

# **Georgia Child Support Commission Meeting**

## **MEETING MINUTES**

**January 23, 2009**

### **I. Welcome and Introductions**

Chairman Harp asked for a roll call of all present. Present members included Judge Louisa Abbot, Judge A. Quillian Baldwin, and Mr. Rick Smith. Members present via phone conference included Chairman Seth Harp, Ms. Joy Hawkins, Judge Michael Key, Representative Edward Lindsey, Mr. Michael Martin, and Dr. Roger Tutterow. Jill Radwin, Elaine Johnson and Debra Oliver staffed the meeting.

All members present were given various handouts including meeting minutes for the Statute Review Subcommittee meeting on November 13, 2008; the enhancements PowerPoint presentation, the EZ Worksheet.

All members participating by phone were sent all handouts for review prior to today's meeting.

### **II. Statute Review Subcommittee**

#### **A. Approval of Meeting Minutes of Statute Review Subcommittee meeting on November 13, 2008.**

Judge Louisa Abbot, Senator Seth Harp, Judge Michael Key, Representative Edward Lindsey, Mr. Michael Martin, and Mr. Rick Smith; and Dr. Roger Tutterow, members of the Statute Review Subcommittee were present or attending the Commission meeting via phone conference, seconded and approved the Statute Review Subcommittee minutes.

#### **B. Report of Statute Review Subcommittee**

1. 2008 SB 483--Judge Abbot stated that SB 483, which passed last year's General Assembly and went into law on July 1, 2008, was primarily a clean-up of O.C.G.A. §19-6-15. There was no real impact to the child support calculator. The intent of the bill was to make the statute cleaner and provide more clarity.
2. Low Income Deviation Proposal from Study Committee --Judge Abbot stated that last year when the Statute Review Subcommittee was reviewing possible

clean-up language to the Child Support Guidelines, the issue of revising the low income deviation was considered. However, to ensure that a thoughtful review could be made, Judge Abbot established a Study Committee to study it over a period of time. Judge Debra Bernes chaired the Study Committee and membership included both Commission Members and other interested parties, including Superior Court Judges, legal aid providers, private attorneys, etc. The Study Committee presented its recommendation to revise the low income deviation to the Statute Review Subcommittee on November 13, 2008. The current low income deviation has a self support reserve formula built into the calculator that many judges, attorneys, and others involved in the court process did not feel resulted in fair and appropriate awards. The proposal presented struck the entire low income deviation formula. In its place, the court will use discretion as to a low income deviation amount. The proposal instructs the court to examine “all attributable and excluded sources of income, assets, and benefits available to the noncustodial parent and may consider all reasonable expenses of the noncustodial parent, ensuring that such expenses are actually paid by the noncustodial parent and are clearly justified expenses.” In the place of an income requirement to qualify for a low income deviation, the noncustodial parent must demonstrate no earning capacity or that his/her pro rata share of the presumptive amount of child support would create an extreme economic hardship for such parent. It allows that a noncustodial parent whose sole source of income is that of a supplemental security income received under Title XVI of the federal Social Security Act (“SSI”) be considered as having no earning capacity. If a low income deviation is granted by the court or jury, the minimum child support order cannot be less than \$100 per month, and such amount shall be increased by at least \$50 for each additional child for which child support is being ordered. The statute, itself, does not require a minimum order, only when the court is granting a low income deviation.

Judge Abbot reported that on November 13, 2008, the Statute Review Subcommittee accepted this proposal, with some revisions that were brought to their attention by Karen Geiger with Georgia Legal Services and a member of the Study Committee. Judge Abbot presented the revised proposal to the Commission on this date for the Commission’s consideration.

3. Other Legislative Recommendations--During this setting, a few other minor clean up provisions to 19-6-15 were also discussed and three were accepted as part of the Statute Review Subcommittee’s recommendation to the Commission. The three additional proposed changes to 19-6-15 were:  
a) parenting time deviation—clarifying that the parenting time deviation is to be calculated with all of the other deviations rather than being an adjustment of the basic child support obligation amount; b) life insurance as a deviation—adding it to a list of deviations found in subsection (b) as to the steps in calculating child support; and, c) worksheet and Schedule E attachment—clarifying that Schedule E will not need to be attached to the final order if there are no deviations.

### C. Vote on Recommendations by Full Committee

All recommendations of the Statute Review Subcommittee as a legislative proposal were presented and seconded for approval by present and phone conference members. [See attached LC 293570 as to the language voted on and approved by the Child Support Commission.]

## III. Forms Subcommittee

### A. Report on Child Support Calculators: Enhancements and Changes to the Calculators

Lawana Lewis, Child Support Commission consultant and project manager for the calculator enhancements project gave a brief overview of several enhancements that will be available on the calculator in the spring.

- **Enhancement #1 Opt In/Opt Out Box Low Income Deviation**  
This deviation is discretionary and not automatic. The design change allows a user to opt in or opt out for the deviation utilizing a check box. The judge can also apply discretion and remove the deviation by use of a check box.
- **Enhancement #5 Informational “Bubble” Boxes**  
These boxes allow adding of helpful hints, definitions or instructions to any cell, thus allowing users to receive a more guided approach to completing the worksheet without changing the structure of the document by adding detailed instructions.
- **Enhancement #7 Data Entry Form**  
The data entry form will allow for entry of data in a one-page electronic format. All data entered by a user on the Data Entry Form will display on the Worksheet and Schedules in the correct locations. All calculations will occur on the Worksheet and Schedules and not on the Data Entry Page. This version will be a substitute for the online guided version
- **Enhancement #10 Self Employment Income Calculator**  
This calculator will allow all users to enter self employment income data of the parents that will result in an amount that will populate on Line 3 of Schedule A. One will still be able to manually input the self employment income on Schedule A.
- **Enhancement #11 Parenting Time Display and Calculation**  
The design will remove from all versions of the electronic worksheets the calculation on Line 5 of the worksheet that currently reduces the Basic Child Support Obligation by the amount of the noncustodial parent’s parenting time deviation as entered on Line 13 of Schedule E. Lines 9(a) and 9(b) will be removed as a result, and replaced by Line 9 only. The Parenting Time

Deviation will still be entered on Line 13 of Schedule E and will be added with all other Deviations on Line 14.

- **Enhancement # 14 Verbiage changes for Specific Deviations**  
The enhancement will add more instructions at the introductory line of the specific deviations. Instructions will guide the user to enter a number in the noncustodial parent's column to increase or decrease the noncustodial parent's presumptive amount of child support.

#### B. Presentation of Revised EZ form

Elaine Johnson, Child Support Guidelines coordinator, presented the Revised EZ form. Ms. Johnson reminded members that in May of 2008 commission staff has presented the EZ form to the commission and was directed to make further revisions as the form "looked too busy." Ms. Johnson stated that revisions were made so that the EZ form is now only to be used for "simple calculations with no deviations." There are four pages of instructions, a two page worksheet, and no schedules. The Basic Child Support Obligation Table will be included. After reviewing the form and directions, commission members voted to accept this EZ Worksheet Form.

### IV. Old Business

#### A. Due Date of the Report to HHS

Jill Radwin, Staff Attorney to the Commission, reported that the HHS report is due by July 1, 2010. She stated that the commission will present the data; however, OCSS will be submitting the report to HHS. Chairman Harp asked that the report be to commission members by April 1, 2010. He asked Dr. Tutterow, chair for the Economic Subcommittee, to proceed with updating information for the BCSO table. Dr. Tutterow stated he would call on Economic Subcommittee members and Dr. Jane Venohr, who assisted with economic research for the first table.

#### B. Expiration of Commission Members' Terms

Chairman Harp asked Jill Radwin to give an update on the commission members' terms. She stated that both the Superior Court Judges and the Legislators' terms had expired; however, the governor was asking all members to remain on the commission until they were either reappointed or a new appointment was made.

### V. New Business

Chairman Harp asked for any new business; none was stated.

### VI. Close of Meeting

The meeting adjourned at 2:16 p.m.