

**Georgia Child Support Commission
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Tuesday, October 3, 2023
10:00 a.m.**

Meeting Summary

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom Webinar. Five (5) Subcommittee members attended this meeting. The Subcommittee members in attendance were:

Judge Connie Williford	Katie Connell, Esq.	Sarah Austin, Esq.
Judge Lisa Colbert	Judge Emory Palmer	

Executive Program Manager, Elaine Johnson, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for this meeting. Several members of other Georgia Child Support Commission Subcommittees or Study Committees joined this meeting as panelists and members of the public also attended this open meeting. Co-Chair Judge Connie Williford opened the meeting at 10:03 a.m. and Latoinna Lawrence reviewed procedures for handling this virtual meeting.

At its last meeting, this Subcommittee voted to recommend to the Commission several amendments to Georgia’s Child Support Guidelines statute. Co-Chair Williford noted and applauded the passage of those recommendations by this Subcommittee as a significant accomplishment many years in the making and thanks to the dedication of this Subcommittee, the Parenting Time Deviation Study Committee, and the Low-Income Deviation Study Committee. Co-Chair Williford briefly recapped those recommendations, which relate to the low-income and parenting time deviations. The Commission will take up those issues at its meeting on November 17, 2023, and staff is actively working on drafting those proposed amendments.

Latoinna Lawrence reported on the survey results from the public survey on replacing the terms custodial and noncustodial parent that were collected March - August 2023. Those results showed that a majority voted to keep the same terms—custodial and noncustodial parent. However, Judge Williford noted that the Subcommittee and, ultimately, the Commission are not obligated to choose the terms with the highest votes. The Subcommittee will present the survey results to the Commission at its next meeting. As the survey has been open for at least six months, has been well publicized, and has garnered a significant number of responses, staff recommended closing the survey and Judge Williford directed staff to conduct an e-vote on that matter.

Noelle Lagueux-Alvarez spoke on the clarity of the definitions for custodial and noncustodial parent as those are currently drafted in the statute, O.C.G.A. 19-6-15 (a)(9) and (a)(14) as well as substantive issues with those current statutory definitions. However, the proposed changes to the low-income and parenting time deviations may moot those concerns as

those amendments may need to be accompanied by changes to those terms. The Subcommittee noted those issues, and staff will continue to look into them as it works on this Subcommittee's proposed amendments to the guidelines statute. This subject will be revisited at the Subcommittee's next meeting.

Ryan Bradley, staff for DHS/DCSS, spoke on the issue of applying social security payments to child support arrears. Subcommittee member, Sarah Austin, who is an attorney for Atlanta Legal Aid spoke on the Colclough case, with which she was familiar because of Legal Aid's work on that case. Subcommittee member Pat Buonodono, who was unable to attend this meeting, has stated previously that she would like to draft proposed language for a statutory change on this issue. Co-Chair Williford noted that this topic will be revisited at a future meeting for further discussion and updates from Pat Buonodono.

Noelle Lagueux-Alvarez spoke briefly on handling extracurricular expenses outside of the worksheet and summarized Day v. Mason and Wiggins v. Rogers. Those cases raise Georgia's "7% test" used in the deviation for special expenses for child rearing. As a quorum was not present, those two subjects will be discussed at a later meeting.

Noelle Lagueux-Alvarez also briefly talked about the statutory language providing for when a modification may be brought within two years and when a parenting time deviation may be applied. This subject also will be discussed at a future meeting.

Co-Chair Williford directed that approval of the minutes from this Subcommittee's meeting on September 21, 2023, be conducted by e-vote.

For new business, Noelle Lagueux-Alvarez questioned the exception excusing the requirement to file a child support worksheet in TPO cases, when child support is simultaneously ordered. Ms. Lagueux-Alvarez noted that the worksheet provides transparency on how the child support amount was determined and finds it hard to imagine how a court could follow the child support guidelines statute, as it must whenever ordering child support in any type of case, but not use the child support calculator and/or worksheet to do so. This subject will continue to be discussed at a later meeting.

As further new business, the Subcommittee discussed whether a modification of child support could be grounded solely on the potential new, if enacted, parenting time and low-income adjustments. In other words, the Subcommittee discussed whether statutory language be considered to address a possible flood of petitions to modify child support in the wake of enacting the proposed parenting time and low-income adjustments. This subject will continue to be discussed at a later meeting.

The next Statute Review Subcommittee meeting will take place on November 2, 2023, at 9:30 a.m. via Zoom webinar. The next full Commission meeting will take place on November 17, 2023, at 10:00 a.m., as a hybrid meeting, via Zoom or in-person at the Nathan Deal Judicial Center.

The meeting adjourned at 11:55 a.m.