

**Georgia Child Support Commission
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Tuesday, March 18, 2025, 3:00 p.m.**

Meeting Minutes

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom Webinar. Four (4) Subcommittee members attended this meeting. Pursuant to Art. VI, Sec. 4 of the Commission’s Bylaws, Commission Chair, Judge Michael Key, designated himself to become an ad hoc voting member of the Subcommittee to ensure a quorum. Child Support Commission member, Judge Lisa Colbert, also participated in the meeting for discussion purposes. The Subcommittee members in attendance were:

Katie Connell, Esq.
Christina Scott, J.D.

Sarah Austin, Esq.
Judge Michael Key

Byron Cuthbert, Esq.

Program Manager, Kurt Bryan, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Lazaro Quintanilla, 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 Katie Connell opened the meeting and Lazaro Quintanilla reviewed procedures for handling this virtual meeting.

Once quorum was established, Katie Connell proposed the Subcommittee vote on the draft minutes from the 12/02/24 meeting. Byron Cuthbert motioned to approve, and Christina Scott seconded the motion. The subcommittee voted unanimously to approve those minutes.

Katie Connell started the discussion with the possible need to make revisions to O.C.G.A. 19-6-15 regarding the 7% test in the deviation for extraordinary expense for child rearing. More specifically, the issue revolved around the potential removal of the 7% test. Economist, Dr. Jane Venohr, presented on the issue. She went on to explain that the 7% test comes from a consumer expenditure survey conducted in 1996-1999 by the U.S. Bureau of Labor and Statistics. The categories for what fall within the 7% come from what is considered ‘entertainment.’ Entertainment expenditures include fees and admissions for sporting events, playing on teams, sports equipment, toys, playgrounds, video games, fishing equipment, boats, etc. The problem presently with the categories is that the categories are not disaggregated outside of the term ‘entertainment’.

It was also brought up that the most recent data no longer considers 7% of BSCO to include entertainment expenses, instead, it has dropped down to 5%. While there is a desire to find a clearer approach to what should be considered extraordinary expenses and how to account for special expenses such as travel sports, there is no straightforward solution at the present time.

Next, Katie Connell posed the question, “can extraordinary expenses be handled outside of the worksheet?” Noelle Lagueux-Alvarez presented on the issue. She noted that the statute is silent on whether extraordinary expenses can be handled outside of the worksheet, but that O.C.G.A. 19-6-15 currently expressly allows for work-related childcare to be handled outside of the worksheet. Dr. Venohr noted that most other states treat childcare expenses like they treat health insurance. Christina Scott would like to make the possible change that extracurricular expenses being treated like work-related childcare expenses. Meaning, there is an option to put them in the worksheet or handle them outside of the worksheet. Noelle Lagueux-Alvarez noted that flexibility and workability are important for families and should inform discussion on ways to clarify guidelines pertaining to how to address the issue of the 7% test. She noted that families are coming to their own agreements, but case law treats agreements on extra-curricular expenses as deviations, and this treatment of child-rearing expenses is what may need to be addressed.

Katie Connell called on Noelle Lagueux-Alvarez to give the primer on the topic of high-income deviation. She reported that there were two recent Court of Appeals cases on whether the magnitude of the high-income deviation was an abuse of the trial court's discretion; one case came out in the affirmative and the other in the negative. Several members of the Subcommittee agreed that adding some guidance to the statute to help determine the high-income deviation amount would be helpful so that the deviation is handled more consistently. Dr. Venohr gave some perspective on the issue and offered to send further data. It was also noted that there are very few high-income cases in comparison to the total number of child support cases. Katie Connell stated that extending the BSCO table to go past the current \$40,000 or developing a new formula is not a simple mathematical fix, and that it could be difficult to develop. Judge Key noted that while guidance could be helpful, especially with judges, it may also be best to allow judges and lawyers to work out their own solutions. Judge Colbert agreed with Judge Key that it may be best to allow judges and lawyers to work out solutions, due to the amount of variation that exists case by case. More options on what kind of guidance could be created will be discussed at a later date.

Katie Connell raised the topic of dental and vision insurance expenses. Currently, dental and vision insurance expenses are handled on Schedule E. She believes that dental and vision insurance expenses should be placed on Schedule D. The reason is that currently, placing the expenses on Schedule E does not follow the economic model of proportionality.

Katie Connell brought up the uncertainty around whether judges, effective January 1, 2026, will view the changes made regarding parenting time as substantial enough to warrant modifications. The Subcommittee discussed various ways for the Commission to address this

issue including possibly proposing legislation next Session and issuing an advisory opinion. Judge Key suggested bringing the issue of the usage of advisory opinions up to the full Commission.

There was no new business raised for the Subcommittee to discuss. Judge Key moved for the Subcommittee to take the issue of dental and vision insurance expenses to the full Commission. That motion was seconded by Christina Scott and unanimously approved. Katie Connell moved for the Subcommittee to present the issues of the 7% test, handling extracurriculars outside the worksheet, and the high-income deviation to the Commission for discussion and further guidance, with the prospect of being tasked to engage in more research and eventually draft proposed legislation amending O.C.G.A. 19-6-15. Christiana Scott seconded that motion, and it was unanimously approved.

The meeting adjourned at 4:58 p.m.