
JEFFERSON COUNTY MEDIATION SERVICES
VOLUNTEER MEETING MINUTES
May 19, 2009

Volunteers Present: Marty Atlas, Nick Berger, Jeanne Busacca, Diana Ward Collins, Terry Crews, Marita Forney, Anita Gilbertson, David Holland, Laura Karlis, Patty Lucy, David Martinez, Caroline McKinnon, Debbie Plotkin, Melissa Provencio, Elaine Rains, Tava Serpan, Steve Shaver, Mary Zinn

Staff Present: Mark Loye, Julie Carter, Helena Jo Goldstein

Guests: Lena Ewing, Judy Larkins

I. Welcome:

Mark Loye welcomed everyone to the meeting and asked those present to introduce themselves.

II. Program

- A. Pending Cases: The pending case list has been updated with notes. If you have a case open, please call us to update.
- B. Cases Available: I have assigned all the cases about which I sent e-mails, but we have more coming all the time, so just let me know you want cases, and we'll get you one.
- C. Statistics: We have already had 597 cases this year, and it's not slowing down – we are on a pace to top 1,500 cases this year. We recently passed 12,000 total cases.

III. Presentations:

1. Parenting Time Program at Karlis Family Center

Speaker: Jody Bittrich, Karlis Family Center

Jody Bittrich: Family Tree is a non-profit organization. Our mission is “to help people overcome child abuse, domestic violence and homelessness to become safe, strong and self-reliant.” We have a broad range of services to help families. Domestic Violence Services include our Safe Shelter at a confidential location, DV Counseling and Education, Safe Exchanges, Supervised Parenting Time, Supervised Telephone Contact, and Exchanges with Transitioning.

Starting in July, we will offer Therapeutic Supervised Parenting Time. We have a masters-level therapist to keep it safe. We've had some interesting situations, including when two teenage daughters confronted Mom regarding her use of meth, and asking why she left them.

Also starting in July, we will begin offering Off-Site Supervised Parenting Time

If a CP is reluctant to allow visiting, we can start with telephone conference calling, where we are part of the phone call in a monitoring capacity.. We set definite ground rules, such as not bad-mouthing the other parent, and not making false promises.

We check with police stations to find out if people are using them for exchanges. They shouldn't have to deal with pick up and drop off. We tell them to send people to Karlis. We hold people

accountable for children's safety. If alcohol has been a problem, we give breathalyzer tests, and if someone is under the influence, there's no visit.

Our website is www.thefamilytree.org.

There is no waiting list to use us for exchanges or supervised parenting time, though apparently some people think there is. There is very little waiting (2 days) for supervised parenting time. Of course, the most popular times are on weekends, and it does take longer to get weekend time, because we have limited space and staff. If the CP or NCP is dragging his/her feet, we document it.

Our process is not very complicated: first, the parties fill out the application. Next, we have a face-to-face meeting, and then we send the file to the schedule coordinator. We take all ages, newborn infants to 18 years. We don't require a court order anymore; we just need agreement by both parents. We are working to make Karlis Family Center a Father-Friendly place.

If the family needs more than just supervised visits, we offer the therapeutic supervised parenting time. If there are allegations of sexual abuse, we schedule visits during less crowded times, so we can monitor the visit more closely.

FEES: We operate on a sliding fee scale. Parents can split the fee. We try to keep cost from being a barrier. Please encourage families to call the program. Supervised Parenting Time fees start at \$28.00 for the first hour and \$23.00 for the second hour. Safe Exchanges start at \$10.00 per exchange (for example, that would include Friday and Sunday).

For you to help us, don't write an MOU with specific day or time – let Karlis work out the schedule. Say “once a week for 2 hours,” or “2 hours on the weekend, and 2 hours during the week.” Parents should contact Karlis right away for supervised parenting time. Usually visits are 2 hours maximum, with no maximum number of visits, depending on our schedule.

We have 20 full- and part-time staff, plus 40 volunteers. There is no requirement that parents must live in Jeffco.

Diana Ward-Collins: What about other agencies that offer these services?

Jody Bittrich: There are some private services, and a few other public ones. We all have standards that we must adhere to.

2. Requirements for Parenting Plans and Agreements to Modify Child Support **Speaker: Donna Gibbs, Child Support Enforcement**

Donna Gibbs: I am the CSE Court Liaison. One thing we do is try to make sure that paperwork gets handled properly, so that what the parents agree is made part of their court orders.

When you are mediating with parents about child support, please mark the form if parenting time is not discussed.

On the Parenting Agreement Form, make sure to put a specific number of overnights, not just “alternate weekends.” Unless it is more than 93 overnights, there is no change in the child support amount. When the Agreement is finished, the original must be turned in to JCMS. JCMS gives the original to CSE to make sure it gets filed with the Court, at no charge to the parties. This is especially important if there are modifications in child support. If CSE knows of

the agreement, we can work with the payer on collection issues. CSE really commends mediators for their work on these cases.

One problem we see is that the parents take the agreement to court, the clerk stamps it and throws in their file. The judge never sees it and doesn't make it an order. That's why it is so important to give the original to CSE. We make it happen with the court, and we can arrange to vacate a modification hearing.

We will be making a fill-in-the-blanks stipulation form. Make sure both parties sign it. You can write in additional information. If Dad is suddenly unemployed, we will modify child support for 6 months. We can also check parenting time, if Dad alleges that the kids are really with him now. For any change in support, we need proof of income (the past 3 months of pay stubs, the past 3 years of tax returns, and proof of child care expense or insurance payments).

Laura Karlis: What if the parties agree to a smaller amount?

Donna Gibbs: The court won't deviate more than \$100 from the worksheet amount. You need to put a commencement date for the change in support. Courts won't usually go back more than 6 months. I'll work with the numbers if the parents agree – that way Mom gets something vs. nothing.

Laura Karlis: We can tell them that we can write in their agreed amount, but the court may not approve, and may require a hearing.

Donna Gibbs: The goal is to make sure the child is taken care of.

Caroline McKinnon: Mom can waive child support if she comes in and doesn't want to deal with Dad at all, unless Mom has received TANF funds. Then Dad owes the state.

Donna Gibbs: We will work with Dad and give a reduction – a percentage off what he owes. If the payer is behind 3 months – we can get his driver's license suspended. Notice is sent at 60 days prior and 30 days prior. If they catch up payments, they must contact Motor Vehicle, and pay \$95 to reinstate the license. The payer must make at least 90% of payments, including arrears.

Jeanne Busacca: Are there things the court does not approve besides the \$100 limit on deviation?

Donna Gibbs: Judge Babette Norton will sign off on nearly any agreement that is reasonable.

Deb Plotkin: What happened to the old concept that it's the child's money, and the parents can't bargain it away?

Donna – The system used to be focused on money. Now we are focused on child. The parents know what the child needs. With the poor economy, we are working with Karlis and trying to help the parents. The old concept was that a child was entitled to the lifestyle he had when the parents were together. Now we recognize that if Dad is unemployed, the child's lifestyle would be reduced even if the parents were still together. It's just reality.

Julie Carter: I wish we could tell everyone out there how important it is to communicate with CSE about changes in financial circumstances. I'll get a call from a parent saying he lost his job 5 years ago, never contacted CSE, and now owe \$40,000 in arrears.

Donna Gibbs: We try to help, but we only go back to the date of the request for review. We had

a case where Dad wrote a letter to the court saying he had no job, and he would give up visits until he got a job. The Mom got a lawyer, had a court hearing, and Mom got sole custody, with no visits for Dad, but he had to pay child support. It's a court order. We can take his driver's license, professional license, passport (he can travel until it expires, but he can't renew it). We can levy his savings account, checking account, and tax return. We need obligors to talk to us about support issues.

Marita Forney: Can you garnish wages?

Donna Gibbs: Yes, through the Family Support Registry (FSR). They get their information directly from CSE. The party can get a readout from them. CSE tries not to get into maintenance, but must if it is ordered together with the child support through FSR. If the order says Dad owes \$500 - \$300 is child support and \$200 is maintenance, CSE must collect the entire amount. The Mandatory Support Order (MSO) is \$500, and he must pay or lose his license; however, much is negotiable. The obligor needs to TALK to the technician. CSE is not here to make people pay maintenance.

Deb Plotkin: A parent gets involved with CSE by not paying. How can he get uninvolved?

Donna Gibbs: The NCP must have a written request from the CP. Dad may get custody and not tell us for a year. We don't know, so we are still garnishing his wages.

Laura Karlis: What if Mom says she knows he's been making more money for the last 3 years?

Donna Gibbs: We only go back to date of her review request. We have 45 days to review after the request is made. If parenting time changes and parents agree to change support, fine – write it in the agreement. If Dad used to make big money, and now he doesn't, we can use the average of the last 3 years. If the NCP is voluntarily underemployed, the judge will impute income – the court will say he could be making more, so he has to pay this amount. CSE imputes at least minimum wage to both parties (\$245 per month each). For newborns, we impute minimum wage to Mom for 30 months even if she makes more. Incarcerated Dads are at \$50 per month, including those in halfway houses. Two months after the payer is freed, it goes back to the original amount, by Federal mandate. If Dad gets mad because he is not making anything while in jail, we tell him that it's better to have \$50 per month adding to arrears than the original amount being added.

Laura Karlis: What about when the court orders a “settlement conference”?

Donna Gibbs: They are now changing that to say “mediation.”

Helena Goldstein: We're not getting a lot, but some still say settlement conference. We'll tell the mediators ahead of time, and they need to fill out the settlement conference form and have the parties sign it.. Feel free to call us with questions.

Laura Karlis: Maybe Mom says it's worth modifying child support to get Dad out of the picture (present and future). She thinks Dad will give up parental rights and she'll waive child support, then she can change her mind and motion the court. Unless he relinquished parental rights. It takes a court case to relinquish – you have to serve papers and have a hearing. Dad can't just say he never sees them, so he won't pay. Dad may not even know about a kid until later, and suddenly he owes \$20K.

Julie, sorry for the late response. The Department has done stipulations, where the mom is closing her case as she does not want any support from dad. The court case is still active. The stipulation is very specific as to why mom does not want current support, i.e. dad is paying for daycare, dad is taking the kids to all sports activities and paying for them. The court has granted those stipulations. However, this does not mean that mom or dad can't go to court and change that and request support. So, the court does grant the request in certain situations.

Donna Gibbs

Deb Plotkin: With the change in focus, if a kid wants to sue Dad for child support he thinks he should have gotten, he can't. Mom can say the Dad is involved and we don't need the money. Mom can say the Dad is not involved and we need money. She can change her mind later. It's not up to the kid.

Donna Gibbs: If a parent relinquishes parental rights, he still owes child support during the hearing process. If it takes a year, Dad still owes for that year. If parental rights are terminated by Social Services for child abuse, Dad's done paying for the present and the future.

Mark Loye: Are there any more questions? If not, we will close the meeting. We thank our speakers for their time and expertise, and thank all of you for coming.

The meeting was adjourned.

IV. Next Colloquium: Wednesday, July 8, 2009, 6:00 – 8:00 p.m. in the Open Space Hearing Room (Ponderosa Room). Cookies and soda will be served.

The meeting was adjourned.

Submitted by: *Julie Carter*
Julie Carter, Deputy Director

Approved by: *Mark Loye*
Mark Loye, Director