

**Georgia Commission on Child Support
Statute Review Committee
Minutes of Meeting: May 26, 2015**

Present:

Judge Michael Key
Judge Lisa Rambo
Judge Louisa Abbot (via teleconference)
Representative Timothy Barr (via teleconference)
Ms. Katie Connell (via teleconference)
Mr. Stephen Harris (via teleconference)
Judge Amanda Baxter (via teleconference)
Judge Lisa Branch
Ms. Pat Buonodono, staff attorney
Ms. Elaine Johnson, staff
Mr. Bruce Shaw, staff

Guests Present:

Ms. Johanna Kiehl
Ms. Erica Thornton
Ms. Anna Adams
Ms. Allison Smith-Burke

The meeting was called to order at 1:35 p.m.

- I. Welcome and Introductions
- II. Review of Minutes- 8/19/2014 and 2/16/2015 Meetings

Judge Rambo made a motion to approve the minutes from August 19, 2014, Judge Abbot seconded the motion. The motion carried unanimously.

Judge Rambo moved to approve the minutes from February 16, 2015, Representative Timothy Barr seconded the motion. The motion carried unanimously.

- III. Old Business
 - A. SB 64/HB 264

Due to an opinion she wrote in a case regarding administrative legitimation, Judge Lisa Branch abstained from any discussion or voting on this matter.

Representative Timothy Barr summarized the course the administrative legitimation legislation followed during the 2015 legislative session. SB 64 passed through the Senate, after which amendments were attached by the House and the bill was sent back to the Senate for approval, only to be killed by a last minute rider attached when there was too little time for the bill to return to the House for final approval.

Representative Barr recommended taking some proactive steps before next session with the Senators who made attachments to this bill to avoid it happening again. Representative Barr stated that HB 264 passed

through committee favorably in the house and that it could be passed early in the 2016 session to avoid last minute riders like the addition of SB 3, which would have allowed parents to put their children with anyone for an extended period of time with simply a notarized statement, which ultimately doomed SB 64's chance of passage in the 2015 session. Judge Key inquired if it is possible to untangle the bill from the previously attached riders, Representative Barr responded that it could be done in committee. Pat Buonodono suggested getting the Family Law Section of the State Bar to affirmatively support the bill and asked for Katie Connell's assistance. Katie Connell agreed and stated that the Family Law Section has historically been passive in their support but was unusually vocal last session. She also stated that leadership was changing for the Governmental Liaison group of the Family Section and that Representative Regina Quick should be consulted to find an appropriate contact.

B. LC 29 6078

Pat Buonodono suggested a different approach than taken in LC 29 6078 regarding terminating Income Deduction Orders (IDO). The current draft changes O.C.G.A. § 19-6-32(d) to state:

(d) The income deduction order shall include a termination date for the final child support order...

Pat Buonodono suggested putting something in the withholding statute that states "No order of the court shall be required by an employer for termination of income withholding for current child support upon presentation by the obligor that the child is no longer eligible for support, such as a birth certificate and/or high school diploma or transcript" and it should also specify that "income withholding of a child support arrearage shall continue as ordered by the court until the arrearage is paid in full." Katie Connell recommended running this matter by the Family Law Section to see if there would be any opposition and begin an early conversation and agreed to secure a spot on one of their meeting agendas. The section meets generally once or twice a month but there are currently no meetings scheduled due to a change in leadership and the summer break.

Judge Key and Judge Abbot both recommended gathering as much input as possible from any interested parties and reporting back to the Statute Review Committee for discussion before sending the matter to the full Commission.

Pat Buonodono brought forth another matter regarding extraordinary expenses. In cases where the noncustodial parent (NCP) is paying the extraordinary expenses and the custodial parent has no income, the NCP receives no credit for the expense. Pat Buonodono inquired if this should be addressed within the statute. Judge Abbot replied that she felt that it should not because there are many workarounds to this issue including nonspecific deviations or even taking the expense out of the worksheet and addressing it in the order. No motion to move forward on this issue was made.

Pat Buonodono brought forth an issue regarding parenting time. Currently parenting time is only a downward deviation but many attorneys and judges have voiced that it should be an upward deviation as well for the NCPs that choose to take no part whatsoever in their child's life. Katie Connell made a motion to move forward this issue for further discussion by the Statute Review Committee and to seek input from the public and Family Section of the State Bar. Judge Rambo seconded the motion. The motion carried unanimously.

Judge Amanda Baxter asked of the members of the Division of Child Support Services what their position would be about this, specifically whether most or every case would then have an upward deviation. Stephen Harris responded that he doubted any policy change would occur within his agency that would result in a deluge of upward deviations.

Judge Key asked if it was the pleasure of the committee to move forward on the other issues included in LC 29 6078 and bring them before the Commission. Judge Abbot recommended only bringing three or so issues to the commission and that it would be best to seek input from the Family law Section and any other interested parties beforehand.

Judge Abbot made a motion to move forward on the issues contained within LC 29 6078 in the same manner that was decided for the parenting time deviation. Katie Connell seconded the motion, the motion carried unanimously.

IV. New Business

A. Conflict between O.C.G.A. § 19-6-14 and O.C.G.A. § 19-6-15

Pat Buonodono stated that O.C.G.A. § 19-6-14 is for setting temporary orders and does not require using a child support worksheet which is in direct conflict with O.C.G.A. § 19-6-15. Given the strictly technical nature of the correction, the committee determined the same input was not required of this issue. Pat Buonodono stated she would work with legislative counsel on this issue.

B. Shared Parenting

Pat Buonodono stated that after discussion with Jill Travis she felt that this issue was more of an education issue rather than a legislative one. As the law reads the party designated as the noncustodial parent pays the full amount shown on the worksheet but the statute does allow for the parties to enter into an enforceable agreement contrary to the presumptive amount which alleviates the problems that might arise from this reading.

Judge Key agreed that the provision allowing an agreement does allow a solution; however, there remains an inconsistency how this handled even within judicial circuits and this creates problems advising clients with these inconsistencies. Judge Key recommended the staff to research how it is handled in other states. Judge Abbot requested a survey to be developed and distributed to judges through the state to find out how other Georgia judges are handling it.

C. Educating Employers

This section was discussed early in the meeting.

V. Schedule Next Meeting

The next meeting is scheduled for July 21st 2015.

The meeting adjourned at 2:05 pm.