

**Georgia Commission on Child Support
Meeting Minutes
November 4, 2014**

Commissioners Present

Judge Louisa Abbot, Chair
Ms. Wendy Williamson
Mr. Rick Smith
Judge Michael Key
Judge Lisa Branch
Ms. Katie Connell

Staff Present

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

Guests Present

Judge Velma Tilley, Chair, Administrative Legitimation Subcommittee
Ms. Jill Travis, Office of Legislative Counsel
Ms. Erica Thornton, DCSS Policy Unit
Mr. Ryan Bradley, DCSS Policy Unit
Mr. Stephen Harris, Associate General Counsel, DHS,
Ms. Johanna Kiehl, Family Law Center Hall County
Ms. Megan Miller, Atlanta Legal Aid
Ms. Michelle Jordan, Atlanta Legal Aid
Mr. Jim Outman, adoption attorney
Ms. Allison Smith-Burke, Georgia Commission Against Family Violence

The meeting began at 1:05 p.m.

I. Welcome and Introductions

II. Review/Approval of Minutes of 08/29/2014 Meeting

Judge Abbot opened the meeting for discussion or corrections for the minutes to the August 29 meeting. The minutes were approved by unanimous consent.

III. Old Business

A. Committee Reports

1. Statute Review Committee

a. Public Comments on Legislation

i. Administrative Legitimation

Judge Lisa Branch recused herself from the Commission's activity regarding administrative legitimation due to a possible conflict arising from her recent opinion in the case *In Re Estate of James Andrews Hawkins*.

Pat Buonodono stated that the majority of comments received were in favor of repealing the administrative legitimation statute. She stated that she was authorized to report that the Family Law Executive Committee supports the repeal of the statute but also supports the idea that there should be an avenue to provide legitimation in a less adversarial method. Judge Tilley confirmed that the Council of

Juvenile Court Judges and CASA are both in favor of repeal. Judge Key inquired if the Family Law Executive Committee intended to have a something prepared for this legislative session that provides an easier avenue for legitimation. Katie Connell stated that she doesn't expect anything this session.

Pat Buonodono went on to state that should the bill go forward to repeal administrative legitimation, language should be added to affirm that previous legitimations are to remain in full force and effect as well as added language to allow access to signed forms by the signees and licensed attorneys handling legal matters concerning children administratively legitimated prior to repeal. Judge Abbot stated that although there are privacy concerns, anyone in a parental situation such as grandparents or other guardians should be given access as well without a lengthy bureaucratic process and that language should be crafted to do so. Jim Outman advocated that licensed attorneys should be included because there were cases that made it to the court of appeals that wouldn't need to have been filed as legitimation actions if it were known that the forms had been signed and that there is a similar provision in the adoption process that allows licensed attorneys access to the putative father registry because so often is the case that the parents are not available to sign for the release information.

Jill Travis pointed to LC 29 6090 line 166 as a reference point for discussion on the topic of access to the forms. Line 166 through 181 revises § 19-7-46.1 to allow access going forward to paternity acknowledgement forms to many of the parties discussed but going backward for access to administrative legitimation forms after repeal would likely have to be addressed in Title 31 under Vital Records since administration would no longer be a part of the Title 19 process.

Judge Tilley requested a clear delineation for administrative legitimations that are grandfathered in. After discussion it was determined that the word "valid" inserted before "voluntary" on line 249 of LC 29 6090 would suffice.

Judge Abbot asked Jim Outman to draft a list containing parties of interest for access to the administrative legitimation forms. Jim Outman agreed to draft the list and send it to Jill Travis for revision.

Judge Key moved to go forward with a version of LC 29 6090 that repeals administrative legitimation, amends any other statute that might require it as a result of the repeal, grandfathers in existing valid administrative legitimations and provides access to appropriate interested parties to the signed existing valid legitimations.

ii. Child Support

Pat Buonodono summarized the public comments that were received on the proposed legislative bill LC 29 6100. She stated the majority of the comments were against the provision to provide multiple worksheets for children who will age out. Judge Abbot pointed the Commission to *Eubanks v. Rabon*, 2007, 281 Ga. 708 642 S. E.2d. 652, to demonstrate that it was already the law to do so and asked the Commission for comment. Judge Key stated that he understands the concerns of the commenters who see the process to be burdensome for litigants but would like the provision to be moved forward notwithstanding due to it being the law. Katie Connell stated that many of the comments included concerns over the uncertainty of future circumstances and whether or not income should be reexamined before making any automatic changes to child support orders and that there is likely no clear cut answer to this subject. Pat Buonodono stated that the provision makes it explicitly permissible and not mandatory. Megan Miller asked for some further explanations on the public comments against the provision. Pat Buonodono replied that some involved privacy concerns about specific dates of graduation but added that the concern was likely unfounded because the order would only include the first day of the month after the household was reduced by the child. Katie Connell stated that one concern was that the speculation of future income would burden the payee, another was from a superior court judge that felt it

would be impracticable and that the mandatory findings would be inaccurate, another commented with concerns about how it would affect the income deduction process. Wendy Williamson stated that it was already a common practice in her circuit. Judge Key stated that the judges in his circuit would accept the multiple worksheet approach if filed, but none would take that approach otherwise. Katie Connell stated that a case in Cobb County was denied a modification due to the emancipation of a child not meeting the threshold issue. Megan Miller stated that it wasn't common practice in Fulton County to use multiple worksheets. Pat Buonodono asked Stephen Harris how DCSS handled cases with children who are expected to age out to which he replied that it is not their practice to do so because they are capable of efficiently filing modifications and easily changing income deduction orders. The only position DCSS takes on the proposed provision is to not make it mandatory and to allow them to continue their current practice. Judge Abbot proposed to table sending this provision to the legislature due to the complicated nature and instead to focus more time educating users on the practice. The Commission members participating in the call agreed to table the issue for further discussion.

Giving courts the option to take work related child care off the worksheet calculations was then discussed. Judge Abbot stated she was in favor of not pursuing this option due to the overwhelming public response against it. Judge Key stated that he was in favor of the option but due the substantial change in practice that would be involved for people he would not oppose not moving forward on the issue.

Section 2 of LC 29 6100 was then discussed. This section made obligees potentially liable for funds incorrectly received after a child support obligation was due to end. Pat Buonodono stated that there was a suggestion to award attorney's fees in these situations as well. Judge Key replied that there ways to get attorney's fees without specifically putting it in the bill. Judge Abbot stated that a judge might have authority and ways to work around the issue already and that the issue was small and not worth moving forward on its own.

The next issue regarded putting a termination date in support orders. Pat Buonodono stated that two public comments were received on the issue and both were against it but there was one suggestion to allow for a verified petition under the same case number and without filing fees to terminate withholding. Judge Key stated that without the other issues that have so far been tabled, that the remaining issues such as this one were likely not substantial enough to carry forward this session. Judge Abbot concurred and suggested that the commission focus on the repeal of administrative legitimation for this session.

b. Steps for pre-filing

Judge Abbot hopes to get Regina Quick to carry the bill and Judge Key will discuss it with his local legislators. Jim Outman speaking on behalf of the Georgia Council of Adoption Lawyers stated support of repealing administrative legitimation and they will try to buttonhole anyone they can to help push it. Further discussion on this topic was held off until there is a final draft of legislation.

2. Technology/Calculator Committee

Wendy Williamson updated the Commission on the status of the development of the new child support calculator. Bids have been received and the Committee is in the process of evaluating them by the deadline of November 14th. A new committee member has been added, Scott Harlan, who is an associate director of IT for the Georgia Tech Institute of Research. Scott Harlan's technological expertise has provided invaluable insight to the committee, so much so that Wendy Williamson cautioned that the request for bids may require some reworking and may need to be reissued but it will not be certain until the current bids have been fully evaluated.

3. Economic Study Committee

Pat Buonodono stated that since the last Commission meeting the quadrennial report to the Federal Office of Child Support Enforcement was delivered in a timely manner and nothing else has been received or heard from that office and nothing else is expected.

B. Other Old Business – none.

IV. New Business

Judge Abbot stated that two letters have been received from a litigant and her attorney in complaint about a judge's ability to waive interest accrued for child support arrears. In these letters they claim this practice would be against federal law. The matter will be referred to the Attorney General's office.

Judge Abbot also addressed a performance audit that is taking place on the judicial branch and its various commissions and committees. A letter was received by Judge Abbot and Patricia Buonodono that notified the commission that a report would be received in the coming weeks about the efficiency of the judicial branch's activities. Judge Abbot stated that there seems to be fundamental understanding of the Child Support Commission's work exemplified by the letter mentioning evaluating the effectiveness of the Georgia child support calculator. Judge Abbot has reached out to the sender of the letter and is awaiting a return call. Judge Abbot stated that if the Commission gets folded into a centralized unit then input to the child support laws by important stakeholders and the public would be very limited and she will be a strong advocate against it.

A. By-Laws?

Judge Abbot asked for anyone interested in crafting bylaws for the commission to improve its functionality to volunteer their hand. Pat Buonodono volunteered to make a draft of bylaws and to send it to Judge Abbot for circulation. Katie Connell and Judge Key volunteered to examine the draft as well.

V. Close of Meeting and Scheduling Next Meeting

The next meeting will be scheduled upon completion of the final draft of this session's legislation. The meeting adjourned at 2:37 p.m.