

Minutes of Meeting
Georgia Child Support Commission
Calculator/Technology Committee
October 24, 2013

The meeting began at 10:03 a.m.

Present:

Phillip Ladin, Chairman Pro Tem

Judge Warren Davis

Deborah Johnson, Attorney, Atlanta Legal Aid, Dekalb County

Ryan Bradley, Policy Unit at DCSS

Megan Miller, Atlanta Legal Aid, Dekalb County

Pat Buonodono, Staff Attorney

Elaine Johnson, Staff

Bruce Shaw, Staff

Present via telephone:

Judge Louisa Abbot

Representative Timothy Barr

Senator Emanuel Jones

I. Welcome and Introductions

Pat Buonodono stated Judge Abbot has appointed Phil Ladin co-chair of the Calculator/Technology Committee. Upon examining *Robert's Rules of Order* prior to this meeting it was determined that since the meeting was already called the committee would have to appoint a chairman pro tem for this meeting. Deborah Johnson moved to appoint Phillip Ladin Chairman pro tem, Ryan Bradley seconded the motion. The motion carried unanimously.

II. Review of minutes from September 11, 2013 meeting

The minutes were distributed prior to this meeting. Ryan Bradley moved to approve the minutes, Representative Barr seconded the motion. The motion carried unanimously.

III. Old Business

1. Discussion of survey results

a. Attorneys

Pat Buonodono stated one thing learned from this survey was that a significant number of attorneys are using an older version of Excel (97-03), that Microsoft will discontinue support for in April 2014, thus affecting technical support for the calculator currently on the Georgia Child Support Commission's website. Also found in the survey is data that suggests accessibility to a web based calculator will be a big issue.

Phillip Ladin added the Committee should talk to the Georgia Department of Human Services (DHS) and think about trying to piggy back on one of their programs such as COMPASS, which has multiple kiosks throughout the state, helping to keep costs down. Deborah Johnson added the kiosks are still there but users have access issues as well. She also stated the demographic using the kiosks is quite different from the one the Commission is trying to reach. Most current users of the COMPASS kiosks are elderly, who are there regarding benefits rather than child support cases.

Elaine Johnson stated one access consideration is the public libraries. Deborah Johnson cautioned that internet access is limited by several factors: 1. Many libraries limit the amount of time a person can use the internet, generally one hour, and according to her the average person can't complete the form in less than one hour. Saving work with the ability to return to it later would be crucial in any web based calculator. 2. Confidentiality becomes an issue since most library computers are in the open with little if no privacy.

Pat Buonodono went on to summarize the survey results. Most of the attorneys who responded have been in practice 20 years or more. Out of the 280 responses, 248 attorneys make entries to the worksheets themselves, 32 have someone else do the preparation. Most of the attorneys who responded are based in Fulton, Cobb, Gwinnett and Dekalb. When asked if their county's courthouse provided free internet access, 145 responded yes, 50 with no, and 85 were unsure. When asked if their county's courthouse provided access to a free printer 25 replied yes, 155 with no and 102 were unsure. Of the responses, 46 percent were in a suburban area, 42 percent in an urban area and 12 percent in rural areas. The written report of this survey is attached to these minutes.

Concerns received for the new calculator: 1. Usability, 41 percent. Pro se clients should be able to understand and use correctly. It will be a new program to learn. It will be more time consuming than the Excel program. It needs the ability to make changes. 2. Access, 19 percent. It would limit access only to those with both computer and internet availability. 3. Ability to save, 15 percent. Responders would like to have the documents created on their computer and have direct access to specific client files. 4. Confidentiality, 8 percent. The network needs security to protect information stored.

Recommendations from responders to this survey included compatibility with Apple products and for there to be accessibility to both an online calculator and for it to be available in print. According to Pat Buonodono a few have suggested keeping the Excel version in tandem with the

online calculator. However, Pat feels with the cost of keeping both it will likely not be an option. Judge Warren Davis expressed that the appropriate measure should be used when evaluating cost (e.g., cost to keep Excel versus the cost of extra labor hours expended due to its absence). According to Judge Davis, for a high volume courtroom it is critical to have access to forms for modification and to have the ability to send forms easily to other parties. He also stated it was nice to provide access to pro se users but of all the child support cases he has ruled on, he has never used a child support worksheet provided by a pro se litigant due to mistakes. Judge Davis' bottom line for any calculator created is the final worksheet it produces and the efficiency of functionality that produced it. He referenced two cases that have been thrown out by the Supreme Court for slight mistakes: *Holloway* and *Brogdon*. Judge Davis also stated that with number of people in child support enforcement doing calculations at any given time, if any time is added to how long it takes to do the calculation, the cost will be phenomenal when spread over court personnel and other agencies.

Deborah Johnson questioned whether there was reason enough to create a web based calculator while acknowledging the concerns for Microsoft discontinuing support and having everyone use the same calculator. She cited previous difficulties with developing the defunct calculator including problems with the contractor charging to fix their own mistakes until costs ballooned. She stated she worried of replacing one set of financial costs for an Excel calculator that already works right with a different set of financial costs for a web based calculator that could possibly not work right.

Pat Buonodono responded that one of the biggest concerns is that attorneys and judges want to use Apple products to do the child support worksheet and they currently can't with Excel. Deborah Johnson replied that Apple has programs that allow users to run Microsoft products. Phillip Ladin answered the child support calculator doesn't run the same when operated with an Apple product even after purchasing the software to run Excel. The only program that did work for Phillip was one that was essentially a Microsoft product that required users to be online and performed extremely slow. According to Phillip, from a technological standpoint the Excel file is too large and cumbersome due to being macro centric. Another issue he found was no way to guarantee two parties were using the same version of the worksheet creating uniformity and compatibility issues. Judge Davis stated that software has about a 3 to 5 year shelf life, after which a revamp is necessary. But right now since the current calculator works he would encourage the committee to stick with it. Judge Davis' main concerns were the unknown costs of another web based calculator and complete dependency on the internet.

Elaine Johnson responded that the current vender, The Proven Method, has informed her that the current calculator will need to be rebuilt in the one to two year timeframe. It is currently designed in the 97-03 version of Excel and at some point will completely fail with newer versions of Excel.

Judge Abbot asked the Committee if it has explored potentially using any other program for the calculator, possibly a program that will be supported longer or maintained at a better price. Phillip Ladin responded that the difficulty is in the limited amount of programs available. An example he gave is OpenOffice, which for security purposes will not be found inside courtroom or state computers. The issue is that whoever is using the spreadsheet would have to have the program it is designed for as well. The same problems would arise with a calculator designed for Correl. Judge Abbot inquired if the state could purchase a license for a program for statewide use. Phillip Ladin replied that the committee will look into the possibility and hopefully have an answer by the next meeting. Judge Abbot added that if there isn't a statewide license available at this moment, the Committee should determine what the cost would be, what department would pay for it, and who we would lobby to achieve it.

Deborah Johnson asked if there was any way to take the calculator that works and adapt it to a web based calculator rather than start from scratch. Phillip Ladin responded that after he, Pat Buonodono and Elaine Johnson did research, they did find a handful of states with viable online calculators. One possibility is to bring in one of those states' vendors with the its source code to avoid starting from scratch. Ryan Bradley inquired if people are actually using the calculators for the submitted sheets or if their primary use was for estimation purposes. Phillip Ladin replied that it appeared at least in the case of Kentucky, the calculator was used to print out a finished worksheet to be submitted to the court. Elaine Johnson stated that most of the ones she saw were considered estimators and didn't consider the in-depth factors such as deviations. In conversations with an organizer for the Eastern Regional Child Support Conference, Elaine discovered most states pay private attorneys for a child support calculator and have to pay every time the program is used, which Elaine stated would not be an option for Georgia.

Deborah Johnson stated she is really scared of creating a calculator that is based on another state's law and adapting it to ours. She feels the program should be created from our law and not originating from another state's law. According to Deborah this would inevitably cause problems down the road. In her efforts on the committee that created the initial worksheets, the emphasis was to start with law and to have the law determine what the computer creates rather than have the computer determine the law.

Judge Davis requested more information about the actual numbers developing the web based calculator would cost. He added that millions of dollars were already spent on child support cases every year, if this project doesn't turn out to be functional and efficient it would be disastrous. According to Judge Davis, the driving issue should be the cost to the tax payer.

b. Superior and Juvenile Court Judges

Discussion of the superior and juvenile court judges' survey was moved over to discuss funding issues.

2. Cessation of Microsoft Support for Excel 1997-2003

Discussion of cessation of Microsoft Support for Excel 1997-2003 was moved over as it was already addressed within the previous discussions in this meeting.

3. Funding and related issues

Pat Buonodono discussed a block grant that was set aside for the purpose of building a web base calculator. In an account are funds from this grant in the approximate of \$330k, of which Pat would only like to commit \$250k to building the calculator with an additional 10 to 20 percent to the side for cost overruns. Pat feels the low amount available will create a limited number of bidders on the project. She also stated that no request for proposal (RFP) is required because the money is held by the Administrative Office of the Courts which is a part of the Judicial Branch, exempting it from the requirements of the State Purchasing Act. She also added that the vendor maintaining the current calculator would likely be interested in bidding on the contract for a web based calculator but would likely balk at price as we are already paying them over \$50k per year for only maintenance. Pat recommended a vendor she has worked with previously to create the Court Process Reporting System (CPRS) for only \$75k. Pat also stated the minimum number of bidders on this project should be four and that we should possibly introduce our funding limit to vendors in order to eliminate the less viable ones. Pat also stated she would like for this project to come in under budget so that funds could be made available for the Problem Solving Courts.

Judge Davis inquired if the vendor or the State would own the source code. Pat responded the State would be licensed and own the source code.

Senator Emanuel Jones added that contingency plan should be in effect as well in the case that the project runs out of funding. He suggested that after getting estimates from vendors, the commission should go to the general assembly to get additional funds appropriated to ensure funds do not run out. Representative Timothy Barr agreed and stated we should shop the project around to vendors before setting a limit of funds available and to accurately demonstrate to vendors what is expected of a final product as this might help the vendor to bid accordingly. Pat Buonodono responded by informing the Committee that it was her understanding that that was what happened for the development of the last calculator and it ended up costing over 2 million dollars for a product that didn't work. For that reason she felt it was best to use a vendor the state has experience using or one that comes with outstanding recommendations. Senator Jones replied by recommending it would be best not to let a vendor know what funds are available for building the calculator. Senator Jones stated it would be best to see what the bids amounted to and to work our price point from there. Phillip Ladin added that in the event it was found a vendor could not build the calculator for the funds allotted, the Committee would then make a determination on what to do if the funding was insufficient. Senator Jones added that implementation of a new calculator is critical and that any vendor chosen should understand that a schedule for implementation will need to be thorough and intensive. He stated it will need to be

tested with a select group of judges before statewide implementation. He added that it will need to be tested in all environments as it needs to be available in all parts of the state. Phillip Ladin agreed that the new calculator needs to be joint tested and that the old calculator would have to run simultaneously with the new. The Committee will also have to identify the high volume users, such as Judge Davis, and convince them to use a new program in tandem with the old for testing. Senator Jones stressed that the vendor needs to be aware of the length of time the testing will require and how time consuming it will be.

4. Create specific lists of required and desired features of web based calculator

Phillip Ladin suggested to table the discussion to create specific lists of required and desired features of web based calculators in light of the topics discussed in this meeting. He stated it would be best for the Committee to explore further topics such as an offline solution while looking into a web based as well so that a comparison can be made before specifications are created for a web based calculator. Judge Davis added the most vital features are the ability to edit and transfer files. Phillip Ladin agreed but also added that privacy becomes an issue that needs to be dealt with as well. An additional feature Phillip brought forth is the ability to track changes to a worksheet and the ability to pull up a previous version of that worksheet. According to Phillip, this wasn't available previously and is difficult in an offline calculator.

Phillip Ladin stated Elaine Johnson mentioned to him that it was time again for case sampling and that it also needed to be looked into if this process was something that could be automated by simply running a report on the web based program. Judge Davis stated most programs generate the equivalent of a PDF which wouldn't help.

Ryan Bradley made a motion to table creating a list of required and desired features of a web based calculator. Judge Davis seconded the motion. Phillip Ladin opened the meeting for further discussion. No discussion was offered. Pat Buonodono stated suggestions could be taken via email as well. The motion carried unanimously.

IV. New Business

1. Building military pay schedule into calculator

Phillip Ladin stated that after reading the suggestions of John Camp that this was an excellent idea but it was likely more complicated under Georgia law to implement. Pat Buonodono stated that military pay was commonly a problem across the state in child support calculations. She stated that John Camp would be a valuable resource for this purpose. Judge Abbot recommended that any advice and association with John Camp should be closely vetted due to his advocacy position because the nature of his practice. According to Judge Abbot, any advice given by John Camp should be carefully considered from all other positions as well. Pat Buonodono thanked Judge Abbot for making the Commission aware of this.

2. Other new business

Phillip Ladin opened the meeting for discussion about any other new business. No other new business was raised.

V. Close of meeting and scheduling of next meeting

Pat Buonodono stated there was a full commission meeting scheduled for November 22, and she would like to have one more Technology and Calculator Committee meeting before that. Judge Abbot suggested to hold the next meeting just before the November 22 Commission meeting at 10:00 a.m. to which the Committee agreed. Judge Abbot restated Elaine Johnson's point of a deadline approaching due to Microsoft arbitrarily changing software support and constantly updating version. She emphasized the Committee needed to be cognizant of that timeline while deciding if they are going to proceed to the legislature this session or to proceed to some other department to see if a purchase of a statewide license for software or to gain some other financial support for what they are trying to achieve. Judge Abbot also stressed Judge Davis' point of how disruptive this will be to those who have gotten used to current calculator if the new calculator doesn't work smoothly and that damage could be great if not done correctly.

Elaine Johnson stated part of the problem is not knowing what the deadline is for the failure of the current calculator. She stated the maintenance vendor for the current Excel calculator has informed her there is no way to predict when it will fail because it is written in 1997-2003 Excel and Microsoft is planning on releasing new versions more frequently, possibly causing the failure date to come sooner. Elaine stated one of the primary concerns for the staff of the Child Support Commission is they have zero control over Microsoft's actions and decisions that could possibly negatively affect the current calculator, a product in which so many people rely upon. Elaine stated we might have one to two years to do something but pointed out that last time the very same project took two years to complete. Phillip Ladin added that the build portion of a project like this is not as time consuming as the test portion. During the development of the current calculator Phillip and Elaine both worked late nights testing thousands of scenarios to ensure the calculator worked properly.

Judge Abbot added that it is a credit to the staff that Georgia is an exemplar as to providing a system for producing worksheets and that this should be considered a core value moving forward.

Phillip Ladin put forth a vote to schedule the next meeting to November 22, 2013 at 10:00 a.m. to which it was agreed to unanimously.

Pat Buonodono added that in reply to the judge's survey, Judge Brenda Weaver would like to serve on the Technology and Calculator Committee. Ryan Bradley made a motion to add Judge

Weaver to the Committee. The motion was seconded by Judge Davis. The motion carried unanimously.

The meeting adjourned at 11:23 a.m.