- at least we're -- the

23   support orders are going -- are eating

24   interest a bigger percentage of the adjusted

25   gross income. That concerns me because that

1   as we know, if you -- you know, you have an

2   order that is so large that the person

3   doesn't feel like they can pay it. They

4   feel like, you know, 20 percent of their

5   income is going to child support. They're

6   going to pay nothing rather than paying

7   something, and -- and so I'm -- that's -- I

8   think you're going there, but that -- I want

9   to raise that now. If you could kind of

10   spin that out for me, it would be very

11   helpful.

12   DR. VENOHR: Right. And I think there

13   are some states that use less hours. They

14   might use 34 or 30. Wisconsin has a

15   proposal to use a sliding scale hours, you

16   know, to give judges flexibility. Like if

17   the parent has a history of incarceration,

18   they might have more trouble finding a job.

19   So they might only use ten hours. And so

20   there would probably be two solutions to it

21   is to expand that low income adjustment to

22   higher incomes and then to also reduce what

23   income is being used for impute --

24   imputation.

25   MR. MARTIN: Yeah. And I notice on the

1   chart that's up right now, the average work

2   week in New Mexico is hovering around, you

3   know, 34, 35 hours, and if it's in the

4   hospitality, it's even less. So I think the

5   imputed full-time might be an issue given

6   the increasing minimum wage.

7   DR. VENOHR: I would agree with that.

8   Any other comments? Then I'm going to

9   switch to the economic data, and I'm going

10   to move a little bit faster now that you're

11   warmed up.

12   MS. ARMIJO: I think one other question

13   to clarify that this issue would be one we

14   would be seeking recommendation from the

15   commission on. Is that correct, Betina? I

16   just want to clarify because it's -- it's

17   the guidelines but then I think this is --

18   MS. MCCRACKEN: This is an option we

19   can look at, absolutely, Kari.

20   MS. ARMIJO: Okay. Thanks, so we'll --

21   we'll come back to it. Not asking for a

22   decision now, but we'll come back to it when

23   we talk about a more formal set of

24   recommendations. Thank you.

25   DR. VENOHR: Okay. So let's move on

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1        to --
2             MS. MCCRACKEN:  Just as a time -- I
3        know you're going to go faster.  It is
4        10:52, so we were going to try to wrap this
5        up at 11:15.
6             DR. VENOHR:  I gotta to move real fast.
7        Okay.  So let's go on the to the next.
8        Okay.  So the existing schedule, the shaded
9        area includes a low-income adjustment.  The
10       rest of it is based on 2010 data that was
11       updated to 2018 prices to consider federal
12       and state income taxes in 2018.
13            Let's move on to the next slide.  It
14       does not include child care, does not
15       include extraordinary medical expenses.  So
16       it's based on economic data and how much it
17       costs to raise children.  There's a whole
18       bunch of studies out there.  There's ten
19       altogether that form the basis of state
20       guidelines.  They vary in the data years and
21       the methodology used to separate the child's
22       share from the adult's share and households
23       because we know that some expenditures such
24       as electricity is consumed by both.
25            And what New Mexico is based on is a
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1   study done by David Betson using the
2   Rothbarth methodology. Most states use the
3   Rothbarth methodology, specifically a study
4   by David Betson. And the Rothbarth
5   methodology, it looks at families that have
6   children, families that don't have children,
7   and then it looks at the difference in their
8   expenditures and it deems that for child
9   rearing. So it's not an accounting. It's
10   not a bottom up where we're adding how much
11   it costs for child care, how much it costs
12   for food. We're comparing families that are
13   equally well off with children and without
14   children. We're using expenditures on adult
15   goods, clothing to compare the difference.
16   And I could talk forever about the
17   technical, but today isn't the day. I'm
18   just going to say, there's only two new
19   studies since New Mexico last reviewed its
20   guidelines. One was a new Betson Rothbarth
21   study. That study that year based on was
22   based on expenditures data collected in 2004
23   and 2009. The new study was released in
24   2021. It's based on expenditures data
25   collected in 2013, 2019. And that study is

1   now used by Arizona, Alabama, Iowa, Missouri

2   Pennsylvania, and South Dakota. There's a

3   Florida study too that actually comes up

4   with results very similar to the Betson

5   study, but it's not used by any state.

6   So we're going to see what happens when

7   we update the New Mexico schedule using that

8   latest Betson Rothbarth study, and we're

9   going to update it to 2022 price levels, and

10   we can move on to the next slide.

11   And just to be clear, if you want to

12   know where all this all expenditures data

13   comes from, it comes from the Bureau of

14   Labor Statics. They do this -- it's one of

15   the best surveys, probably in the world, I

16   think. And they're tracking expenditures.

17   They track for 5,000 households a quarter,

18   households stay in for four quarters. It's

19   designed to produce a nationally-represented

20   to sample and for the region. So if you

21   want to know what is included in that, you

22   can go to that site. There's hundreds of

23   items. We can move to the next one.

24   So the Betson Rothbarth study is over

25   time. So we're going from the oldest study

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1          to the most current.  And remember, New
2     Mexico's based -- the current schedule is
3     based on second-to-the-last one.  And what
4     you'll see is that it's been increasing over
5     time for two and three children, but one
6     child, it's kind of been bit of a bumpy
7     road.  And that can be sample year.  I mean,
8     every time we -- I also teach business
9     statistics.  We always have the sample year
10    that we could pull 100 people from a sample
11    of 10,000.  We can pull this -- 100 people
12    or we could pull that 100 people.  We may
13    not always get the same result.  There's
14    always a sampling error for these studies
15    plus or minus 3 percent of, you know, 24.2
16    percent.  So it's a very small thing.
17          So I can't tell you if that decrease
18    that you use for one child from -- or I'm
19    sorry.  It looks like it's an increase.
20    It's 23.5 to 24.9, whether it's
21    statistically significant or not because of
22    the sampling error.  But I can tell you that
23    what we are seeing is an increase for three
24    and -- two and more children.  And that's
25    because we believe there's, you know, a
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1   reduction in the economies of scale. By

2   economies of scale, I mean, that, you know,

3   if the children share the bedroom, that's

4   economies of scale. You don't have to get

5   another bedroom. And there's obviously less

6   of that happening. It's one of the reasons

7   when we take a bunch of kids out for dinner,

8   we get pizza rather than let them order

9   their individual menu because there's some

10   economies of scale. So the short of it is,

11   you're not going to be seeing the increases

12   for one child, but you will be seeing more

13   increases for two and three children.

14   You're actually going to see a few little

15   decreases for one child for reasons that

16   I'll explain in a minute. Is there a

17   question or a comment at this point?

18   MS. MCCRACKEN: I don't see anything.

19   DR. VENOHR: Okay. Let's move on. So

20   these are the -- besides the economic data,

21   there are a bunch of other things that I

22   have to consider when updating the schedule,

23   and I'm just going to assume that New

24   Mexico's not going to do any other changes

25   other than data. But that's the prerogative

1   of New Mexico, the commission, the

2   legislature to discuss, whether you want to

3   change the guidelines model, what economic

4   study you use. I'm using the Betson

5   Rothbarth, the most current because New

6   Mexico's currently on the

7   second-to-the-newest New Mexico guidelines

8   -- I mean, Rothbarth. That's based on 2018

9   price levels. I'm using June 2022. We're

10   excluding child care, health insurance

11   premiums at extraordinary out-of-pocket from

12   that schedule because the actual amounts

13   expended on each of those items is dealt

14   with on a case-by-case basis.

15   We know that New Mexico has a lower

16   cost of living than the nation. I've

17   already explained that we use national data,

18   so we adjust that downward using New

19   Mexico's price parity. We relate

20   expenditures.

21   As I showed you, the Betson Rothbarths

22   are expressed as a percent total

23   expenditures for the household. So we have

24   to convert it back to after-tax income,

25   which we know that some families spend more

1	of their income. Some have some savings.
2	You can make a different assumption about
3	that. You can say families spend all their
4	income. We have to relate it back to gross
5	income. Gross income is -- most states find
6	it's easier to use because not all parents
7	are forthcoming or have their pay stubs with
8	them or tax returns. And then because we
9	have a new data, we can extend that schedule
10	from 30,000 to 40,000 per year. And that's
11	something you could do.
12	Finally, 9 is, we have to consider the
13	parents' basic subsistence needs, and that's
14	something that is federally-required, and we
15	already know that that's a paying point
16	right now because most states, including
17	New Mexico, relate their low income
18	adjustment as the federal poverty level for
19	one person, which is 11.33, and then we have
20	full-time earning at minimum wage in
21	New Mexico, which is about 1900.
22	So we can move on to the next slide,
23	and there will be opportunities to discuss
24	each of those more. So this shows the
25	comparison and the existing to updated

1   schedule amounts. And this -- the first one

2   is one child amounts and two child amounts.

3   And you can -- the solid line is the

4   existing and the updated is the dotted line.

5   And you can see when we get to higher

6   incomes, it's very clear there's an

7   increase. And when you think about

8   percentage increase, what we're experiencing

9   now, inflation, is that if you have a small

10   bundle versus a huge bundle, you know, your

11   -- your small things like a pencil, you

12   know, you might have 12 percent, 17 percent

13   inflation that's not going to effect it.

14   But for rent or for food, which is a bigger

15   share, that's going to cause a bigger

16   ballooning of it. So that's currently the

17   reason that you see the drive.

18   Now, the reason you don't see the

19   increases as much in low incomes is there's

20   a couple of reasons. One is that we cap

21   that increase at very, very low incomes

22   because these families spend more then their

23   income, and we take the position, and this

24   is what New Mexico did last time. So I

25   shouldn't be using "we" -- that a family

1   should not be required to spend more than

2   their income.

3   And so we make that same assumption at

4   very low ends, and then we also had some

5   changes in the tax rates where new --

6   there's major tax reform in 2018, and what

7   happened is, we no longer had those personal

8   allowance for children. They're no longer

9   deductions.

10   And so New Mexico changed their W-4.

11   They went to the federal W-4. And that

12   increased income for a few families and at

13   some income ranges and decreased their

14   income -- after-tax income for other ranges.

15   And by that -- and that's important, how

16   much of the after-tax income you have

17   because expenditures are made based on

18   after-tax income. So the tax rates affect

19   it.

20   So I'm going to show you the next

21   slide, what those pockets of decreases look

22   like. And you can see that only happens for

23   child. It's in that first column, and it's

24     $18, so it's not a lot. And if you wanted

25   to, I'd be fine with you saying a couple

1   states have done this, that there should
       2   never be a decrease in the schedule amount
       3   that will use the existing amount unless
       4   it's someplace where the low income
       5   adjustment has been -- causes the decreases.
       6   And you can see where the pockets of the
       7   decreases are. They're all over for one
       8   child. They're at 13 to 5200 and up to
       9   12,100, 13,650. But because it's only $18
      10   and we have inflation now, then I can
      11   guarantee you now that if you ran the
      12   schedule next month, based on the rate of
      13   inflation, that $18 might go away.
      14   And what I didn't show you is that
      15   there's another study out there by the USDA
      16   that's a little bit older than the
      17   Rothbarth, and it would be -- it would also
      18   make that $18. So I'm okay with defending
      19   it from an economic perspective. One is
      20   because there's another study that suggests
      21   there should be a higher amount. And
      22   secondly, because of inflation, if I was to
      23   rerun the schedule a couple months ago --
      24   couple months down the road, that $18 would
      25   go away, I'm sure. The way -- I don't see

1 that inflation is going to change in the

2 next couple months.

3   Any questions? I feel like I've gone a

4 little bit faster, and I'm three after the

5 hour -- and --

6   MS. MCCRACKEN: I don't see anything in

7 the chat, but this is -- I -- that -- that's

8 the first time you mentioned that, Jane, in

9 this meeting so -- so you're saying that in

10 the comparison from what we have right now

11 and what the data is telling us, even though

12 it's telling us potentially to lower the

13 guideline schedule for the lower income

14 individuals, you could see us not lowering

15 it for the lower-income families, keeping it

16 the same, and then when it increases at

17 higher levels, we could move it up at that

18 point in time?

19   DR. VENOHR: I would agree with that,

20 Betina, except I would take the word "low

21 income" out of that. If you look at the

22 slide on the bullets, those aren't low

23 incomes. I mean, 1300 is a low income, but

24 5,300 isn't a low income.

25   MS. MCCRACKEN: Right.

1   DR. VENOHR: And 12,100 -- 12,000 is a

2   low income. So if you didn't want to have

3   those decreases -- and it would have been in

4   the report, the side by side that I showed

5   is where there was no decreases. So I want

6   to make clear that these are two separate

7   issues. There's one updating the schedule

8   and then we layer on the low income

9   adjustments. So we haven't gotten to that

10   point yet.

11   MS. MCCRACKEN: Thank you.

12   DR. VENOHR: Okay. So moving on.

13   MS. SEDILLO LOPEZ: When we get to low

14   income, are you going to talk about

15   compliance rate?

16   DR. VENOHR: Yeah. And I think I -- we

17   already did. We come back to that slide.

18   It's lower, and for those -- usually, if

19   income is imputed to somebody at full-time

20   minimum wage --

21   MS. SEDILLO LOPEZ: Exactly. You

22   talked about imputed income, but I'm curious

23   about low income. What are compliance rates

24   of low income families?

25   DR. VENOHR: They would probably be the

1   same because most of the time when income is

2   imputed at minimum wage, it's because the

3   evidence -- the -- the evidence of

4   employment and income is lower than minimum

5   wage. They might have just been recently

6   released out of prison. They might have not

7   gotten back on their feet. They might have

8   been in between jobs. COVID might have

9   happened. The restaurant that they worked

10   closed down. So when we run -- we didn't

11   have quarterly wage data for New Mexico, but

12   when we compare those with low income

13   imputed at full-time minimum wage to

14   quarterly wage data, it's usually quarterly

15   wage date is a lot less.

16   And that's just because usually when

17   those -- income is imputed at full-time

18   minimum wage, they might be working those

19   jobs where there's a lot of layoffs. It

20   might be that, hey, we reduced our hours

21   because of the pandemic. You know,

22   businesses, they -- it's been a roller

23   coaster. Am I answering your question?

24   MS. SEDILLO LOPEZ: Yes, but that's

25   what I understood about the imputation, but

1   I'm curious about people who weren't imputed
2   but are making the low wages, what their
3   compliance rate looks like, and I -- I
4   didn't see that clearly. I mean, it may be
5   there, but I didn't -- it didn't jump out at
6   me.
7   DR. VENOHR: Yeah. And I think, you
8   know, you make a good point. It wasn't
9   clear probably because the data we have is
10   the income that they used in the guidelines
11   calculation. We didn't have the actual
12   income of the parents. We can't get that
13   data, but I can tell you from the places
14   that we got the data, that that's what we
15   usually see is that the parents that have
16   income imputed at full-time minimum wage
17   earnings usually have incomes less than
18   that. So in short, I can't answer that
19   question because we don't have data on their
20   actual income. We only have the income that
21   was used for the guidelines calculation.
22   MS. SEDILLO LOPEZ: Because -- because
23   I was thinking when they actually have data,
24   it is -- it is taken from their checks, and
25   when it's imputed data, you know, they --

1 they're relying on the person actually

2 paying. And so, obviously, a compliance

3 rate will be less when you're imputing

4 because you're not really -- you don't have

5 a -- you know, you don't have an automatic

6 payment, so I -- I'm just curious how

7 that -- you know, what that looks like.

8   DR. VENOHR: Yeah. And that would be

9 going back to -- trying to see what slide it

10 was. On slide 16 where, as I mentioned

11 earlier, we -- we suspect that the ones with

12 full-time minimum wage earnings, we suspect

13 those are imputed and that those with less

14 than a full-time minimum wage earnings that

15 those are actual incomes, that they actually

16 had the pay stub or good information to use

17 in the guidelines calculation.

18   MS. SEDILLO LOPEZ: Yeah. And they'll

19 also get a withholding order because you

20 actually know their employer.

21   DR VENOHR: Right.

22   MS. SEDILLO LOPEZ: But when you're

23 imputing, you don't know their employer, and

24 so that may be another explanation for it.

25   DR. VENOHR: Yeah. I mean, some of

1   them might have an employer too, but they
2   might also -- yeah. They might have that.
3   And with regard to how many low-income
4   families we actually had, you can see that
5   in the -- I think it's slide 12 that we had
6   -- yeah. You can see that we really didn't
7   have too many that had -- five percent had
8   incomes less than minimum wage, but we're
9   using the guidelines income not their actual
10   income.
11   MS. SEDILLO LOPEZ: Okay. Thank you.
12   DR. VENOHR: Yeah. You know, good
13   question. I mean, it's hard to keep it
14   straight. So I'm on -- go ahead.
15   MR. WILSON: I think these are
16   fascinating questions. When we start
17   looking at low-income families and -- and
18   all the relevant questions with respect to
19   child support for those families, we're
20   dealing with the highest-need kids, the
21   highest-need custodial parents, as well as
22   the highest -- or most challenged, if I can
23   put it in a different way, noncustodial
24   paying families. And I think -- I know we
25   won't be getting into this now, but I think

1　　　　really getting into the -- the issues of

2　　　　this group, which I would say is

3　　　　definitely -- it extends into the lower even

4　　　　full-time minimum wage time families. I --

5　　　　it just feels like this is a very important

6　　　　area for this group to be looking very

7　　　　specifically at and trying to recommend

8　　　　policies that support payers as well as

9　　　　supporting custodial parents with increasing

10　　　　the likelihood of getting paid.

11　　　　　　And thank you.

12　　　　　　MS. MCCRACKEN: Thank you. And that

13　　　　was Johnny.

14　　　　　　DR. VENOHR: And I'm going to -- what

15　　　　I'm going to ask is people -- hopefully, you

16　　　　have some copies of the PowerPoint in front

17　　　　of. I'm going to skip to Item 9, which is

18　　　　"Provide for the consideration of the basic

19　　　　subsistence needs." So we can open it up

20　　　　for discussion. And what I want you to do

21　　　　is, there's a slide 24 -- 24 that lists all

22　　　　9 assumptions that affect what we do as the

23　　　　schedule update. I want all of you to just

24　　　　kind of pull that aside and look at that and

25　　　　see if you want to discuss any of those

1   issues. But I'm going to walk you through
2   issue 9 with the remainder of my time.
3   So if we could go to slide 24 is your
4   homework assignment as you multitask. And
5   then let's move on to slide 34 to go through
6   the -- incorporate the low-income
7   adjustments so I can walk you through how
8   that's done.
9   And so -- okay. So here, we have the
10   federal requirement to take into
11   consideration the subsistence needs and the
12   parameters of the low-income adjustment,
13   which is the self-support reserve, if you
14   have a self-support reserve and the minimum
15   order is a -- are their policy decisions.
16   Most states relate their poverty
17   adjustment or their low-income adjustment to
18   the federal poverty level for one person.
19   And you can see it's increased.
20   In 2008, when the commission met, it
21   had been a long time since the commission --
22   since the -- oh, you don't have a copy of
23   the PowerPoint presentation. Well, we've
24   got to fix that, then. So we'll have to put
25   that up after we do the nine or after --

1   we'll put that slide up for you guys during

2   the discussion. So that's how we'll handle

3   that so you can see what those nine things

4   are.

5   So -- but getting back to this

6   low-income adjustment. So in 2018, the

7   commission went with the conservative

8   adjustment because it had been several

9   years. And sometimes, you know, they wanted

10   the changes to be passed. And at the time,

11   there was a $100 minimum order, and this was

12   pretty radical to go to a $60 minimum order.

13   And the $60 comes from the approximate

14   average in-kind payments.

15   Thank you for posting that, Betina.

16   Betina posted those nine factors.

17   So this is -- there's data out there

18   that says that parents will pay voluntarily

19       $60. So that felt like a good minimum --

20   minimum order. And then -- and again, it's

21   a policy decision, but it was also based on

22   data. And then the Commission, at the time,

23   we all know it costs more to raise more

24   children, so they wanted to have it

25   increase. So that first line in the

1   schedule is $60 plus $15 for each additional

2   child. And where that happens is right at

3   about 2018 poverty level. So that's the

4   first line.

5   There's not a self-support reserve in

6   the New Mexico schedule. Most states use a

7   self-support reserve based on the poverty

8   level. They might make it less or more.

9   They usually do it less if it's a low-income

10   state like New Mexico. They adjust it for

11   the price parity.

12   New Jersey, which is a high-income

13   state, has the highest self-support reserve.

14   It's 150 percent of that poverty level, so

15   it's about $1700, $1800 a month.

16   And then what happens, if we move to

17   the next slide, we can do this side by side,

18   and you'll see that that -- we're still

19   keeping that $60 minimum order, and so that

20   0 to 1,000, that was about the federal

21   poverty level in 2018 adjusted for New

22   Mexico's price parity.

23   So roughly about 18 percent less than

24   the federal, and then you can see that $60

25   and it -- $60 goes up now to 1,100. And

1   that's because we're using the new federal

2   -- federal poverty level adjusted for New

3   Mexico's price parity.

4   And then to phase it out, what we're

5   doing is for every $50 increase in the

6   schedule -- you can see it increases by $50

7   increments. It increases by $40. We don't

8   want to take all of it because there's

9   payroll taxes, and that $10 that the

10   obligated parent is allowed to keep more

11   than covers the increase in the payroll

12   taxes.

13   Now, that's a policy decision. You can

14   do something lower. You could do $30, and

15   that's, I believe, what Ohio uses. And what

16   that would do is expand that shaded area, so

17   it would go to a -- their -- it would reduce

18   those order amounts to a higher income.

19   Now, what you have to keep in mind is

20   that that shaded area doesn't hit any of

21   these except for 6 children for 1,900, which

22   is what full-time minimum wage earnings are.

23   So there are two concerns here, is

24   whether that 40 hours per week at 11.50 an

25   hour is appropriate, and getting a more

1   appropriate low-income adjustment for

2   New Mexico. And that could be -- mean

3   adopting a different low-income adjustment,

4   changing some of their parameters of this --

5   of the way that you're doing it now.

6   So let's look at the next slide, and

7   this is the way Arizona does it. And what

8   they do is, they put the self-support

9   reserve in the schedule. They don't have a

10   minimum order, and if you can -- in their

11   worksheet -- I'm sorry. If you look at line

12   7, there's a self-support reserve of 1,685,

13   and New Mex- -- and Arizona uses 80 percent

14   of their full-time earnings at state minimum

15   wage as their self-support reserve.

16   So if you look at the lines above it, a

17   calculation very similar to New Mexico. We

18   have a petitioner, a respondent. The

19   petitioner is the noncustodial parent. His

20   income is 2,400. The custodial parent's

21   income is 1,600. Their combined income is

22   4,000. And then we look at the Arizona

23   schedule for three children. That line 4

24   shows that would be 1,306. And then we get

25   the preliminary amount on lines 6 and then

1   lines 7 shows that there's a self-support

2   reserve of 1,685. The difference is 715.

3   It's less than what the ordinary guidelines

4   calculation is, and so that's what's used

5   for the guidelines calculation.

6   Now, if we move on to next slide, this

7   shows the other calculation that's commonly

8   used.

9   MS. SEDILLO LOPEZ: Excuse me. So

10   the -- so the self-reserve for that parent

11   is -- is higher than the other parent's

12   income?

13   DR. VENOHR: Yeah. In that case.

14   MS. SEDILLO LOPEZ: Wow. And -- well,

15   can -- can we go back to the worksheet?

16   I -- I was just trying to...

17   DR. VENOHR: Yeah. We could also -- in

18   other states --

19   MS. SEDILLO LOPEZ: It doesn't --

20   DR. VENOHR: I'm sorry.

21   MS. SEDILLO LOPEZ: Okay. This one

22   doesn't have custodial parents. We don't

23   know who the custodial parent is.

24   DR. VENOHR: Right. And that's just

25   because Arizona uses language "petitioner"

1   and "respondent," and we can put that

2   line --

3   MS. MCCRACKEN: In New Mexico,

4   petitioner would likely be the custodial

5   parent and respondent would be the

6   noncustodial parent.

7   DR. VENOHR: And in Arizona, it's the

8   opposite, usually.

9   MS. MCCRACKEN: Oh, maybe I -- no.

10   DR. VENOHR: Yeah. Arizona is the

11   opposite.

12   MS. MCCRACKEN: Okay.

13   DR. VENOHR: And for some reason --

14   don't ask me why --

15   MS. MCCRACKEN: Okay.

16   MS. VENOHR: Or at least we've seen it

17   that way. Actually, now that I think about

18   it, we've seen it both ways. It's never

19   consistent. So we could put that 1,685 in

20   the respondents, in the custodial parent, so

21   let's just assume "P" is for Papa just to

22   keep it in our head. I know that since

23   statistically most noncustodial parents are

24   still male, so, you know, we'll just keep it

25   that way. "P" is for Papa. So think of

1   that as being the dad.

2   We could put that 1,685 in the

3   respondent or the custodial's column too,

4   and what you could do -- and there's a

5   couple states that say this that if the --

6   if the resp- -- if the custodial parent

7   doesn't have enough income to meet his or

8   her self-support reserve, then you don't

9   give the obligated parent the adjustment.

10   MS. SEDILLO LOPEZ: Yeah. I mean, even

11   though it's a small amount here, and I guess

12   it's always going to be a small amount when

13   you're talking about these -- these figures,

14   it just doesn't seem fair.

15   DR. VENOHR: Well, I think the one

16   reason that I would argue that it's maybe

17   fair and what I've heard in states is that

18   it's fair if the money's going to TANF, you

19   know, if the state is -- so in this case,

20   the order would be 715 instead of 784 if the

21   parent -- which probably isn't going to

22   happen in this case because of the 1,600.

23   If they were on TANF, why should the

24   obligated parent not get the low-income

25   adjustment if the money's just going to the

1   state. And that's the perspective of a lot
2   of states that use this adjustment.
3   MS. SEDILLO LOPEZ: I -- I -- and I
4   totally agree with that. It just -- it
5   just -- it's if -- just seems like both of
6   them should have a self-support reserve.
7   DR. VENOHR: Right. And you could put
8   it in both of those lines, and what --
9   MS. SEDILLO LOPEZ: I can tell you it
10   doesn't add to that.
11   DR. VENOHR: Yeah. What I didn't say
12   is that Arizona has a provision in their
13   guidelines that says, you know, when
14   applying the self-support reserve, consider
15   the needs of the custodial household, and --
16   but usually they apply it, you know, because
17   they also recognize that the -- they're not
18   going to pay the full amount when it's that
19   high, and it's better to get the family
20   something than nothing.
21   DR. VENOHR: So the other way -- and
22   I'm almost -- I know we're running out of
23   time here. And I want to make sure there's
24   time for discussion. The other way that
25   we -- other states do the low-income

1   adjustment is they have the self-support

2   reserve and the schedule. And this is one

3   that I prepared for this project, if you go

4   one more slide. And here, I used a

5   self-support reserve. Oops. There's a typo

6   there. It should be 1133. Oh, I'm sorry.

7   It isn't a typo. It's 1,037. It's based on

8   the federal poverty level for one person,

9   1133 times New Mexico's price parity, 91.6.

10   There's actually a little bit of round-off

11   there, so it's a dollar different than if

12   you were to calculate in your head right

13   now.

14   And what this means is that the parent

15   has always been able to keep that 1,037.

16   And when people do this -- or excuse me.

17   When state's use this traditional

18   self-support reserve, what they do is that

19   if the parent's income, the obligated

20   parent's income, falls in the shaded area,

21   then the calculation is made assuming the

22   obligee has no income.

23   And so an example would be each parent

24   earns 1,250, so you would only look at that

25   first line because the obligated parent's

1   income is 1,250, and the order would be set

2   as $60 a month. The problem here is, in

3   example B, when the nonresidential parent's

4   income is 1,933, that full-time minimum wage

5   earnings, you can see it doesn't fall in the

6   shaded area for one or two children. It

7   does for three or more children, so that

8   self-support reserve doesn't apply. So

9   really, to get that self-support reserve to

10   apply, you either have to use a higher

11   amount for the self-support reserve, which

12   is justifiable. You know, a lot of the

13   public assistance programs -- for instance,

14   SNAP uses 130 percent of the poverty, so it

15   would make sense that you use 130 percent --

16   30 percent of the poverty as a self-support

17   reserve for New Mexico. And then you would

18   probably want to impute at a lower hours per

19   week, 30 or 34.

20   So just quickly, I'm going to go

21   through the case examples. Just take

22   one minute -- one minute longer. You've

23   been more than patient. And I'm sure

24   there's lots of questions and comments.

25   These are on slide 38. We have eight

```
1        case examples.  The first four are low

2        income, so the obligor earns state minimum

3        wage.  Both parents earn minimum wage.  We

4        used the parents' earnings are equivalent to

5        median earnings of the New Mexico worker

6        with less than a high school education.  And

7        then the fourth one is the highest

8        educational attainment is a high school

9        degree.  And the last one is that the

10       highest -- the high income case.  And the

11       seventh example is the median earnings of

12       the graduate school, somebody with a

13       graduate degree.

14            So if you go to slide 39, you'll see

15       that the changes are very small.  Remember,

16       I was concerned about the one child amounts

17       at low income where we saw some decreases.

18       And you'll see that that first case goes

19       from 352 to 348.  And again, you know,

20       that's an area of the schedule that's not

21       affected by the low-income adjustment just

22       because of New Mexico's high minimum wage.

23       And you can see that the increase gets

24       bigger as there are -- as there is more

25       income.  So case eight, there's a bigger
```

1	gap. There's about a $63 gap increase.
2	And then the next slide is the
3	comparison for two children. And the
4	increases are more. And again, that's
5	because we have the economies of scale that
6	is no longer showing up for two and three
7	children. And then the next slide is for
8	three children, the patterns.
9	So I'm going to skip to slide 43. And
10	I feel like I went very fast. And I like
11	Judge Martin's "P" is for payer. That's
12	better than Papa.
13	And this presentation demonstrates that
14	New Mexico has considered all federal data
15	requirements, and that was my major
16	objective. And I'm sure there's lots of
17	questions. And we know that the next steps
18	for us is that we have to prepare a final
19	report. We might have to prepare some
20	additional analysis if you're talking about
21	maybe changing out some of the parameters of
22	the low-income adjustment or what you impute
23	income at, and we need to discuss timelines.
24	So I'm going to turn it back to Betina for
25	questions and -- and --

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 1          MS. MCCRACKEN:  Yes.  Thank you, Jane.

 2      That was a lot.

 3          Her presentation was sent out just now,

 4      but it does tie to the report that was sent

 5      out a week ago, and it is a lot of data.  So

 6      I get that.  I think what we -- our next

 7      steps -- if there's comments from --

 8      we're -- we're over.  We're going into -- I

 9      want to get to public comment as well, but I

10      want to hear from anyone on the committee

11      right now and then try to determine what our

12      next steps are.  I think from what we've

13      heard, and I'm glad that we got input along

14      the way from the committee, is that we have

15      some options before us to accept potentially

16      or with some potential changes on updating

17      the schedule based on the economic data that

18      Jane has provided, consider the imputation

19      of 40 hours or not or making changes to

20      imputing at 40 hours.  And we also brought

21      up the medical support and the $5 medical

22      support is -- is -- is out there.  $5 is

23      there.  So those are some of the things that

24      we've been tracking.

25          There's also the self-support reserve,
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1   and we have the low-income adjustment, and

2   clarification, Jane. New Mexico has the

3   low-income adjustment. We don't necessarily

4   have the self-support reserve detailed in

5   our guidelines; is that correct?

6   DR. VENOHR: Right. The federal

7   regulation gives an option. You don't have

8   to have a self-support reserve, just a

9   low-income adjustment to consider the

10   subsistence needs. And I think that

11   someone's hand is up.

12   MS. MCCRACKEN: Go right ahead.

13   MR. MARTIN: This is Jim Martin. I had

14   a question, Dr. Venohr. On -- you mentioned

15   that some states consider imputing less than

16   40 hours. I wasn't quick enough to catch

17   which states.

18   DR VENOHR: Louisiana, Wisconsin.

19   There's some more. Missouri. I think.

20   Arizona does 40. I have to check on Nevada.

21   MR. MARTIN: And do they --

22   DR. VENOHR: Colorado is 40.

23   MR. MARTIN: When they use less than

24   40, do they have a suggested number, or do

25   they just leave it up to the judge or the

1   hearing officer to say, okay, we're going to

2   do it at 30 hours or 34 or what?

3   DR. VENOHR: Some states specifically

4   have that in their guidelines, such as

5   Louisiana, and then other states make a

6   point of saying that you could use labor

7   market data or are silent on it. So, you

8   know, you could look up that on their

9   leisure and hospitality and do 26 hours a

10   week if you wanted to or thought that was

11   appropriate.

12   MR. MARTIN: Okay. Thank you, Dr.

13   Venohr.

14   MS. SEDILLO LOPEZ: Do -- how do states

15   take into account the fact that so many of

16   our workers in New Mexico are part of the

17   gig economy? So, for example, there may

18   be -- they may work -- worked on Better Call

19   Saul, and then that program is over, so then

20   they're looking around for another different

21   gig. So many of our workers -- and that's

22   such a challenge to calculate.

23   DR. VENOHR: It's not in the

24   guidelines, but what states -- some states

25   or local offices do is they'll look at --

1 you know, they'll look at the quarterly wage

2 data which the agency gets. They'll see if

3 they have quarterly wage data for the last

4 three or four quarters. They'll look at

5 1099s. They'll look at -- they'll contact

6 the employer to see when was the last quit

7 date. And they develop some complicated

8 algorithms of when to impute based on what

9 information they could find. Maybe he was

10 incarcerated, he was released in, you know,

11 six months or a year ago. And then they

12 take all that information combined and come

13 up with a -- a level to impute at.

14   MS. SEDILLO LOPEZ: Because the

15 challenge is actually payment. They may be

16 fine while they're working, and then they're

17 off for a couple of months, and then they're

18 back on. And meanwhile, they've gone into

19 arrears, and then they get that income

20 again, so it's challenging.

21   MS. MCCRACKEN: It's -- it's -- you're

22 absolutely right, Senator. It's a big

23 challenge that we do at the child support

24 enforcement division, and quarterly wage

25 data will -- will help us to try to find if

1   there is a new employer, and we try to get

2   the wage withholding back out. It may take

3   a few months before that comes in.

4   We do let the noncustodial parent know

5   that it is their responsibility during that

6   time and switch of employment that they are

7   still responsible for that court order.

8   That doesn't always happen, but that is

9   regular work that we're doing at the child

10   support program. Okay. Other -- go right

11   ahead.

12   MS. ARMIJO: Before we go to public

13   comment, I guess I'm just trying to take the

14   temperature of the Commission here and

15   understand where folks are at. So real

16   quick, can you guys put the slides down? I

17   just want to make sure I understand because

18   we -- there is -- to my understanding,

19   there's a time limit sort of set of week

20   that we can meet as a commission, I think,

21   per federal rules, but I -- I think there --

22   there were a few options sort of that were

23   discussed today, and I'm curious to know

24   sort of where folks are falling on sort some

25   of this policy-related decisions.

1   There, you know, as -- as was
2   discussed, I mean, a lot of discussion about
3   the hours at which we would impute income,
4   and I'm curious to know whether folks
5   need -- feel like they have enough
6   information to really make a decision or
7   really would need us to come back as HSD
8   with some recommendations and dig in at a
9   second meeting. There was, as -- as Betina
10   mentioned, the medical support policy,
11   which, you know, we can also take a look at
12   while we're in this process and consulting
13   with all of you as our partners, and then
14   there's sort of the basic question of
15   updating the schedule based on what the data
16   are showing, and then I think these other
17   components around the low-income adjustment,
18   which we are already making with the
19   self-support reserve and whether that gets
20   sort of imbedded in that schedule.
21   So I think there are a lot of things,
22   and I just wanted to gauge whether there is
23   a sense that folks wanted to dig in on any
24   particular of those items or if you all have
25   enough information to make recommendations

1   related to those things or just feel like

2   you need us as an agency to kind of come

3   back with a set of options for you all to

4   consider.

5   So this was a great meeting, and

6   Dr. Venohr has done a lot in terms of the

7   data. But it was -- it was a lot of

8   content, and so I just would like to get

9   what the commission really needs, because we

10   are going to ask for recommendations. So I

11   think, you know, it would be helpful to hear

12   from all of you on that.

13   MR. MARTIN: I don't mind going first.

14   This is Jim Martin. My opinion, subject to

15   more persuasion, is, one, I agree with

16   Dr. Venohr's -- some of her analysis on at

17   least for the one child, there shouldn't be

18   any reductions. I think that -- I think

19   she's right that the -- statistically, it's

20   maybe a sampling error, so I don't think the

21   idea of having any guideline numbers go

22   down, I think, is probably a very sound

23   suggestion.

24   I don't know if I have enough

25   information about increasing the minimum

1   payment bands. I think, going back to my

2   recollection of the 2018 Guideline

3   Commission meeting, I was part of that

4   commission. We did discuss having it in

5   higher pay bands, but at the end of day, we

6   decided that we would just keep it, the

7   minimum payment, down very low just because

8   we didn't want to -- to skew the guidelines

9   very much. So without more information, I'm

10   not sure I want to go there.

11   And then third, I do want some more

12   information from child support, you're going

13   to have to get it from the Department of

14   Labor, about the minimum number of hours

15   that the different industries are

16   experiencing the last few years, especially

17   with the increase in minimum wage.

18   Anecdotally, I've heard that the number

19   of hours that people are working is going

20   down as the minimum wage is going up. I

21   don't know if there's data to support that.

22   So I'd like to know what the Department of

23   Labor is actually seeing in these different

24   industries, especially the low-income

25   industries like fast food, hospitality,

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 1        those types of industries because as a

 2        commission, I'm going to urge that we

 3        consider reducing the imputed income to

 4        something less than 40 hours, but without

 5        the data, I don't know if I'm comfortable

 6        making a suggestion on what that number

 7        should be.

 8             So those are the things that I've got

 9        input on.  So thanks.

10             MS. ARMIJO:  Great.  That's -- that's

11        really helpful feedback.  Thank you.  Anyone

12        else?

13             MR. KALLUNKI:  This is Judge Kallunki.

14        I -- I tend to agree with Judge Martin as

15        well, pretty much across the board.

16             MS. ARMIJO:  Great.  Thanks.

17             MS. SEDILLO LOPEZ:  I agree with Judge

18        Martin, and I would like to hear a little

19        bit more about the rationale for --

20        for redu- -- for the -- for the policy

21        issues from both CSC, Child Support

22        Enforcement Division, and also from the

23        public.

24             MS. ARMIJO:  Okay.

25             MS. BRODERICK BULMAN:  This is -- this
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1        Shannon Bulman.  I -- I agree with Judge

2        Martin as well.  The -- the prospect of

3        imputing less than 40 hours a week based on

4        Department of Labor information, I think,

5        is -- would be very useful to the hearing

6        officers and the judges who are actually

7        running these numbers.  I'll encourage

8        whatever the proposal is to -- to keep it as

9        simple as possible so it doesn't require

10       looking up information just because of the

11       volume that most of the hearing officers and

12       the judges are -- are operating with.  The

13       other -- the only thing that Judge Martin

14       didn't mention that I would support is

15       withdrawing the cash medical support

16       provision of the -- of the court orders.

17       I've always thought that was really

18       unnecessary.  Unless there is some

19       information from CSED that that's

20       particularly important with the budget for

21       CSED, that would be -- I'd like to explore

22       that further.

23            MS. ARMIJO:  Thank you.  Anyone else?

24       Those are great suggestions.  Anyone else

25       have anything to add?  Go ahead.
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1   MR. WILSON: Yeah. I also support

2   those recommendations with the caveat that I

3   think that integrating a self-support

4   reserve is a good plan. And, again, I just

5   want to reiterate that I -- I think that the

6   point of child support, obviously, is to

7   ensure that our children are well cared for.

8   And so the payment of orders is real

9   important. I would -- I would really like

10   us to be able to dig into the data in terms

11   of nonpayment for low-income persons.

12   Obviously, for higher-income persons, it

13   feels like it's kind of an obstinance. And,

14   you know, that's pretty simple. But for

15   low-income folks, it's not that simple. And

16   so ascertaining that where lines should be

17   drawn in order -- and what policies should

18   be adopted in order to increase the amount

19   of payments seems to me to be -- would be a

20   high priority because those are also the

21   children that most need and would benefit

22   from those payments. Hope that made some

23   sense. Thanks for the time.

24   MS. ARMIJO: Yep. Thank you. So what

25   I -- what I think we should do, Betina and

1   child support team, is kind of take these

2   items back rather than ask the Commission

3   for a recommendation today but come back

4   with, you know, some additional information,

5   a set of options for folks to really

6   consider at the next meeting and take action

7   on, and that also will give folks a little

8   more time with Dr. Venohr's report, which

9   was sent out but also was pretty long.

10   People probably didn't have a chance to read

11   it, and reading it after today's meeting is

12   probably better anyways. So why don't we do

13   that. If -- if everyone's agreeable to come

14   back for one more meeting where we can kind

15   of get down to brass tacks on some of these

16   issues and try to provide you with the data

17   and information you need to make some

18   decisions or recommendations. If everyone's

19   agreeable to that, it seems like what we

20   should do next.

21   MS. MCCRACKEN: Does anybody oppose

22   that?

23   Judge Martin, it looked like you were

24   going to say something. Sorry. Judge

25   Martin and then Teague Gonzalez, if that's

1   okay.

2   MR. MARTIN: I -- I just had a thumbs

3   up to that suggestion that we not make a

4   recommendation today, that -- that we come

5   back with more data. Thank you.

6   MS. MCCRACKEN: Great.

7   MS. GONZALEZ: No opposition, but I had

8   heard you say earlier that there was a

9   meeting already scheduled for September, and

10   I don't see it in my calendar. So I was

11   just going to ask you to be sure that you

12   share the details with the group now.

13   MS. MCCRACKEN: We have that scheduled.

14   It is scheduled for September 13th from

15   10:00 to noon.

16   And Hearing Officer Klunk, I think I

17   cut you off as well. Sorry.

18   MR. KLUNK: No, that's okay. I just

19   had a question for CSED. I think it would

20   be useful, at least for me, if we had data

21   on payment sources, particularly for the

22   lower income spectrum. Are -- are payments

23   being made as direct payments? To what

24   extent does income withholding attach at the

25   lower income spectrum? How much -- what

1   percentage of payments are coming in from

2   unemployment or one-time government programs

3   such as stimulus money during the pandemic?

4   So I think that would help me figure out

5   where -- where payments are being made and

6   where the gaps are.

7   MS. MCCRACKEN: That would be great.

8   We do track that. We -- it's actually on --

9   it's a scorecard measure on the HSD website,

10   and we can definitely share that with you.

11   And it's -- it's, you know, it's changed

12   over the past few years where a lot of money

13   was coming in from maybe some IRS

14   interception -- intercepts or stimulus

15   dollars. Then 2021, a high percentage of

16   unemployment benefits were coming in. And

17   right now, those unemployment benefits have

18   gone away since last September, and we are

19   really trying our hardest to get people --

20   our noncustodial parents who are have having

21   difficulty making those payments employed,

22   and we're partnering with the Department of

23   Workforce Solutions to try to do that, so we

24   have that data, and we can share that for

25   sure.

```
 1            Okay.  So it sounds like we are
 2       definitely going to not have any
 3       recommendations based on -- on today's
 4       meeting, but we have some assignments and
 5       some work to do, and we'll come back for the
 6       September meeting, September 13th.  But I
 7       want to also give --
 8            Kari, is this a good opportunity?  We
 9       can see if there's any public comment
10       that -- that we didn't -- we would like to
11       hear from right now.  So any -- any members
12       of the public that would like to comment,
13       the mic is open.  You just have to un-mic
14       your own mic.  Don't be shy.  Okay.
15            And, Kari, I know we were going to talk
16       about 2023 legislative session, but since we
17       don't have any recommendations coming out of
18       this, do you want to hold onto that until
19       next time?
20            MS. ARMIJO:  No.  I'll take the floor
21       for a few minutes.
22            MS. MCCRACKEN:  Okay.
23            MS. ARMIJO:  Because I think since we
24       are coming back, this will just plant the
25       seed for the Commission to think about --
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1   and we can talk more about it when we return

2   at our next meeting.

3   You all are aware that our guidelines

4   are currently set forth in statute, and we

5   changed the statute a couple of years ago to

6   update the guidelines. So if we were to

7   update the guidelines or, you know, for

8   example, I think incorporate the

9   self-support reserve, we would have to make

10   another statutory change, which is -- which

11   is fine. I think we're -- we're prepared to

12   do that, but I -- one of the things that HSD

13   has been thinking about is something that

14   other states have done, which is take the

15   guidelines, the actual dollar amounts out of

16   statute and put them in the administrative

17   code so that we don't have to run

18   legislation every four years, which is kind

19   of an impediment if you are trying to have a

20   really data-driven process because that's

21   subject to sort of what's going on, and it's

22   a lot of work, actually, to get a bill

23   passed, as many of you know.

24   So I think we just want to have that

25   discussion and see if there would be any big

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 1        concerns from people about whether, you

 2        know, if we were to sort of work with, you

 3        know, legislators on that kind of initiative

 4        if there would be, you know, blockers or

 5        support for moving in that direction.  We

 6        would still, of course, have a very

 7        transparent and public process.  So by

 8        moving the guideline amounts to our

 9        administrative code, those would be subject

10        to that role promulgation process, which --

11             MS. SEDILLO LOPEZ:  State legislature.

12             MS. ARMIJO:  I'm sorry?  Sorry,

13        Senator.  You cut out.

14             MS. SEDILLO LOPEZ:  You know what?  I

15        was just going to say, because it -- then

16        you would have rules and public comment, but

17        you'd have -- you'd have more flexibility in

18        changing them even though, you know, it

19        would be the rules and public comment and

20        all that.  But at least you would be able to

21        do it.  Because we're still part-time and

22        the schedule gets -- the legislative

23        schedule is overwhelming.  And this is the

24        kind of thing that, you know, it should be a

25        priority, but it -- it just takes -- as you
```

1   pointed out, it takes a lot of work to get

2   something through the legislature, and this

3   is something that should be primarily data

4   driven. And maybe they can report to the

5   legislature of how it's going.

6   MS. ARMIJO: Yeah. Thank you for that.

7   I think that's where -- that's what we're

8   thinking as well, and that way, we don't run

9   the risk of kind of putting New Mexico out

10   of compliance with -- with the federal

11   regulations around ability to pay, and it

12   would also give us the flexibility to update

13   the guidelines more often if necessary. If

14   there was some major swings in the economy

15   and we needed to address those, we would

16   have the flexibility to do that.

17   So I think I'm -- I just -- I'm going

18   to plant the seed, and you all can think

19   about whether that raises any alarm bells

20   for you. And we can talk about it in more

21   detail when we come back together at our

22   next meeting, if that's okay.

23   So I said my peace. Thank you.

24   Thanks, Betina.

25   MS. MCCRACKEN: Thank you, Kari.

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 1            Okay.  Are there any further questions?
 2            Okay.  Senator, I think we -- we did
 3       hear that was from you.  I think that's what
 4       you're trying to say.  We need to send the
 5       report to -- okay.  We need to send -- I'm
 6       looking at just the comments.  We need to
 7       send that to the Senator.  So we can
 8       definitely send you the report.  I did send
 9       the PowerPoint out that ties to the report
10       so that will help you.
11            Looking at enforcement responses to the
12       nonpayment and the effectiveness in terms of
13       payments of enforcement measures.  I think I
14       -- I hear what you're asking, Johnny.
15       You're just -- do you want some -- are you
16       looking for some data on our enforcement for
17       nonpayment?
18            MR. WILSON:  It's a thing that I think
19       needs to be addressed.  I -- I actually have
20       a question as to whether this is even the
21       appropriate forum to address it, but looking
22       at enforcement measures and whether they
23       seem to have a positive impact on payments,
24       a measurable positive impact on payments
25       would be, I think, valuable.
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 1        MS. MCCRACKEN:  Yeah, sure.  We've been

 2    looking at that over the last few years,

 3    and -- and we've really been trying to

 4    modernize our child support program to try

 5    to get -- as I mentioned, we partnered with

 6    Department of Workforce Solutions, so we can

 7    -- we can tell you what we're doing in the

 8    department and where we have moved to try to

 9    help people help themselves get the job to

10    make that payment, and as long as they're

11    cooperating with us and the Department of

12    Workforce Solutions to do that, then we

13    won't go down the enforcement path through

14    the judicial means.  So we can talk about

15    that and share some of the information that

16    we have on that.

17        Some of the data that Jane provided,

18    actually, was -- I was happy to see some of

19    the changes that we've made where we

20    anticipate an increase in current support

21    people making that monthly payment because

22    it is based on ability to pay and -- and

23    we're working with people to get those jobs.

24    So I see some positive data going in that

25    direction.
```

1   Okay. All right. So the invite for

2   the September 13th meeting will be going out

3   shortly, I think, Jill; is that correct?

4   MS. GOODMACHER: Yes. I'll send all --

5   send another GoTo Meeting, and I'll send

6   that out to everybody.

7   MS. SEDILLO LOPEZ: Thank you. And I

8   would appreciate if you would use my

9   personal email only because the legislative

10   email, I've been having trouble downloading

11   it, and so sometimes it's like days and days

12   later, and it would just be helpful if it

13   just went to the Gmail.

14   MS. MCCRACKEN: Okay. I don't know

15   which one I just sent the PowerPoint to, but

16   I'll make sure that I use the other one.

17   MS. GOODMACHER: Senator, if you could

18   put that in the chat, I can get that and

19   send it out to your personal.

20   MS. MCCRACKEN: She did. I think it's

21   in there.

22   MS. GOODMACHER: Okay. Thanks

23   everyone.

24   MS. MCCRACKEN: Thank you, all. We

25   will -- I guess do we need an official

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1        motion to adjourn?  Anyone?
2             SPEAKER:  I'll move to adjourn.
3             MS. MCCRACKEN:  Okay.  Thank you.
4        Second -- I heard a first.  And second?
5             SPEAKER:  Second.
6             MS. MCCRACKEN:  Anyone opposed?  Anyone
7        want to stick around just because?  No?
8             Okay.  Thank you all very much.
9        Appreciate it.  This was a great
10       conversation.  Have a great day.  Thank you.
11            (The foregoing proceeding concluded at
12       12:53 p.m.)
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 1    STATE OF MINNESOTA    )
                             )  ss
 2    COUNTY OF ANOKA        )
 3         BE IT KNOWN THAT I, Christina M. De Grande,
 4    the undersigned professional stenographic court
 5    reporter took the proceedings on August 16, 2022.
 6         I do hereby certify that I was then and there a
 7    notary public in and for the County of Anoka, State
 8    of Minnesota, and by virtue thereof, I am duly
 9    authorized to administer an oath;
10         That before testifying, the witnesses were
11    first duly sworn under oath by me to testify to the
12    whole truth relative to the cause under
13    consideration.
14         The foregoing 96 pages are a true and accurate
15    copy of my original stenotype notes as transcribed
16    by computer-aided transcription taken relative to
17    the aforementioned matter.
18         I am not related to any of the parties hereto
19    nor am I interested in the outcome of the action.
20
      WITNESS MY HAND AND SEAL this 29th day of
21
      August, 2022.
22
23
      CHRISTINA M. DE GRANDE
24    Professional Stenographic Court Reporter
      And Notary Public
25    Commission expires January 31, 2027
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