

**Georgia Commission on Child Support
Judge R. Michael Key, Chair**

**Commission Meeting
December 9, 2019
1:30 p.m. – 3:00 p.m.
Location: State Bar of Georgia, Atlanta**

Meeting Minutes

Commission Member Attendees:

Chair Judge Michael Key, Ms. Regina Quick, Judge Emory Palmer, Judge Lisa Jones, Mr. Chuck Clay, Dr. Roger Tutterow (phone)

Staff: Noelle Lagueux-Alvarez, Elaine Johnson, Latoinna Lawrence

Guests: Erica Thornton, Ryan Bradley, Kenneth Sleets; Jamila Coleman; Byron Cuthbert; Jessica Farah; Jason Naunus; Patricia Huff; David Delugas; Narayan Sengupta; Rhotonya Jones; Holly Carter; Jane McDaniel; Audrey Borgeson; Carol Walker; Paul Harper; Wayne Slear (phone); Sarah White; Ross Brockway; Jae McDaniel; Sabrina Rivers; Martin Davis; Judge Verda Colvin (phone); Judge John Simpson; Jill Massey (phone); Judge Amanda Baxter (phone); Anonymous (phone)

I. Welcome and Introductions- Judge Key

The meeting was called to order at 1:30 p.m. by Commission Chair, Judge Michael Key. Introductions were made in the room and on the telephone.

II. JC/AOC Cyber-attack

Judge Key invited Jessica Farrah, of the Judicial Council, Administrative Office of the Courts, appearing on behalf of AOC Director Cynthia Clanton, to address the Commission on the 2019 ransomware cyber-attack. Jessica reported that the attack began Friday, June 28, 2019 at 11:00 p.m. and was discovered by AOC IT staff on Saturday, June 29, 2019 at 7:30 a.m. She explained that the AOC IT department contacted the Georgia Technology Authority (GTA) immediately who brought in the National Guard, GBI, FBI, and the Multi State Information Sharing and Analysis Center, and remediation efforts began. Everything that was on our network, whether affected or not, was taken down at the recommendation of the GTA, GBI, and FBI. Amazon Web Service (AWS) was brought in to establish a new cloud-based, segmented system. The calculator itself was not in an environment where it was affected but it was still taken down as a precaution. The calculator was back up and running on July 12, 2019. We are still in the ongoing process of recovery and adding new security controls.

Elaine Johnson reported that the Commission has two websites hosted by the AOC - the Child Support Commission website and the Income Deduction Order website. Both websites were encrypted in the cyber-attack. In mid-to-late July, business card websites were deployed, which gave us a presence on the internet. The AOC webmaster is working on full restoration of both sites, that will hopefully be in place by the end of January 2020.

III. Review of Minutes- November 16, 2018- Judge Key

Elaine Johnson reported that the minutes from the November 16, 2018 meeting of the Commission were previously approved by electronic vote taken between March 25- 29, 2019.

IV. Child Support Commission Appointments and Reappointments- Judge Key and Staff Attorney Noelle Lagueux-Alvarez

Noelle Lagueux-Alvarez reported: By Statute, the Child Support Commission is required to have 15 members appointed by the Governor for four-year terms. Previous Governor Nathan Deal appointed six members for truncated terms that ended May 9, 2019. On October 24, 2019, Governor Kemp reappointed these six members, Chair Judge Michael Key, Mr. Chuck Clay, Mrs. Katie Connell, Judge Lisa Jones, Dr. Roger Tutterow and Mrs. Wendy Williamson. Also, on October 24th, Governor Kemp appointed Ms. Regina Quick to fill the vacated position of Mr. Rick Smith. There remain four active members: Court of Appeals Judge Anne Elizabeth Barnes, State Senator Emanuel Jones, Judge Shawn LaGura and Judge Emory Palmer. We currently have four vacancies and are actively working with the Governor's office on those appointments. The vacancies are for two members of the Georgia House of Representatives, one member of the State Senate, and one Superior Court Judge. We recommended three Legislators and are vetting a Superior Judge recommendation. Please give your recommendations to Elaine or Noelle.

V. Committee Reports

A. Calculator/Technology - Wendy Williamson, Chair

Elaine Johnson reported on behalf of Chair, Wendy Williamson. Elaine briefed the Commission on steps taken to restore the child support calculator following the ransomware cyber-attack. She explained that the calculator was unavailable for two weeks. She worked with the maintenance vendor of the online calculator and a version 10 of the Excel calculator was developed for use temporarily by the Division of Child Support Services (DCSS). That Excel version was provided to DCSS with the understanding it could be used temporarily so the agency could resume work. The online calculator was restored for public use on July 12, 2019, now hosted in the AWS cloud. On November 1, 2019, we had our first successful deployment of updates and maintenance of the calculator since the cyber-attack, and there were no issues. Elaine added that we made some improvements to the home page of the calculator as part of this deployment. We are now working on the formula change for Schedule B (a statutory annual requirement every January). As of December 9, 2019, a total of 182,083 child support worksheets have been prepared, and we have 37,375 users who have created accounts.

Noelle provided a report on the Excel calculator. She told a brief story about receiving a phone call from a staff attorney from a Juvenile Court. The court's staff attorney stated that he had received an Excel spreadsheet from an attorney in a current case. Based on that exchange, it came to light that some people are still using the excel version of the child support calculator. Therefore, we still have training and public relations issues regarding the improper usage of the now obsolete excel version of the child support calculator. In 2016, Georgia switched over to exclusively use the online child support calculator, and Excel should no longer be used. We are not keeping the excel version up to date and it is out of compliance with federal regulation. It was used on an emergency-basis only for a very short period (about

two weeks) by the Division of Child Support Services (DCSS) because of the AOC cyber-attack in July 2019. We reiterate that since 2016, no one should be using the excel version of the child support calculator. The online child support calculator is the only proper calculator to use.

Erica Thornton to Noelle: "Were private attorneys or judges using the excel version of the calculator temporarily"? Noelle stated that based on her phone conversation with a judicial staff attorney, some private attorneys are still improperly using version 8 of the excel spreadsheet. The Excel spreadsheet version 10 was sent to DCSS only in the wake of the Cyber-attack as a temporary emergency measure. As of now, we have taken down any links to the old excel version.

B. Study Committee Reports

1. Low Income Deviation – Judge Emory Palmer, Chair

Judge Palmer explained that as of now, we have obtained the 50-state survey information on the issue, which has been divided into three subgroups. The subgroups will report to Elaine Johnson and Judge Palmer by Jan 21, 2020 on their findings. Staff have distributed documents prepared by Mr. Mark Rogers on the self-support reserve. The next meeting is scheduled for February 7, 2020 and at that meeting we plan to come out with a road map for making a recommendation.

2. Parenting Time Deviation – Kathleen Connell, Esq., Chair

Ms. Connell reported that the first meeting was a joint introductory meeting. The second meeting followed receipt of the Georgia State University 50-state survey prepared for the Commission. The Parenting Time study group agreed to break up into three smaller groups with volunteer leaders, with each group reviewing 1/3 of the 50-state survey to help manage group discussions. A meeting on February 7, 2020 is planned to share information from the three sub-groups. In addition, a survey has been put together which will be presented at the Superior Court Judges Conference in January 2020 in Athens. An electronic version of the surveys will be created by Latoinna Lawrence on the Commission website and available for any person to complete. Ms. Connell explained that no surveys will be created for individual or designated groups. Judge Key explained anyone may utilize the survey prepared for the judiciary, but not to edit the questions.

The Chairs of each study committee reviewed the surveys and approved each for use without any edits.

VI. Old Business - Judge Key **Training 2019 and 2020**

Latoinna Lawrence reported on ten 2019 trainings held throughout Georgia, conducted by the Commission staff. The next training is scheduled for January 28, 2020 at the State Bar of Georgia, in Atlanta. She stated that upcoming 2020 trainings will again be posted on the Commission website. Judge Key asked if staff receives useful information from the evaluations gathered after each training. Staff responded yes; the evaluations do provide useful feedback. Judge Key asked staff to share a set of the evaluations from one of the trainings with the Commission.

VII. New business - Judge Key

Uniform Superior Court Rule 24.11 and Income Deduction Order, USCR 24.12

Elaine reported on updates needed to Uniform Superior Court Rules (USCR) 24.11 and 24.12. She explained that Erica Thornton, of the Division of Child Support Services (DCSS), notified staff in September 2019 that DCSS received a federal Office of Child Support Enforcement (OCSE) request for Georgia to make the federal OMB Income Withholding Order (IWO) form mandatory in Georgia as part of the state's Income Deduction Order (IDO) process in private non-DCSS cases. Staff recommended using the rule to add the mandatory requirement rather than add the requirement in a statute. The federal OCSE agreed with this approach. The addition of a new section (D) was added to USCR 24.11 and already submitted to Shannon Weathers so the matter may be addressed at the Judge's Winter Conference in January 2020.

Elaine also explained she is working with Noelle, who is updating code sections in the current Income Deduction Order (IDO) form, promulgated in Uniform Superior Court Rule 24.11. An update to this rule is necessary to correct the code sections and will be coordinated by staff through Shannon Weathers.

VIII. Public Comments - Judge Key

There were four guest speakers in attendance who signed-up to address the Commission.

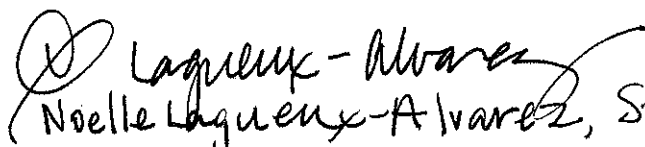
- David Delugas, a family law attorney, commented regarding the Parenting Time Deviation. He does not think child support amounts should be linked to parenting time at all. He also discussed disparity in income. Mr. Delugas would like to see Child Support, if both parents are low income, result in no exchange of money, just sharing the child's time from parent to parent. If both parents are receiving a very high yearly income, then no one needs child support.
- Narayan Sengupta spoke next. He spoke on how noncustodial parents are treated unfairly, inequitably, and punitively in child support obligations.
- Paul Harper spoke next. He currently shares 50/50 parenting time. His request is to discuss how gross income is calculated. He will communicate further with the staff.
- Ross Brockway shared a client story about a low-income parent and how she is owed child support that she has not received, and she also owes child support that she hasn't paid due to disabilities.

IX. Clean up Items – Judge Key

Judge Key briefly discussed a few clean up items. On the survey (if using it to survey a group) please provide an idea of perspective, that it was originally written for the judiciary. Also, based on the time frame, there will be no recommended legislation coming from the Commission for the upcoming session. We will meet again sometime in April 2020 and the study committees will meet again in February. In the meantime, anyone is free to speak with their legislators about their own legislation. If any legislation comes through, the Commission is charged with the responsibility of vetting that legislation.

X. Schedule Next Meeting- Judge Key

The next meeting was proposed for the full Commission on April 17th or May 1st of 2020, with April 17th decided upon. The meeting was adjourned at 2:55 p.m.


Noelle Lagueny-Alvarez, Staff Attorney