**Georgia Child Support Commission**

**MEETING MINUTES**

**October 15, 2010**

1. **Welcome and Introductions**

Chairman Seth Harp called the meeting to order. He welcomed all attendees. The members present besides Chairman Harp were Superior Court Judge Campbell and Joy Hawkins. Attending by phone were Superior Court Judge Louisa Abbot, Charles Clay, and Dr. Roger Tutterow. Jill Radwin, Elaine Johnson and Debra Oliver staffed the meeting.

Chairman Harp provided a tribute to the late Court of Appeals Judge Debra H. Bernes, who served on the permanent Child Support Commission (“Commission") since its establishment in 2005, and passed away over the summer. After saying a few comments, he allowed time for attendees and Commission staff to give tributes and remembrances of Judge Bernes.

1. **2010 Case Sampling**
2. PURPOSE AND PROCEDURE

Chairman Harp called on Jill Radwin, staff attorney to the Commission, to speak about the 2010 Case Sampling purpose and procedure. Jill said one of the main purposes of the Commission meeting today was to review the results of the Case Sampling project, which was conducted and analyzed during the past six to eight months. Jill stated that the Case Sampling project was conducted pursuant to US Code and Regulations, as well as state statute regulating the duties of the Child Support Commission. Under 42 U.S.C. §667, “[t]he [state’s] guidelines…shall be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts,” and 45 C.F.R. §302.56(h), charges that “[a]s part of the review of a State guidelines…a State must consider economic data on the cost of raising children and analyze case data, gathered through sampling or other methods, on the application of, and deviation from, the guidelines. The analysis of the data must be used in the State’s review of the guidelines to ensure that deviations from the guidelines are limited.” Jill explained that in Georgia, the Division of Child Support Services (DCSS) issues the report of this review to the U.S. Department of Health and Human Services (HHS) every four years; however, since the creation of a permanent Child Support Commission in 2005, the Commission has assumed the duties of case sampling to produce the data required by the federal regulation.

In describing the process, Jill said the Child Support Commission Staff (“Staff”) in March 2010 began gathering data to assist DCSS again with their federal report. As in the previous review in 2005, twelve counties were chosen through scientific means with the assistance of Dr. Roger Tutterow, economist and Commission member. The counties included in the current case sampling were Colquitt, Franklin, Gwinnett, Laurens, Liberty, Madison, Meriwether, Sumter, Twiggs, Walker, Ware, and Wilkes. The request was made to the clerk of court for each of these counties to submit their final child support orders for the month of October 2009, to the Child Support Commission Staff. DCSS also provided final child support orders and worksheets/ schedules for their cases from the same counties and time period.

1. RESULTS OF THE CASE SAMPLING

Debra Oliver, project assistant of the Commission, provided a report to the Commission of the Case Sampling results that she with Elaine Johnson, Commission’s child support guidelines coordinator, had compiled and entered. Some of the findings include:

* 1. 299 orders were received in the case sampling. Of those, 31 were ineligible due to being out of the date range, October 2009, when the order was finalized or for incomplete information for analysis. 267 orders were reviewed in the twelve counties. Gwinnett County had a total of 149 of the 267 cases – 35 DCSS cases and 114 private cases – 56% of the total cases. Twiggs County had no private cases, only DCSS cases. [Exhibit 1]

 Exhibit 1.

Debra reported that in the previous case sampling, completed four years ago, there was a reported 274 orders reviewed in eleven counties.

* 1. In addition, thirty-one percent (31%) or 83 orders had one or more deviations noted. There were a total of 103 deviations for the 83 orders.

In the previous case sampling, forty-one percent (41%) of the orders reviewed had a deviation noted. [See Exhibits 2 and 3 on next page]

 Exhibit 2.



Exhibit 3

* 1. Eighty-three percent (83%) or 69 orders of the deviated cases were set as downward deviations. “Other – Nonspecific deviation” was used in forty-seven percent (47%) of the deviated cases and low income deviations category was given for eighteen percent (18%) of the deviated cases. [See Exhibit 3]

In the previous case sampling, ninety (90%) were set as downward deviations. Fifty-nine percent (59%) of those deviations were due to support obligations to other children; nine (9%) was due to the custodial parent’s income, and another nine (9%) was due to accident or sickness insurance for the dependents.

"Support obligations to other children" is now referenced as adjusted income in the new guidelines. The previous case sampling was conducted under the former Child Support Guidelines. For this current case sampling a total of 57 cases showed adjusted income, and included all reasons, qualified other children, preexisting orders, and self-employment income. Of these 57 cases, 26 of them, 10% of all cases included qualifying other children, 28 (10%) cases involved preexisting orders, and seven cases (3%) involved self-employment income. Note that these conditions overlapped in some cases.

* 1. The average adjusted income was $3,317.18 for both parents in Title IV-D cases. In contrast with non Title IV-D cases (private cases), the average adjusted income was $5,712.00 for both parents. In the previous case sampling, 52% of the Title IV-D cases reflected that the average income was at minimum wage to $1500. In contrast, 34% of the non-IV-D cases’ income was $3501 or more.
  2. There were a total of 401 children involved in the 267 cases. The maximum number of children involved in any case was four. Gwinnett had three private cases with four children involved; no other county had four-child cases. The chart below shows the percentage of cases that involved “X” number of children and the average, minimum, and maximum child support award (“CSA”).

1

63%

$ 306.49

$ 71.00

$ 800.00

$ 437.86

$0.00

$ 1,400.00

$ 379.65

$0.00

$ 1,400.00

2

24%

$ 542.06

$ 250.00

$ 1,234.00

$ 716.35

$0.00

$ 2,029.18

$ 670.77

$0.00

$ 2,029.18

3

12%

$ 480.22

$ 300.00

$ 943.00

$ 929.06

$ 75.00

$ 3,100.00

$ 798.75

$ 75.00

$ 3,100.00

4

1%

There

were no

DCSS cases

with 4

children

$ 987.00

$ 791.62

$ 1,169.43

$ 987.00

$ 791.62

$ 1,169.43

**% of**

**Orders**

**Avg CSA**

**DCSS**

**Cases**

**Min DCSS**

**\*Avg**

**CSA**

**Private**

**Min**

**Private**

**Avg CSA**

**Overall**

**Min**

**Overall**

**Max DCSS**

**Max**

**Private**

**Max**

**Overall**

**# of**

**Children**

Debra provided a handout with more detailed analysis, and all of the analyses included will be available as part of the report to the federal government, Georgia General Assembly and to the public in January 2011.

Debra concluded the presentation by thanking the superior court clerks and DCSS for their support in providing the data. Jill mentioned how Erica Thornton and her team at DCSS provided final orders and worksheets to us early on and was most helpful. Chairman Harp asked the Staff that thank you letters be sent to the clerks.

1. TRAINING AS A RESULT OF FINDINGS

Jill reported that in addition to gathering the needed information for DCSS’s report to HHS, the Staff began to see repeated patterns of erroneous entries to the worksheet/schedules. Many of these errors were so grave, that the amount of child support calculated was incorrect or not clear as to the appropriate obligation amount. Ironically, during this same time period, many of the same issues had come under review of the appellate courts. Because there were so many reversible errors found on the worksheets and orders, the appellate courts were remanding these cases back to the trial courts. Thus, the unintended consequences of this review to gather data for federal reporting and analyze the Georgia Basic Child Support Obligation Tables generated new training ideas and mechanisms to ensure better, consistent, and accurate Child Support Worksheets.

In reviewing all of these worksheets, the Staff compiled a list of the Top Twenty Errors. This was first presented to DCSS in July. A seminar is planned in November to work with DCSS’ Training and Staff Development Unit for future trainings within the agency. Unfortunately, this is the only end-user of child support tools who has such a developed apparatus for training. Thus, more novel approaches are being considered for other entities, including private attorneys and self-represented litigants. Jill said that one such idea that is being developed is a brochure to be called a “Companion Guide to the Child Support Worksheet and Schedules” (“Companion Guide”) and will be geared to attorneys, pro se litigants, and the courts. Instead of giving line by line instructions, the intent of this brochure will call attention to hot topics when filling out the worksheet. Jill is seeking the assistance of the Family Law Section of the State Bar, judges, and DCSS to provide editorial support and overview. Jill plans to present this booklet for the first time at the Family Law Section’s “Nuts and Bolts of Family Law” seminar on December 10. A prototype of the brochure was distributed to Commission members prior to the meeting. The Commission members present said they liked the concept of the Companion Guide.

1. **Child Support Obligation Table**

Chairman Harp called on Jill to give a report about the status of reviewing the Basic Child Support Obligation Table and for that purpose the status of a contract to engage the services of the Center for Policy Research. Jill said that as part of the four-year review the Commission has to review the Basic Child Support Obligation Table (“Table”) to consider economic data on the costs of raising children and whether the current Table meets that need. The Commission did review the Table last year but made a decision not to make changes due to the downward movement of the economy. This year, though, Jill has been in contact with the Center for Policy Research (CPR) to obtain technical assistance to review Georgia’s child support guidelines. Dr. Jane Venohr who was so instrumental in helping to develop the current Table four years ago is again working with the Child Support Commission Staff through the Center for Policy Research in developing a report and possible revisions to the Basic Child Support Obligation Tables.

In the last three years, CPR has provided technical assistance to state child support guidelines reviews in 16 states. CPR will provide similar assistance, a report and proposed schedules in its report to Georgia, as well as discussing the differences between Georgia and its neighboring states. CPR will identify the impact of updating the schedule (e.g., the average percentage increase to schedule amounts) and develop one or more updated schedules. When the updated schedules and report are received by mid-December, Jill stated that the aim is to convene another Child Support Commission meeting to review the report and have a question and answer session with Dr. Venohr to allow the Commission members to vote on whether or not to revise the Georgia Basic Child Support Obligation Table. If the Commission does recommend revisions to the Table, there will have to be legislative action during the 2011 session.

Jill said the plan~~s~~ is to involve Dr. Roger Tutterow’s Economic Study and Obligation Table subcommittee again, and possibly, if he recommends it, have Dr. Tutterow review the report and Table with the group of state economists he met with four years ago for their recommendations.

1. **Final Report to the Legislature**

Jill reported to the Commission members that there would be another report to the legislature as part of the duties of the Child Support Commission. The last report was issued in 2006. While that report went into detail about the revisions to the Child Support Guidelines, the makeup of the Commission and the duties of the Child Support Commission, this report will focus on the Case Sampling and whether the Commission did or did not recommend updating the Child Support Obligation Table~~s~~. To that end, a report from the Center for Policy Research will be included with their suggested Tables. The intent is to release this report to the legislature by early January 2011. DCSS will also use the information contained within the report for reporting to the Health and Human Services, as required by federal code and regulations. DCSS stated at the meeting that while the report to HHS was due July 1, 2010, an extension was granted to submit the report by May 1, 2011.

1. **Report on Child Support Calculators**

Elaine, who is assigned the responsibility of overseeing the Child Support Calculator, reported on the current status of the calculator. She said that the calculator was revised in September 2009, due to the statutory changes to the low income deviation provision. Most recent, another version came out due to problems with the program that was created when users were trying to change the names on the tabs of the calculator workbook. The end result was that the tabs had to be protected so that in the future the names could not be altered. There will be another release of the calculator in January 2011 due to the annual change of the maximum FICA amount. Elaine concluded by inviting Commission members to visit the Commission website to download the child support calculators.

1. **Close of Meeting and Scheduling Next Meeting**

In closing, Chairman Harp stated that another meeting will need to be held prior to the end of the year to review the proposed new schedules from Center for Policy Research. Dr. Jane Venohr will be presenting the schedules, providing the economic theory behind the schedule(s), and answering questions about the suggestions in the report and the schedule(s). After several dates were discussed, December 17, was selected as the next meeting date.

The meeting was adjourned at 10:54 a.m., EST.