

To: Georgia Child Support Guidelines Statute Review Subcommittee
 From: Jane Venohr
 Date: Sept 18, 2023
 RE: Sequence of adjustments to noncustodial parent’s share of table amount

This memorandum provides information to help the subcommittee figure out the sequence of the adjustment. Below are some possibilities.

| | Sequence Option A | Sequence Option B | Sequence Option C |
|--|--|--|--|
| Step 1: Calculate each parent’s share of the BCSO table amount | ✓ | ✓ | ✓ |
| Step 2: | Calculate timesharing credit | Calculate timesharing-adjusted order (Step 1-timesharing credit) | Calculate low-income adjusted order for each parent using low-income table |
| Step 3: | Calculate add-ons | Calculate low-income adjusted order based on low-income table | Calculate parenting-time credit based on Step 2 not Step 1 |
| Step 4: | Calculate preliminary order (Steps 2 and 3) | Calculate preliminary order (lower of Step 2 and Step 3) | Calculate add-ons |
| Step 5: | Check against low-income table | Calculate add-ons | Final order: Step 3 + Step 4 |
| Step 6: | Final Order is lower of step 4 (preliminary) and Step 5 (Low-income table) | Final order is based on sum of Step 4 and Step 5 | |
| Strength of approach | Always protects low-income adjustment | Someone has to pay for add-ons | MI Approach. (This was not assessed in this memo.) |

Eleven case scenarios are used to examine the impact of the sequence. CPR’s current understanding is that:

- GA is leaning toward the MN adjustment with 2, 2.5 or 3 exponent; and
- GA is leaning toward a low-income table where the minimum percentage order applies to incomes below \$1,500 and the income at which the low-income table is phased-out has not been determined (3 options were provided in the August memorandum).

The case scenarios were developed from the case file data and from subcommittee members (See Appendix A for details). With the exception of the scenario involving two minimum wage earners, none of the case scenarios capture a large share of the caseload according to the most recent casefile review data.

SCENARIOS COMPARED in TABLE 1

There is no consideration of timesharing in Table 1. It focuses on whether the low-income table amount should be applied last (Sequence A) or whether add-ons should be added to the order after adjusted for the low-income table (Sequence B). In some cases, it doesn’t matter. It matters in Case S.1, S.2, S.3, S.5, S.6, and S.7. Scenarios S.7 illustrate the advantage of Option 1500.C for the low-income table. Option 1500.C is sensitive to larger numbers of children while Option 1500.A is not. Scenarios S.6 and S.7 illustrate it may be beneficial to provide that the combined order (after all adjustments including add-ons) cannot exceed income withholding limits. Florida, New Mexico, South Dakota, and Washington provide a limit (see Appendix B).

The conventions of custodial parent (CP) and noncustodial parent (NCP) are use to label the parents. It is understood that this language may change.

Table 1: Comparisons with NO TIMESHARING (red font indicates low-income adjustment has no effect on this scenario, Col. 5 is amount before low-income adjustment)

| | Col. 1. | Col. 2 | Col.3 | | | Col. 4 | Col. 5 | Col. 6 | | | | | |
|---|------------------------------------|-----------------------------------|--|--------------------------|--------------------------|---|---------------------------|--|--------------------------|--------------------------|--|--------------------------|-------|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | Amount from Low-Income Table (NA- not applicable, the low-income table does not provide an amount for this income) | | | NCP's share of add-ons (all incurred by CP except C.3) | NCP share of BCSO + Addon | Order Amount Using Updated BCSO Table and | | | | | |
| | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | | | SEQUENCE A: Low-income Adjustment Applies after Consideration of Add-ons (i.e. never more than low-income table) | | | SEQUENCE B: Low-Income Adjustment Applies before Consideration of Add-ons (Low-income table + Addon) | | |
| | | | | | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | |
| Scenarios Developed from Case File Data | | | | | | | | | | | | | |
| C.1 Typical DCSS. 1 child; Both parent have income of FT min. wage earnings, (\$1261.50 per month) no add-ons. ¹ | \$264 | \$238 | \$240 | \$240 | \$240 | No addons | \$238 | \$238 | \$238 | \$238 | \$238 | \$238 | \$238 |
| C.2. Typical DCSS. 1 Child NCP income = \$2,500 and CP income = \$1261.50. ² | \$493 | \$460 | NA | \$476 | NA | No addons | \$460 | \$460 | \$460 | \$460 | \$460 | \$460 | \$460 |
| C.3 Private. 1 child; Median incomes of those with parenting time deviation: NCP income = \$4,254 and CP income = \$3,060. NCP pays health insurance of \$300/mo. ³ | \$635 | \$638 | NA | NA | NA | \$126 Credit since NCP pays | \$512 | \$512 | \$512 | \$512 | \$512 | \$512 | \$512 |
| C.4. Private. 1 child; Median incomes of those with parenting time deviation and CP income is more: CP income = \$6,600; NCP income = \$2,300. ⁴ | \$296 | \$312 | \$438 | \$437 | \$438 | No addons | \$312 | \$312 | \$312 | \$312 | \$312 | \$312 | \$312 |
| Scenarios Developed from Subcommittee Members | | | | | | | | | | | | | |
| S.1. Two Children. CP/mother has primary physical custody. CP's income is \$3500/mo. NCP/Father's income is \$1500/mo. CP | \$389 | \$402 | \$360 | \$360 | \$360 | \$170 | \$572 | \$360 | \$360 | \$360 | \$530 | \$530 | \$530 |

¹ This was typical of about 20% of DCSS cases analyzed. None had childcare expenses.

² About 7% of DCSS cases involved a NCP with income of \$2,000 to \$3,000 and a CP with minimum wage income. Only one of the 7% had childcare expenses.

³ About 16% of private cases had a deviation for parenting expense. One had childcare expenses. About 1/3 of the 16% had health insurance costs. It was typically paid by NCP.

⁴ About 3% of private cases met this criteria. None had childcare expenses. Two had health insurance costs.

This document is being used for discussion purposes only with the Georgia Child Support Commission.

| | Col 1. | Col. 2 | Col.3 | | | Col. 4 | Col. 5 | Col. 6 | | | | | | |
|--|------------------------------------|-----------------------------------|--|--------------------------|--------------------------|---|---------------------------|--|-------|-------|--|--------------------------|--------------------------|--|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | Amount from Low-Income Table (NA- not applicable, the low-income table does not provide an amount for this income) | | | NCP's share of add-ons (all incurred by CP except C.3) | NCP share of BCSO + Addon | Order Amount Using Updated BCSO Table and | | | SEQUENCE B: Low-Income Adjustment Applies before Consideration of Add-ons (Low-income table + Addon) | | | |
| | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | | | SEQUENCE A: Low-income Adjustment Applies after Consideration of Add-ons (i.e. never more than low-income table) | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | |
| childcare cost average \$367/mo (\$4,400 for 10 months averaged over 12 months) and \$200/mo (\$2,400 total for summer camp. ⁵ | | | | | | | | | | | | | | |
| S.2. One Child. CP Father and CP Mother They share one child. The CP/mother's income is \$1,500/month, while the NCP/father's is \$2000/mo. The child goes to daycare, the cost for which is \$600/month. Mother receives CAPS childcare assistance for the child, which covers \$400 of the monthly cost. The "family contribution" for the childcare is \$200/mo. ⁶ | \$401 | \$371 | \$381 | \$380 | \$381 | \$114 | \$485 | \$381 | \$380 | \$381 | \$495 | \$494 | \$495 | |
| S.3. One child. CP Father has primary physical custody, and makes \$3000/month. NCP Mother has very limited visitation ("at CP's discretion") due to safety/addiction issues, but does sometimes hold down a job and is on child support. She has income imputed at minimum wage, \$1,261/mo. Father pays out of pocket for Occupational Therapy, which costs \$300/month. ⁷ | \$242 | \$229 | \$240 | \$240 | \$240 | \$118 | \$347 | \$240 | \$240 | \$240 | \$347 | \$347 | \$347 | |

⁵ The case file data found that 7% of orders consider childcare expenses. About one third involve circumstances where the CP income is more than the NCP income.

⁶ The case file data found that 7% of orders consider childcare expenses. About one third of those involved a NCP income was less than \$2,500 per month. One had a deviation for visitation travel expenses of about \$50 per month, but none had a deviation for parenting time or another reason. In short, the case file data suggests that scenario happens in less than 1% of cases.

⁷The health insurance premium of \$100 was inadvertently dropped from this example. The add-on of \$300 in occupational therapy was included. PeachCare Income eligibility. <https://dch.georgia.gov/peachcare-kids/eligibility-criteria>. Autism Spectrum Disorder payment resources in Georgia: <https://www.georgiaruralhealth.org/news-and-resources/asd-resources/>

| | Col 1. | Col. 2 | Col.3 | | | Col. 4 | Col. 5 | Col. 6 | | | | | | |
|--|------------------------------------|-----------------------------------|--|--------------------------|--------------------------|---|---------------------------|--|--------------------------|--------------------------|--|--------------------------|--------------------------|---------|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | Amount from Low-Income Table (NA- not applicable, the low-income table does not provide an amount for this income) | | | NCP's share of add-ons (all incurred by CP except C.3) | NCP share of BCSO + Addon | SEQUENCE A. Low-income Adjustment Applies after Consideration of Add-ons (i.e. never more than low-income table) | | | SEQUENCE B: Low-Income Adjustment Applies before Consideration of Add-ons (Low-income table + Addon) | | | |
| | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | | | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | Low-Income Option 1500.A | Low-Income Option 1500.B | Low-Income Option 1500.C | |
| S.4 CP/ Mother: 1800 (projected possible job) NCP/Father: 3516.98 (obligor) One child; Child care \$542.31/mo there is an additional special expense another \$48.20/mo No health insurance cost. No other adjustments | \$620 | \$616 | NA | NA | NA | \$391 | \$1,007 | \$1,007 | \$1,007 | \$1,007 | \$1,007 | \$1,007 | \$1,007 | \$1,007 |
| S.5 NCP/Father: \$1261.50 imputed minimum wage (obligor) CP/Mother: \$2436.00 income child care paid by mother: \$1087.50/mo One child No other adjustments (no health insurance, extracurriculars, other children, etc.) | \$250 | \$233 | \$240 | \$240 | \$240 | \$371 | \$604 | \$240 | \$240 | \$240 | \$604 | \$604 | \$604 | \$604 |
| S.6 4 Children, NCP income = \$3,000, CP income = \$2,958. CP childcare = \$975/mo | \$888 | \$1,021 | NA | \$780 | \$1,085 | \$491 | \$1,512 | \$1,512 | \$780 | \$1,085 | \$1,512 | \$1,271 | \$1,512 | \$1,512 |
| S.7 4 children, NCP income = \$1,740; CP income = \$2,958; \$975/mo for childcare & insurance. | \$598 | \$634 | \$524 | \$455 | \$497 | \$361 | \$995 | \$524 | \$455 | \$497 | \$885 | \$816 | \$858 | \$858 |

The scenarios in Table 2 consider:

- Equal timesharing in Cases C.1, C.2, and C.4 only (i.e., no add-ons)
- It illustrates that the exponent doesn't matter when there is equal timesharing
- It illustrates that equal timesharing and equal income produce a \$0 order
- If income is unequal and there is equal timesharing (and no add-ons), the higher-income parent owes child support to the lower-income parent. This is Case C.4.

The scenarios in Table 3 consider:

- Noncustodial has 140 overnights and Custodial Parent has 225 overnights
- Case C.3 is modified so the NCP pays \$1,000 a month in childcare. Since the CP's share of combined income is 48%, the CP owes the NCP \$480 per month for childcare
- Table 3 illustrates how the obligated parent can flip from the NCP to the CP when there are add-ons and how the exponent affects this.

Table 2: Equal Timesharing

| | Col 1. | Col 2. | Col 3. | | | NOTES |
|--|------------------------------------|-----------------------------------|--|----------|--------|---|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | MN/MI Formula | | | |
| | | | Exp= 2 | Exp= 2.5 | Exp= 3 | |
| Case C.1: NCP income = \$1,261.50/mo, CP Income = \$1,261.50 1 child | \$264 | \$238 | \$0 | \$0 | \$0 | <ul style="list-style-type: none"> When there is equal timesharing, the exponent doesn't matter When there is equal income and equal time sharing the order is \$0 (See Case C.1) The higher-earning parent owes support when there is equal timesharing (See Case C.4). This is noted as a negative amount (\$291) meaning the CP owes the NCP \$291 per month. |
| Case C.2: NCP income = \$2,500/mo, CP Income = \$1,261.50 1 child | \$493 | \$460 | \$114 | \$114 | \$114 | |
| Case C.4: NCP income = \$2,300/mo, CP Income = \$6,000 1 child | \$296 | \$312 | -\$291 CP owes NCP (\$291) | -\$291 | -\$291 | |

Table 3: Noncustodial Parent has 140 overnights, Custodial Parent has 225 overnights (38%/62% timesharing)

| | Col 1. | Col 2. | Col 3. | | | NOTES |
|---|------------------------------------|-----------------------------------|------------------|------------------|-----------------|---|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | MN/MI Formula | | | |
| | | | Exp= 2 | Exp= 2.5 | Exp= 3 | |
| Case C.1: NCP income = \$1,261.50/mo, CP Income = \$1,261.50 1 child | \$264 | \$238 | \$105 | \$127 | \$146 | <ul style="list-style-type: none"> In Case C.4, the NCP has 28% of the combined income. This cases the obligated parent to flip from the NCP to the CP when the exponent is at 2. The CP owes the NCP \$25 per month in this scenario Case C.3.a. illustrates how add-ons can flip the obligated parent as well |
| Case C.2: NCP income = \$2,500/mo, CP Income = \$1,261.50 1 child | \$493 | \$460 | \$267 | \$298 | \$325 | |
| Case C.3.a NCP income = \$4,254/mo (58% of combined income), CP Income \$3,060 (42% of combined income, 1 child: no add-ons | \$635 | \$638 | \$332 | \$381 | \$425 | |
| Case C.3.b Same as above only NCP pays \$1,000 childcare, so CP's share of childcare is \$420/mo | \$635 | \$638 | CP owes NCP \$88 | CP owes NCP \$39 | CP owes NCP \$5 | |
| Case C.4: NCP income = \$2,300/mo, CP Income = \$6,000 1 child: NCP income share = 28% | \$296 | \$312 | -\$25 | \$30 | \$78 | |

Appendix A: Detailed Case Scenarios Provided by Johanna Kiehl and Sarah Austin

Case S.1:

CP Mother has primary physical custody. NCP Father has every-other-weekend parenting time (average 5 overnights per month). Mother's income is \$3500/mo. Father's income is \$1500/mo. Their two school-age children attend aftercare at their public school, which in DeKalb costs \$110/week for two children. Because mother's annual income is \$42,000, she is just over eligibility to initially apply for CAPS to assist with the childcare. (<https://caps.decal.ga.gov/assets/downloads/CAPS/AppendixA-CAPS%20Maximum%20Income%20Limits%20by%20Family%20Size.pdf>)

Mother has childcare costs during the school year of \$440/month (assuming on average 4 full weeks of school per month), or \$4,400 for the 10-month school year (\$2,200 per child.) In addition, she pays for summer day camps at \$150/week per child, for 8 weeks of the summer break (a total of \$1200 per child, or \$2400 total.)

Case S.2:

CP Father and CP Mother have 50/50 shared physical custody, on a week-on, week-off schedule. They share one child, who is 3. The mother's income is \$1,500/month, while the father's is \$2000/mo. The child goes to daycare, the sticker cost for which is \$600/month (a very good deal by metro Atlanta standards!) Mother receives CAPS childcare assistance for the child, which covers \$400 of the monthly cost (mother is over the "priority low income" level to receive the full cost covered.) The "family contribution" for the childcare is \$200/mo, for an out-of-pocket annual cost of \$2400.

Case S.3:

CP Father has primary physical custody, and makes \$3000/month. Father's employer provides health insurance, for which the premium for the child's portion is \$100/mo. NCP Mother has very limited visitation ("at CP's discretion") due to safety/addiction issues, but does sometimes hold down a job and is on child support. She has income imputed at minimum wage, \$1,261/mo.

The parties share an 8-year-old child who has significant learning and behavioral struggles, and is awaiting a psychoeducational evaluation through the school district for suspected autism. Father doesn't have the means for private testing, and the child's insurance will not cover any therapies or related costs without a diagnosis. Father pays out of pocket for Occupational Therapy, which costs \$300/month.

CASE S.4

Mother: 1800 (projected possible job)

Father: 3516.98 (obligor)

One child

Child care \$542.31/mo (6507.72/yr)

In this case there is an additional special expense that raised the support another \$48.20/mo

No health insurance cost

Father has 20 days PT, mother has 345 (per the addendum)

No other adjustments

CASE S.5

Father: \$1261.50 imputed minimum wage (obligor)

Mother: \$2436.00 income

Work related child care paid by mother: \$1087.50/mo (\$13,050 annually)

One child

No other adjustments (no health insurance, extracurriculars, other children, etc.)

Father has the old standard visitation schedule – which in this situation 75 days for father and 290 days for mother (2 weeks in summer, every other weekend, 5 days at Christmas, and a couple other days, rotating). (though others have calculated those schedules to produce 73 days)

Case S.6

4 Children, NCP income = \$3,000, CP income = \$2,958. CP childcare = \$975/mo

Case S.7

4 children, NCP income = \$1,740; CP income = \$2,958; \$975/mo for childcare & insurance.

APPENDIX C

Table 2: Comparisons with NCP has 75 overnights and CP has 290 overnights. (Green font indicates low-income adjustment—Option 15.C-- has no impact on shared-parenting time adjustment (col 3 amounts). Blue shading indicates low-income adjustment has impact.

| | Col 1. | Col 2. | Col 3. | | | Col 4 | Col 5 | | | Col.6 | | | | | |
|--|------------------------------------|-----------------------------------|---------------|----------|--------|-----------------------------|---------------------------|----------|---------|--|--------|---------|--|---------|---------|
| | NCP's share of Existing BCSO Table | NCP's share of Updated BCSO Table | MN/MI Formula | | | NCP's share of add-ons* | NCP share of BCSO + Addon | | | Order Amount Using Updated BCSO Table and Low-income Table 1500.C and | | | | | |
| | | | Exp= 2 | Exp= 2.5 | Exp= 3 | | Exp= 2 | Exp= 2.5 | Exp= 3 | Low-income Adjustment Applies after Consideration of Add-ons (i.e. never more than low-income table) | | | Low-Income Adjustment Applies before Consideration of Add-ons (Low-income table + Addon) | | |
| Exp= 2 | Exp= 2.5 | Exp= 3 | Exp= 2 | Exp= 2.5 | Exp= 3 | Exp= 2 | Exp= 2.5 | Exp= 3 | Exp= 2 | Exp= 2.5 | Exp= 3 | Exp= 2 | Exp= 2.5 | Exp= 3 | |
| Scenarios Developed from Case File Data | | | | | | | | | | | | | | | |
| Case C.1: NCP income = \$1,261.50/mo, 1 child | \$264 | \$238 | \$208 | \$222 | \$230 | No addons | \$208 | \$222 | \$230 | \$208 | \$222 | \$230 | \$208 | \$222 | \$230 |
| Case C.2: NCP income = \$2,500/mo, 1 child | \$493 | \$460 | \$416 | \$437 | \$448 | No addons | \$416 | \$437 | \$448 | \$416 | \$437 | \$448 | \$416 | \$437 | \$448 |
| Case C.3: NCP income = \$4,254/mo, 1 child | \$635 | \$638 | \$569 | \$602 | \$619 | \$126 Credit since NCP pays | \$443 | \$476 | \$493 | \$443 | \$476 | \$493 | \$443 | \$476 | \$493 |
| Case C.4: NCP income = \$2,300/mo, 1 child | \$296 | \$312 | \$236 | \$272 | \$291 | No addons | \$236 | \$272 | \$291 | \$236 | \$272 | \$291 | \$236 | \$272 | \$291 |
| Scenarios Developed from Subcommittee Members | | | | | | | | | | | | | | | |
| Case S.1: NCP income = \$1,500 mo, 2 children | \$389 | \$402 | \$318 | \$358 | \$379 | \$170 | \$488 | \$528 | \$549 | \$360 | \$360 | \$360 | \$488 | \$528 | \$530 |
| Case S.2: NCP income = \$2,000 mo, 1 child | \$401 | \$371 | \$330 | \$349 | \$359 | \$114 | \$444 | \$463 | \$473 | \$381 | \$381 | \$381 | \$444 | \$463 | \$473 |
| Case S.3: NCP income = \$1,261.50 mo, 1 child | \$242 | \$229 | \$180 | \$203 | \$216 | \$118 | \$298 | \$321 | \$334 | \$240 | \$240 | \$240 | \$298 | \$321 | \$334 |
| Case S.4: NCP income = \$3,516.98, 1 child | \$620 | \$616 | \$558 | \$585 | \$600 | \$391 | \$949 | \$976 | \$991 | \$949 | \$976 | \$991 | \$949 | \$976 | \$991 |
| Case S.5: NCP income = \$1,261.50, 1 child | \$250 | \$233 | \$190 | \$211 | \$221 | \$371 | \$561 | \$582 | \$592 | \$240 | \$240 | \$240 | \$561 | \$582 | \$592 |
| Case S.6: NCP income = \$3,000, 6 children | \$888 | \$1,021 | \$894 | \$955 | \$987 | \$491 | \$1,385 | \$1,446 | \$1,478 | \$1,385 | \$780 | \$1,085 | \$1,385 | \$1,271 | \$1,478 |
| Case S.7: NCP income = \$1,740, 6 children | \$598 | \$634 | \$526 | \$577 | \$605 | \$361 | \$887 | \$938 | \$966 | \$524 | \$455 | \$497 | \$885 | \$816 | \$858 |

Appendix C:

The Consumer Credit Protection Act (CCPA) limits the amount that can be garnished for court-ordered child support to 50–65% of a worker’s disposable earnings, depending on whether the worker is supporting another spouse or child or there are arrears.⁸ Some states (e.g., Fla.⁹ and Wash.¹⁰) provide that orders cannot exceed a threshold that approximates the CCPA threshold or that guideline amounts exceeding that CCPA threshold can be used to justify a guideline deviation. Disposable income includes income tax withholdings and deductions for health insurance premium and other permissible deductions. To this end, gross-income guidelines should use a lower threshold.

⁸ U.S. Dept. of Labor Wage and Hour Div. (Rev. Oct. 2020). *Fact Sheet #30: The Federal Wage Garnishment Law, Consumer Credit Protection Act, Title III (CCPA)*. www.dol.gov/sites/dolgov/files/WHD/legacy/files/whdfs30.pdf

⁹ Florida uses a threshold of 55% of gross income (see Fla. Stat. § 61.30(11)(a)(9)). www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0061/Sections/0061.30.html.

¹⁰ Washington uses a threshold of 45% of net income (Rev. Code of Wash., § 26.19.065). <https://app.leg.wa.gov/RCW/default.aspx?cite=26.19.065>.