

**Commission on Child Support
Draft Minutes
Kneip Conference Room 3
700 Governors Drive, Pierre, SD 57501
Thursday September 18, 2025
1:00-5:00 p.m. CDT**

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

Others Present: Dr. Jane Venohr, Center for Policy Research, DSS employees - Max Wetz, Director Division of Child Support; Nichole Brooks, Assistant Director Division of Child Support; Cheriee Watterson, Policy Strategy Manager; Tiffany Wolfgang, Chief of Children and Family Services; Jeremy Lippert, Director of Legal Services; Tracy Mercer-O'Daniel, Special Projects Coordinator; Caroline Srtska, UJS Staff Attorney; Tom Pischke; and Carmin Dean.

Call to Order: Chair Strawn called the meeting to order at 1:00 p.m.

Roll call: Mercer-O'Daniel called the roll. All members present. (Hulse joined shortly after roll was taken).

Approval of Agenda: Motion to amend agenda to include a review of open meeting requirements by Weideman second by Olson. Motion carried.

Approval of the Minutes: Motion to approve August 21, 2025 minutes by Althoff, seconded by Stevens. Motion carried.

Open Meeting Laws: Lippert advised the committee of the newly adopted open meeting guidelines. Chair Strawn acknowledged that the Commission had met the requirements to review open meeting laws.

Public Comment: No members of the public commented.

Consideration of Oral and Written Public Comments: Commission reviewed comments that were submitted. Stevens noted that he appreciated those that commented, but he would like to see more particularly from custodial parents. The commission discussed ways to raise public awareness. Weideman asked about the comments regarding TANF. Althoff responded that DSS will do more research into the topic and provide a summary to the commission.

Child Support Adjustment: Consideration to amend guideline schedule in SDCL 25-7-6.2 to adjust for inflation. Option one: Utilizing inflationary changes in prices for the Midwest Region from July 2021 to March 2025; or option two: utilizing those inflationary increases as well as adjusting for income changes in South Dakota (as determined by realigning national data to South Dakota incomes using 2023 Census data).

Motion to modify by option two: Utilizing those inflationary increases as well as adjusting for income changes in South Dakota (as determined by realigning national data to South Dakota incomes using 2023 Census data) with the increase to the Self-Support Reserve made by Weideman seconded by Olson.

Discussion, roll call vote.

Cudmore – Aye
Althoff- Aye
Strawn - Aye
Weideman – Aye
Hulse – Aye
Stevens – Aye
Olson – Aye
Weerheim – Aye

8 Aye – 0 Nay Motion Passed.

Prior Period Support: Consideration of three options. Option one: amend SDCL 25-7A-21.1 and SDCL 25-8-5 to one year and indicate prior period support would be calculated at the current minimum wage amount; or option two: amend SDCL 25-7A-21.1 and SDCL 25-8-5 to not allow for prior period support, rather the date of application begins the calculation; or option three: amend SDCL 25-7A-21.1 and SDCL 25-8-5 to indicate prior period support would be calculated at the current minimum wage amount.

Motion for prior period support option two: Amend SDCL 25-7A-21.1 and SDCL 25-8-5 to not allow for prior period support, rather the date of application begins the calculation made by Weideman seconded by Cudmore.

Discussion, roll call vote.

Cudmore – Aye
Althoff- Nay
Strawn - Nay
Weideman – Aye
Hulse – Aye
Stevens – Nay
Olson – Aye
Weerheim – Aye

5 Aye – 3 Nay -Motion Passed.

Emancipation: Consideration of three options. Option one: amend 25-5-18.1 to identify one specific age without reference to education; or option two: amend statute to clarify or include alternative education; or option three: amend statute to remove the words “full-time.”

Hulse requested more discussion. Weideman appreciates the department’s struggle to determine schooling. She wonders if combining options 2 and 3 and removing the words “full-time” would alleviate the problem. Althoff responded that the combination of the two options offers more clarity. It would be better than today, but still a moving target.

Motion to table by Hulse, seconded by Weideman. Motion approved unanimously.

Adjudication of Paternity: Althoff moved to amend SDCL 25-7A-6 to allow for adjudication of paternity when DNA testing has been done which shows at least 99% probability the individual is the biological father of the child, seconded by Weideman.

Discussion, roll call vote:

Cudmore – Aye
Althoff- Aye
Strawn - Aye
Weideman – Aye
Hulse – Aye
Stevens – Aye
Olson – Nay
Weerheim – Aye

7 Aye – 1 Nay – Motion Passed.

Minimum Order for Incarcerated Payors of Support: Amend SDCL 25-7-6.2 to clarify the method for calculating support obligations for incarcerated individuals with no income: Option one: if a parent’s actual income during incarceration is \$0, the resulting obligation shall be set at the minimum obligation amount established in the schedule. Option two: all obligations shall be set at the minimum obligation amount established in the schedule.

Stevens moved to approve option one, seconded by Weideman.

Discussion – Weerheim stated it should reflect the minimum updates if approved.

Roll call vote:

Cudmore – Aye

Althoff- Aye
Strawn - Aye
Weideman - Aye
Stevens – Aye
Hulse – Nay
Olson – Aye
Weerheim – Aye

7 Aye 1 Nay – Motion Passed.

Obligation of Incarcerated Payors of Support Upon Release: Consideration: Amend SDCL 25-7-6.13 to codify that child support obligations do not revert to the pre-incarceration amount upon release and that a Petition for Modification must be filed to adjust the obligation post-release.

Weideman moved to amend SDCL 25-7-6.13, seconded by Stevens.

Discussion, roll call vote.

Cudmore – Aye
Althoff- Aye
Strawn - Aye
Weideman - Aye
Stevens – Aye
Hulse – Aye
Olson – Aye
Weerheim – Aye

8 Aye 0 Nay – Motion Passed.

Presumption of Employment and Income and Factors for Imputation of Income: Consideration to amend SDCL 25-7-6.4 to set the rebuttable presumption of income at the current state minimum wage.

Stevens moved to approve amendments to SDCL 25-7-6.4 to set the rebuttable presumption of income at the current state minimum wage and to amend 25-7-6.26 to clarify factors used when imputing income. Weerheim seconded.

Discussion, roll call vote:

Cudmore – Aye

Althoff- Aye
Strawn - Aye
Weideman - Aye
Stevens – Aye
Hulse – Aye
Olson – Aye
Weerheim – Aye

8 Aye 0 Nay – Motion Passed.

Credit During Times of Physical Custody:

Weideman moved to amend 25-7-6.19 to allow credit against accumulated arrears for times when the obligor has physical custody including when the court orders physical custody to the obligor. Seconded by Stevens.

Discussion, roll call vote:

Cudmore – Aye
Althoff- Aye
Strawn - Aye
Weideman - Aye
Stevens – Aye
Hulse – Aye
Olson – Aye
Weerheim – Aye

8 Aye 0 Nay – Motion Passed.

Abatement: Consideration to amend 25-7-6.14 to simplify the considerations for an abatement.

It was moved by Weerheim, seconded by Hulse to recommend amending 25-7-6.14.

Discussion, roll call vote.

Cudmore – Aye
Althoff – Nay
Strawn – Nay
Weideman – Nay
Hulse – Aye
Stevens - Nay

Olson – Nay
Weerheim – Aye

3 Aye – 5 Nay – Motion does not Pass.

Service by email: Consideration to add a section to SDCL 25-7A to allow referees to serve parties by email. New section reads, if a party agrees, the referee may send copies of any notice or report required to be served on the party under § § 25-7A-5 or 25-7A-22 by electronic mail, using the email address provided by the party.

It was moved by Weideman and seconded by Althoff to approve the added section to add service by email.

Discussion, roll call vote.

Roll call vote:

Cudmore – Aye
Althoff- Aye
Strawn - Aye
Weideman - Aye
Stevens – Aye
Hulse – Aye
Olson – Aye
Weerheim – Aye

8 Aye 0 Nay – Motion Passed.

Filing of records upon objection: Consideration to add a section to SDCL 25-7A to allow referees to only file all records upon objection to the referee's report. New section to read, if a party files an objection to the referee's report, the referee shall file with the court all exhibits entered into the record in the hearing before the referee. The referee shall file the exhibits within ten days after receiving notice of the objection. The referee shall maintain exhibits for thirty days following a signed order.

It was moved by Stevens, seconded by Weerheim to add the new section to SDCL 25-7A to allow referees to only file all records upon objection to the referee's report.

Discussion

It was moved by Strawn to postpone consideration until UJS reviews and comments.

Stevens withdrew his motion.

Committee approved unanimously to move the consideration until the next meeting.

Shared parenting cross credit: The Commission discussed the shared parenting cross credit and suggested changes. It was agreed that it was an issue that needed more time to develop. Althoff moved that the issue be forwarded to the next Child Support Commission to study and address. Weideman seconded the motion. Approved.

Deviations: Consideration to amend SDCL 25-7-6.10 to allow the federal tax consequences of claiming the child as a dependent as a factor for deviation.

Discussion, not moved to vote.

Adjournment: Motion to adjourn by Stevens, seconded by Olson. Meeting adjourned at 4:12 p.m.