

**Georgia Child Support Commission  
Statute Review Subcommittee  
Kathleen Connell, Esq., Co-Chair  
Hon. Connie Williford, Co-Chair  
Thursday, September 22, 2022  
10:00 a.m.**

**Meeting Summary**

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom webinar. Eight (8) Subcommittee members attended. The Subcommittee members in attendance were:

Mara Block, Esq.	Patricia Buonodono, Esq.	Hon. Lisa Colbert
Kathleen “Katie” Connell, Esq.	Byron Cuthbert, Esq.	Jason Naunas, Esq.
Christina Scott, J.D.	Hon. Connie Williford	

Executive Program Manager, Elaine Johnson, and Staff Attorney, Noelle Lagueux-Alvarez, served as staff for the meeting. Several members of the public also attended this open meeting.

Co-Chair Katie Connell opened the meeting, noted the absence of a quorum, and delayed a vote on the minutes of the Subcommittee’s last meeting in hopes that a quorum would be achieved later into this meeting. Attendees were reminded that public comment is not taken during subcommittee meetings, but that the public is invited to give comment at any full Child Support Commission meeting. At approximately 10:40 a.m., Judge Lisa Colbert was able to join the meeting and a quorum of eight (8) of the fifteen (15) Subcommittee members was achieved. Judge Williford moved to approve the minutes of the Subcommittee’s last meeting, which was held on August 12, 2022. Subcommittee member Pat Buonodono seconded that motion, and those minutes were approved unanimously.

Staff Attorney Noelle Lagueux-Alvarez noted that Chair Connell reported to the Commission about the LIFE Act at its August 19<sup>th</sup> meeting, but time did not permit for a full discussion of that topic. During the next Commission meeting, Chair Connell will seek guidance on whether the Commission wishes for this Subcommittee to look further into the LIFE Act’s amendments to O.C.G.A 19-6-15(a.1).

Judge Williford gave an update on the resolution for a legislative parenting time deviation study committee noting that while she had not yet been able to reach any of the state senators who serve on the Commission, she did have an extensive conversation with Ted Eittrheim, President of the State Bar’s Family Law Section, on parenting time issues and ancillary issues such as legitimation. Chair Connell noted that she serves on the Executive Committee for the State Bar’s Family Law Section and that the Parenting Time Deviation Study Committee’s Final Report had been sent to everyone on that Executive Committee. Judge Williford will continue to reach out to

the Commission's legislative members to discuss what needs to be done to move the resolution forward. Noelle Lagueux-Alvarez noted that staff has a first draft of that resolution prepared.

Judge Williford led a discussion on what needs to be done to move forward with a new contract with economist Dr. Jane Venohr to focus on how best to account for parenting time when calculating child support. Staff noted that a draft scope of service for that contract has been prepared and will share it with the co-chairs.

Subcommittee member, Pat Buonodono, moved to renew the motion made by Subcommittee member, Regina Quick, during the last Subcommittee meeting to remove the "7% test" from the deviation for special expenses for child rearing. Judge Williford seconded that motion. Both see value in making changes to that deviation because extracurricular activities are so variable. A discussion was held around whether that deviation also needs to be changed to allow those expenses to be handled either inside or outside of the calculator and whether there is a need to further define "special expenses for child rearing." Pat Buonodono believes the original idea was only to remove the "7% test" and asked Elaine Johnson to circulate a report on this topic written by Mark Rogers. Judge Williford suggested adding this topic to the Commission's November 4, 2022 agenda.

The Subcommittee discussed the five items listed in the Parenting Time Deviation Study Committee's Final Report as outside the scope of that study committee's work, but that are nonetheless important, and should be on this Subcommittee's radar. The first issue was the 7% test issue that was previously discussed during this meeting. The second issue was accounting for parenting time in cases of split parenting and the Subcommittee agreed to table discussion of this issue and to add it to the scope of service to be included in the contract with economist, Dr. Jane Venohr. The third issue was child support calculator considerations which the Subcommittee tabled for now pending recommendations from Dr. Venohr, but also acknowledged that the child support calculator will need be able to functionally handle any changes to the statute. The fourth issue was a parenting time adjustment being deemed a statutory basis for modification of child support which the Subcommittee felt was too premature to discuss at this time. The fifth issue was changing the statute to remove the terms custodial parent and noncustodial parent in favor of terms that are less offensive and upsetting to parents. Senior Assistant Attorney General and Subcommittee member, Jason Naunas, suggested the term obligor to replace noncustodial parent and obligee to replace custodial parent. He noted that those are the terms the federal government would prefer for states to use and thinks it is advisable to standardize the terminology based on the federal government's suggested terms of obligor and obligee. Judge Williford thinks the terms should be changed as many parents who are deemed the "noncustodial parent" for purposes of child support have a great deal of parenting time, sometimes as much as 50%. With an eye to access to justice issues and the general public being able to understand the terminology in the child support guidelines statute, staff attorney Noelle Lagueux-Alvarez suggested "payer" and "receiver" in lieu of obligor and obligee. Chair Connell prefers either obligor/obligee or payer/receiver as it keeps the terms "financial" and words matter in that the previous terms were very offensive to parents, and she understands their upset. Judge Colbert thinks the terms custodial and noncustodial parents are dehumanizing and prefers the terms payer and receiver. Subcommittee member, Mara Block, prefers "plain language" terminology such as payer/receiver. Chair Williford noted that this issue needs more time and discussion.

By displaying the live child support calculator via screensharing, staff gave a demonstration of how the noncustodial parent is currently determined in 50/50 joint physical custody cases. Staff noted that many people believe the parent deemed the noncustodial parent in those cases is the person with the higher income, but the statute provides that it is the parent “who has the greater payment obligation for child support.” Staff demonstrated how the parent who gets deemed the noncustodial parent can easily flip back and forth with relatively minor changes attributed on Schedule D and Schedule E of the calculator. The Subcommittee appreciated the demonstration and noted it was bound up with the larger topic of parenting time that will continue to be discussed. Subcommittee member Pat Buonodono suggested adding a definition of 50/50 joint physical custody, a.k.a. “shared parenting” to the statute. Chair Connell noted the demonstration called attention to a likely “unintended consequence” of the statutory definitions of custodial parent and noncustodial parent. Judge Williford asked staff to ensure that this issue be included in the scope of service for the contract with Dr. Jane Venohr, and staff noted that it is already included in the draft scope of service.

Judge Williford plans to consult with Subcommittee member Regina Quick on whether Ms. Quick wants additional discussion on her motion about the “7% test” at the Subcommittee’s next meeting.

The next Subcommittee meeting will be on Friday, October 21, 2022, at 10:00 a.m. via Zoom.

This meeting was adjourned at 11:43 a.m.