

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
1	Attorney	Cobb	10% of the time
2	Attorney	Cobb	10% and 30% of the time
3	Attorney	DeKalb	0%
4	Attorney	Gwinnett	rarely
5	Attorney	Hall	less than 5%
6	Attorney	Cobb	10% of the time
7	Attorney	Appling	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes.

Yes

Yes, frequently

occasionally

No

Sometimes, but not often.

No.

In my experience, if parents make anything above minimum wage, it is harder to get a low-income deviation

I don't see any barriers. It is specifically on the worksheet, can be requested when parties submit worksheets, and can be applied by the court in its discretion

The requirement that the NCP demonstrate "no earning capacity" to qualify for this deviation. Some judge will require this even if the NCP is able to show that an extreme economic hardship would result from the presumptive amount of support.

N/A

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes. Minimum wage or less?

Poverty line

No. This feels like something requiring a look at all circumstances (e.g., even if a NCP is below the threshold, does the NCP receive other financial assistance or subsidies, does he or she live rent-free, etc. in a way that still allows him or her to financially support the children at a higher amount)

no

NO, It is problematic to me that a parent can say I need \$900 or whatever, to support myself, but my child can survive on \$75.00 or less

There should be a range of threshold incomes based on a living wage and taking into consideration the number of children/dependents the NCP is obligated to support.

No.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes to both

Same answer as above. There are too many changing factors to consider to create a black and white rule

no

No, and No.

This consideration should be extended to the custodial parent if the custodial parent is being asked to pay child support to the noncustodial parent. If, however, the custodial parent is receiving support, the consideration should not be extended.

Yes, 50% of the NCP's income for a self-support reserve. Yes, it should be extended to the CP too.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes, because it will matter if the non-custodial parent is low-income by choice or not.

No

yes

yes

Yes, mostly because the facts that apply to a particular case and why a parent's income is low are truly on a case to case basis. A parent can be underemployed by choice, but historical family decisions (stay at home, disable but not receiving benefits, or other reasons, some of which warrant a motivation to become employed.

Yes. However, if the parties have consented to the deviation, their consent should not be allowed to be overwritten.

Yes, on a case by case basis.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

The guidelines set a lot of litigants up for a contempt before they even start.

It is often low-income for both the NCP and the CP. The CP is often relying on state assistance, help of family and friends, and/or having to juggle multiple jobs. If the CP is being held to that standard, I would caution the courts in creating additional leverage for NCPs in similar situations.

Often the obligor claiming low income is underemployed, or needs to and can get a better paying job. In the situations with multiple children of multiple mothers the obligor/father needs to make efforts to stop producing more children, and/or take on second jobs.

low income cases are not an exception to the rule that parents have an obligation to support their children. I represent parents who are indigent as well as those who are not, and the general consensus appears to be I should have to pay for my child.

I do not know how to respond to this question

N/A

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Probably not.

No; however, often when one parent is in need of a low-income deviation, the other parent is also low-income. The custodial parent is left to figure it out for him or herself in addition to the children

yes

I believe the resources are there, and some parents are unwilling to meet the requirements to take advantage of them. I routinely for example, refer parents to low income housing, TANF and food stamp programs, and they will say, "there's a wait list, or I have to fill the paper work out every so often."

I think it makes an honest attempt to adequately address the needs while remaining general enough to still apply to other parents.

Yes.

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8	Attorney	DeKalb	10% of the time
9	Attorney	Jackson	10% of the time
10	Attorney	Miller	10% of the time
11	Attorney	DeKalb	10% of the time
12	Attorney	Crawford	20% of the time
13	Attorney	Fulton	10% of the time
14	Attorney	Ware	10% of the time
15	Attorney	Cobb	0%

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

No	The barrier is more of a challenge. It is to find an amount that will consider the "low income" of a parent and balance that with the needs of the children.
Yes	There is no consensus or readily available current information to determine many of the issues in these cases e.g. chronic health issues regarding both expenses and ability to earn.
No.	unknown
Yes	Actual income and judge discretion
Sometimes, yes, when appropriate.	What Constitutes low income or an extreme economic hardship? And how to best balance the needs of the children against the needs of the paying parent.
Yes	None that I can think of.
Yes	Lack of formula. Also it's easier to use the non-specific deviation.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Determining a threshold is tricky. I believe it is best to make a determination on a case by case basis with a determination of the relevant evidence of income and having the Court being empowered to make a final decision on a deviation.

No less than \$2,400.00 per month net.
Minimum Wage

minimum wage
Yes - \$1500 at minimum

Yes but with exceptions and other factors considered. For example, the cost of living variance depending on the city where the parent resides. Getting by on minimum wage in Cartersville may be a little easier than in Alpharetta.

Not sure
No

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes, I believe some consideration must be given to some form of self-support reserve to insure that the parents necessary living expenses can be met.

Yes. and Yes

Yes.

Yes; this should not be extended to the custodial parent.

No

No and no. Instead the calculation of the child support should simply be lower. In other words, lower income means lower percentage of the BCSO is to be paid.

Both should get some consideration

No. Both parents should be required to support the child.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes

Yes, ultimately, but after application of the statutory deviation.

yes

No.

Only if above threshold

There are so many factors to be considered, I think it has to, but more structure can be added to better guide that discretion. This will also be helpful for parties who are trying to negotiate a settlement to avoid court. It gives them more defined structure to negotiate from.

Yes

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

When this is an issue is it often because a parent is self-employed and there is no reasonable way to verify their actual income. If the emphasis is kept on the needs of the children, this is one of the only ways to ensure that they will have the financial support from both parents to meet their needs

The issues are many and complex and simply not addressed in the current statutes or the application of judicial discretion.

The child support worksheet does not take into consideration reasonable net income of the paying parent when calculating support which leads to an exorbitant amount of support to be paid and future contempt actions when most NCPs are not able to afford to pay it.

The biggest barrier is the most obvious. There are people who keep having more children when they can't support those they have. They end up in a situation where some or all suffer

Not necessarily

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Yes. This is a difficulty and challenging issue and I believe with the continuing review of the decisions in this regard, help keep the best policies available.

Definitely not.
no

No.
Not really

No

Yes
I do think they can be adequately addressed by judicial discretion.

General Comments

It is really great that the Commission continues to review and explore issues related to child support. I hope this effort will continue as needed in the future.

For parents whose gross monthly income is at \$2000 or less, child support should be capped at \$500 per month (including health insurance and child care deviations).

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16	Attorney	Clarke	0
17	Attorney	Cobb	rare
18	Attorney	Gwinnett	0
19	Attorney	Bibb	0
20	Attorney	Appling	10% of the time
21	Attorney	Clayton	

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes.

I represent only low- and no-income parents. In the vast majority of my cases, the opposing party is pro se, and doesn't submit a DRFA. We hear about income and expenses for the first time at the final hearing, and the opposing party who is usually the non-custodial parent knows nothing about Child Support Worksheets let alone low-income deviations.

Usually use a nonspecific deviation for just about anything including low income deviation. Rare to use low income deviation, likely due to few clients who need that specifically.

Don't get many.

no

I rarely have clients who are low-income earners who would qualify. The majority of people who hire attorneys are not low-income earners.

Nope.

Judges in the counties I practice in impute minimum wage in 100% of cases I've been involved in.

Yes

The low income deviation is too low

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No. Income rates in high-poverty and rural counties are vastly different from incomes in suburban and metropolitan areas. At the former statutory level, I'd only rarely have clients or non-custodial parents who did fall above the threshold income level. If an income level is put into the statute, it should be linked to the median income in the judicial circuit, not an absolute number.

Yes. Federal poverty level based on number in family, pre-divorce or pre-child support determination basis.

No, it should be determined on a case-by-case basis.

Yes. Either under minimum wage or under the federal poverty level according to household size (household size being defined either as the noncustodial parent's actual household size represented by new spouses and children or by the household size as defined between the parties and the covered children).

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Maybe - upon proof that the NCP is actually paying the expenses at the time of the order. If a self-support reserve is put into the statute, it should not be a fixed amount but linked to the cost of living in the judicial circuit.

Yes for NCP. Yes for CP after consideration of child support add in.

Yes - but it should be limited to specific necessities and not luxuries - including things like base rent in a more affordable living area, etc. And yes this consideration should be extended to the custodial parent.

Yes and yes.

Yes the consideration should be extended to the custodial parent.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes.

Yes but better to have it built in so it's not up to the judge.

Yes.

Yes, but in my experience a Judge will rule the parent could be earning more income, thus negating the NCP's low income.

yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Low-income parents rarely have attorneys, they really prepare DRFAs, and almost never bring proof of income to court

Children are very important, but so is the parent. It's like in an airplane, oxygen masks, the parent should put on the mask first, then put the mask on the child.

I haven't seen this but I imagine it falls a lot on pro se individuals who aren't aware of the deviation. The courts should be assessing if parties qualify for a low income deviation in those matters.

The parties already cannot afford representation. Even when taking a pro or low-bono client there is little an attorney can contribute.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

It might, if these parents had access to representation.

No.

No - I think a reserve or reserve-type language needs to be added.

The law provides a remedy for these parents but I rarely see it utilized by the judiciary.

no

General Comments

Even professional clients (Doctors, other attorneys) are hamstrung by their nominally high incomes which in reality are totally mitigated by significant student loan payment. These clients have no opportunity for deviation, even in the courts' discretion.

I mistakenly did not notice the County block. I submitted answers to this survey about 15 minutes ago as an Appling county submission. Hopefully, you can correct.

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22	Attorney	Appling	10% of the time
23	Attorney	Habersham	20% of the time
24	Attorney	Cobb	5%
25	Attorney	Cherokee	5%

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes

No specific barriers other than it is in the Judges discretion. This can be helpful or not helpful depending on the Judge. Most judges seem to be amenable to its use.

Yes, quite a bit.

The opposing side objects almost always. Our clients also object to the higher amount because if they are at or slightly above minimum wage, the child support amounts make it nearly impossible at times for them to maintain their own residence and family.

Yes.

I do not understand this question.

Yes

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

It was helpful in some cases to have an automatic threshold. Particularly it was helpful when you a payor with a job where it can be deducted. It is troublesome in cases in which payors are self employed or have incomes difficult to trace.

That would probably be easier for dealing with contested cases and make it a more fair resolution. I would say around \$1800 (I work in a rural area in Northeast Georgia and there are many clients who do not make a lot of money and need to maintain their own family and other children.

No. I think you have look at the expenses, debts and income on a case by case basis.

No.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

I am hesitant only because of the difficulty establishing income, but if used then custodial parents situation should be considered.

Not in my opinion. The reason is that the custodial parent is the one who almost always objects to the deviation for a low income non-custodial parent. Many times in this area, the custodial parent is NOT EMPLOYED and thus seeking the higher amount so that they do not have to work.

No. I can see parties abusing this provision in a heartbeat!

No.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes, unless income can be reliably determined.

That would depend on whether the calculations on the Child Support Worksheet reflect a more "reasonable" amount for the non-custodial parent. Having discretion at some point is not a bad thing, but if it were set in the worksheets it would be helpful on many levels.

Yes. I do not think a formula is something that works for all low-income parties. So, yes, let the Judge make that determination.

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

It is often sad for both parents, but remember in trying to provide fairness for the obligor due to his/her circumstances the child must have some support from both parents.

Many times neither side makes a lot of money. Sometimes both are at or near minimum wage. When that is the case and both have to maintain a residence, power, utilities, food and other children, the current work sheet causes significant strain on the non-custodial parent, while the custodial can just stay with the current worksheet. Most times the judges here will go by the worksheet. They do not usually deviate down unless extreme circumstances and a hearing. The hearing also increases legal fees making lower income clients really struggle. Clients in Northeast Georgia are not the same as clients in larger cities, by far. Many are blue class and do not have a high school education. They are trying to work and make the payments, but get behind then contempt kicks in and/or they lose the license. When they cannot drive, they cannot maintain their employment.

I rarely see any, honestly.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Adequately, but improvements can always be made.

Not always. With multiple children on a worksheet, the child support payment can be upwards of half of their monthly income. When taxes are withheld they are unable to make all their payment obligations, child support and residence.

No, not at all. There are so many factors that go into being poor in Georgia. Access to adequate employment, internet access, mental health, medical care, child care, transportation, etc. - and all of the COSTS associated with this issues. If you are low-income in Georgia, you are at a severe disadvantage. Paying child support is only ONE of many issues poor people have to deal with in Georgia.

yes

General Comments

Better to leave it alone than to make it worse.

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26	Attorney	Paulding	5
27	Attorney	Douglas	2%
28	Attorney	Chattooga	10% of the time
29	Attorney	Appling	50% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

No.

Not generally accepted by attorneys unless a person is on disability. Otherwise there is a presumption that the person could obtain a full-time minimum wage job, and they are inputted at that amount.

Yes

The children's needs often are greater than the parties' reported income would justify.

Rarely

To be honest, a large percentage of the people we see in this county, and our circuit, are very low income. It may be an educational issue for lawyers and judges that this deviation should be considered as expressed in the information given prior to this survey. I'm embarrassed to say that I do not consider low income deviation very often and my fellow lawyers do not either. Especially in light of the economic issues that we see facing so many here. We see low income and no income. And, the figures given do not take into account those that make a little more money but are still very poor when it comes to living circumstances.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No

No.

I don't know. I can see where an auto deviation could be arbitrary, yet such a requirement could call attention to the problem we have of people not paying child support. I think people give up sometimes and don't pay at all because they feel defeated. If you did set such a threshold, I would look at poverty levels and other formulas used for the provision of services such as food stamps, Medicaid, etc. You are talking about the same folks who participate in those services, in most cases. However, there is a layer of the population directly above the social services layer that also need to be addressed.

Yes. Don't know.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes

No, to both. The Court should have the discretion to determine if there should be a deviation on both sides.

I think if you do it for one you must do it for the other. I don't have a problem with this but it may get tricky to calculate, unless you set a basic minimum that you know people need to live. I would also think that this figure varies throughout the state. Bare minimum in south Georgia is different than north and that is different from Atlanta.

Yes!!!

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes

Yes

I think many judges would appreciate some more guidelines or parameters. I don't know that mandates are necessary unless you can make sure it is uniformly fair. But giving a checklist in a statute of things to consider could be very helpful to all.

No! It should be standard/presumed.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

For example, a simple presentation by a group like GLSP that talks about the realities of what low income Georgians face daily. In my ICJE seminar, we did a poverty simulator. It is extremely enlightening to how difficult it is to make ends meet when you are a low income family. It only takes 2 hours and would most certainly help the Commission to understand those realities.

I don't think it is hard for anyone to understand the needs of low income as we would traditionally think of them; those that get Food Stamps etc. But there is that layer of working poor who barely scrape by. They cannot afford any extras. There is nothing more demoralizing to a person than to want to give their child something, new shoes, a chance to play rec league ball with the right equipment, etc. and not be able to do so despite working every day. It adds insult to injury when you make that person pay child support so that presumably the child will have what he needs but in the end everyone is still just scraping by. People get into fixes when they are laid off or lose their minimum paying jobs then they get behind and often just give up. If you assist them by taking into account the true reality of their situation and make the child support "affordable," whatever that may mean, then it is easier for them to pay and not resent it. We spend a lot of time in negotiation and mediation coming up with all kinds of crazy ways to not pay child support but yet get the child what he needs when we have low income parents.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Yes, but it depends on the judge whether those needs actually get addressed.

As to the child support guidelines, yes.

No.

No.

General Comments

Glad you are looking at this. Best recommendation. Get outside of the beltway and look at the regions within the State to get a clear picture of what is going on. We feel left out sometimes outside metro.

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30	Attorney	DeKalb	0
31	Attorney	Chatham	10% of the time
32	Attorney	Pickens	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes.

Yes. Most often, both with Judges and other attorneys, it is easier to get the opposition or the Judge to approve a nonspecific deviation rather than a low-income deviation because it requires less of a comparison between the parties' incomes.

No

Opposition from the other party and consideration of the child's financial needs as compared to the NCP's financial ability.

Oftentimes, in divorce cases, low-income deviations are hard to apply because their application is more closely scrutinized, in my opinion, than other deviations. Lower income individuals tend to have fewer fixed expenses because of a corresponding lack of credit in many cases. Therefore, it is difficult to convince a fact finder to grant the lower earner a low-income deviation because the other parent is shouldering more of the fixed liabilities of the marriage.

None

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No.

No. I think the discretion has to remain within the breast of the Court. Too often parents purposefully underperform in order to capture a low income and subsequently get better and higher earning jobs with the expectation that the other parent will not risk taking them back to Court.

No

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

No. The needs of the child should be paramount to the needs of the parent.

No. For the reasons above.

No

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes.

yes. For the reasons above.

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

In most cases, the amount of support will be more than the NCP can truly afford, but not enough to assist the CP in providing for the child's needs. We typically see a dynamic where a two income family making ends meet find themselves living in separate homes and trying to make their incomes fund two households. This dynamic is extremely difficult to manage and all involved will have to make financial sacrifices out of necessity. This is when the support amount is too much for one parent to pay, but not enough to assist the parent receiving support to offset the expense of raising a child.

Judges, for the most part, are very in touch with their particular community and have a firm idea of what it takes to self-support and support a child. Keep the discretion in their hands. If they stray too far, they'll have to answer for it in the election cycle.

N/A

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Yes.

yes.

Yes

General Comments
None

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33	Attorney	Cobb	10% of the time
34	Attorney	DeKalb	10% of the time
35	Attorney	DeKalb	20% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

No. I use the low-income deviation when appropriate.

I have not seen any barriers; ultimately it's in the judge's discretion.

Yes.

Absolutely. you have to in many cases as there is not enough money to go around to support two households and allow the non-custodial parent a place where the children can go to be with that parent.

No real guidelines for opposing counsel/party and/or court

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Given the disparity in average incomes and costs of living in counties throughout Georgia, I think this is best left to the discretion of the local bar and bench.

No.

at a minimum, it should be not less than 1200 per month. Preferably, minimum wage.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Both parents need to be able to support themselves and the children as best as possible given limited resources. If there is not enough to go around, then the shortfall should be shared by the parents pro rata

Yes, the NCP should be allowed to retain a minimal amount for their living expenses. Yes, the custodial parent's living expenses should also be considered when determining how much support the NCP should be providing.

absolutely for both parents

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Provided the bench exercises it's discretion, yes. This becomes a big problem when the bench does not exercise it's discretion, which may be the impetus for the parent groups' concerns. Then it becomes a matter of judicial education. If that fails, then yes, we need to make a much more complex statutory scheme that would encompass the differences in average household incomes and costs of living in the various counties in Georgia. Clearly, the more efficient route is to educate the bench. Perhaps the standard of review could be modified to make it easier to appeal these decisions. But that would just increase the appellate caseload astronomically. Let's do better educating the front line judges!

Yes.

As long as there are some parameters for the court to consider

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

We all realized when the child support guidelines were implemented that the higher the household income, the bigger the "break" for the NCP (eg, the reduction in child support when compared with the previous "percentage" method) AND the bigger the "penalty" for the NCP in low income households (eg, the increase in child support when compared with the "percentage" method). The problem seems to be that the bench is not exercising its discretion appropriately. I have heard judges shrug and say they are bound by the worksheet and that is frustrating knowing how much discretion the court has been given.

When parents have a low-income, typically they are barely making ends meet, even with a full time job, and any additional expense can cripple them to the point of not being able to exercise their parenting time because when the children are in their custody, the parent would not even have the means to make sure the children are able to eat.

They cannot afford the current child support guidelines most of the time.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Yes, but only if the bench properly exercises it's discretion

no

General Comments

For the vast majority of my cases, the guidelines work; however, I do not handle many low-income cases and I recognize the problems that population has encountered. We can tweak the statute over and over, but if the bench isn't exercising it's discretion, it will never make a difference.

More needs to be examined with regard to low income families. We need some means tests or something to help with this issue.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
36	Attorney	Forsyth	0
37	Attorney	Liberty	1%
38	Attorney	Gwinnett	10% of the time
39	Attorney	Lee	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes.

There is too much discretion and ambiguity. Hard and fast statutory guidelines about when the deviation should apply and to which income levels would help greatly. My personal experience as an attorney is that it's so vague and ambiguous right now that attorneys hardly ever ask for it, and judges aren't inclined to apply it.

yes

Our Judges assume that everyone is able to work and attributes minimum wage.

Yes

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes, I do think this would help with application of the deviation. It would allow attorneys to better advocate for their clients and use the deviation more frequently and would give judges the tools to implement the deviation. In my county (Forsyth), I think \$2000 or even \$2500 would be an appropriate level, but I recognize that income and cost of living varies so greatly across the state that it would be difficult to come up with a threshold level that works across the entire state.

I am certain that there should be but with the current climate of work for welfare I do not see it happening calculations are difficult to apply and the validity of the circumstances would be difficult to verify.

Yes. Minimum wage.

No

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes for the NCP. There should be a minimal basic amount to cover housing and food. In my practice as an attorney in Forsyth, I have countless cases of young adults in their early 20s going through divorces or legitimation actions where the NCP might earn \$2000 or \$2500 per month before taxes. This leaves their net post-tax income so low that it's virtually impossible for them to rent an apartment or house, make a car payment, while also paying child support.

Both brought the child into the world and both should help or sacrifice to care for the child. A good sex education program in our schools and available, for free, birth control would help avoid some of this.

Yes - each parent should have a self-support reserve.

Yes, each parent should retain a self-support reserve.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

I don't think it should be entirely discretionary because in my experience, judge's just don't grant it. I think it should be statutory up to a certain threshold income level but perhaps leave a discretionary component in the statute for people over that income level.

Probably - the difficulty is the available data to make a valid assessment.

Yes, in self-employed cases because most self-employed parents have a history of drastically reducing their actual income on tax returns and on the DRFA.

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

As stated in my previous response, I have countless cases involving young adults in divorce or paternity/legitimation cases. I practice primarily in Forsyth County, and this is very common in the outlying metro counties and increasingly so the farther outside of Atlanta you look. These are generally blue collar workers with a high school education (sometimes just a GED or no high school diploma) who work well over 40 hours per week to make about \$2000 per month. After taxes, these parents are left in an utter struggle to find a place to live while paying child support, not to mention putting food on the table, making a car payment, etc. This leads to the endless carousel of getting behind on child support, contempt actions, etc., etc.

yes

Noncustodial parents should still have to pay something - even if it is a nominal amount.

Most cases in this area are low-income because the non-custodial parent works odd jobs where he/she earns non-reporting wages.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No.

no opinion

Yes

General Comments

This is a most difficult problem. I have not dealt with it enough to have formed any thoughtful opinions. Both should share the expenses and certainly the parent having custody needs assistance with the expenses of a child. But how do you determine the validity of the limitations on earning capacity.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
40	Attorney	Cobb	10% of the time
41	Attorney	Cobb	10% of the time
42	Attorney	Cherokee	10% of the time
43	Attorney	Cobb	Less than 10%, but for a current pending case

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?

Yes. When the Custodial Parent has significant income and can meet all the needs of the children without contribution for the financially disadvantaged Non-Custodial Parent, you can award support below the \$100 minimum.

Yes.

No

I use the nonspecific deviation but not for low-income, for other reasons.

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

The \$100 minimum.

Often, when one parent has a low income, both parents have a low income. The child support that results from applying the low income deviation is often unrealistically low and not in the children's best interests.

None

Trying to figure out what a reasonable low-income deviation would be and having both parties agree, when we are trying to settle the cases via agreement and without the need for a contested hearing.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No.

No, it should stay within the Court's discretion.

No, if parties are underemployed then the income is imputed and should be full-time at minimum wage unless other factors are present which are accounted for in the statute.

Unsure

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

No.

Yes, but it should be applied to both parents. The low income deviation should not benefit the non-custodial parent to the detriment of the custodial parent---that is directly contrary to the best interest of the child. It is also often a more complicated analysis than just looking at income---there could be assets or other financial considerations that should be made.

If it is offered to one, then it should be offered to both. I believe this is factored into the calculations allotted and percentage of income over what the support obligation would be, so I don't believe there should be additional self-support reserve allowed.

If we are going to allow the NCP to retain money, then yes, the custodial parent should also be able to retain money. Even with child support, the custodial parent likely pays more of his/her own money out of pocket for the child anyway, because the child is living with them. So, allowing the NCP to reduce their child support amount without allowing the same for the custodial parent is unfair.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes.

Yes.

Unsure

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

It is a balancing act of providing for the child but also not setting the payor parent up to be in contempt. But, in the end, the best interest of the child should prevail.

Many of these individuals receive income in-kind from friends, family, or the community which can be hard to prove and is unfair to the other parent.

N/A

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Yes.

Sometimes.

Yes

I think there is always improvement to be done.

General Comments

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
44	Attorney	Chatham	30% of the time
45	Attorney	Appling	20% of the time
46	Attorney	Clarke	10% of the time
47	Attorney	Hart	
48	Attorney	Columbia	0
49	Attorney	Gwinnett	5
50	Attorney	Appling	10% of the time
51	DCSS Staff	Butts	10% of the time
52	Attorney	Cobb	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes

Not typically.

The ability of the non-custodial parent to be employed or gain higher earning employment. A low income deviation may enable a parent to stay unemployed for longer and/or not seek higher earning abilities.

yes

none

yes

Our judges never uses it or if they do there is no specified reason. They just give the non specific deviation.

Everyone in our area is low income

There should be a set amount. That specifies the person is low income.

Yes

IF a parent is that low income, they typically cannot afford a lawyer. So, I do not see this used often.

Yes

Judges don't like to deviate below the guidelines

yes

If ncp currently pays more than 20% of his gross income in child support.

Yes.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes, minimum wage

No.

no

yes. that ought to be decided by the legislature

2500 a month

No.

Yes - anyone below the poverty line

not sure

No, I think it should be based on low income AND expenses/resources. If a parent has low income, but low expenses and some other resources, it's not appropriate.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes for the NCP, no for the custodial parent.

No.

no

if good for one, needs to apply to both

Yes for both

I do not think there should be a self support reserve because it will be misused.

Yes to both parents

yes and yes

6. Do you think the low-income deviation should remain a matter of judicial discretion?

No

Yes.

yes

no

No but judges should also recognize if someone is voluntarily underemployed or self employed not making income due to fixing their books essentially.

yes

No

yes

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Too often parents have children from other partners that are not on court-ordered child support, yet this responsibility is calculated into the child support obligation.

Judges are best equipped to consider the circumstances of each case, including when to apply LID.

Many cannot make the payments, many do not try to make the payments in the face of what (is seen as a) overwhelmingly high amount due

These individuals don't have enough money to live.

The lowest income parents have a problem no judge can fix. Child support is not big enough to address the realities of raising children with minimum wage or near minimum wage incomes.

They can never pay the court ordered amount without a deviation

True low income people lack the funds to spare any of their income at all. It makes it a challenge to determine a child support amount that the NCP can afford. For this reason, there should not be arbitrary cut offs or minimums.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No. Social security disability payments should be factored into child support obligations for low-income parents.

Yes.

yes

no

No

No, the problem is too big for child support to address.

No

No. Absolutely not.

General Comments
Our area is low income. Everyone at school gets free lunch and breakfast. Many need relief. But once the obligation is in place, it NEEDS TO BE ENFORCED.
Very glad that this issue is being addressed

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
53	Attorney	Gwinnett	0
54	Attorney	Oconee	less than 10%
55	Attorney	Appling	10% of the time
56	DCSS Staff	Chatham	rarely if at all
57	Attorney	Fulton	0%
58	DCSS Staff	Muscookee	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes	Both parents are "low-income" and the custodial parent cannot support the children with \$0 child support from the non-custodial parent.
Yes	The children need the money for their support.
Yes	It does not usually apply.
Yes	
No	N/A
Yes	N/A

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No

No - sometimes low income earners are living with a new spouse, a boyfriend or girlfriend, or have some other living situation (Ex. live in a place where they do not have to pay a mortgage or rent) and can actually afford to pay child support regardless of their low income. Also, some parent's may be intentionally suppressing income - but this is usually hard to prove.

Yes. \$40,000.00

NO

No

Yes, Income level \$1300

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

No.

No - should be in the Judge's discretion. It should not be an automatic - the Judge can take all factors into consideration. It should not be an arbitrary amount set for living expenses for either parent.

No. No.

Parents should bare the responsibility of caring for the child(ren) first even if it means they don't eat. The other side to this is that parent's who take care of themselves first can be better for the child(ren). I do believe the self-support reserve should be extended to custodial parent's who prove to be of low income.

No

Yes

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes.

Yes

No.

NO.

Yes

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

A NCP would be contributing to the child's support if they lived in an intact household, regardless of the NCP's income. This should not change because the child lives with separated parents. The child has no other means to support him or herself but the parent usually has ways to reduce expenses or increase income to provide support to the child.

Yes

Most times they will not pay, or will pay very infrequently.

There needs to be more focus on enforcement than deviations.

N/A

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No.

Yes - the best that it can under the present guidelines.

No.

It really doesn't matter because the Courts rarely enforce child support orders.
In some cases

General Comments

I think many Judges do not give enough consideration to the deviations and other adjustments that can and should be taken into consideration when setting child support on high income and low income parents.

Going forward, perhaps the worksheet should include a yearly COLA, especially when low-income deviation is used.

None

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
59	Attorney	DeKalb	20% of the time
60	DCSS Staff	Appling	5%
61	DCSS Staff	Bibb	
62	Attorney	Cobb	0
63	DCSS Staff	Dougherty	10% of the time
64	DCSS Staff	Randolph	20% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes	Inadequate proof of true low-income and non-custodial parent choosing low-income when he or she has the ability to earn other income.
yes	none
I have rarely represented the low-income non-custodial parent.	
Yes	No barriers

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No, judicial discretion should apply.

none

Yes... no less than minimum wages

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

No. Custodial parent's do not have an option to have self-support before he or she provides for the needs of the child. This consideration does not support the best interest of the child.

none

Yes, but not to the detriment of the custodial parent's ability to support the children. I do think it's a spiral if the non-custodial parent doesn't have enough to live, risks homelessness or losing utilities or car and therefore job, so it is important to keep them above water so they can continue to earn an income. But it also shouldn't take priority over custodial parent's similar circumstances.

yes

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes. There are circumstances where the deviation is appropriate but setting a threshold amount would only encourage some to continue to earn that amount to avoid a child support obligation.

yes

Yes

Yes, but I'm okay with a predetermined reserve consideration for each parent.
yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

There are parent who due to medical condition, education level or other circumstance this deviation would apply. However, if there were a "threshold" amount, parents seeking to avoid the obligation would have no incentive to earn an increased income. Allowing the court to apply discretion would still give those who truly are low-income the benefit of the deviation but give more flexibility in those case where a parent has the ability to earn more and the child's best interest is protected.

It should be based on income, and the number of children a person has. However, the person should not continue to have children if they cannot afford to support the child/ren

See above regarding the spiral toward not being able to earn an income at all.

yes

8. Do you think Georgia law adequately addresses the needs of low-income parents?

More resources could be provided.

yes

no

General Comments
None
The burden of providing for children should be that of the parents. Parents will have to live within their means and take ownership for providing for children.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
65	DCSS Staff	Appling	0.00%
66	DCSS Staff	Clarke	2%

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

yes

no, not really

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

n/a

We usually only apply if the Obligor receives RSDI only.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

1500.00 per month

When the only income is RSDI.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes, some non custodial parents complain that they do not have enough money to "live off of." This consideration should be extended to the custodial parent if he or she is working.

Only if it does this automatically. yes for Obligee also.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

yes

yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Some non custodial parents just do not make much money. They work, but may live with someone else who pays the bills. I agree that some of these people are able to work more in some capacity, but many times at the hearing , that is not the case. Therefore, they contend that they cannot pay when it is time to sign an order.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Georgia does the best it can, at the same time, our children need to be provided for and we must do what is fair for the custodial parent as well.

General Comments

Perhaps we can provide literature, attorney referral or resources to help bridge these families together. The separation between non custodial parent and child is a huge issue. Sometimes it is voluntary by the NCP and sometimes it is not. This communication can be key to mutual agreements that all parties can agree on. Children may be able to get the monetary support faster.

I actually think that there should be a set amount for child support and it should be the same as what is offered by TANF. One child is x amount, 2 children is whatever and then each case reduces after emancipation. That would make it so if an Obligee believes that she would deserve more money, then they can get a private Attorney to work out all these kinks. Sometimes either party chooses to not work or works under the table. I don't believe we have the time or ability to review everyone's bills. Besides we each choose our bills. One may have to drive a car to just get buy while the others put all their money in something they do not have to have. or any other bills..... That would be punishing the other party and the children.

<p>Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020</p>	<p>Please identify yourself for the survey</p>	<p>Select your Georgia home County</p>	<p>1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %</p>
<p>67</p>	<p>DCSS Staff</p>	<p>Hart</p>	<p>10% of the time</p>
<p>68</p>	<p>DCSS Staff</p>	<p>McDuffie</p>	<p>10% of the time, 30% of the time</p>
<p>69</p>	<p>Did not provide</p>	<p>Butts</p>	<p>30% of the time</p>
<p>70</p>	<p>DCSS Staff</p>	<p>Dodge</p>	<p>10% of the time</p>

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

Yes, when the Judge orders a lesser amount but does not that that it is a low income deviation.

yes

Only when the Attorney advises us to.

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Only Judges can order a low income deviation. There is no discretion for use in the local offices. If we have an NCP who has multiple cases and even though the other child support amounts have been taken into consideration and he has been given credit for those orders the total amount of child support may still be close to or over \$1,000.00 per month. If someone earns \$17 an hour that's roughly \$2900.00 a month gross, take \$1000.00 for CS = \$1900/ month now subtract health insurance and taxes and they are bringing home below minimum wage. Children need support, there is no doubt about it but non-custodial parents need to be able to live and keep a roof over their head as well, and right now most of my clients struggle daily with that. If we have the discretion to be able to use that, it would reduce the amount of expenses these men and women would have to pay and they wouldn't need to miss work which results in less pay in order to attend court.

Unsure of the amount of credit to give.

We have to be advised by our Attorney, case to case is issues.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

I think it needs to be based off of net income not gross.

1261.50 p/m

I believe so... not sure the \$ amount

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes, NCPs should retain a certain amount for living expenses. no this consideration should not be extended for the CP unless they have a medically verified inability to work or are on TANF.

Yes

YES, we still should base it on min wage. Most of the NCP's in our area make min wage and off gross and bills that they have to pay, they can't make it. We are not setting right size orders. We should automatically go by net gross or some type of credit for the NCP/CP for housing expenses, groceries. The NCP needs to have a place to live and be able to feed his children.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

No, I feel that it would increase the number of cases that we are able to settle outside of court if we had the ability to use our discretion to help set right size orders.

Yes

Yes and NO.....depending on the case it should be automatically applied on the circumstances of that case.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

The majority of NCP's on low income cases have multiple cases, sometimes up to 4-6 cases. If they are lucky they earn \$30k a year before child support is even taken out. I have seen countless pay stubs over the years where people are bringing home \$200 -\$250 every two weeks, teachers bringing home \$437 for the month (after child support and bankruptcy was deducted). Even though employers can only withhold a certain percentage of wages all that does it set them up for failure. Arrears will accrue very quickly and most of the time all were doing is setting these cases up to be open for 40 years or until the NCPs get on disability (if the child is under 18) or until the NCP passes away. The debt will not get repaid and adversely effects the 157 report.

These are needed in order for low income individuals to be able to afford to support themselves.

We need to set these orders so that the NCP can live and pay child support. Instead of the high orders and the NCP run from them and won't keep a job because they feel like why should they pay, because we aren't giving anything to live off of.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No it doesn't. However, more so than low income parents, the middle class parents are the ones who are hit the hardest. They have moderate income \$17-\$26 per hour, most of the time the mother is not working, or if she is she is only working a minimum wage job and even though he has a dent job bringing home roughly \$1300 every two weeks with those types of wages he's fixing to get put under a \$600-800 order. If he happens to even have 2 cases that's half of his income gone. now his moderate middle class wages can't even afford to own a home.

no

Not really

General Comments

I think the formulas of the worksheet need to be revisited on how it calculates. We should go by NET income, not gross. Because that is the amount we live on after taxes. It is hurting a lot of NCP's and the children. The NCP's won't pay and/or refuse to pay because the SOA is to High. In this situation, we are putting the children last, not first. I think the NCP's would pay and respond better if the support amount are more fair to their earnings.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
71	Attorney	Cobb	10% of the time
72	DCSS Staff	Houston	0
73	DCSS Staff	Fayette	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes, I find judge's prefer the nonspecific deviation instead of a low-income deviation. Most of the time, the judge will utilize a non-specific deviation with one of the criteria for the deviation being low income.

Determining what constitutes low income and what the deviation amount should be. Most of the time, I utilize a non-specific deviation with one of the criteria for the deviation being low income.

no

none

Only when ordered to by Judge Langston. Usually it is not because the NCP has a low income but because Langston uses the nonspecific deviation to split the difference between the NCP and CP incomes - but he does not ask for proof, most of the NCPs exaggerate their bills, and the CPs are not forthcoming about their because DCSS does not take their bills into account. This creates a situation where the order is almost always in favor of the NCP rather than the child.

There are many NCPs who work under the table in GA, especially in the metro area. Some will even quit their jobs so they do not have to pay support and then the CPs are locked in to a very low amount for 3 years. Applying at least minimum wage to both is fair unless there is medical documentation that one or both cannot work.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

yes

That would be a case by case determination.

To match SSI income.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

yes

No. Children come first.

No. If parents create a child, they should be able to support the child. CPs should also have minimum wage attributed to them.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Not if there is a threshold income level at which the low-income deviation is automatically applied.

yes

No. Some judges abuse the judicial discretion to essentially allow NCPs to get away with paying less than they should for the upkeep of their children.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Reality is that some people do not have the capability to earn, but others don't try to earn at all. There in lies the case by case determination for the court.

The majority of "low income" cases are only "low income" on paper. The NCPs are rolling into the office wearing the latest \$200+ sneakers while pleading poverty. If there is no documentation, they should be assigned at least minimum wage.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

?

Of course not. There should be more outreach programs outside of DCSS and the court system such as work programs for TANF and SNAP.

General Comments

The current guidelines seem to be more stringent for middle class.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
74	DCSS Staff	Gwinnett	10% of the time
75	DCSS Staff	Lowndes	50% of the time
76	DCSS Staff	Bibb	10% of the time
77	DCSS Staff	Peach	
78	DCSS Staff	Elbert	40% of the time
79	Attorney	Cherokee	0
80	Mediator	Appling	Less than 10%

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes.

The low-income deviation as currently set up does not take into account the rising standard of living and does not apply to all NCP's equally. Some might have a higher pay that takes them off the low-income deviation but are still struggling to make ends meet due to other circumstances, i.e. other family obligations or debt.

yes

Use of the calculator, it should show projected amount at time of requesting deviation.

yes

Yes, when ordered by the Judge.

yes

No.

It doesn't apply in my cases.

No

Applying the low-income deviation in cases that I work with continues to leave a significant gap and unmet need for the children involved. Further, it does not provide an incentive for non-custodial parents to seek additional income through employment opportunities.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No, there should not be an automatic low-income level deviation. It should be used on a case by case basis. Not all people's circumstances are the same and should not be clumped together.

no

minimum wage

No.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes, there should definitely be a self-support reserve for NCPs. The same consideration should not really be extended to the CP because they are not the ones who will eventually be paying the child support rather will be receiving so the circumstance does not affect them as much as the NCP.

yes and yes

no

Yes. Yes

yes

If it is established for one, it should be established for both.

I do not think that the NCP should maintain a self-support reserve in every case.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Yes, it should be a case by case basis determined by a judge after hearing all of the facts of the case.

yes

yes

No

yes

Yes.

I do believe that judicial discretion should be applied in some cases. Often times, the family court has seen the family over a period of time which gives judges additional insight in some cases.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Only that it is not a neat linear catch all. Each case is specific and not all can be put into the same category.

Self-employed parents will miss represent their income to low child support. Most have the ability to work but have made choices that hinder them from working at the time the order is established, and the child(ren) should not suffer due to this.

In low income, or poverty areas it is hard to determine what the specific deviation should be. I feel that we should consider a minimal amount for necessities of the parent paying child support. This could be calculated by whether the noncustodial parent is in a low income area and would qualify for government assistance per these guidelines.

I just want to remind the Commission that each case is different, and a one-size-fits-all approach to this matter will not be effective.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No.

no

yes

No

I believe that Georgia law attempts to address the needs of low-income parents, however, it is not an easy task and can be quite complicated when trying to accommodate the needs of the children that are involved in these cases as well.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
81	Attorney	Wilkes	20% of the time
82	Attorney	Gwinnett	10% of the time
83	Attorney	Hall	20% of the time
84	Mediator	Cobb	
85	Attorney	Elbert	Fill in a percentage
86	Attorney	Chatham	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Yes

Low income is subjective.

Yes

The Judges don't seem interested in granting low income deviations. I have never received an explanation for it.

Yes

Yes, but not very often as at mediation it is very difficult to get the custodial parent to accept less than guideline support.

Yes

There is simply not enough money to go around.

0

Yes

Nearly always

Low-income deviations are complex.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes. I'm not sure what is a good number is. I practice in a rural area and the vast majority of people I deal with have very low income and are on Medicaid. It would make things easier is there was a specific threshold income level to use.

Yes. Anything less than \$2500 gross per month.

It depends on the incomes of both parents. Is one parent able to pay a larger percentage than the other?

Yes, but I am not sure what the income should be.

Should leave within judicial discretion.

Yes. The gross income for a full time minimum wage income (1261.50).

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes

Yes for the NCP and no for the CP. The CP will have the advantage of CS whereas the NCP is paying out the CS so they are at a disadvantage when it comes to being able to adequately afford their monthly expenses.

It depends on the incomes of both parents. Is one parent able to pay a larger percentage than the other?

Yes

If self-support reserves are used, then apply to both parents.

No

6. Do you think the low-income deviation should remain a matter of judicial discretion?

No

No

Yes, as long as the judges are properly educated.

No

Yes

Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

There is a problem with people with multiple children with different partners not having enough to live on when they pay child support to everyone.

They are already struggling, how could they possibly choose between spending time with their kids and making more money to be able to afford their CS and avoid jail. I have a client right now who only makes about \$1600 per month but his child support obligation is about \$400. That leaves him with pennies to live off of. It isn't fair to him or the child.

Need to look at what both parents have for their own support compared to the other parent.

Especially when the child care is factored in, often times the noncustodial parent does not have enough left over to pay for the basic necessities.

Often times both parents are low income earners and putting too many barriers to calculate child support underserved the children and primary custodian.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Not always.

No

No

No

Child support guidelines are based on gross income regardless of base tax consequences. In an intact household, net income is all that is available to provide for a family. Net income should be used to determine child support.

Nope

General Comments

I find that the low income deviation is often the cost of work related childcare.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
87	Attorney	Colquitt	10% of the time
88	Attorney	Forsyth	0 % of the time
89	Attorney	Chatham	0% of the time
90	Custodial Parent	Fulton	
91	Attorney	DeKalb	5%
92	Custodial Parent	Clayton	50% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?

Yes

yes, because it does not take into consideration rising housing costs in metro ATL.

No

Yes

No. In my case the noncustodial parent does not help with any additional cost outside of what he pays for child support, i.e. school pictures, extra curricular activities, OTC meds, birthday party, etc... I don’t even ask anymore because all I get when asking is, “that’s what I pay child support for.”

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

Realistically, an NCP that earns \$50k year, with a CP earns \$20k/year, will be ordered to pay too much child support. It is very unrealistic, taking into consideration rising housing costs. The problem is the law does not take this into consideration and the judges are almost always simply going to go with the worksheet states, regardless of the impact it will have on the payor.

None

In most cases the NCP is working the system to avoid paying child support or to pay the bare minimum.

Too much discretion on what is low income. When a judge sitting on the bench making a six figure salary has to decide what is low income...that is just too relative. If there were a solid number to rely on we would see more consistency.

I’m not really for sure how to answer this because it could affect a custodial parent that is low income.

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes. Less than \$1800.00/month gross income.

\$30,000 gross per year.

No. This should remain at the Judge's discretion.

Yes, but it needs to go deeper. Threshold of income plus expenses...you can be low income but live with your parents and have zero bills. You can also be low income with 4 kids and a ton of bills

Yes I think it should align with whatever the department of human services use a low income tool for families per household.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes and yes

Yes, it should be extended to both parties, if feasible. The NCP needs at least \$2,000 per month, minimum, if he is going to pay rent, drive to work and feed himself, let alone the kids when he has them for parenting time.

No. Regardless of income, both parents have a duty to be able to provide minimally for their children. The children should come first. A self-support reserve puts the parent first.

No the NCP should provide for the child first. It should be extended to Custodial parents.

I think there needs to be some consideration of this but kids have to eat so if NCP can eat their kid should eat. I think there needs to be an evaluation of the living expenses.

No, because the NCP will use it as a crutch. I'm a CP and I can't set aside money to take care of my wants. Let's be honest that's what the self-support is all about. My kids come first and my bills afterward and then myself what's left over. Our kids don't asked to be born. I don't understand how anyone could put themselves first before their kids. If the NCP cannot afford their bills then maybe they need financial counseling or consolidation instead of self-support.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Not sure.

No

Absolutely.

No

no, judges need less discretion at this point and more clear guidance

Yes, in my divorce order and child support modification the judge was fair within the ruling.

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

In South Georgia, the standard child support for low income non-custodial parents is almost always too high.

The rising costs of housing

The NCP is finding way to milk the system.

some people genuinely struggle and then are punished by having to pay more child support when they get a second job to help pay the obligation.

Self-support is a joke! Vote NO!

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No

absolutely not.

No

No

I can only speak for myself but yes.

General Comments

The current child support laws need to be revised all together.

VOTE NO FOR SELF-SUPPORT! CPs don't have that luxury even if it's offered to us...

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
93	Noncustodial Parent	Cobb	0%
94	Noncustodial Parent	DeKalb	
95	Custodial Parent	Paulding	
96	General Public	Fulton	
97	Noncustodial Parent	Clayton	10% of the time

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent's child support obligation to account for that parent's low income?

3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?

N/A

None

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

No

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes. If the non custodial can not afford their rent because they're having to pay child support, that becomes an issue for the child. The non custodial also has to be able to afford utilities to care for the child on top of groceries.

No

Yes, there should be a deviation for low-income NCPs. The NCP should be encouraged to take a more active role in the rearing of the child and that is impossible when they are required to pay a large percentage of their income to child support, it discourages such a relationship as they are unable to care for the child while in their care. Furthermore, without such a reserve, it encourages the NCP to engage in illegal activity to be able to survive, such as drug sales, prostitution, and other income which could not be traced by the Court.

The NCP should always have an obligation to maintain a healthy lifestyle for themselves and their offsprings. If a child comes from a dual family home, both parties should be equal in living arrangements, expenses for the child etc. NCP should not have to surrender fiances to support another household when the same child or offspring resides at both. This takes away from the child's wellbeing. Custodial parents should have to be equally as responsible for every part the NCP is responsible for. In the absence of the custodial parent the NCP will be appointed custodial parent, so out the gate both playing fields should be equal.

6. Do you think the low-income deviation should remain a matter of judicial discretion?

No

No

No. There should be a formula for it to give the NCP notice of what to expect. This will reduce judicial workload and make it easier to mediate agreements without the Court.

No, the NCP will lose everytime

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Unsure

The courts should take in all parties involved and their lifestyles while factoring in cost of living. Non custodial parents shouldn't be forced to starve just to provide for their kids who are being well taken care of by a higher earning custodial parent

No

According to the 2018 economic impact study the average income of the CP (figured by averaging "Private" cases and agency cases) was \$1,540.75 per month. The average NCP was \$2,515.00 per month. After factoring in the BSO of the NCP to the CP and the tax liabilities of each, the net income of the CP was \$2,781.63 and the net income of the NCP was \$1,367.26. The \$1,367.26 does not even cover the costs of a two-bedroom apartment in Fulton County, let alone leave them with money to help raise the child.

Anytime a NCP parent steps foot inside a courtroom, upon calling the calendar the verdict to rule in favor of the custodial parent has already been decided. In most cases the judge will hear your case just to add it as a notch underneath their belts, the verdict always sides with the mother at least in the state of Georgia.

8. Do you think Georgia law adequately addresses the needs of low-income parents?

Not sure

No
No

No. The current law is pre-occupied with Title iv-D income and ignores the negative effects of reducing or outright removing the child from 1 parent. While this may seem fiscally responsible, when we factor in the costs of incarcerating people who were raised by single parent homes, the medical and psychological care we must provide, the reduced tax revenue from parents working in illegal and "off the books" jobs, among other things, we see that a significant amount of the State's expenses are dedicated to healing the children separated by this system.

Georgia law is by far the most bias of them all, the low income parent will lose a court ruling in minutes to save court time. The underlying issues are never addressed , no matter the income status of the NCP, the custodial parent will always leave the court knowing they have succeed in becoming apart of the problem. Taking away from the poor and giving to the rich it's the same concept when it comes to NCP vs CP.

General Comments

Our current system discourages low-income parents, both CP and NCP, from earning more money. This leaves children in poverty and encourages parents to exit their children's lives all together.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
98	Noncustodial Parent	Appling	50% of the time
99	Noncustodial Parent	Appling	10% of the time
100	Noncustodial Parent	Appling	0
			73% use LID less than 10% of the time
	Attorneys = 68 or 68%	Counties = 39	10% and less = 55 or 55%
	CP = 3 or 3%	Appling 13	0% = 18 or 18%
	NCP = 6 or 6%	Bibb 3	No response = 10 or 10%
	Mediators = 2 or 2%	Butts 2	20% = 8 or 8%
	DCSS = 19 or 19%	Chatham 5	50% = 4 or 4%
	Did not identify = 1 or 1%	Chattooga 1	10 & 30% = 2 or 2%
	General Public = 1 or 1%	Cherokee 3	30% = 2 or 2%
	Total 100	Clarke 3	40% = 1 or 1%

2. Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?	3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?
No	None
	I am not any taxes back or my stimulus check because of my husband child support
N/A	Financial - time of an attorney and maybe expert witnesses to prove to a judge deviation is justified
Yes = 63 or 63%	Identified barriers = 47 or 47%
No = 20 or 20%	No barriers = 18 or 18%
Did not answer = 17 or 17%	Did not answer = 35 or 35%
	Total 100
Total 100	Overarching barriers:

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

Yes. Any other than what there using now

Yes

Yes to threshold of income = 41 or 41%

No, leave at court discretion = 38 or 38%

No answer = 21 or 21%

Total 100

Analysis of "YES" responses:

1. Minimum wage or less. In GA that is \$7.25/hr * 4.35 or \$1261.50/mo. **There were 11 responses for minimum wage at rows: 2, 11, 12, 14, 20, 36, 39, 45, 64, 79, 87.**

2. Either under minimum wage or under the federal poverty level according to household size (household size being defined either as the noncustodial parent's actual household size represented by new spouses and children or by the household size as defined between the parties and the covered children).

3. Federal Poverty level. Based on number in family, pre-divorce or pre-child support determination basis.

We had 4 responses at rows 3, 18, 20, 51.

5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?

Yes

Yes

Yes, both self-support reserve = 52 or 52%

****Subset-Yes to NCP, No to CP - 6**

****Subset-just yes to NCP - 16**

****Subset - Yes to both parents - 30**

No NCP self-support reserve = 36 or 36%

Blank = 12 or 12%

Total 100

6. Do you think the low-income deviation should remain a matter of judicial discretion?

Doesn't matter

No

Yes remain discretionary = 63 or 63%

No judicial discretion = 27 or 27%

No response = 10 or 10%

Total 100

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?

Low income fathers can't afford to pay half there check to child support and still expect to survive.

Yes

61 or 61% of respondents provided comment
39 or 39% of respondents provided no response, blank, N/A, Yes, or No

8. Do you think Georgia law adequately addresses the needs of low-income parents?

No

No

No = 55 or 55%

Yes = 26 or 26%

No response = 19 or 19%

Total 100

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
		Clayton 3	Total 100
		Cobb 15	
		Colquitt 1	
		Columbia 1	
		Crawford 1	
		DeKalb 9	
		Dodge 1	
		Dougherty 1	
		Douglas 1	
		Elbert 2	
		Fayette 1	
		Forsyth 2	
		Fulton 4	
		Gwinnett 7	
		Habersham 1	

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?

4. Range of threshold incomes based on a living wage and taking into consideration the number of children/dependents the NCP is obligated to support.

5. \$2400/mo net income (row 10)

6. \$1500/mo (rows 13 and 66)

7. Yes, but with exceptions and other factors considered. For example, the cost of living variance depending on the city where the parent resides. Getting by on minimum wage in Cartersville may be a little easier than in Alpharetta.

8. \$1800/mo (rows 24 and 88)

9. \$1200/mo (row 36)

10. \$2000/mo (row 37) or \$30/K or \$2500/mo (rows 37, 49, 83, 89)

11. Legislature should decide

12. \$40K annual or \$3333.33/mo (row 56)

13. \$1300/mo (row 59)

14. Only if the NCP receives Social Security RSDI (row 67)

15. \$1261.50/mo (rows 69 and 87)

16. Match Supplemental Security Insurance (SSI) income amount (row 74)

17. Threshold of income plus expenses...you can be low income but live with your parents and have zero bills. You can also be low income with 4 kids and a ton of bills.

Low-Income Deviation, Public Survey, Georgia Child Support Commission 3/17/2020	Please identify yourself for the survey	Select your Georgia home County	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %
		Hall 2	
		Hart 2	
		Houston 1	
		Jackson 1	
		Lee 1	
		Liberty 1	
		Lowndes 1	
		McDuffie 1	
		Miller 1	
		Muscogee 1	
		Oconee 1	
		Paulding 2	
		Peach 1	
		Pickens 1	
		Randolph 1	
		Ware 1	
		Wilkes 1	
		Total 100	
		39 Total Counties	

