

**Commission on Child Support  
Draft Minutes  
Kneip Conference Room 3  
700 Governors Drive, Pierre, SD 57501  
Tuesday, April 29, 2025  
1:00-5:00 p.m. CDT  
Microsoft Teams**

**Members Present:** Rhyann Gaddis Cudmore, Judge Eric Strawn, Secretary Matt Althoff, Christi Weideman, Tom Weerheim, Senator Amber Hulse, and Representative Mike Stevens.

**Others Present:** Presenter Dr. Jane Venhor, Center for Policy Research, DSS employees - Max Wetz, Director Division of Child Support; Nichole Brooks, Assistant Director Division of Child Support; Carmin Dean, Policy Strategy Manager; Cheriee Watterson, Policy Strategy Manager; Jeremy Lippert, Director of Legal Services; Tracy Mercer-O'Daniel, Special Projects Coordinator; Caroline Srtska, UJS Staff Attorney; members of the public present Senator Tom Pischke, Makenzie Huber, and Zac Martin

**Call to order:** Chair Judge Eric Strawn called the meeting to order at 1:03 p.m.

**Roll call:** Mercer-O'Daniel called the roll. Member absent - Paul Ries. All other members present.

**Approval of Agenda:** The agenda of the April 29, 2025, meeting was approved.

**Approval of Minutes:** The minutes of the March 29, 2025, meeting were approved.

**Public Comment:** Senator Tom Pischke provided public testimony. He introduced himself and thanked the Commission members for serving. He provided remarks related to the program being designed for society in the mid-1900s and needs to be updated to reflect new societal norms by supporting coparenting; utilizing technology to create accountability for child support spending; shifting from adversarial courts to a problem-solving concept; and moving towards shared parenting.

**Presentation by Dr. Jane Venohr:** Dr. Venhor presented information on the underlying assumptions and economic basis of the existing child support schedule, including economic data on the cost of raising children. Dr. Venohr also provided potential considerations to update the schedule while retaining current assumptions and adjusting for updated economic data. She reviewed comparisons of surrounding states' guidelines, and the methodologies and assumptions used as the basis for the guidelines.

Althoff asked why North Dakota's model differs from other states. Venhor stated that North Dakota has utilized that methodology for a number of years.

Strawn asked for comments or concerns.

Weideman stated she did not find anything to necessitate a change from the current methodology.

Strawn commented that he was intrigued with the SD comparison to other States. We appear to be very progressive in assuring that the families that are needing support are getting them from current state policies.

Althoff asked if there should be special consideration for South Dakota's sales tax in the economic analysis. Venohr stated she believes expenditure data may include sales tax.

Stevens stated that the surrounding states all have a different means of revenue, yet South Dakota's numbers appear to be in an appropriate place. He stated that the South Dakota guidelines are easy for people to figure out and provide opportunities for deviations. He also stated that he would like to see the guidelines be kept close to where they are currently.

Strawn asked if it is important to update for inflation. Venohr said she would advise not to ignore inflation so there isn't sticker shock later.

Strawn asked if the Commission should consider the current volatility in the economic climate. Venohr said she felt the next couple of months will give a clearer picture of the economy and that in looking at labor market data, South Dakota looks to be in a strong position and may fare better than other states. She stated she does not believe there will be decreases in prices and housing prices don't seem to be going down. Venohr recommended the Commission update the guidelines for inflation with the lower option.

Althoff urged the Commission to focus on the data that is known and not on what may be possible. Strawn stated he feels the Commission should move forward with the discussion on updating for inflation.

Hulse stated a communication plan is needed to present any proposed increases in the guidelines to the Legislature. Strawn asked if adjustment for inflation because it costs more to raise kids would be the rationale. Stevens stated he did not believe that would be compelling to the Legislature.

Stevens stated he is not questioning the findings as presented by Dr. Venohr, but that he is concerned about what will happen when the Commission's recommendations get to the Legislature. Hulse suggested early conversations with legislators.

Strawn stated he felt that there seemed to be consensus among the Commission that the current assumptions remain appropriate.

**Stevens moved to continue use of the Betson-Rothbarth (BR5) economic study. Second by Wiedeman. Motion passed.**

**Prior Period Support:** Wetz explained South Dakota law 25-7A-21.1 and 25-8-5 allows for prior period support to be established back 3 years from date of application with any

Title IV-D agency, date of filing with a court of competent jurisdiction, or date of written demand served on the payor of support. SDCL 25-8-5 is in relation to paternity proceedings. He asked the commission to consider if the three years is appropriate or is there a wish to make a change to that? Weerheim stated many referees say one year is a fair number. Weideman said that there is a difference between a dad that knows the child exists and one that doesn't know that the child exists which would suggest date of application and forward. Strawn asked if there is a collection component to this issue and what the history of the three years is. Dean said it was a middle of the road selection by the commission in 2004 and passed by the legislature in 2005. Weideman stated she likes the Iowa model of three years if government assistance was given and no prior period support for non-public assistance cases. Althoff suggested the possibility of three years for government assistance and one year for non-assistance.

**Commission tabled the Prior Period Support discussion until next meeting.**

**Emancipation** – Wetz explained with an increasing number of children being home schooled or doing online schooling, it is placing DCS in a position to determine if the alternative instruction meets the definition of “full-time” student. The majority of the online programs are self-paced and often the payor of support contends if the child is not attending “school,” then the child should be considered emancipated. This puts DCS staff in the middle of disagreements on emancipation and creates tension between parents. Strawn asked if it is an issue for the referees? Weerheim stated it had come up because the student was working and attending school. Wetz also noted a lack of clarity around the definition of alternative instruction. Considerations offered were to amend the statute to one specific age, amend the statute to clarify/include alternative education, or amend the statute to remove reference to “full-time.” Brooks stated that picking an age would remove the confusion brought by the language in SDCL 25-5-18.1 “if the child is a full-time student in a secondary school.”

**Commission tabled Emancipation discussion until next meeting.**

**Adjudication of Paternity** – Wetz asked for the Commission's consideration to amend SDCL 25-7A-6 to allow for child support referees to adjudicate paternity when DNA testing has been done which results in at least 99% probability the individual is the biological father of the child. Some child support referees have stated that they do not have the legal authority to adjudicate paternity. This becomes a problem when the Division of Child Support (DCS) has conducted DNA testing and issued a Notice of Support Debt, and the alleged father (the person asked to pay support) requests a hearing. In these cases, even after the hearing, the resulting support order does not legally establish paternity. As a result, the father's name cannot be added to the child's birth certificate.

To fix this, the parents must either sign a Voluntary Acknowledgment of Paternity or file a private court case to get an order adjudicating paternity.

Dean provided background information on the paternity establishment process. Strawn stated that there may be alternatives without amending codified law to provide referees with an avenue to recommend adjudication of paternity to the circuit court judge. Weideman suggested language be added to the referee's report.

**Commission tabled Adjudication of Paternity discussion until next meeting.**

**Weideman moved to adjourn, seconded by Stevens. Motion passed and the meeting was adjourned 3:52 p.m.**

**Next Meeting – May 29<sup>th</sup>, 1:00 p.m.**

DRAFT