

**Georgia Child Support Commission
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Monday, December 2, 2024
3:00 p.m.**

Meeting Minutes

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

Judge Connie Williford	Katie Connell, Esq.	Sarah Austin, Esq.
Patricia Buonodono, Esq.	Byron Cuthbert, Esq.	Shawnita Goosby, Esq.
Regina Quick, Esq.	Christina Scott, J.D.	

Program Manager, Kurt Bryan, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for this meeting. Several Georgia Department of Human Services (DHS) employees and members of the public also attended this open meeting. Co-Chair Judge Connie Williford opened the meeting and Latoinna Lawrence reviewed procedures for handling this virtual meeting.

Judge Connie Williford asked if there was any discussion needed on the status of revisions to O.C.G.A 19-6-15, sharing feedback from stakeholders, or about the changes that were brought forth by the passage of SB 454. No members had significant negative feedback or suggestions to share pertaining to the changes brought forth by the passage of SB 454, rather they noted that the bill has been positively received.

On drafting clarifying language for 19-6-15 to specify that the changes brought forth by SB 454, Katie Connell asked at the November 22, 2024, Commission meeting, ‘will the parenting time adjustment constitute a substantial change warranting a modification?’ From that Commission meeting, a suggestion was put forth to draft proposed language and to circulate it via email to the Commission. Judge Connie Williford agreed for Katie Connell to draft the language and send it out to the Commission.

The Subcommittee discussed possible additional recommendations to the Child Support Commission to amend O.C.G.A. 19-6-15 which focused on removal of the 7% test in the deviation for special expenses for child rearing. Noelle Lagueux-Alvarez presented on that issue.

She explained that 7% of the BCSO is meant to account for “entertainment,” but that it is more than just extracurricular activities, however, it does include extracurriculars. When someone is requesting a deviation for special expenses for child rearing, the statute (therefore the calculator) will test if the expense exceeds 7% of the BCSO. If it does, only the portion that exceeds 7% of the BCSO gets split between the parents to pay. Noelle Lagueux-Alvarez suggested inviting others to speak in the future regarding this, possibly Dr. Jane Venohr.

Noelle Lagueux-Alvarez presented on this issue as well. She noted that it is relatively common for parents to “handle extracurricular expenses outside of the worksheet.” She explained that there is nothing in the statute that expressly states that this can be done, however, the statute notes it can be done for work-related childcare. Noelle Lagueux-Alvarez also gave a brief primer on recent Georgia Court of Appeals cases, Day v. Mason and Wiggins v. Rogers. In those cases, the Court of Appeals made it clear that pulling something out of the worksheet is a “deviation,” which require findings of fact to support such a deviation. Judge Connie Williford asked Kurt Bryan and Noelle Lagueux-Alvarez to communicate with Dr. Jane Venohr to attend a future Statute Review Subcommittee meeting to provide some insight on this topic.

A discussion was held regarding 2023 final poll results on considering changing the terminology for noncustodial parent and custodial parent. The results showed keeping terms (custodial and noncustodial parent) the same, possibly due to large number of DCSS participants, as they are keen on keeping the terms the same. Many subcommittee members voiced that they were surprised at the poll results. It was the consensus of the Subcommittee that this may be an issue that is revisited at a later date.

Noelle Lagueux-Alvarez inquired about the reason that O.C.G.A. 19-6-15 carves out an exception to filing worksheets in cases for protective orders (compare O.C.G.A. 19-6-15 (c)(1) and O.C.G.A. 19-6-15 (m)(1)). She stated carving out an exception to filing worksheets in cases for protective orders should possibly not be within statute. However, members of the Subcommittee expressed value in having this exception in cases for protective orders.

In previous conversation, Noelle Lagueux-Alvarez has spoken with economist, Dr. Jane Venohr, regarding the high-income deviation. Dr. Venohr expressed that the high-income deviation is not commonly used nationally, and, at this time, she does not in favor of the formulas being used by other states for high-income deviations. Noelle suggested that Dr. Jane Venohr join us in the future to speak about this topic directly to this subcommittee. Kurt Bryan will follow up with Dr. Jane Venohr to see which formulas other states are using and to discuss the matter further. It was noted, however, that if a high-income formula is provided in the statute in the future, it will likely be seen as a cap and may be harder to modify the order at a later date.

The topic of defining “secondary school” was discussed. Judge Williford gave her opinion on the need to clarify that “secondary school” means high school as many people think it means college. It was the consensus that this portion of the statute should be further clarified and defined. Judge Connie Williford doesn’t think it’s necessary to change it in the statute at this time, however, it is something this subcommittee should take up at a later date.

Katie Connell spoke on the deviation for dental and vision insurance. Katie would like to see dental and vision insurance placed on Schedule D. Currently, dental and vision insurance are addressed on Schedule E and the deviation will give a dollar of dollar deviation. If dental and vision insurance are in Schedule D, the calculator will perform the math internally and prorate the expense between the parties. Per Pat Buonodono, health insurance must be on Schedule D because health insurance is federally mandated. However, it is not clear if dental and vision insurance can or cannot be moved to Schedule D. Judge Connie Williford addressed the subcommittee to see if anyone had an issue moving dental and vision off Schedule E and onto Schedule D, where it would be treated like health insurance. Pat Buonodono suggested running this by Dr. Jane Venohr first to see if there were any legal reasons that would prohibit moving dental and vision insurance to Schedule D.

Noelle Lagueux-Alvarez noted that she has spoken with Patty Shewmaker, Esq., a practitioner specializing in military divorces, regarding military housing allotments and concluded there need not be any changes on that issue in the statute. However, to be helpful, staff has added new information about military housing and pay to the Commission's website under the Resources tab.

Judge Connie Williford suggested that staff send out a survey to subcommittee members to see which date would work best for the Subcommittee's next meeting. Afterwards, staff will contact Dr. Jane Venohr for her availability, and then notify the subcommittee members of the date chosen.

The meeting adjourned at 4:45 p.m.