

**GEORGIA CHILD SUPPORT GUIDELINES COMMISSION,
STATUTE REVIEW SUBCOMMITTEE**

Summary of Meeting Minutes

June 23, 2005

The meeting was called to order at 10:00 a.m. by Subcommittee Chair, Judge Louisa Abbot., with the Subcommittee Members reintroducing themselves. The Subcommittee Members in attendance were as follows: Judge A. Quillian Baldwin, Jr; Judge Louisa Abbot; Judge Debra Bernes; Senator Seth Harp; Sadie Fields; Annetta Panatera; Judge R. Michael Key; and Charles Clay. Staff, specially invited guests and members of the public in attendance also introduced themselves.

I. Statute Review Subcommittee Subcommittee Purpose/Mission

Subcommittee Chair, Judge Louisa Abbot led a discussion regarding the role of this particular subcommittee. The subcommittee members agreed that the role of this subcommittee was to make recommendations to the Commission on potential revisions to the statute regarding clarity, interpretation and ease of application. At the same time, this subcommittee needs to maintain the integrity of the three branches of government and not comment or make recommendations regarding policy issues. That is the role of the legislature.

Judge Abbot also provided the subcommittee members with historical background of child support in Georgia. Her comments included a brief background as to the current child support guideline model, the flat percentage, and the philosophy behind the income shares model, which HB 221 incorporates.

II. Overview of Statute

Invited guests, Carol Walker and Sandy Bair, two private attorneys and active members of the State Bar Family Law Section, provided an overview on the origins of the current version of HB 221. Both Ms. Walker and Bair worked on the draft of what was to become the substitute version of HB 221, which passed the Georgia Assembly and signed by the Governor.

1. Provide an overview to the Subcommittee on how Georgia ended up with the bill that was passed and signed by the governor. This information is provided as guidance and background on why and how Georgia is changing from one model to another. Thus, the intent is to

orient Committee members on not just the basics of the statute, but familiarize them with what happened. (Carol Walker, Sandy Bair)

B. Subcommittee Members' Q &A

III. Technical Issues with Statute

- A. Strictly technical issues—provide more readability and understanding
Proposed re-organization of statute, by making the statute more readable and coherent; putting same subject matters in same sections; re-numbering, etc.—
Need to emphasize to Subcommittee that their contribution here is very critical, as clarity is essential. (Judge Abbot will lead)
1. Section on deviations needs to be one place.
 2. Provide provision subheads for greater clarity and readability
 3. Re-numbering/lettering of bill
- B. Clarification or Omissions Found in Statute
1. Discussion about omission of sum certain
 2. Failure to detail need to submit worksheets
 3. Discussions of which action to which this statute applies
 4. Recommendations from Subcommittee Members

IV. Substantive Issues with Statute

- A. Discussion of substantive issues of statute and suggestions for changes, without going into policy issues which will be a matter for the legislature. (Judge Abbot)
- B. OCSE Considerations—Staff/Attorneys' Concerns which were not a part of the Committee process (Report from OCSE for Judge Abbot's review prior to Meeting—her discretion to report on any of these concerns)

V. Conflicts with other Statutes (Judge Abbot)

- A. Survey presented of other statutes affected, or process to ensure that the proper statute is cited or changes does not nullify another statute, unless with specific intent to do so. (Ex.: Jury Trials Code Provision) (Jill will provide list)

VII. Format for Requests (Staff)

- A. Information provided as to how to make comments, suggestions or recommendations as to how want statute changed. Jill have e-mail address available and request that comments be strictly in writing sent to that e-mail address or mailing address as a last resort. Listserv information will also be available. (Handout provided)

VIII. Agenda Items for Next Meeting/Future Meeting Dates (Judge Abbot)

- A. This meeting was to provide an overview of the duties and purpose of this particular subcommittee. Need a to schedule a follow up meeting shortly thereafter to have now more informed and educated subcommittee members participate with recommendations and input regarding the statutory provisions and possible technical errors, omissions and potential substantive issues. The next meeting should provide a more collaborative effort between subcommittee members as to the statute review.