

**Georgia Commission on Child Support
Meeting Minutes
August 21, 2015**

Commissioners Present

Judge Louisa Abbot (via teleconference)
Judge Michael Key
Judge Elizabeth Branch (via teleconference)
Judge Tom Campbell (via teleconference)
Ms. Katie Connell
Mr. Rick Smith (via teleconference)
Dr. Roger Tutterow (via teleconference)
Ms. Wendy Williamson (via teleconference)

Staff Present

Ms. Patricia Buonodono, staff attorney
Ms. Elaine Johnson
Mr. Bruce Shaw

Guests Present

Ms. Bonnie Miller, Georgia Legal Services
Ms. Erica Thornton, Policy Unit DCSS (via teleconference)
Mr. Stephen Harris, Associate General Counsel, DHS
Ms. Jill Travis, Legislative Council
Mr. Ryan Bradley, DCSS Policy Unit

The meeting was called to order at 12:05 p.m.

I. Welcome and Introductions

Judge Abbot asked Judge Key to chair the meeting since he attended in person. Judge Key consented.

II. Review/Approval of Minutes of 2/20/2014 Meeting

Judge Abbot moved to approve the meeting minutes of the February 20, 2015 meeting. Judge Campbell seconded the motion. The motion carried unanimously.

III. Committee Reports

A. Committee Reports

1. Statute Review Committee

Pat Buonodono updated the Commission that the Statute Review Committee decided to carry forward with SB 64. She stated that while the bill should move forward as written, the law should be thoroughly examined whether or not it denies due process to same sex couples because there is no way to give legal rights to unmarried same sex couples. Judge Abbot agreed and stated that the first focus of the Statute Review Committee should be passing SB 64; they can then go back to the drawing board to discuss the many same sex marriage issues that are now present. Jill Travis stated that the bill might run into some opposition in committee due to the use of terms like mother and father. Judge Abbot requested that the Statute Review Committee look into solutions before the bill reached the legislative committee. Judge Key expressed his concern that the bill is passed and subsequently deemed unconstitutional and he would prefer a subcommittee to work the language issues before there was any opposition. Pat Buonodono stated that during a meeting with the State Bar's legislative committee, Katie Connell volunteered them to explore different solutions for legitimation and they were willing to take on the task.

Judge Key continued to the next item brought forth to the Commission from the Statute Review Committee. The committee seeks input from the Commission on whether or not to pursue changes to work related child care. Pat Buonodono stated that she was asked to look at Tennessee and how it handled the matter, doing so she found that it hadn't changed and their statute was the same as Georgia's. Pat Buonodono stated that she did speak with executive director of the Georgia Commission on Family Violence and concern was expressed over the issue being raised again because could make it harder for the custodial parent to recoup the expense. Judge Key stated that the response to this argument is that treating work related child care outside of the worksheet would be at the discretion of the court. Judge Abbot stated she would like for the court to have discretion to remove the cost from the worksheet or to leave it in. Judge Key read the language from last year's bill which states:

In situations in which work related child care costs may be variable, the court or jury may, in its discretion, remove work related child care costs from the calculation of support, and divide the work related child care costs pro rata, to be paid within a time specified in the final child support order.

Katie Connell asked if proposing multiple bills would take away from getting the legitimation bill passed. Jill Travis deferred to Judge Campbell who said that it should not be an issue.

Judge Key asked to bring forth the other issues from Statute Review before deciding to pursue work related child care. Pat Buonodono stated that making parenting time a downward and upward deviation was the next issue. There is a conflict in the statute by making parenting time only a downward deviation:

If the court or the jury determines that a parenting time deviation is applicable, then such deviation shall be included with all other deviations and be treated as a deduction.

Because the statute also gives discretion:

The child support obligation table is based upon expenditures for a child in intact households. The court may order or the jury may find by special interrogatory a deviation from the presumptive amount of child support when special circumstances make the presumptive amount of child support excessive or inadequate due to extended parenting time as set forth in the order of visitation or when the child resides with both parents equally.

Katie Connell stated her support for making the deviation upward or downward because there also language for modification if a parent is not exercising parenting time which implies that there should be some consideration for a parent who is taking less time rather than more. Judge Abbot agreed but asked to send the issue back to Statute Review to examine closely the language in the statute and explore changing the language in the worksheet to conform. Katie Connell brought up that was case law present remanding a case back to a trial court for allowing an upward deviation in contradiction to the statute. Judge Abbot advised that Statute Review look at K(i) and (ii) and revise it to give the court discretion which should be fixable this legislative session.

Judge Key asked of the Commission if it should also pursue the work related child care issue this session. Judge Abbot advised against it and stated that she felt this issue would be too contentious and could jeopardize the legitimation bill.

Judge Abbot made a motion to defer legislation involving work related child care this session. Judge Campbell seconded the motion. A voice vote was taken on the motion. The motion carried unanimously.

Pat Buonodono stated that there were some smaller technical corrections that she and Jill Travis have discussed and she inquired if they should be pursued. Judge Abbot stated that since the issues were minor corrections that they should be sent to Statute Review along with LC 296672 which is awaiting feedback from Stephen Harris, for discussion and returned to the Commission to move forward on this session.

2. Technology/Calculator Committee

Wendy Williamson, as chair of the Technology/Calculator Committee, turned the floor over to Elaine Johnson to lead the discussion.

- a. Gender neutral language for calculator/worksheets; do judges want/need to know gender of parties?

Elaine Johnson showed the Commission a mockup of a gender neutral Excel worksheet and asked for input on whether or not changes should be made. It was suggested that Parent A and Parent B be used but there were concerns about the confusion it would create and it was decided that it was best to use names.

- b. Do we need box for explanation when low income deviation is used?

Pat Buonodono stated that at the Superior Court judges' conference, it was said that the box should be removed because it not required by statute. After discussion, it was determined that the box is beneficial for weighing considerations as well as stating unusual circumstances and didn't cause any problems. The word "Optional" is to be added in the text of the box.

- c. Pre-existing order date

Pat Buonodono stated that judges also requested the date field to be removed in the pre-existing order section. It was determined that this field was a statutory requirement and could not be removed.

IV. New Business

Pat Buonodono suggested enlisting senators and representatives from relevant committees for support of the bill. Jill Travis suggested having the author of the bill reach out to Representative Tom Weldon who chairs the Juvenile Justice Committee about moving the bill up on the priority list.

V. Close of Meeting and Scheduling Next Meeting

The next meeting will be scheduled at a later time.

The meeting adjourned at 1:26 p.m.