

Georgia Child Support Commission
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Friday, July 18, 2025, 2:00 p.m.

Meeting Summary

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom Webinar. All eight (8) Subcommittee members attended this meeting, and there was a quorum. Child Support Commission members, Judges Lisa Colbert and Michael Key, and Legislative Counsel, Holly Carter, also participated in the meeting for discussion purposes. The Subcommittee members in attendance were:

Judge Connie Williford, Co-Chair
Katie Connell, Esq., Co-Chair
Sarah Austin, Esq.
Christina Scott, J.D.

Shawnita Goosby, Esq.
Representative Chuck Efstrotation
Byron Cuthbert, Esq.
Regina Quick, Esq.

Program Manager, Kurt Bryan, Staff Attorneys, Noelle Lagueux-Alvarez and JoAnna P. Deering, 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 Judge Williford opened the meeting and Lazaro Quintanilla reviewed procedures for handling this virtual meeting.

Once quorum was established, Co-Chair Katie Connell proposed the Subcommittee vote on the draft minutes from the 03/18/25 meeting. Judge Williford motioned to approve, and Byron Cuthbert seconded the motion. The Subcommittee voted unanimously to approve those minutes.

Katie Connell started the discussion about possible revisions to O.C.G.A. 19-6-15 regarding the 7% test in the deviation for extraordinary expenses of child rearing. Specifically, the issue presented was whether to remove the 7% test. Subcommittee members recalled the guidance of Dr. Jane Venohr, an economist, who presented at a prior meeting on this topic. Dr. Venohr had previously opined that the 7% test was inconsistent with the most recent economic data on extraordinary expenses. It was noted that the 7% test is complicated, and this often leads to reversible error. Further, most states treat extraordinary expenses as uninsured medical expenses and handle such expenses outside of the worksheet. Accordingly, the Subcommittee members agreed that the Subcommittee will recommend to the Georgia Child Support Commission that the 7% test in the deviation for extraordinary expenses be removed to provide more clarity in the law. The Subcommittee requested that JoAnna Deering draft the proposed legislation for review at the next meeting of the Georgia Child Support Commission.

The Subcommittee then moved to the topic of whether extraordinary expenses can be handled outside of the worksheet. Noelle Lagueux-Alvarez noted that work-related childcare expenses can be included on Schedule D or handled outside of the worksheet pursuant to O.C.G.A. § 19-6-15 and that extraordinary expenses could be handled similarly by being included on Schedule E or handled outside of the worksheet. She also noted that O.C.G.A. § 19-6-15(c)(6), which addresses agreements of the parties, needs clarification due to appellate decisions such as *Wiggins vs. Rogers*, 367 Ga. App. 315, 885 S.E.2d 823 (2023), which effectively disallow agreements of the parties if not in compliance with the provisions of the Code section. Accordingly, the Subcommittee members agreed that the Subcommittee will recommend to the Georgia Child Support Commission that extraordinary expenses be included on Schedule E or handled outside of the worksheet. Additionally, the Subcommittee will recommend that O.C.G.A. § 19-6-15(c)(6) be revised to reflect that the parties are free to agree and the court has the discretion to order, a sharing of extraordinary expenses between the parties in agreed upon or court-ordered percentages. The Subcommittee requested that JoAnna Deering draft the proposed legislation for review at the next meeting of the Georgia Child Support Commission.

The Subcommittee next discussed the issue of whether to provide guidance to the statute regarding the determination of the high-income deviation amount for purposes of ensuring more consistent handling of this deviation, which comes into play for families with a combined adjusted gross income exceeding \$40,000 per month. As noted during the last meeting of the Subcommittee, extending the BSCO table past the current \$40,000 or developing a new formula is not a simple mathematical fix, and it could be difficult to develop. Further, although the high-income deviation is underutilized, it only affects a minute percentage of families, and the BCSO table was very recently revised. After robust discussion, the Subcommittee members agreed to table the issue of providing guidance on the high-income deviation. Katie Connell did suggest, however, that the statutory language about “combined” adjusted gross income could be clarified to address situations wherein the \$40,000 threshold is not exceeded by either party’s income alone, but only when the income of both parties is added together. The Subcommittee thus decided to revisit the issue of whether to add clarification to this statutory language, and the topic will be placed on the agenda for the Subcommittee’s next meeting.

The Subcommittee next addressed dental and vision insurance expenses. Currently, dental and vision insurance expenses are handled on Schedule E instead of Schedule D, which is where health insurance expenses are handled. Currently, placing dental and vision insurance expenses on Schedule E does not follow the economic model of proportionality. The Subcommittee members believe that dental and vision insurance expenses should be placed on Schedule D since the definition of uninsured medical expenses to be shared pro rata includes orthodontia and dental. That is not to say that there should be a requirement to have dental and vision insurance, but rather that dental and vision insurance premiums, when they exist, should be treated in the same manner as health insurance premiums so that such expenses are handled

uniformly. Accordingly, the Subcommittee members agreed that the Subcommittee will recommend to the Georgia Child Support Commission that O.C.G.A. § 19-6-15 be amended to create separate line items for dental and vision insurance expenses for inclusion on Schedule D as mandatory adjustments instead of Schedule E deviations. The Subcommittee requested that JoAnna Deering draft the proposed legislation for review at the next meeting of the Georgia Child Support Commission.

At the last Subcommittee meeting, the Subcommittee members discussed the issue of whether the recent changes made regarding parenting time were substantial enough to warrant modifications and the various ways in which the Commission could address this issue, including possibly proposing legislation next Session and/or issuing an advisory opinion. Legislative Counsel Holly Carter prepared an opinion regarding whether the Georgia Child Support Commission had the authority to issue an advisory opinion. She concluded that the Child Support Commission has no express authority to issue advisory opinions and whether it has implied authority is unclear. After discussion, the Subcommittee members agreed not to issue an advisory opinion. Further, since every case is fact specific as to whether the parenting time adjustment is substantial enough to warrant a modification, this issue is best left to the courts. Accordingly, the Subcommittee will recommend to the Georgia Child Support Commission that no advisory opinion will be issued about this question.

The only new business raised for the Subcommittee to discuss was presented by Regina Quick who stated that she was beginning to hear from practitioners regarding how the parenting time adjustment is playing out in some of the courts who are asking practitioners to make the calculations and present them. She has begun to receive emails with example worksheets from practitioners reflecting some of the concerns and issues practitioners and judges are grappling with regarding the upcoming parenting time adjustment. These emails will be shared with Subcommittee members to keep them aware of current developments in this area and will be addressed at future Subcommittee meetings.

Judge Williford asked Judge Key to inform all the other Subcommittees that the Subcommittee had perfect attendance at this meeting. She announced that the next full meeting of the Georgia Child Support Commission will be held at 10:00 am, Friday, August 1, 2025.

Katie Connell informed the members of the Subcommittee that Judge Land, a member of the Georgia Child Support Commission, has been appointed to the Supreme Court of Georgia. He was also reappointed to the Georgia Child Support Commission. Congratulations to Judge Land are in order.

The meeting adjourned at 3:21 p.m.