

Georgia Commission on Child Support
Friday, September 21, 2018

Meeting Minutes

Commission Members:

Judge Michael Key, Chair
Presiding Judge Anne Barnes
Rep. Beth Beskin
Mr. Chuck Clay (phone)
Ms. Katie Connell
Judge Lisa Jones
Judge Shawn LaGrua
Judge Todd Markle
Dr. Roger Tutterow (phone)
Ms. Wendy Williamson (phone)

Staff:

Pat Buonodono
Elaine Johnson

Invitees:

Jill Travis, Legislative Council

Guests:

Judge Amanda Baxter, OSAH
Jessica Farah, JC/AOC
Tyler Mashburn, JC/AOC
Michelle Barclay, JC/AOC
Tanguler Gray, DHS/DCSS
Byron Cuthbert, DHS/DCSS
Ryan Bradley, DHS/DCSS
Erica Thornton, DHS/DCSS
Ashley Seals, DHS/DCSS
Tamia Anthony, DHS/DCSS
Stephen Harris, DHS
Daphne Walker, DHS
Jason Naunas, OAG
Wayne Slear
David D. James
Mark Rogers (phone)

The meeting was called to order at 10:30 a.m. by Judge Key, Chair. Members and attendees were asked to sign in or identify themselves, if attending by telephone. Guests were asked to indicate if they wanted to speak before the Commission today. All attendees introduced themselves.

Judge Key acknowledged that Judge Elizabeth Barnes is present for the Commission meeting today and has not yet been sworn in by the Governor, but expects that will be done very soon.

He also acknowledged the resignation of Staff Attorney Patricia Buonodono from the JC/AOC, returning to private practice. Judge Key honored Pat and her work with the JC/AOC and the Commission by listing several of the past projects in which she led or participated. Judge Key asked Michelle Barclay to speak for the JC/AOC on Pat's accomplishments. Michelle enumerated several of Pat's accomplishments and also announced that Bruce Shaw, also former staff to the Commission, has been promoted to the position of JC/AOC Communications Specialist. She assured the Commission that the hiring process has been initiated to fill both positions that support the Commission. Judge Key acknowledged the good work of Bruce Shaw as well.

The Minutes from the October 10, 2017 meeting were reviewed and, with no changes identified or requested, were approved by the Commission.

Judge Key asked for committee reports.

A. Statute Review Committee – Judge LaGrua

Judge LaGrua reported on recommendations for legislation in 2019. She explained that the committee is working on language to exclude Adoption Assistance as gross income, which will be ready at the next meeting. Judge Key stated the Commission would not need to vote on the recommendation today but asked for a consensus from the Commission for the committee to bring specific language back to the Commission at the November meeting. There were no exceptions so the final language will be considered at the November meeting. Judge LaGrua said the committee voted to remove Alimony as a deviation from the statute. There was discussion by the members that there was not yet quorum for a vote on the first item and agreed to wait for voting. Judge LaGrua continued her report that the Statute Review Committee has an amendment to 19-6-15(f)(4)(A), imputed income, to change “shall” to “may,” and strike the 40 hour workweek reference, which will bring us into compliance with the final federal rule from last year. Pat explained that it was an oversight in failing to remove the language in that one section as part of the 2018 legislation. Judge Key stated that the Commission may want to give some consideration to having two bills and we can lean on our legislators and Jill Travis to help guide the Commission. He stated that it seems that some of the amendments are purely technical corrections and the others more substantive matters. Once the bill is all together we’ll know what will be included. Jill Travis stated that she doesn’t see any issues that will place a bill at risk requiring the Commission to support two bills. Judge LaGrua continued and stated that the other items discussed were adding “or the jury” as clean up in the bill, along with grammatical changes. That concluded Judge LaGrua’s report since there was not quorum for a vote at that time.

The Commission moved on to other matters, but once there was quorum, they returned to the matters presented by the Statute Review Committee. Judge LaGrua reminded the members of item A from old business, Adoption Assistance. Judge Key asked for a vote on adding language to exclude Adoption Assistance as income, and it was determined that this was actually a consensus issue and not a vote since language will be presented at the November meeting. The Commission agreed.

Judge LaGrua presented the next item to exclude alimony as a deviation in the statute. Judge Key asked if the members on the telephone, Mr. Clay or Ms. Williamson, wanted to discuss the item further, and they stated there was no additional discussion needed. The Commission voted unanimously to approve this amendment.

Judge LaGrua reminded the Commission of the recommended change to OCGA 19-6-15(f)(4)(A) regarding imputed income. The question was asked if language had been prepared and with the understanding that it was ready, Judge Key asked if there were any questions and there were none. Judge Key then asked for a vote. There was no opposition and the amendment passed.

Judge LaGrua presented the last amendments that will include adding “or the jury” in several locations in the statute, as well as punctuation and grammatical corrections, for basic clean-up. Judge Key asked if Jill Travis had other changes to make. She acknowledged additional grammatical, punctuation and a small number of non-substantive changes will be made, as approved by the Statute Review Committee. An updated version of the LC 29 8143 will be available at the next meeting. It was concluded that there was no need to wait on the vote for these amendments. Judge Key asked for a vote. The Commission members voted and the amendments were approved without opposition.

B. Calculator/Technology – Wendy Williamson

Chair Wendy Williamson had not yet joined the meeting so Elaine provided a report on the status of the Excel and Online Child Support Calculators. She reported on user responses on ease of use, resources and training materials. She reported that the Excel calculators and the EZ worksheet will be retired on Monday, October 1, 2018, and the process for doing this has been set into motion with the maintenance vendor and the JC/AOC Information Technology department. Pat explained to the Commission that we still receive calls from people with concerns on not having Internet access in courthouses. She explained that we recommend to people to try using a hot spot in those locations. Member Wendy Williamson joined the call, which allowed the Commission to reach quorum. She stated that she had nothing more to add to Elaine's report.

C. Guidelines Review – Dr. Roger Tutterow

Dr. Tutterow had written by email stating he planned to join the meeting by telephone around 11:00 a.m. Pat reported that Dr. Jane Venohr will join the meeting by telephone around 11:00 a.m. to provide a report to the Commission on the Economic Study.

Judge Key asked Pat to outline what the Commission should expect to hear from Dr. Venohr today. Pat stated that based on the draft report, our guidelines are a little low at the high end of income, above \$23,000 a month, otherwise we track with the recommendations and she expects Dr. Venohr will recommend a no change in our basic child support obligation table. She explained that our initial sample of cases, from October of the previous year, was smaller than anticipated. As a result, Dr. Venohr asked for additional orders, which came from the Division of Child Support Services (DCSS). She explained that for the next case sampling staff will need clarification on what needs to be collected from private and IV-D cases. With the new Modernization Rule, the final federal rule, Dr. Venohr was pleased that Georgia had already adopted the requirements of the rule in legislation. Dr. Venohr does have a concern about us not having a self-support reserve in the Low Income Deviation, which we had in the past and judges did not like it, so the low income deviation was changed. Pat explained that we have something in place to take care of the low income parents and to give them a fairer amount of child support they can actually pay. She explained that we have a teaching issue in Georgia because a lot of people will use the nonspecific deviation instead, which does not preserve the minimum order amount that the low income deviation provides.

Dr. Jane Venohr joined the meeting by telephone for her presentation on the Economic Study Report. Dr. Venohr was a few minutes late joining the call due to electrical power issues at her office. Pat asked if Dr. Tutterow had joined the call and he had not yet joined. Pat stated that Dr. Jane Venohr is from the Center for Policy Research and that she has conducted prior economic studies for the Commission. She explained that Dr. Venohr has a recommendation for the Commission. Copies of the draft report were distributed to a few of the attendees.

Dr. Venohr started her presentation with the table of contents to guide the group through the report. She reviewed the history of the table initially established in Georgia in 2005. She explained that section two concerns the federal requirements and acknowledged that Georgia is meeting all of the federal requirements. She stated that section three concerns current economic data and the cost of raising children and includes several new studies. She explained that in section five she assessed the Georgia schedules (table) using the new studies, and that section four is the analysis of case file data for Georgia showing how often the guidelines are deviated from, which has been a requirement for states since 1988.

Dr. Venohr found in this study that the percentage of deviations for Georgia was 45%, and was 26% previously. She stated that the 45% is very high and she is not sure if this was a sampling issue. She stated that the schedule at page 43, the conclusion, shows that Georgia's table uses the average of two economic estimates, but found that the Georgia schedule is becoming too low for three or more children on the high end of income for income above \$23,000. She stated however that the vast majority of cases in Georgia is for one or two children. She explained that the graphs in the study compare Georgia to other states and Georgia is pretty mid-range. She stated that there is no recommendation at this time for an update to Georgia's current schedules (table).

Dr. Venohr referred the group to section two, page 10, and stated that the provision Georgia has for the low income deviation does fulfill the federal requirement. Georgia has a unique approach for low income adjustment without a self-support reserve where most states do include this reserve. Dr. Venohr continued to review items that speak to the federal requirements and how Georgia is addressing these items. She spoke about new studies considered in this evaluation in section three and details on economic estimates. At this time, Dr. Tutterow joined the call. Dr. Venohr moved on to section four and spoke about the cluster sampling Georgia used in the initial sample and the supplemental collection of DCSS data, which included urban counties. She explained that the data collected meets the federal requirements and worked for the evaluation. She found that Georgia had a higher percentage of private cases than most states. She pointed out that this was the first year states had to collect payment summary data. She stated that there was no payment data on the private cases. Dr. Venohr referred the group to page 29 for income information and noted the income arch in the range of \$23,000 or more. On page 31 was information on the payment data. On page 37 was the deviation data where two counties had the majority of the cases with deviation percentages. She explained that this may not be representative of the state as a whole. Dr. Venohr stated she is concerned about Georgia's high deviation rate. She pointed out that one of the common deviations in private cases is parenting time, and that Georgia does not have a parenting time formula. She encouraged people to look at the Oregon parenting time adjustment. She also explained that states continue to refine their parenting time adjustments. She pointed out that the rest of the section is on labor market data and that Georgia's economy is doing pretty well. She pointed out that some states no longer assume a 40 hour work week when imputing wages. Dr. Venohr summarized by stating that Georgia's current schedule overall is in line with the most current economic data in neighboring states as well. The report from Dr. Venohr was concluded.

Judge Key asked if there was any discussion on the report. Dr. Tutterow commented that we did not conduct a random sample that would capture most counties from the across the state, instead we chose counties from each economic area. There was no further discussion.

New Business:

- A. Resignation of Patricia Buonodono as Staff Attorney to the Georgia Commission on Child Support effective October 1, 2018.
- B. Judge Key said he had two items to address as new business. He addressed Mark Rogers's memo that Mr. Rogers directed to the Commission, and staff directed it appropriately to the Statute Review Committee. Judge Key proposed that since the memo is very lengthy and contains a lot of material, that Mr. Rogers meet with staff to review in detail and if staff believes that something

should come to the Statute Review Committee, something specific rather than the very large memo, they can do that in November. Judge Key asked if Mr. Rogers had anything to add, and he said he was agreeable to the plan that Judge Key proposed.

- C. Judge Key spoke to the duties and responsibilities of the Commission, and related the language from the statute at OCGA 19-6-53 and stated that is what we will be talking about today, fulfilling the statutory responsibility. Judge Key asked that staff report back to the Commission at the November 16 meeting on the duties of the Commission set out in O.C.G.A 19-6-53, to make sure we are fulfilling our mandates.
- D. Judge Key recognized Mr. David James who requested to speak before the Commission. Mr. James stated that he is a member of the National Parents Organization. The organization are advocates for equal and shared parenting. He stated that the organization has petitioned the Governor to have representation on the Commission from parents who use the system and can provide active feedback. He spoke to the economic study and urged the Commission to use more than USDA numbers in the study. He asked that the scope be expanded by the economist to include anecdotal evidence and the real cost of the basic needs of supporting children.

There was no further business before the Commission. The meeting was adjourned at 12:00 p.m.