

**Georgia Commission on Child Support
Statute Review Committee
Minutes of Meeting: August 18, 2015**

Present:

Judge Michael Key, Chair (via teleconference)
Ms. Katie Connell (via teleconference)
Mr. Stephen Harris (via teleconference)
Ms. Alice Limehouse (via teleconference)
Judge Lisa Rambo (via teleconference)
Judge Louisa Abbot (via teleconference)
Ms. Pat Buonodono, staff attorney
Ms. Elaine Johnson, staff
Mr. Bruce Shaw, staff

Guests Present:

Ms. Jill Travis, Legislative Counsel
Mr. James Rodatus, Policy Analyst, AOC

The meeting was called to order at 1:05 p.m.

- I. Welcome and Introductions
- II. Review of Minutes-5/26/2015 Meeting

Judge Abbot moved for the minutes for the May 26, 2015 statute review meeting to be approved, Katie Connell seconded the motion. The motion carried unanimously.

- III. Old Business
 - A. SB 64/HB 264 (repeal of Administrative Legitimation)

Judge Key asked Pat Buonodono for an update of any activity on SB 64 regarding repeal of the Administrative Legitimation. Pat Buonodono stated that she and Katie Connell presented the bill to the Executive Committee of the State Bar's Family Law Section. Pat Buonodono stated that they were going to make it a part of their legislative package this year. Katie Connell added that the legislative liaison has made contact with her following up offering any further assistance necessary which bodes well for being on the Family Law Section's radar.

Judge Abbot raised some concerns about the whether or not enough consideration has been given to the fact that same sex marriage is legal in all states now and how that relates to administrative legitimation. She gave the scenario of a same sex female couple who conceived using in vitro fertilization and were subsequently married making the mother who is not the biological mother now a legal mother. Judge Abbot's concern is that not all scenarios have been considered and the effect any actions taken would have especially due to the lack of precise definitions for something such as legal mother in the code. She then stated that this bill should move forward but it may need to be revisited in the future.

Jill Travis stated that after examining the code for definitions that there is a host of issues that will need to be looked at and refined depending on the legislatures will. She stated that the issue will arise to some

degree as this bill goes through committee. The definition of legal father could be an issue and while the definition for legal mother is in the adoption code it is not in the juvenile code as well as others. Jill Travis recommended the issue be dealt with eventually by the Commission. Judge Baxter added that the issue was already presenting itself inside her courtroom in an upcoming case. Judge Abbot suggested that the committee take a good look at other states and how they are handling similar issues before sending anything else off to the legislature. Pat Buonodono stated that she would look into the statute with Jill Travis to see where it needed to be made gender neutral. Judge Key added that changes that did not constitute substantive changes could be brought directly to the Commission rather than this Committee for approval. Jill Travis stated that she spoke with Representative Quick and that the State Bar Committee is also looking at this issue in the domestic relations statute so that they may be a valuable resource.

Jill Travis reminded the Committee that bills that passed in the last year's session need to be checked to see if any affect the current bill.

B. LC 29 6672 (Child Support Bill)

This bill was set aside last year to concentrate on the administrative legitimation bill. Pat Buonodono asked Jill Travis to go over the contents of the bill with the committee. Jill Travis stated that this bill was only a partial amount of the bill presented last year and that the contents of LC 29 6672 addresses definitions and to move them to the appropriate section as well as it attempts to codify better language for determining end dates of income deduction orders. Pat Buonodono replied that after discussing the issue with the State Bar, it was determined that curing confusion on income deduction order end dates was better handled with education and training. Stephen Harris is in the process of gathering feedback from DHS leadership about some minor issues with the bill that he will forward to Jill Travis and Pat Buonodono to discuss. Judge Abbot advised that whatever issues that are considered ministerial be resolved before coming to the Commission for final approval. Stephen Harris stated that leadership of the Division of Child Support Services has asked him to present to the Commission about other changes, such as revisions to the code pertaining to their fee collections, he will send out with his suggestions for the changes to this bill. Judge Abbot stated that they could consider the suggestions from DCSS that but it is important to maintain neutrality since DCSS has their own avenue for the legislative process.

IV. New Business

A. Feedback from meeting with Executive Committee of FLS of State Bar

1. Work related child care

Pat Buonodono stated that the Executive Committee would like to have the option to remove work related child care from schedule D and keep it separate so that the order amounts would not have to change as the cost of child care changes. Judge Key recalled the concern voiced by DCSS and other parties about the custodial parent having to bear the upfront cost but he stated that as long as it was courts discretion it should not be a concern since the court could order it to stay within schedule D if it was thought to be a potential issue.

Judge Key had a procedural inquiry whether these topics were to be taken to Commission at the next meeting. Judge Abbot suggested that the focus of the Commission be the repeal of administrative legitimation for this legislative session.

2. Changing parenting time deviation to plus or minus

Pat Buonodono stated that this topic was met with indifference by the Executive Committee and that it was their opinion that the nonspecific deviation provided an adequate work around.

Katie Connell pointed out that this issue was in a way a conflict within the statute because it refers to the availability of a modification if a parent is not exercising parenting time but doesn't allow for a parenting time deviation for a parent not exercising parenting time. She also pointed out that using the nonspecific deviation as a back door could be argued against since there is case law against using parenting time deviation as a positive due to the way the statute is written.

Judge Abbot recalled that this issue was very big issue during the initial passage of the new guidelines. She stated that the idea behind the modification language was to modify after a parenting deviation was granted but the statute doesn't necessarily say that. Judge Abbot suggested gathering a small study committee to examine the issue.

3. Stopping Income Deducting when support obligation ends

Pat Buonodono stated that this topic was considered a training issue by the Executive Committee.

4. Shared parenting

Pat Buonodono stated that this topic was considered a training issue by the Executive Committee.

B. Technical corrections

1. OCGA 19-6-14

Pat Buonodono stated that this section pertains to temporary support and that the word alimony needs to be removed to read:

Pending a final judgment in an action for divorce, the judge presiding may grant as ~~alimony~~ a sum sufficient for the support of the children of the parties. The judge may also hear and determine who shall be entitled to the care and custody of the children until the final judgment in the case. If a sum is awarded for the support of the children, the party who is required to pay the support shall not be liable to third persons for necessaries furnished to the children.

and to add language that says "pursuant to the child support guidelines set forth in O.C.G.A. § 19-6-15." It was this committee's will to send this matter straight to the Commission for approval.

2. 19-6-15(1): split parenting-change – change language (mother/father)

Pat Buonodono stated that this section was the only one in the statute to state mother and father, and therefore it would need to be evaluated for making gender neutral.

C. Moving legislation forward

V. Schedule Next Meeting

The Statute Review meeting will be scheduled at a later time.

The meeting adjourned at 1:55 pm.