



**Judicial Council of Georgia  
Administrative Office of the Courts**



**Georgia Commission on Child Support  
Statute Review Committee  
September 21, 2018  
9:00 a.m.**

**State Bar of Georgia  
Room 1  
104 Marietta Street, NW  
Atlanta, Georgia 30303**

**Teleconference Line: 877-273-4202, Conference ID: 2182610#**

**AGENDA**

**I. Welcome and Introductions**

**II. Review of Minutes – 05/24/2018 Meeting**

*Action Item*

**III. Old Business**

A. List Adoption Assistance in § 19-6-15(f)(2)(E) as an exclusion to income to be included in calculations of child support.

*Action Item*

B. List educational grants and scholarships of the parents, even when provided by employer, as exclusions to income to be included in calculations of child support.

*Action Item*

C. Report back on alimony between parents, etc. – Katie Connell.

D. Information gleaned from judge email survey.

**IV. New Business**

A. Exclude alimony between parents as a deviation in guidelines, now that tax deduction is eliminated and especially if it's made into an adjustment.

B. Ambiguous language – OCGA 19-6-15(f)(1)(B)(i): “Ordinary and reasonable expenses of self-employment or business operations necessary to produce income do not include: (i) Excessive promotional, travel, vehicle, or personal living expenses, depreciation on equipment, or costs of operation of home offices; or....”

C. We removed this language from 19-6-15(f)(4)(A): “In the absence of any other reliable evidence, income may be imputed to the parent pursuant to a determination that gross income for the current year is based on a 40 hour work week at minimum wage.” However, it remains at 19-6-15(f)(4)(D)(vi)(IV). Also, change “shall” to “may” in sentence about how the judge may determine income.

D. We need to include the jury in 19-6-15(f)(4)(A):

When imputing income, the court **or jury** shall take into account the specific circumstances of the parent to the extent known, including such factors as the parent's

assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors in the case. If a parent is incarcerated, the court **or jury** shall not assume an ability for earning capacity based upon pre-incarceration wages or other employment related income, but income may be imputed based upon the actual income and assets available to such incarcerated parent.

Alternatively, we could add it to the definition:

(8) "Court" means a judge **[or jury?]** of any court of record or an administrative law judge of the Office of State Administrative Hearings.

E. Memo from Mark Rogers

## **V. Schedule Next Meeting**