

A SUBSTANTIAL CHANGE IN CHILD SUPPORT

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SB 137, a bill regarding the Child Support Guidelines, passed the General Assembly and was signed by Governor Deal on May 9, 2017. These changes will take effect on July 1, 2017. Much of the bill served to clean up outdated and inconsistent language and correct errors. It makes the Child Support Guidelines gender neutral. Additionally, SB 137 accomplishes four main things:

1. In Part I, Section 1-1(c), the bill requires that the final judgment shall have attached to it the child support worksheet containing the calculation of the final award of child support and any schedule that was prepared for the purpose of calculating the amount of child support.
2. In Part I, Sections 1-4 and 1-5, the bill requires the filing of multiple worksheets when there are multiple children, so that when the oldest child is no longer eligible to receive child support, the child support order will provide for a second amount calculated only for the children who remain in the home. Per the child support guidelines, this subsequent amount must be supported by a worksheet; thus, the worksheets are prepared at the time the original child support is ordered. This will save parents money in that they will not have to modify child support when one of their children is no longer eligible to receive support. However, the bill does nothing to prohibit either parent seeking a modification of the amount of support if other circumstances (such as income of the parties or expenses of the children) have changed.

As a very simple example, let's say a family with three children files for support. Each parent earns \$4,000 per month. With no other deductions or deviations, the amount of support the noncustodial parent will pay to the custodial parent is \$895.00/month. Once the oldest child turns 18 or finishes high school (up to age 20), whichever comes later, the noncustodial parent will only be paying support for two children. That amount is \$784.00 per month. Finally, once the second oldest child turns 18, etc., the noncustodial parent will be paying support only for the one remaining child, and that amount is \$563.00 per month. Thus, the appropriate amount of support is being paid based upon the number of children in the home without the parents having to go to court to file for a modification of child support.

The thing we now have to be careful about is the effect on other deductions that may be affected by the passage of time between worksheets. See our "Checklist for Multiple Worksheets."

3. Currently, a parenting time deviation is provided where the noncustodial parent has the children half, or nearly half, of the time. This deviation can only be used to decrease the amount of the support. Part I, Section 1-6 of SB 137 changes that language so that the parenting time deviation can go either upward or downward. If a noncustodial parent spends no time whatsoever with the child, and incurs no expense of having the child in their home for any amount of time, the custodial parent may request an upward parenting time deviation since the custodial parent is bearing the full cost of raising the children completely on their own.
4. Part III, Section 3-1 allows the judge or jury discretion to take the work related child care expense out of the child support calculation, when those child care costs are variable. This would apply when, for example, the parties have a child who is four years old going to daycare full time, at the cost of around \$800/month, but the child will start kindergarten in a year. For that year of daycare, then, the judge may allocate pro rata shares of the \$800 expense to the parties (based upon the percentage of total income each party earns), and order it paid by one party and reimbursed by the other as a specific dollar amount. Once the year is over, that expense is gone – but if it had been a part of the child support calculation, the noncustodial parent would continue to pay

child support that includes that expense as part of the calculation until he or she files a modification petition to reduce the amount of support. This will also work in situations where child care costs vary, perhaps during summer months or school breaks. This provision saves the parents money by not requiring them to go back to court for a modification of child support simply because the child care expense ends.

The “As Passed” version of SB 137 is available at: <http://www.legis.ga.gov/Legislation/20172018/170668.pdf>.

As always, the staff of the Child Support Commission is here for you. We offer free training throughout the State on both the use of the Online Calculator and child support in general. Our website (<http://csc.georgiacourts.gov>) provides case law updates; video tutorials on how to use both the Online and Excel Calculators; the worksheets; the statute; and a step-by-step guide to completing Income Deduction documentation, along with fillable .pdf forms. Please let us know what we can do to help, by emailing patricia.buonodono@georgiacourts.gov.

Patricia K. Buonodono (“Pat”) is a 1994 graduate of the Georgia State University College of Law, also earned her B.A. in English at GSU. Pat opened her own practice upon passing the bar, and worked primarily in family law and child welfare for 16 years. Pat began work with the Judicial Council/Administrative Office of the Courts in the fall of 2010, and became Director of the Georgia Child Support Project and Staff Attorney to the Commission on Child Support in the fall of 2012. She is now the Assistant Division Director for Communications, Children, Families and the Courts (what a mouth full!) Pat is one of Georgia’s first class of Child Welfare Law Specialists, having earned that national certification in 2010.