

Georgia Commission on Child Support
Meeting Minutes
August 30, 2016

Commissioners Present

Judge Michael Key, Chair
Ms. Katie Connell
Judge Shawn LaGrua
Judge Todd Markle
Judge Emory Palmer
Judge Lisa Rambo (via teleconference)
Ms. Wendy Williamson (via teleconference)
Mr. Chuck Clay (via teleconference)
Dr. Roger Tutterow (via teleconference)

Staff Present

Ms. Patricia Buonodono
Ms. Elaine Johnson
Mr. Bruce Shaw

Guests Present

Mr. Stephen Harris
Mr. Reed Kimbrough
Ms. Jackie Tate
Mr. Byron Cuthbert
Mr. Kurt Bryan
Ms. Monique Wheeler
Ms. Tanguler Gray
Mr. Jason Naunas
Mr. Anthony Moore
Judge Amanda Baxter
Ms. Jung Lee
Ms. Robyn Crittenden
Mr. Willie Alcantara
Mr. James Rodatus
Judge Amanda Baxter

- I. Welcome and Introductions – New Members
Judge Key introduced himself as the newly appointed Chair of the Commission, welcomed all and invited Judges LaGrua, Markle and Palmer, who were recently appointed, to introduce themselves.
- II. Review of Minutes – 8/21/2015 Meeting – vote to approve, no opposition.
- III. Committee Reports
 - A. Statute Review – Judge Key – he is now ex-chair of the Statute Review Committee; Judge LaGrua has agreed to become Chair of that committee, and Katie Connell will serve as vice chair. Judge Key expressed the Commission’s gratitude for the good work of Jill Travis to the legislators who allow her to work with us.
 1. SB 64 passed – we have worked with Vital Records and DCSS to revise the paternity acknowledgement form and have updated our Paternity and Legitimation bench card, which we sent out to the judges.
 2. 2017 Session – The Statute Review Committee met, and presents the following issues for consideration by the Commission for the 2017 legislative session. Some of these items have been under discussion for two years or more. The Commission put up the administrative legitimation repeal last year and wanted to focus solely on that, so we need to decide whether to move forward with these issues that we have been discussing for so long.
 - a. Whether or not the judge should have discretion to handle the expense of work related child care separately from the child support worksheet. While health insurance is mandated by the federal government to be a part of the child support calculations, work related child care is not. This proposal would allow judges to take the child care out of the worksheet under certain circumstances, i.e., if the child only has one year of daycare left. May set child care as a separate part of the order. Judges Key and Rambo believe this is happening in some cases anyway. Stephen Harris of DCSS states that DCSS is okay with it as long as it is at the judges’ discretion, because it is much easier for them to initiate a modification. Judge

- Key also stated that someone from Atlanta Legal Aid expressed a concern that their clients would not be able to advance the cost, but feels that judges will make the right decision in those cases. Katie Connell doesn't want to see a scenario where the custodial parent will end up in a position where they have to try to collect this additional sum. To the extent we move forward with this, we need to be very mindful during drafting that while discretionary, there should be some language to insure that it is not the intent to leave a custodial parent in a more difficult situation. We don't want to harm custodial parents at the expense of making sure we're not inconveniencing noncustodial parents. Judge Rambo sees this as a way to protect custodial parents. Judge Key stated that the previous discussion was that if taken out of the worksheet, child care could be handled in the same manner as uncovered medical expenses. But we left it to the court to determine how the reimbursement would take place. Katie Connell moved that the Commission move forward with items identified as a. and c. in these minutes. Judge Rambo seconded. Motion carried.
- b. Define "shared custody" and allow parents in shared custody situations to pay the difference between their child support obligations rather than one parent paying full amount to the other. Pat Buonodono stated that staff receives many requests for a definition of shared custody and how it should be handled for child support purposes. She proposed a definition that 45% is shared custody. Tanguler Gray asked whether these issues would be handled outside the IVD program, and Pat answered yes because it pertains to custody; DCSS is not allowed to use parenting time deviation. Jill Travis asked whether "shared custody" is defined in the statute. Pat explained that it is not, but it is done in practice regularly, and people have asked for a definition. Jill Travis stated that this could be an extensive change, and Pat pointed out that split parenting is defined, and this is a similar situation. Per Judge Key, this issue has trouble going forward because it's hard to define what it should look like. He is not sure whether we would be able to reach a consensus on how it would be done. Katie Connell also gets this question a lot. Each judge handles it differently, and always on a case by case basis. She believes that people are actually looking for a way to apply the parenting time deviation. Afraid this would lead to people seeking more parenting time just to pay less support. If that parenting isn't exercised, we would once again be putting the onus on the custodial parent to seek a modification. Judge Markle states that usually when parties are proposing shared custody, they're getting along pretty well. This may make it more difficult for them to work cooperatively. So Jill asked is whether this is really a legislative issue or an educational issue. Judge Key spoke to the issue and mentioned Judge Abbot's "formula" that seems to work well and discusses how judges make these decisions. Parenting time removed from worksheet because no one could agree what a day was, there is still no definition. Commission chooses not to move forward with this issue. Katie Connell says we need to take overhead into consideration. Dr. Tutterow does say fixed costs are included in the tables. So if we educate - maybe a bar journal article or memo needs to be circulated. Anthony Moore (private citizen) asks that we study what other states are doing and consider this. Referred it to staff for research and consideration for another session.
- c. Language that if an event is certain to arise within two years that would lead to a change in child support (such as the emancipation of the oldest child while younger children remain in the home, or costs of work related child care are anticipated to stop), that the court order may anticipate both amounts, so long as the change is support by a separate child support worksheet. Pat explained that many judges are doing this already. Suggested a cap of two years. Judge Markle said they are already doing that. Mr. Moore suggested that all

schedules should be filed with the worksheet. The motion mentioned above as to subparagraph a. in these minutes also included subparagraph c.

- d. Several small language corrections. These were thoroughly vetted by Jill Travis, Pat and Stephen Harris. Includes gender neutrality (changing mother/father to parent/parent). Also LC 29 6672 deals with many clean up items pertaining to IVD cases; Jill worked with Stephen on that and the Commission approved it last year.
 - e. Items Committee voted not to act on. Issues brought to our attention via survey at the Family Law Institute, that the Statute Review Committee passed on: treatment of adoption subsidies and tax credits; child support orders in dependency cases (training issue); end date for withholding orders (should be a USCR rule change); moving vision and dental insurance to Schedule D with health insurance – not mandated by federal law so didn't feel it necessary to do that. Judge Key states many attorneys do it this way (combined) anyway; Katie Connell believes that it is less fair to the custodial parent, if that parent is paying it, that it is treated as a deviation rather than given a full deduction and the same with life insurance. The Commission chose not to move forward with anything on this issue after discussion. It is a training issue. Next, the ability of courts to order parents to vocational rehab or job training – courts already have the authority to do this, so not necessary to change statute. Veteran's disability payments should be used to offset child support just like SS disability; but that is being effectively managed by the judges so the Committee elected not to make a change.
- B. Calculator/Technology – Wendy Williamson
- 1. Update on online calculator; quick demonstration
New online calculator was released; Elaine did a short demo. She introduced Willie Alcantara from AOC IT who has been working with us internally to get the program loaded on the server and on security. Philip Ladin is the developer. Elaine also explained how we do testing on each change, and train using the test environment. Also, we have no immediate plans to do away with Excel, but we are encouraging people to speak with their county commissioners about the fact that there is no connectivity in their courthouses.
 - 2. Statewide survey on wireless internet accessibility in courtrooms – Katie pointed out that a big selling point is that people are asking if they can run the Excel version on their Apple devices, and the answer is essentially no. The online calculator can be used easily on a tablet. Judge Key asked if anyone thinks we should not do this – there was no response.
- IV. New Business
- A. Training for the next year will be focused on the calculator. Conference in Columbus on November 10, 2016. All are invited. We will be traveling around the state with regional trainings in 2017.
- V. Schedule Next Meeting – immediate needs are to have a Statute Review Committee meeting, and for Jill to get bills put together. And we need to get another meeting for the Commission scheduled.