

**Georgia Commission on Child Support
Statute Review Committee
Minutes of Meeting: September 28, 2016**

Present:

Judge Shawn LaGrua, chair
Ms. Katie Connell, co-chair
Mr. Stephen Harris
Chuck Clay (via phone)
Senator Emanuel Jones (via phone)
Judge Amanda Baxter (via phone)
Judge Lisa Branch (via phones)

Guests Present:

Ms. Jill Travis, Legislative Counsel
Ms. Laura Holland, Atlanta Legal Aid
Mr. Jason Naunas, Office of the Attorney General (via phone)
Wayne Drummond, Georgia Professional Human Services Association
Tyler Mashburn, legislative liaison, Judicial Council/AOC

- I. Welcome and Introductions
- II. Review of Minutes – 5/27/2016

Mr. Stephen Harris moved to approve the minutes of the May 27, 2016 Statute Review Committee meeting, Ms. Katie Connell seconded the motion. The motion carried unanimously.

- III. Old Business
 - A. LC 29 7142

The initial intent of this bill was to deal with several issues such as gender neutrality, information to be included in final judgements, allowing work related child care to be taken out of a worksheet at the judge's discretion, enabling upward parenting time deviations, and income deduction orders (this item could be included in LC 29 7158). Ms. Pat Buonodono advised the Committee that in the split parenting section language needed to be changed referring to the preparation of worksheets for *each child* to instead refer to worksheets created for *each custodial parent*. After discussion, the Committee deemed this a needed change.

- B. LC 29 7158

This bill handles the income deduction process in Georgia. A discussion about the myriad of forms in this process and the confusing nature of who provides what to whom. Common practice is for a judge to instruct the obligee or IV-D agency to distribute the forms but the statute currently states that the Court will distribute some of the forms, such as the Statement of Rights. One intention of LC 29 7158 is to align the statute with practice where applicable and the Superior Court Rules, as well as to distinguish between providing and serving forms and the methods used for each.

Also addressed was a clarification that income deductions for delinquencies should be sent to the FSR rather than the obligee as the statute currently suggests.

Ms. Jill Travis suggested the statute be more specific as to reference of exemptions applicable regarding garnishments and child support. Ms. Pat Buonodono offered to do the research and find the exemptions that apply to be included in the language.

During the discussion of LC 29 7158, a correction to LC 29 7142 was also made as to who furnishes the Statement of Rights.

Mr. Stephen Harris suggested changes to LC 29 7158 that included clarification for O.C.G.A. § 19-6-33(f)(11) to clarify the effect of multiple IDOs received by employers and the federal Consumer Credit Protection Act, and aligning the definition of the child support agency with other code sections.

C. LC 29 7159

Ms. Jill Travis summarized this bill codifying and giving statutory authority for a practice that occurs commonly in child support proceedings: creating multiple worksheets to create a date specific step down or up in child support for a foreseeable and imminent changes in expenses.

Ms. Katie Connell moved to approve the concepts and language changes consistent with the Committee's discussion at the September 28, 2016 meeting to be presented to the full Commission for approval. Mr. Stephen Harris seconded the motion. The motion carried unanimously.

An email vote was taken to approve the legislation drafted by Ms. Jill Travis regarding the topics discussed at this meeting and is attached as an addendum.

IV. New Business

- A. Proposal that all relevant schedules be filed (see OCGA §§ 19-6-15(c)(4) and 19-6-15(m)(1))

Ms. Pat Buonodono proposed that all schedules that are utilized be filed with the clerk of court as opposed to only the worksheet and schedule E, to which the Committee agreed. All other topics under New Business were discussed under previous agenda items except for D, which will be discussed at a future date.

- B. Designation for DCSS
- C. Clarify (change) in the statute who is responsible for preparing and serving requisite notice for income deduction; it conflicts with USCR.
- D. Who will carry our bill or bills to the General Assembly?

Items B and C were touched upon during other topics earlier on the agenda. Item D will be determined at a later time.

V. Schedule the Next Meeting

This meeting adjourned at 5:05 pm. The next meeting will be scheduled at a later time.

Email vote addendum, Statute Review Committee Meeting, September 28, 2016

On September 30, 2016, at 9:40 a.m. EST, Commission staff attorney Patricia Buonodono, as authorized by Judge Shawn LaGrua, Chair of the Georgia Commission on Child Support's Statute Review Committee, e-mailed to all members of the Statute Review Committee the following:

At the Statute Review Committee meeting on 9/28/2016, it was moved after the Committee no longer had a quorum that the Committee recommend the concepts contained in LC 29 7158 (attached), with the following changes, to the full Child Support Commission.

Lines 111-12, change language to state that all income withheld by IDO should be the family support registry.

Line 598, change to reference Code Section 18-4-6.

We also discussed making the name of the Child Support Enforcement Agency consistent throughout.

Finally, we discussed requiring the filing of the "worksheet and any schedules utilized" rather than the worksheet and Schedule E.

Discussion closed at close of business on October 11, 2016. A vote was requested on October 13, 2016. By a vote of 6 in favor and 2 opposed, the motion was approved.

Patricia Buonodono, staff attorney

Email vote addendum, Statute Review Committee Meeting, September 28, 2016

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