

**Minutes of Meeting
Georgia Commission on Child Support
Statute Review Subcommittee
October 18, 2013**

The meeting was called to order at 10:01 a.m.

Present in person:

Judge Michael Key, Chair
Katie Connell
Stephen Harris (DHS, replacing Julia Fisher)
Representative Tim Barr
Pat Buonodono, Staff Attorney
Jill Travis, Legislative Counsel (Guest)
Ryan Bradley, DHS (Guest)
Megan Miller, Staff Attorney, Atlanta Legal Aid (Guest)
Elaine Johnson, Staff
Bruce Shaw, Staff

Present via telephone:

Judge A. Quillian Baldwin, Jr.
Judge Lisa C. Rambo

I. Welcome and Introductions

Judge Key stated that quorum may have not been reached but since the Commission has not established what constitutes a quorum, the proceeding continued. Judge Key requests the issue of quorum be looked into for this committee. Judge Key recommends that any action taken on bills today are passed out as read and considered rather than with a recommendation to pass due to the lack of committee members available for discussion.

II. Review and Adoption of Minutes

A. 8/16/2013

B. 9/13/2013

Judge Key opened the floor for corrections and additions to the minutes for 8/16/2013 and 9/13/2013. No corrections or additions were brought forth.

A motion to approve the minutes of 8/16/2013 and 9/13/2013 was made by Katie Connell and seconded by Stephen Harris. The motion carried unanimously.

III. Old Business

A. Statute Revisions Approved by Commission: Sponsorship/Filing

Pat Buonodono reviewed the statutory revisions previously approved by the Commission. These include: LC 29 5726, which amends O.C.G.A. § 19-11-1 to provide for definitions and correct cross references relating to the Department of Human Services bank match registry and child support orders; LC 29 5732 amends O.C.G.A. § 19-11-1 to correct a reference relating to the computerized central case registry for support orders; LC 29 5729 amends O.C.G.A. § 19-6-15 to change provisions relating to definitions used in determining child support, and to clarify that the worksheets and calculator determine monthly child support figures; LC 29 5730 amends O.C.G.A. § 19-6-15 to clarify provisions relating to proving matters to the court and low income deviations; LC 29 5728 amends O.C.G.A. § 19-6-53 to correct the adjustment amount to gross income for self-employed persons because it had old tax rates listed; LC 29 5733 amends O.C.G.A. § 19-6-53 to change the provisions relating to the duties of the Georgia Child Support Commission. All were approved by the Commission at the last meeting.

Statute Revisions Tabled by Commission for Further Discussion

1. Revision to O.C.G.A. § 19-6-15(e) to give the judge discretion to extend child support to age 20 to any child who is involved full time in an IEP program or federally funded Job Corps program, which helps low income youth learn job skills.

a. Committee Discussion

In the last meeting, LC 29 5721 was tabled for further discussion. It proposed revisions to give a judge discretion to extend child support to age 20 for any child who is involved full time in an Individualized Education Program (IEP) or federally funded Job Corps program. After further research, Pat Buonodono recommends withdrawal of the proposed provision as the IEP is considered a secondary school program and Job Corps pays recipients to attend school and provides housing, independent living training, and etc.

Judge Baldwin made a motion to withdraw the proposed changes to LC 29 5721, seconded by Katie Connell. The motion carried with one vote against. Judge Key asked whether there was discussion on the motion. Stephen Harris opposed the motion; from the Department of Human Services' (DHS) point of view the Job Corps has a wide variance in secondary school participation making it difficult for the DHS to enforce orders and set their own policies around the program. This bill would help solve that problem. Judge Key inquired of Stephen Harris if there was an alternate solution he could think of to which Stephen Harris replied there probably isn't because the current statutes require it to go before the judge for ruling. Judge Baldwin added that if Job Corps paid the child it doesn't seem that an NCP should pay too. Judge Baldwin asked for clarity if IEPs were not always considered secondary school to which Stephen Harris replied it was the current policy of DHS that if a child is currently operating under an IEP which is set by a school system then it is considered a secondary school unless a judge makes a different determination. Pat Buonodono added that under the Individuals with Disabilities Education Act, children are entitled to continued education in their public school system up to

age 21 if under an IEP. Judge Baldwin inquired which age takes precedence for the stoppage of support, 20 or 21, to which Judge Key responded that 20 does because they were two separate issues, one is a child's entitlement to receive to education and the other is a parent's responsibility to support it. Stephen Harris concurred that it is DHS' policy to enforce up to age of 20 when a child is in an IEP.

b. Public Comments

Judge Key opened the floor for public comments on LC 29 6721. No public comments were made.

2. Revision to O.C.G.A. § 19-6-15(f)(1)(A) to include Veterans' disability payments as income for purposes of calculating child support.

a. Committee Discussion

Pat Buonodono stated the Committee proposes to add Veterans Disability Benefits received pursuant to federal Veterans Benefits Act of 2010 to income that should be included in calculating child support. She stated that Military Assistance Program at the State Bar and numerous emails have been exchanged with John Camp who is a member of the committee for the Military Assistance Program, about the merits of the issue and that the Supreme Court has decided the issue in the case of *Rose v. Rose*. The American Bar Association supports the position that this income should be included for purposes of calculating child support, and 10 state and district courts have affirmed the *Rose* case for their jurisdictions.

After the email exchanges on including Veterans Disability Benefits as income, John Camp has asked Pat Buonodono in an email to request that the Committee include the following language: "upon first considering the financial circumstances of the veteran, including any other sources of income, the court may include disability or pension payments received by the veteran pursuant to the Veterans Benefits Act, including any specific benefit paid to the veteran because of him/her having a dependent child/children. In appropriate cases the judge or jury may include any portion of the veterans benefits received in determining his/her gross monthly income under this section." Pat Buonodono stated Jill Travis had advised that this language would probably not work and invited her to talk about it.

Jill Travis stated that John Camp's language won't fit inside the statutes as is, and that it is far too many words and complicates and confounds issues found elsewhere in the statutes. Pat Buonodono pointed out *Rose v. Rose* makes it very clear that veterans' disability benefits are intended for the support of the entire family. Veterans do get a small supplemental amount based on the fact that they have children but in the *Rose* case, for two children, it was \$90 per month. The court in that case made it very clear that \$90 per month was not what Congress had intended to provide for the children and that the entire veterans' disability benefit should go toward income in calculating child support.

Judge Key asked for the email correspondence to be included with the minutes of the meeting (see addendum).

Katie Connell asked for clarification on John Camp's position and if he is only asking for the additional amounts paid to the veteran as the result of having a dependent to be included in calculating income. Pat Buonodono responded saying that was his initial position but he has since withdrawn from that, and instead asked for the language that allows a judge to consider the veterans' financial situation before including any veterans' disability benefits in the calculation. Katie Connell asked if there was any difference between John Camp's request and any other financial circumstances that the courts are already obligated to consider. Pat Buonodono didn't see any differences. Veterans are always entitled to request low income deviations, the request of which has been made easier through the revision that has been approved by the Commission but not yet passed by the legislature.

Katie Connell clarified that John Camp's request for language simply puts in an overarching financial consideration for which the statutes already provide and isn't needed specifically for veterans, as they are already entitled to such considerations written elsewhere in the statutes.

Katie Connell made a motion to send LC 29 5733 as drafted to the Georgia Commission on Child Support. The motion is seconded by Representative Barr. Judge Key asked for further discussion, and there was none. The motion carried unanimously.

b. Public Comments

Judge Key opened the floor for public comments on LC 29 6733. There was no public comment other than the email correspondence of John Camp.

B. Predicted changes to income/expenses and adjustments to child support

1. Child Care expense
2. Alimony
3. Emancipation

Katie Connell will discuss at a later date on the outlined topics from "predicted changes to income/expenses and adjustments to child support" after further research and collaboration with Stephen Harris.

Pat Buonodono shared an email from a noncustodial parent (NCP). The NCP has a daughter that reached the age 18 and graduated from high school. The NCP's retirement income continued to be garnished after the child is emancipated for two years. The NCP claimed to have difficulty of stopping the garnishment and it is believed for this to be a common problem. Pat Buonodono also raised the issue of when there are multiple children in a case scheduled to emancipate at different times, there are no automatic stops in place to reduce the amount of support paid.

Judge Baldwin confirmed this to be an important issue in his court and there should be a simpler way than going to court every time a child emancipates. Judge Key stated that in some cases he is aware of, proof of graduation and the child obtaining the age of 18 have been provided for filing a motion, affidavit and order to reduce the support obligation. The cost is high to the court

and even to the NCP and the time spent by the court is great; there should be an easier way to accomplish the end result of an accurate support obligation being paid.

Judge Baldwin inquired if the school system could be instructed to send the courts notification of graduation for the judge to sign a similar order. Judge Key advised the school would not be able to track the appropriate parties for a notice to be sent to which Judge Baldwin suggested NCP would be responsible for providing that information.

Jill Travis compared Income Deduction Orders (IDO) to a continuing garnishment which has a finite period of time. She proposed that the IDO should have a similar function and if there are any changes in circumstance a modification could be filed to change the end date. Pat Buonodono agreed and added that there would need to be a verification that no arrearage exists but if DCSS is not involved the custodial parent would certainly have to provide an affidavit.

Katie Connell stated the problem probably lies in the way the IDO is written rather than the statutes as the common IDOs used typically have terminating events such as the child turning 18 or graduating from high school and yet the issue persists. Pat Buonodono stated there is a template of the website for the Georgia Child Support Commission with language that should be effective and she would like the judges to consider a superior court rule to require people to use the template. Judge Key feels that a specific date should be determined at the outset to simplify the matter and inquired of Judge Baldwin if it would have to be a rule or revised in the statutes. Judge Baldwin replied that the simplest way would be to revise the statutes for a provision requiring a date be determined that is subject to modification but there is a burden flipped back onto the custodial parent since this would require them to file a modification. Judge Key stated the majority of people would take the appropriate action once they realized the set date was incorrect and he would like to make a run at revision of the statutes this session.

Representative Barr asked if the problem was wide enough for the Committee to be shifting any burden back onto the custodial parent. Judge Key suspected that if the numbers were looked at there would be far more situations where IDOs continued for too long than were in need of extensions. Megan Miller from the Atlanta Legal Aid claimed the issue hasn't been abundant from her standpoint, her main concern would be shifting too much responsibility on the custodial parent for locating an NCP when so many of her clients haven't been able to do so in more than a decade. Judge Key would like to look at this issue as a whole on paper and discuss how it and the way any language could affect all parties involved.

Stephen Harris added DCSS handles the issue relatively well, and because they issue Federal Income Withholding forms (FIW) themselves and are able to skip the IDO step for income withholding, they are able to stop it as well. The FIW is the only method for DCSS to enforce current support while there are lots of methods of enforcing arrears. Mr. Harris' biggest concern is not to do anything to harm that ability and to provide an exception to cases handled by DCSS as to specifying dates to stop withholding.

C. Preexisting Orders

Pat Buonodono began with informing the Committee it was her understanding that when going to the income shares model of child support, Georgia imitated and almost copied Tennessee's

law. Upon recently examining Tennessee's current law, Pat discovered they had since changed their law pertaining to preexisting orders to give credit for every child a noncustodial parent has an obligation to support as long as the support is being paid or the child is living with the NCP more than 50 percent of the time, regardless of when the preexisting order was entered.

Tennessee's language reads "the court shall allocate an obligor's financial child support responsibility from the income among all children from the obligor for whom the obligor is legally responsible to provide support and is supporting in a manner that gives equitable consideration to the children for whom support is being set in the case." Pat stated that everything is prorated between all the children, but in Georgia that is limited to cases that were filed before the new case and any subsequent orders are not considered. Judge Baldwin asked if this was addressing the issue of children with multiple partners seeking child support orders at different times to which Pat answered affirmatively. Judge Key reiterated that an NCP only gets credit for orders entered prior to the current case but Tennessee now allows the NCP credit for subsequent orders when the case comes up for modification. Jill Travis asked if Tennessee just removed the concept of preexisting order, the Committee believed that to be the case.

Katie Connell asked if we were opening the flood gates for modifications for NCPs that have had multiple subsequent children when the parents have an obligation of support for an existing child. To Katie's knowledge, there is case law, albeit old, that has not been overturned that says it was the parents' decision to have subsequent children whether in marriage or not, and the original child will not be penalized for that decision. Pat Buonodono replied that is the way the statute is originally written, and for that reason, but the problem that occurs is when NCPs have multiple children with multiple partners, the custodial parent receives the "first child benefit" for each one, creating a very large and unrealistic support obligation for the NCP. Judge Baldwin suggested that Child Support Recovery could perhaps solve the problem administratively.

Katie Connell raised concern about this being beneficial for NCPs who are willfully reckless and conceive more children while knowing of their obligation to provide for existing children. Judge Key and Pat Buonodono agreed that taking this measure off the table for now would be best and there was no opposition from the Committee.

Jill Travis added that the statutes still have construction problems as they are presently written. From a language perspective there are many problems with definitions. An example she gave is LC 29 5731. On line 23 "actually being paid under an order of support" is stricken through due to it being previously included in the definition of preexisting order on line 12.

Katie Connell made a motion to send LC 29 5731 to the Commission as read for consideration as it is. Representative Barr seconded the motion. The motion carried unanimously.

IV. New Business

A. Continuation of Support for Disabled Child

1. What other states are doing

Pat Buonodono looked at 41 states, 30 of which provide support for youth who are handicapped and incapable of caring for themselves beyond the age of majority. The revised LC 29 5724 being read for consideration includes provisions for the physically or mentally impaired.

2. Review of LC 29 5724

Jill Travis added that an issue that commonly came up with this concept is how the support income would affect the eligibility for federal benefits. Katie Connell concurred with this concern because in most circumstances the services the government can provide to disabled adults are far better than anything the parents can provide, even parents with considerable means, and doing anything to jeopardize that eligibility could negatively affect disabled adults. Pat made the suggestion that staff will do further research by consulting social security specialists to see how this would affect federal benefits. This issue has been tabled until further consideration.

B. Other New Business

Judge Key stressed the importance of developing a legislative strategy and determining which representative will carry the Commission's bills. Representative Barr responded by informing the Committee he would be willing to consider carrying any of the bills brought forward by the Committee but also felt it would be important for him to consider if there was anyone else more appropriate to do so, resulting in less opposition to the bill.

Judge Key requested the committee staff arrange a conference call between the legislative members of the committee to discuss a strategy and to include Jill Travis. Jill Travis recommended these changes should be brought together in one to two bills. Judge Baldwin recommended approaching Wendell Willard, Chairman of the Judiciary Committee, to ask if he sees any problems with the revisions and advice for any sponsors.

V. Schedule Next Meeting

No meeting was scheduled.

VI. Adjournment

Meeting adjourned at 11:21 a.m.

8/16/2014

RE: Veterans' Disability Benefits and Child Support - Archived: 10/17/13 20:25:03

From: W. John Camp <WMJ.Camp@wpmlegal.com>
Sent: 10/17/13 20:23:56
Archived: 10/17/13 20:25:03
To: Patricia Buonodono <Patricia.Buonodono@gaaoc.us>
CC: Norman Zoller <NormanZ@gabar.org>; <dearly@shewmakerandshewmaker.com>
Subject: RE: Veterans' Disability Benefits and Child Support

Addendum

Patricia:

Thank you for your comments about our Section and us individually. We also extend our appreciation to you and the work you do for the children of this State through work on the Child Support Guidelines and the Child Support Worksheets.

After reading your excellent rebuttal to my earlier comments and reviewing the Rose (USSC) decision, I would agree you certainly have a strong argument to include VA Disability Compensation and VA Pensions in figuring gross monthly income for purposes of determining child support. I think our Section's concern on behalf of Veterans is that the needs of the Veteran to provide for him/herself is not adequately expressed in the CS Guidelines, and perhaps it should be. Just because you can include such benefits does not necessarily mean that as a "policy" they should be.

One of the biggest problems we encounter in our work with Veterans is their homelessness that is often exacerbated by their inability to care for themselves or to be able to work with some of their service connected disabilities. Judges and CS Case Workers may very often not have sensitivity to those issues unless called upon to do so by the CS Guidelines. Yes it can show up in a deviation, but I believe our Section would also like to see something in the provision that tells the Judge or CSE Caseworker that they should also consider the personal needs of the Veteran if they are including perhaps their ONLY source of income to provide for themselves.

So would you put to the Committee something along these lines:

Accordingly, Page 2, Line 30 (OCGA §19-6-15(F)(1)(A)(xiv) should read as follows: "Upon first considering the financial circumstances of the Veteran including any other sources of income, the Court may include disability or pension payments that are received by the Veteran pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C. Section 101, et seq., including any specific benefit paid to the Veteran because of his or her having a dependent child or children. In appropriate cases the Judge or jury may include any portion of the Veteran's benefits received in determining his or her gross monthly income under this Section."

I believe this would not prevent a Judge or Court from including such payments in determining GMI for Child Support, but it would require the judge or jury to consider the personal needs and finances of the Veteran beforehand. I believe this would meet the need of our attorneys in assisting those Veterans.

John Camp
Vice Chair, Military & Veterans Law Section
Member, Military Legal Assistance Program Committee

From: Patricia Buonodono [mailto:Patricia.Buonodono@gaaoc.us]
Sent: Thursday, October 17, 2013 2:47 PM
To: W. John Camp
Cc: Norman Zoller; dearly@shewmakerandshewmaker.com
Subject: RE: Veterans' Disability Benefits and Child Support

Hello John,

Thank you for writing to me. I have attended a seminar at the State Bar at which you were a presenter in recent years, and I appreciate your input, and your service.

The Statute Review Committee is not seeking to make any Veterans' Disability Benefit eligible for garnishment, but only to include that income in calculating a noncustodial parent's child support obligation. The US Supreme Court considered this matter in the case of Rose v. Rose, 481 U.S. 619 (1987). In that case, the Supreme Court rejected the contention that the VA has exclusive jurisdiction to specify payments of child support from the disability benefits it provides. The Court justified not only use of the veterans' disability payment in calculating child support, but also justified holding the noncustodial parent in contempt for failing to make the payments as ordered. Justice Marshall pointed out, in his opinion, that the noncustodial parent's income included: "\$1,211 in veterans' disability benefits; \$1,806 in veterans' aid and attendance benefits; \$90 in veterans' dependents' benefits' and \$281 in Social Security disability benefits. The children received an additional \$94 a month in Social Security children's insurance benefits." Id. at 622. Mr. Rose was ordered to pay \$800 per month as child support, in addition to the children's \$94 monthly SS insurance benefits. Id. He paid, for the month in question in the underlying case, only the \$90 in dependents' benefits he received from the VA. He was held in willful contempt for failing to pay child support and appealed, arguing that the state (Tennessee) was preempted from holding him in contempt based upon federal law governing veterans' benefits. Id. at 623. The U.S. Supreme Court disagreed, finding that Mr. Rose, "joined by the United States as *amicus curiae*, concedes that a state court may consider disability benefits as part of the veteran's income in setting the amount of child support to be paid." Id. at 626. "Veterans' disability benefits compensate for impaired earning capacity, and are intended to 'provide reasonable and adequate compensation for disabled veterans and their families.' ...Additional compensation for dependents of disabled veterans is available under 38 U.S.C. § 315, and in this case totaled \$90 per month for appellant's two children. But the paucity of the benefits available under § 315 belies any contention that Congress intended these amounts alone to provide for the support of the children of disabled veterans." Id. at 630-631 [citations omitted]. The Court ultimately affirmed the order under appeal as follows:

"We fully appreciate the physical sacrifice appellant made while in the military service of his country, and we acknowledge his needs as a totally disabled veteran for medical assistance and financial support. But we also recognize that pursuant to former Tenn.Code [sic] Ann. § 36-820 the Tennessee Circuit Court has properly taken into account appellant's needs, along with the needs of his children, in setting his child support obligation. Neither the Veterans' Benefits provisions of Title 38 nor the garnishment provisions of the Child Support Enforcement Act of Title 42 indicate unequivocally that a veteran's disability benefits are provided solely for that veteran's support. We hold, therefore, that as enacted these federal statutes were not in conflict with, and thus did not pre-empt § 36-820. Nor did the Circuit Court's efforts to enforce its order of child support by holding appellant in contempt transgress the congressional intent behind the federal statutes." Id. at 636.

Thus, until someone gets a ruling from the highest court to the contrary, we believe we must apply this holding to our Georgia statute.

6/16/2014

RE: Veterans' Disability Benefits and Child Support - Archived: 10/17/13 20:25:03

In response to your suggestion concerning the child support worksheets, I will pass your suggestion on to the Technology/Calculator Committee of the Child Support Commission. We are currently investigating whether to move to a web-based calculator, and this may be something that could be incorporated into that.

Best regards,
Pat Buonodono

Patricia K. Buonodono, JD, CWLS
Child Support Project Director
Staff Attorney, Georgia Commission on Child Support
Administrative Office of the Courts
244 Washington Street, Suite 300
Atlanta, Georgia 30334
Office: (404) 463-0044
Cell: (404) 989-8358
Fax: (770) 342-4745
www.georgiacourts.gov/csc/

From: W. John Camp [<mailto:WMJ.Camp@wpmlegal.com>]
Sent: Wednesday, October 16, 2013 1:10 PM
To: Patricia Buonodono
Cc: Norman Zoller; Drew Early (dearly@shewmakerandshewmaker.com)
Subject: RE: Veterans' Disability Benefits and Child Support

Hello Patricia:

I previously worked with the Child Support Commission (back in 2007-2008) with your predecessor. In particular I helped draft the Child Support Guideline that addresses Military Compensation at OCGA 19-6-15(f)(1)(E). I would like to address something about that provision with you in a minute, or we can have a phone conversation about it. It comes upon the recommendation of several judges and concerns the CS Worksheets.

On the issue of inclusion of VA Disability Compensation and Pensions, I do not believe that the entirety of the Disability Pay or Pension should be included in determining gross monthly income. Instead I believe that only the additional amount that is paid to the Veteran because of his/her dependent child should be included for purposes of determining Gross Monthly Income. In other words, the way VA Disability Compensation works, the Veteran gets a disability payment that is based upon the level of his/her disability from service connected injuries and illnesses and then gets paid an additional amount (if his/her rating is 30% or higher) for having a dependent child.

Accordingly, Page 2, Line 30 (OCGA §19-6-15(F)(1)(A)(xiv) should read as follows: "Only so much of the disability or pension benefits that are received pursuant to the federal Veterans' Benefits Act of 2010, 38 U.S.C. Section 101, et seq., that are paid to the Veteran because of his or her having a dependent child or children."

My rationale is laid out in the federal statute, legislative history, and can also be accessed at this website

<http://www.acf.hhs.gov/programs/css/resource/financial-support-for-children-from-benefits-paid-by-veterans-affairs>). This article discusses the circumstances where a Veterans Disability Compensation or Pension may be garnished for payment of child support. For Veterans with a disability rating of 30% or more, their Compensation is increased based upon their having a child in their household or for having financial responsibility for a child. You can see the differentials paid to the Veteran for having one or more dependent children by reviewing the VA Disability Compensation Tables at: http://www.benefits.va.gov/COMPENSATION/resources_comp01.asp Be sure to look under those tables that are for Disability Ratings of 30% or higher and just for the "Veteran and Child". You will also see that the Veteran receives more compensation if he/she has more children. The amount of the of Veteran's Disability Compensation that can be garnished is limited to that portion the Veteran is paid for having the child. It is actually not done through a garnishment but rather through a process of apportionment.

The danger of including the full Veteran's Disability Compensation is that Congress has set the payments for only for the support of the Veteran himself. If those payments are considered in the same manner as ordinary "income", the Congressional purpose of such payments (to provide for the Veteran, would be significantly frustrated because they would diminish the ability of a Veteran to support and provide for themselves. Just like we now allow Social Security Disability Recipients to satisfy their Support Obligations to Children by having the Dependent's Benefit paid to the Custodial Parent, we should do likewise with our Veterans, whose disabilities are service connected, to pay by an apportionment of their VA Disability Benefit. Consider as well the consequences of the Preemption Doctrine, because if you use the full amount of the VA Disability Compensation in determining a State Child Support Obligation, the amount of the child support will then significantly exceed what is the additional benefit Congress has allowed to the Veteran for the support of a dependent child. Additionally, the monthly amount that Congress has said is necessary to allow the Veteran to provide for himself is reduced and the original purpose of the Veterans Disability Compensation or Pension Benefit is degraded.

My thought would be that the additional amount of Disability Compensation that is paid because of the dependent Child should be apportioned to the child(ren) directly and the Base VA Disability Compensation or Pension should be excluded from determining gross monthly income.

Note there is a special provision for those Veterans who receive Military Retired Pay and who have waived their Military Retired Pay to receive VA Disability Compensation. The amount of their Military Retired Pay should be included in determining their Gross Monthly Income, but then only the amount of the VA Disability Compensation they receive because of having a child should be included in their income.

NEW TOPIC: On the Military Compensation Issue, we do not need any legislative changes. I have found that it would be a great service to our Judges and people using the Child Support Work Sheets if they could just enter the Military Pay Grade of the Servicemember and the Worksheet would fill in the amount of their BAH Allowance at the "No Location" without dependent rate, which does not include any Variable Area Housing Costs. I have found that people (and Judges) unfamiliar with Military Parents don't know where to find the proper Housing Allowance Rates to include in Gross Monthly Income, and they would like to be able to have the Work Sheets do that for them with just filling in a minimal amount of information. As you know OCGA 19-6-15((f)(1)(E)(iv) provides "Basic Allowance for Housing, whether paid directly to the parent or received in kind, determined at the parent's pay grade at the without dependent rate, but shall include only so much of the allowance that is not attributable to area variable housing costs." Those amounts are easily accessible at the DoD Military Pay Tables, but they are indexed and may change each year. A person would only need to know the Pay Grade of the Military Member (i.e., E1-E9; WO1-WO5; O1-E -O3-E; and, O1-010), which coincides with their Military Rank and is also found on their DoD Leave and Earnings Statement. A user of the Child Support Work Sheet would only need to type in the appropriate Pay Grade, and the work sheet

6/16/2014

RE: Veterans' Disability Benefits and Child Support - Archived: 10/17/13 20:25:03

would fill in the proper amount of their BAH (Non Locality, BAH RC/T) Housing Allowance. We could also provide that same service for Basic Allowance for Subsistence as there are only two rates for that, Officer and Enlisted, and that would also be determined just by putting in the Pay Grade. Each year, the values for Both the BAH and BAS Figures at those Pay Grades would just need to be updated, but it could be done right in the Worksheet and avoid everyone having to go running to the DoD Pay Tables and trying to figure out what to use. I can assure you it would save a lot of time and "Judges' Head Scratching" if we could do that for them. I am attaching those values for the BAH Non-Locality Rates to this email. What can we do to incorporate this into the Worksheets?

John Camp
478-397-0333

From: Norman Zoller [<mailto:NormanZ@gabar.org>]
Sent: Tuesday, October 15, 2013 5:27 PM
To: Patricia Buonodono
Subject: RE: Veterans' Disability Benefits and Child Support

Thank you very much. Let me contact a few of the most knowledgeable people in this field, and we will get back to you.

Sincerely,

Norman Zoller
Military Legal Assistance Program
State Bar of Georgia
104 Marietta Street
Atlanta, GA 30303

404/527-8765

From: Patricia Buonodono [<mailto:Patricia.Buonodono@gaaoc.us>]
Sent: Tuesday, October 15, 2013 12:01 PM
To: Norman Zoller
Subject: Veterans' Disability Benefits and Child Support

I am sending this to you as your name came up as a contact for the State Bar's Military Assistance program; if you are not the appropriate party to see this, please pass it on to that person.

I am the Staff Attorney for the Georgia Commission on Child Support. At our next Statute Review Committee meeting, we will be discussing a statutory revision to include Veterans' Disability Benefits as income for the calculation of child support. While we know the benefits cannot be attached for payment of child support, this income should be included in household income for purposes of making the calculations of how much support should be paid. We are having a meeting this coming Friday, October 18, 2013 at 10:00 a.m. here at the Administrative Office of the Courts (see below for address), with a forum for public comments. I am attaching the proposed revision for your information.

Patricia K. Buonodono, JD, CWLS

Child Support Project Director
Staff Attorney, Georgia Commission on Child Support
Administrative Office of the Courts
244 Washington Street, Suite 300
Atlanta, Georgia 30334
Office: (404) 463-0044
Cell: (404) 989-8358
Fax: (770) 342-4745
www.georgiacourts.gov/csc/

This e-mail and any files transmitted with it are intended solely for the use of the entity or individual(s) to whom they are addressed and not for reliance upon by unintended recipients. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail and any files transmitted are strictly prohibited. If you have received this e-mail in error please delete the entire email and immediately notify us by email to the sender or by telephone to the AOC main office number, (404) 656-5171. Thank you.

This e-mail and any files transmitted with it are intended solely for the use of the entity or individual(s) to whom they are addressed and not for reliance upon by unintended recipients. If you are not the intended recipient or the person responsible for delivering the e-mail to the intended recipient be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing, or copying of this e-mail and any files transmitted are strictly prohibited. If you have received this e-mail in error please delete the entire email and immediately notify us by email to the sender or by telephone to the AOC main office number, (404) 656-5171. Thank you.