

**Georgia Commission on Child Support
Parenting Time Deviation Study Committee
Kathleen Connell, Esq., Chair**

**Friday, December 3, 2021
12:00 p.m.**

Meeting Minutes

The Parenting Time Deviation Study Committee (“Study Committee”) of the Georgia Commission on Child Support (“Commission”) held this meeting via videoconferencing using Zoom webinar. Study Committee members in attendance were:

Kathleen “Katie” Connell, Chair	Jamie Rush
Adam Gleklen	Charles Spinardi
Johanna Kiehl	Carol Walker
Sarah Mauldin	

Executive Program Manager, Elaine Johnson, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for the meeting. Legislative counsel, Holly Carter, also attended. This meeting was open to the public and three members of the public attended.

Katie Connell welcomed the Study Committee members and attendees to the meeting. She also asked if a quorum was present, and Noelle Lagueux-Alvarez advised that a quorum of Study Committee members was not present. Katie Connell directed staff to seek approval of the meeting minutes from the November 15, 2021, Study Committee meeting via e-vote. Carol Walker asked that those minutes be amended to include specific language related to Tennessee’s definition of parenting time from her report given on November 15, 2021. She asked that the first paragraph of page two of her report be added to those minutes. Johanna Kiehl asked that when those minutes are circulated for e-vote, to also circulate the exhibits mentioned in those minutes. Ms. Lagueux-Alvarez stated that all the reports will be included to the minutes and Ms. Connell stated they would be labeled as exhibits A – D. Staff advised they would edit those minutes accordingly.

Ms. Connell led discussion with the Study Committee on a one-page written suggestion submitted by member, Pat Buonodono, circulated to all Study Committee members by staff prior to the meeting. Unfortunately, Ms. Buonodono was unable to attend and report due to an unavoidable conflict. Ms. Connell pointed out her observations on Ms. Buonodono’s report. She noted that in the beginning of the report Ms. Buonodono points out benchmarks that we may routinely see in practice where phrases are used like “minimum parenting time” or “visitation.” Ms. Connell commented that in the various presentations made at the November 15, 2021, meeting, there were some differences of opinion from the Study Committee members as to how parenting time should be defined, whether as an overnight, a majority of 24 hours, or more than 12 hours a day. She noted that Carol Walker doesn't like the use of overnight and that Mark Rogers thinks we should use overnight. Ms. Connell remarked that defining the time is one of the issues for this Study Committee. She noted that Ms. Buonodono seems to think it should be defined as more than 12 hours and only include court ordered parenting time, which Ms. Connell noted already exists in our current statute. Ms. Buonodono also commented that she likes what New Jersey does with parenting time, and Ms. Connell noted that Mark Rogers thinks New Jersey is best from an economic perspective. Ms. Connell said she thought Ms. Buonodono made an interesting point on mentioning that Virginia changed its parenting time minimum threshold from 30% to just over 24% and that doing so seems to have eliminated gamesmanship between parents. Ms. Buonodono suggested Georgia should start at a lower number as well. She also mentioned the federal guidelines and that we should not forget there are federal purse strings tied

to child support guidelines and we must be mindful, so we don't inadvertently harm Georgia families by not qualifying for federal funds sorely needed by many, many Georgia citizens. Ms. Connell asked for discussion by the Study Committee members.

The summary written by Ms. Buonodono is incorporated as Exhibit "C" in these minutes. This same summary is also incorporated into the Parenting Time Deviation Study Committee minutes from the meeting held on November 15, 2021.

Sarah Mauldin reminded the Study Committee members that in talking about the amount of parenting time, Florida made a change in their minimum and she was curious to know if we wanted to ask our Florida practitioner what the effect of that felt like? Did it make it harder, better, or easier? Study Committee member, Adam Gleklen, agreed to contact a Florida practitioner and report back to the Study Committee.

Study Committee member Adam Gleklen also commented on the issue of gamesmanship, mentioned in Ms. Bunodono's paper, saying there is a flip side of that concern. He explained that some people may ask for more parenting time or 50% parenting time, when they'll never be able to exercise it and that the second part of that issue is that they want to pay less child support.

Study Committee member Carol Walker raised questions on what happens next when the work of this Study Committee is turned over to the Commission, concerned that they won't be familiar with the concepts this Study Committee has studied and may come up with new ideas not in keeping with the work already completed. Ms. Connell explained that the Commission will refer the work of this Study Committee to the Statute Review Subcommittee, for which Ms. Connell also serves as Chair. She commented that several of our Study Committee members are also voting members of the Statute Review Subcommittee, so it wouldn't be a total fresh start for the Statute Review Subcommittee. She noted that they will use the information prepared by this Study Committee, such as the "State Notes," meeting minutes, and recommendations from Study Committee members included as attachments to the November 15th meeting minutes. Sarah Mauldin said she could add pertinent statutory references on parenting time for each state in the "State Notes" compilation. Chair Connell asked her to make the edits.

The discussions on handing off the work of this Study Committee to the Commission continued. Ms. Connell commented that there are only two options. The first option being that the work will go through the Statute Review Subcommittee, as the appropriate mechanism, and the second option being that if the Study Committee decides it is happy with exactly how Georgia handles parenting time now and wants nothing to change, there would be no referral to the Statute Review Subcommittee. Ms. Connell concluded that she has never gotten a sense from the Study Committee that it will recommend no change and that what she was hearing is that the Study Committee members wanted to continue their work with a couple more meetings to reach some consensus and provide a recommendation and report to the Commission.

Study Committee member Johanna Kiehl commented that she believes the Study Committee can reach a consensus on some things with more work and more time get closer to a consensus if the Study Committee members are willing to continue participation in this work. Several of the Study Committee members voiced the same desire to continue the work and reach a consensus. Ms. Connell acknowledged the concerns of the Study Committee and remarked she wanted the minutes to reflect that there haven't been any secret conversations or meetings on the work of this Study Committee and acknowledged the volunteer work of this group of committed citizens.

Chair Connell noted that this Study Committee is authorized by the Child Support Commission through the end of 2021 and discussed next steps. She shared that staff had begun the process of pulling together a draft report that begins with history of the work of the Study Committee that covers a three-year period and

includes content on public comments, presentations, issues, findings, and a list of hot topics that have been discussed over time. Carol Walker recommended reviewing a report by Minnesota's Child Support Work Group as an excellent model of a final report that this Study Committee could produce.

Study Committee member Johanna Kiehl related that from reading the 2016 Minnesota report, she was curious if there was any feedback on their parenting time process from lower income custodial parents. She thought it would be worthwhile to reach out to a Legal Aid lawyer in Minnesota for this information. Ms. Connell, who conducted the interview with a Minnesota practitioner, said she would obtain contact information for Ms. Kiehl. Mara Block, with Atlanta Legal Aid, who attended the meeting for Deborah Johnson, also volunteered to secure contact information for Ms. Kiehl.

Staff Attorney, Noelle Lagueux-Alvarez, shared her screen to show the Study Committee a draft Final Report to the Commission that staff had compiled to summarize the work of this Study Committee over the last three years, including membership, special presentations, public comments, the 50-state survey, judicial and public surveys, to name a few items. Some Study Committee members did not agree with all the items listed in a section of the draft titled, "hot topics discussed at Study Committee meetings." Staff noted that this is a work in progress and that section was added so as not to "lose" any important topics Study Committee members had discussed during the three years of work and may want included in a final report to the Commission.

Ms. Connell remarked that the document is only a draft and will not be presented to the Commission at the December 10th meeting. She also agreed with a comment made by Ms. Kiehl that the Study Committee should include in its final report all states that were reviewed, and those that the Study Committee did not recommend emulating and the reasons for such decisions. Ms. Connell also shared that it is her plan, in a report to the Commission, to give a sense of the work that has been accomplished by the Study Committee. She explained that in terms of a recommendation in a report, that the Study Committee is not yet in agreement on how a time increment should be defined but are on the same page that defining the time increment is necessary. She stated her idea is to present a report with narrowed issues and points of view, and then let the Statute Review Subcommittee decide what they want to do in terms of drafting legislation.

Ms. Lagueux-Alvarez, staff, brought up the issue of how parenting time will work in the child support calculator. She remarked that she still doesn't have a clear understanding of how the Study Committee sees this playing out in the calculator and asked whether the Study Committee is resurrecting Schedule C, will parenting time be an adjustment, will it stay a deviation? Questions that still need to be answered.

Study Committee member Johanna Kiehl asked about a deadline for the work of this Study Committee, if the Commission grants an extension, so all Study Committee members will be aware and know they must attend meetings. Ms. Connell stated that after receiving approval from the Commission to extend the work of the Study Committee, she will communicate with staff to set dates for additional meetings and the urgency to attend meetings will be shared with the Study Committee members.

Chair Katie Connell stated that at the Child Support Commission meeting scheduled on December 10, 2021, she will report that the Study Committee expects to recommend a change to how the law handles parenting time in our statute. Also, that we want to alert the Commission that the Statute Review Subcommittee should be on notice that they'll receive detailed information from this Study Committee. Ms. Connell stated she would seek an extension of this Study Committee with hopes of wrapping up work within the first quarter of 2022. Since an extension to authorize this Study Committee beyond December 31, 2021, will be requested at the December 10, 2021, meeting, no next meeting date for this Study Committee was set.

Ms. Connell concluded the meeting by summarizing next steps with the upcoming Commission meeting, which include a meeting with staff to schedule the additional meeting dates in 2022, and a first pass by Ms. Connell to edit the draft final report document, not because we're ready to finalize it, but because we do

have a working draft and a first round of edits is appropriate. Ms. Connell thanked the Study Committee members for attending the meeting, which was adjourned at 1:04 p.m.