

Georgia Commission on Child Support
Minutes of Meeting
July 11, 2013

The meeting was called to order at 11:35 a.m., immediately following the swearing-in ceremony of all Commission members except Judge Baldwin, who was in the midst of a jury trial.

Present at the meeting were:

Judge Louisa Abbot, Commission Chair
Rep. Timothy Barr
Judge Elizabeth Branch
Judge Tom Campbell
Judge Chuck Clay
Katie Connell
Sen. Chuck Hufstetler
Sen. Emanuel Jones
Judge Michael Key
Rep. Alisha Thomas Morgan
Judge Lisa Rambo
Rick Smith
Dr. Roger Tutterow
Wendy Williamson

I. Welcome, Introductions and Preliminary Remarks:

Judge Abbot introduced herself and her history with the Commission. She then asked those members who have been traditional members of the Commission to introduce themselves as such as that would be helpful for the minutes; she thanked everyone who is newly appointed for their willingness to serve on the Commission, and stated her intention to explain the duties and work of the Commission after introductions, including issues that need to be addressed in the short term and in the long term.

Tim Barr, Representative for North Gwinnett and South Hall. Owns and operates a construction company, has a wife and two young daughters, 1 and (almost) 3. He is a new member of the Commission; thanked Judge Abbot for her service as Chair.

Lisa Branch, Judge on Court of Appeals. Appointed by Gov. Deal in September (2012). Prior to that, she was a partner at Smith, Gambrell in Atlanta, practicing commercial litigation. She is a new member of the Commission.

Judge Tom Campbell, Fulton Superior Court. Served in state house for 15 years; original member of Commission; sponsor of first income shares model for child support in 1990. At that time it was considered lunacy, so after many years of being beaten up he passed it to Rep. Earl Earhart, who got it passed.

Chuck Clay, Cobb County attorney. He does some governmental affairs work. Served on Commission; six terms in Senate; served as county commissioner and one term of duty as a party chairman. He commended Judge Abbot for her past work on the guidelines.

Katie Connell, family law attorney in Atlanta, with Boyd, Collar, Nolan and Tuggle. She is new to the Commission.

Chuck Hufstetler, freshman Senator serving the Rome, Cartersville and Calhoun areas. He spent eight years previously on county commission, but new to the Senate. He provides anesthesia to hospitals around the area, and is new to the Commission.

Emanuel Jones, this is his tenth year in the Senate; he is a car dealer. He is new to the Commission.

Michael Key, part time Juvenile Court Judge from Troup Co. for 24 years now. He is a litigator, primarily in family law, and has been with Commission since its inception. He commended Judge Abbot for her work with the legislation a few years ago. Explained that Judge (A. Quillian) Baldwin (Jr.), who is absent today, has a jury out so could not attend this meeting.

Alisha Thomas Morgan, serving 11th year as Representative, worked on this issue in particular during her first couple of years in office. From a constituent standpoint, she gets a lot of calls from noncustodial fathers who don't get to see their children as much as they would like to. Has a 6 year old daughter; serves on many committees in the house including education, juvenile justice and appropriations. She is new to the Commission.

Lisa Rambo, Juvenile Court Judge in Americus (Southwestern Judicial Circuit) since 2001. This is her second term on the Commission. Her husband was just sworn in as a State Court Judge. She has two girls, 11 and 14.

Rick Smith has been on the Commission before. He was a Clarke County police officer and subsequently a criminal justice planner. Served a year in Vietnam and spent 25 years with Motorola. Works part time now for the National Christian Foundation.

Roger Tutterow, Professor of Economics at Mercer University, has been on the Commission since its inception; generally assigned all things "geeky" to work on. Judge Abbot interjected that he could count on that to continue.

Wendy Williamson, attorney from Savannah. Executive Director of the Mediation Center, mother of four children ages 17-25, is new to the Commission.

Judge Abbot then asked Guests to introduce themselves: Demitricus Johnson, Program Specialist, Federal Office of Child Support Enforcement; Georgia is part of our region; Erica Thornton, Manager of Policy and Paternity Unit for DCSS; Julia Fisher, Policy Unit attorney at DCSS; Tanguler Gray Johnson, IV-D Director of DCSS; here representing the 394,000 cases they have in the State of Georgia; Mark Cicero with the Attorney General's office; Samuel Tillman, Chief of Staff for Senator Emanuel Jones; and Philip Ladin, formerly of OCSS involved with development of calculator and now a family law attorney.

Staff, Elaine Johnson and Patricia (Pat) Buonodono introduced themselves and gave background and a brief report on work done since November 2012, when Pat became staff attorney.

Judge Abbot commended to the Commission the report sent by email and provided in hard copy in their folders that Pat prepared. She discussed the history of the Commission. It was an intense, group effort

in every way, gone through word by word, to enact 19-6-15. Jill Radwin provided heroic services to us even throughout her battle with cancer to which she succumbed in September of 2011.

Judge Abbot referred everyone to OCGA § 19-6-53 which sets forth the duties powers and obligations that the Commissioners are by law to provide for the state. We have to continue to study and evaluate the Georgia child support guidelines. Judge Abbot explained the obligation to study the guidelines and provide a report to the federal government; they review every state's child support guidelines, the rate of deviations, whether or not the child support obligation table is appropriate given economic status and whether the amounts are fair and reasonable that are awarded in child support cases.

Judge Abbot then discussed the need to insure the fairness and appropriateness of child support awards not only for the children who are the beneficiaries and in whose best interest we are obligated by law to act, but also that the amounts are appropriate for the obligors who pay. We have to insure that those amounts are reasonable for them and something that they can accomplish. There's been a lot of tension over the years about trying to reach that balance.

Judge Abbot spoke about all the training that has been done for attorneys and judges since 19-6-15 was enacted and amended; it is an ongoing process. One of the reasons the training is so important is that it's complex. She asked the staff to prepare a demonstration of the child support worksheets for the next meeting.

II. Child Support Calculator: Judge Abbot stated at the outset that we will get much more in depth into this – there will be a committee appointed to address these issues and bring back reports. This is an overview of some of the issues that we need to address with regard to what we call the calculator, which is an Excel-driven method of calculating child support.

Elaine Johnson gave some background on the child support calculator. As a result of the passage of our child support guidelines statute in 2007, three calculators were originally developed for public use – two web-based calculators (one for use by judges and attorneys, and the other for use by pro se litigants); an electronic Excel calculator; and a printable version for hand calculations. All of these calculators are available for download on the Child Support Commission website and a link for that site is included on the last page of your member roster.

Since the initial development of these calculators, changes have taken place. Unfortunately, we have not been able to continue to support the web-based calculators due a lack of funding. We have developed two other calculators: a Data Entry Form for use by pro se litigants, and the EZ worksheet for hand calculations for use by victims of domestic violence. Instructions for using all of the calculators are available on the website; and we are in the process now of having the instructions for the two Excel-based calculators translated into Spanish.

Google Analytics shows that we have 2000-2700 visits to the Commission's website on a weekly basis.

We are currently supporting six versions of Excel. In late January of this year, Microsoft released Excel 2013 and this new version presented several compatibility issues that we had never encountered with earlier versions of Excel. As a result, The Proven Method, the vendor who maintains our calculator, spent several months working to resolve the issues. The calculators were redeployed between April and June of this year. The many issues discovered with the release of Excel 2013 has caused us to investigate further what the future holds for our continued use of Excel and whether or not we can

support the use of the older versions of Excel, such as with the 1997-2003 version and even the 2007 version.

We have learned that Microsoft Office Suite, which includes Excel, will be rapidly changing with the increased use of Office 365. Office 365 is “cloud based” software that allows users to work with Office applications via the internet. Microsoft is expected to release new versions of Office (which includes Excel) every year as part of their new service based software model, which will only continue to thwart our efforts to support the many versions of Excel. As a result, we are currently reviewing other states to determine their guidelines model, their statutory authority, and what type of calculator they use. We will have this information available in a report soon.

Over the past several months, we have had judges to ask for access via iPad, tablets, and an attorney who asked for access on their smart phone. There is a significant need to study the potential for the development of a new web-based child support calculator. This study will have to consider technology, costs, accessibility, data collection for case sampling and economic studies, sustainability, and ease of use for pro se litigants, judges, attorneys, mediators, etc. Currently, we must collect child support orders and worksheets manually from clerks so we may capture the data needed every four years to satisfy the federal reporting requirement, and for reporting the status of our guidelines to our General Assembly. The continued use of Excel as our primary tool for calculating child support is no longer cost effective or efficient and cannot sustain us in the future. We ask today to form a subcommittee to study the technology and the development of a new web-based calculator.

Dr. Tutterow inquired as to whether we outsourced the actual coding under Excel at the time this calculator was originally developed. Elaine responded that yes, it was done through Accenture. Dr. Tutterow wondered if we can't just load it up on a server and have an application that runs it. Elaine said that is exactly what we hope to explore.

Phil Ladin, who is in attendance, was invited because he worked on the development of the original web based calculator and the Excel calculator, he was at that time working for the Department of Human Resources; and was our project manager for two years and now is a family law attorney so has that perspective also.

Katie Connell asked if changes were made together when possible, to incorporate new software and tax changes, for example. Elaine responded that the tax change is made in January; it's an easy change because the formula does not change. If there are other issues during the year, we try to hold and release the calculator again in June or July.

Rep. Thomas Morgan asked about the data entry form for pro se litigants, and Elaine explained its history. This was followed by more discussion of difficulties pro se litigants have with our current calculator.

Judge Abbot formed a committee to address the child support calculator issue, and Wendy Williamson was asked to chair that committee, since she crosses all boundaries with lawyer mediations and pro se litigants, and runs a program and sees the issues that they are having. She asked for volunteers for this committee. Rep. Barr, Senator Jones, and Phil Ladin volunteered. We will ask for people who are not on the Commission to assist, we will draw in experts to provide support and keep us moving.

III. Child Support Obligation Tables: Judge Abbot explained the way our child support works in Georgia is that we have a table that lists essentially what the cost is to raise a child and then that cost gets divided between the parents based on who is the custodial and noncustodial parent. We do have a mandatory review – it's every four years and due in 2014 – and part of that is we have to do case sampling from throughout the state in order to determine essentially the rate of deviation from the presumptive child support amount and those kinds of issues that have to be reported.

Pat discussed how this was done in 2010, and referred everyone to reports that were available. In 2010, we gathered all of that data and then engaged Dr. Jane Venohr, who is a nationally-known economist with the Center for Policy Research in Denver, to provide the economic analysis of our basic child support obligation table. The last sample consisted of 12 counties from around the state and Dr. Tutterow helped us select those counties. They had a month's worth of child support orders from each of those counties, and crunched down the data from that and were looking for the kinds of deviations that Judge Abbot already explained to us. In 2010, based on all the information she received, Dr. Venohr found that a 5% increase in the child support obligation tables was warranted, but she did not recommend it based on the economic situation at the time, and the fact that Georgia's child support tables were already higher than several other states in the region.

DCSS will do a presentation at the next meeting on "Right Size Orders." DCSS has 394,000 open, active cases – and that's just the Department, that doesn't include the many thousands that are active based on private attorneys, pro se cases – it's a staggering number. With an over 50% divorce rate – I don't know the percentage that involves children, but it's a significant percentage – you're talking about hundreds of thousands of children who are affected by this law and so we have to make sure these numbers accurately reflect what it costs to raise a child. These are just the basic costs.

Judge Abbot formed the Guidelines Review Committee and asked Dr. Tutterow to Chair. What we want to do is – if Dr. Tutterow will help us again with selecting the counties, and we'll begin that case selection process. It will primarily be a staff driven matter, with clerk support. She asked Judge Branch to sign the letter asking the clerks of Superior Court to provide information. Judge Branch agreed and volunteered for this Committee. Dr. Tutterow explained that we must exclude counties that have been selected in the last two studies, but that we can still maintain the demographic diversity of previous studies. We will request proposals from analysts.

III. Legislative Issues: Pat Buonodono explained that we have things from basic language corrections that need to be made to the statute, to some definitions that should be clarified. We do have some conflicts between some of the federal law and our state law, and gave an example. She has a list of issues that have been identified and offered to send the list to Judge Key.

Judge Abbot asked us to poll judges and lawyers about their experience both with calculator issues and legislative issues, which staff will undertake. She then formed the Statute Review Committee, which Judge Key will chair.

Members of the Statute Review Committee are: Rep. Barr, Rep. Thomas Morgan, Senator Hufstetler, Senator Jones, Judge Campbell, Judge Baldwin, Judge Rambo, Katie Connell, and Julia Fisher.

Chuck Clay asked if the Family Law Section of the State Bar (FLS) has been involved with this; Pat explained that they had been invited to the meeting but were unable to attend. Katie Connell advised

that the current chair of the FLS is one of her partners and the legislative liaison for the FLS is also one of her partners, so she can help facilitate that.

Judge Abbot invited anyone who wants to serve on any of these committees to please do so.

There was a lengthy discussion of the issue of legitimation. A father is not entitled to custody of or visitation with a child he has not legitimated. This becomes a huge issue particularly when something happens with mom and mom is no longer fit to take care of the child, and dad has never legitimated. The whole administrative legitimation process has not worked real well, because there have been inconsistent results. Some examples were cited such as having two fathers legitimate the same child. The Supreme Court has said we don't de-legitimate children lightly in this state. It impinges on a lot of child support cases because fathers who have not legitimated and are not allowed to visit with their children are much less likely to be happy to pay child support. There are no lawyers that file a legitimation, it typically is a pro se parent, and you're talking about the legal process and filing fees, and they're already living at poverty level or less. So it's a complicated sociological issue that has a significant impact on children and on the ability to collect child support. It's a phenomenon that's been studied and can be documented. So again that's another area that as we move forward as a Commission we want to have in front of us.

IV. Conclusion: Judge Abbot will send out dates for the next meeting; we want to watch the Right Size Order presentation and learn more about that. She asked the Committee Chairs to try to have their first meeting before the next Commission meeting, especially Statute Review, because if you don't get somebody to carry a bill by September or October, the chances of your being able to get something done are reduced with each month that passes.

Judge Key thanked those who volunteered for the Statute Review Committee and wanted to be sure they knew that these will not be one hour meetings. It will take some time each time we meet. As to the legitimation issue we will definitely need to include some other people. As an example, I would want to include Judge Tilley and ask her to attend the meetings, if not be a committee member. She's worked very diligently on this issue since it became law and even before that, I think. As soon as this meeting is set I will send a notice out to the legislative committee.

Judge Abbot said we will try to meet on Fridays as those are usually easier days to meet, around 11:00 a.m. Regular meetings will probably run 2-2.5 hours. She then thanked everyone again for their service.

The meeting adjourned at 12:40.