

**Georgia Child Support Commission
Commission Meeting
Judge R. Michael Key, Chair
Friday, November 4, 2022
2:00 p.m.**

Meeting Minutes

The Georgia Child Support Commission (“Commission”) held this meeting via videoconferencing using Zoom webinar and in person at the offices of the Judicial Council/Administrative Office of the Courts. The public was invited to attend. Nine (9) out of the fifteen (15) Commission members attended in total and members in attendance were:

Judge R. Michael Key, Chair	Charles C. “Chuck” Clay, Esq.	Kathleen B. Connell, Esq.
Senator Emanuel Jones	Regina Quick, Esq.	Rep. Bonnie Rich
Christina Scott, J.D.	Dr. Roger Tutterow	Judge Connie L. Williford

Executive Program Manager Elaine Johnson, Staff Attorney Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for this meeting. Members of the public also attended this open meeting via the Zoom.

Welcome and Introductions

Chair Michael Key opened the meeting and welcomed the members, guests from state agencies, and the public who attended the meeting. Staff Attorney Noelle Lagueux-Alvarez noted a quorum of Commission members were present, and staff member Latoinna Lawrence gave a brief synopsis of how to navigate the hybrid meeting. She also instructed members of the public on how to participate in the meeting when public comments are taken by the Commission.

Review and Approval of Minutes

The minutes from the September 30, 2022, meeting were disseminated to the members prior to the meeting for their review. Judge Key called for a vote on the minutes, and they were unanimously approved with no abstentions.

Old Business - Subcommittee Reports

Statute Review Subcommittee – Co-Chair Katie Connell and Co-Chair Connie Williford

Co-Chair Connie Williford reported on the work of the Statute Review Subcommittee and reminded everyone that at the last Commission meeting held on September 30, 2022, a motion was made and approved by the Commission to seek a resolution to establish a joint Legislative Study Committee on Parenting Time. Co-Chair Williford shared that she had a lengthy conversation with Senator Brian Strickland, who is a member of the Commission, and who agreed to sponsor such a resolution in the Senate. Commission member Regina Quick recommended Representative Mandi Ballinger as a House sponsor and spoke with her on this matter as well. Rep. Ballinger agreed to serve as a sponsor of the proposed resolution. The Commission was pleased to have two legislative members in agreement to sponsor the resolution in their respective chambers. The hope is that this will become a joint study committee in the legislature. Rep. Houston Gaines, a member of the Commission, stated he will also support such a resolution in the House. Co-Chair Williford reported that a great deal of time was spent by members on drafting the

proposed resolution, which has been sent to Legislative Counsel, Holly Carter, by Staff Attorney Noelle Lagueux-Alvarez. Co-Chair Williford also noted the significance of the proposed legislative study committee to help educate and engage with the legislature on these important issues. Additionally, Judge Williford noted that we will have help from Dr. Jane Venohr, Center for Policy Research, Inc. (CPR), through a contract entered between the CPR and the Administrative Office of the Courts, for guidance on possible changes to the Parenting Time Deviation and the Low-Income Deviation. Judge Key thanked everyone involved with the proposed resolution and the contract for their help in moving these matters forward.

Co-Chair Katie Connell gave additional updates for the Statute Review Subcommittee. First, the Subcommittee continues to discuss the handling of extraordinary expenses outside the calculator. Second, the Subcommittee is also discussing the “7% test” for special expenses for child-rearing. Third, the Subcommittee continues to discuss replacing the terms “custodial parent” and “noncustodial parent” in the guidelines statute and will conduct a short survey that will be distributed to the public, the judiciary, the bar, etc., for feedback. The survey will be conducted through the Child Support Commission’s website. She added that it is important to keep in mind that these terms are limited to O.C.G.A. § 19-6-15 because that’s where our role starts and stops. The fourth item was to share that the Statute Review Subcommittee has two scheduled meetings remaining this year, November 18th at 1:00 p.m. and December 14th at 1:00 p.m.

Technology and Calculator Subcommittee – Chair Regina Quick

Chair Regina Quick gave a brief update on the work of the Technology and Calculator Subcommittee. She reminded the Commission that staff is working with the AOC IT department to implement the change to the calculator that was approved by the Commission to allow the deletion of expired shared worksheets. Staff member Elaine Johnson has worked with the AOC IT Department, completed testing of the update, and is coordinating a deployment date. The Technology and Calculator Subcommittee has two scheduled meetings for the remainder of the year, November 30th at 1:30 p.m. and December 16th at 10:00 a.m. Chair Regina Quick shared that she has a new job. As of November 1, 2022, she is working for the Department of Human Services as the Deputy Commissioner and General Council. She also provided her updated email address: Regina.quick@dhs.ga.gov.

Economic Subcommittee – Chair Dr. Roger Tutterow

Chair Dr. Roger Tutterow gave a report from the Economic Subcommittee. The Subcommittee met on October 19th and reviewed a final draft of the 2022 Economic Study report prepared by Dr. Venohr. He shared that staff is working with Dr. Venohr to correct grammatical, punctuation, and pagination errors in the report so the final version will reflect those cosmetic changes. The version of Dr. Venohr’s report furnished for this meeting is the version approved by the Subcommittee. In the new year, staff will distribute the final report to the governor, General Assembly, Division of Child Support Services, and the Federal Office of Child Support Enforcement, and the report will be placed on the Commission’s website. Dr. Tutterow reminded members that several groups of tables are included in that report, and the Economic Subcommittee may meet again to discuss whether they wish to weigh in on any preference between either the average of two tables, which we historically have used, or the most recent version of one table. Dr. Tutterow noted the Economic Subcommittee’s recommendation that when a new table is adopted at some point in the future, the highest amount of the parent’s monthly adjusted gross income in the Basic Child Support Obligation (BCSO) table should be increased to \$40,000, up from the current \$30,000.

New Business

Publicly Posting Recordings of Child Support Commission Meetings

Staff Attorney Noelle Lagueux-Alvarez began her remarks by explaining that Staff has always recorded meetings (audio only prior to the pandemic) to assist in preparing minutes and that meetings typically run 1.5 – 2 hours. Due to the pandemic, in 2020, the Commission began meeting by Zoom which produces video recordings of meetings. Ms. Lagueux-Alvarez further explained that over the last year or so, Staff has randomly, but routinely, been asked to provide members of the public with recordings of meetings. This happens orally during the meeting itself or via email shortly after a meeting. Ms. Lagueux-Alvarez shared that it is her opinion that the Commission is subject to the Open Records Act regarding requests for a recording. She shared that staff complies with the Open Meetings Act by publishing meeting notices, agendas, summaries, and minutes once approved by the Commission, Subcommittees, Study Committees, or Workgroups. Ms. Lagueux-Alvarez reminded Commission members that during the August 19th Commission meeting the issue of publishing the recordings was first discussed and Judge Key, Chair, was hesitant to overburden staff with the task of supplying recordings when requested without first identifying a best method for the process. Ms. Lagueux-Alvarez reported that she had delved into researching the matter. She explained that Georgia has a very strong public policy in favor of open government and access to public records and that by her analysis, the Open Records Act requests for a meeting recording would need to be honored. She shared that the recordings are very large video files and that individual responses to requests for recordings would be burdensome, especially given the number of meetings held by the Commission during the year. She added that as part of her delving, she convened a meeting at the AOC in September that included the IT department and others, to determine what Staff could do logistically to comply with the Open Records Act and provided recordings to the public efficiently and economically. The best suggestion was that we follow the method already used by the Judicial Council of Georgia, which is to livestream meetings from Zoom directly to YouTube, where they would remain archived. That would require staff to create a Child Support Commission YouTube channel, where we could post videos automatically. This would automate how videos get posted and allow for convenient public access without staff needing to individually email people who request recordings. Ms. Lagueux-Alvarez added that there are certainly questions on these ideas, but she summarized that having our own recordings of Commission meetings would keep the records in the Commission's possession and reduce the risk of people editing and manipulating the video content.

Dr. Roger Tutterow commented that the Commission should contact the Attorney General's Office (AG's) for an opinion on this question. Ms. Lagueux-Alvarez stated she could pursue that with the AG's office. Dr. Tutterow listed a few points of concern: (1) the Commission would not want to take a position counter to what the attorney general's office says; (2) the Commission should consider a "go live" date for this policy to be followed going forward; (3) the Commission would need to remind those making public comments about the availability to obtain a recording especially because the Commission tries very hard to prevent people from trying to re-litigate their case in their public comments, and (4) the Commission would not want people to say things on the recording that may come back to adversely affect them or other parties in subsequent litigation.

Judge Key, Chair, asked if there were any comments or questions. He remarked that the Commission needs to make sure that it is complying with the law, which means we record and make the recording available upon proper request. And the Commission can defer questions around retention and how to post recordings until Ms. Lagueux-Alvarez consults with the Attorney General's Office. In the meantime, we need to provide recordings individually until we get something more efficient in place. Judge Key commented that we can build into the meeting welcome a notice that the meetings are being recorded

and will be available publicly. Ms. Lagueux-Alvarez remarked that we can also make this notification again just before public comments are taken during full Child Support Commission meetings.

Judge Key continued by saying that we need to do this in a way that meets the legal requirements but is the least burdensome on staff. And that since the Judicial Council is already posting their meeting recordings, the YouTube channel may be the best option. We can await a final decision to be made at the next Commission meeting. Ms. Lagueux-Alvarez stated that in the meantime, we will comply on an individual basis, but will not yet set up a YouTube channel. Ms. Lagueux-Alvarez noted that she would reach out to the AG's office to get an opinion.

Member Regina Quick, commented that if the AG's Office weighs in and their response is consistent with what the Commission has been discussing, that information needs to be circulated to Commission members for a possible e-vote as she would not want staff to wait until the Commission's next meeting to go ahead and create the YouTube channel and post the videos. So that would relieve staff from the burden and stress of zip drives or whatever other technology would be needed to comply.

Judge Key stated that the Commission should try to flesh that out into a motion, subject to the AG's opinion, that we record all meetings, make them available to the public through YouTube, and that the YouTube videos be made available per every applicable retention policy.

A motion was made by member Regina Quick for staff to proceed with steps needed to make the recordings available to the public via YouTube if the AG's Office is in accord. The motion was seconded by member Chuck Clay, and upon a vote of the members was unanimously approved. Judge Key asked Staff Attorney Lagueux-Alvarez to report an update on the request for an opinion from the Attorney General's office at the next meeting of the Commission.

Commission Report Included in the Economic Study Report

Staff member Elaine Johnson gave a brief update stating that Commission staff is preparing a report on behalf of the Commission that covers the last four years of work activity by the Child Support Commission and its staff. That report will be a component of the Commission's 2022 Economic Study Report which will include other components such as the report issued by Dr. Venohr, including tables she has given the Commission to consider, the current statute – OCGA 19-6-15, and the current BCSO table. The Commission report and the final economic study report will be ready in December 2022.

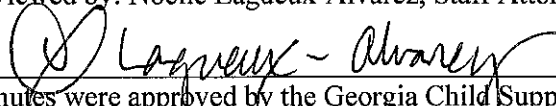
Public Comments

One member of the public asked to make comments to the Commission and did so.

Schedule Next Meeting and Adjournment

The Commission did not schedule a next meeting but asked staff to identify when a next meeting is necessary. This meeting was adjourned at approximately 2:43 p.m.

Reviewed by: Noelle Lagueux-Alvarez, Staff Attorney


Minutes were approved by the Georgia Child Support
Commission by an e-vote on January 17, 2023.