

# **Georgia Child Support Guidelines Commission**

## **MEETING MINUTES**

**January 10, 2008**

### **I. Welcome and Introductions**

The Child Support Guidelines Commission meeting was called to order by Chairman Senator Seth Harp at 2:00 p.m.

Commission members present: Judge Louisa Abbot; Judge A. Quillian Baldwin; Judge Debra Bernes; Ms. Joy Hawkins; Representative Ed Lindsey; Mr. Michael Martin; Mr. Rick Smith; and Mr. Roger Tutterow. Nine Commission members were present, thereby, making a quorum for voting of changes. Staff members present included Jill Radwin, Elaine Johnson, Debra Oliver and Jessica Ekhomu. Jill Travis of the Legislative Counsel's Office was also present. Invited guests who participated in today's discussion included: Dr. Kirsten Rambo; Shirley Champa; Lynnette Davis; and, Mark Cicero.

Chairman Harp stated that minutes from the December 6, 2007, had been delivered via email prior to the meeting. He asked for changes; none spoken. He asked for approval, December 6, 2007, minutes were approved.

Chairman Harp appointed Representative Edward Lindsey to serve as Deputy Chair of the Commission. Representative Lindsey will serve as Chair of the Commission in Senator Harp's absence.

### **II. Review of Statute Review Subcommittee Recommendations**

Chairman Harp stated that since this meeting was an immediate follow up of the Statute Review Subcommittee meeting he asked Judge Louisa Abbot to proceed with recommendations from the Statute Review Subcommittee meeting.

#### **A. Review of "Clean Up" Proposals**

Areas approved by the Statute Review Subcommittee were submitted before the Commission for adoption of recommended revisions. Judge Abbot presented all proposals to Chairman Harp and Commission members. Most revisions were recommended because only a word substitution or assurance of consistency within the statute was needed and would not change the meaning or intent of the statute. All items presented were adopted by the quorum of Commission members.

The following are the "clean up" style provisions voted on by members of the Statute Review Subcommittee:

1. Recommendation: § 19-6-15(a)(1) Deleting Parenting Time Adjustment from the Definition of Adjusted Child Support Obligation - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
2. Recommendation: § 19-6-15(1)(a)(6.1) Capitalize the Name of Child Support Services - Throughout the child support guidelines, the term “Child Support Services” is used to mean the “Office of Child Support Services, but was not capitalized. After discussion, though, the Statute Review Subcommittee determined that it may be better to change “Child Support Services” throughout the guidelines to a term that corresponds to that throughout the other Georgia statutes. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
3. Recommendation: § 19-6-15(1)(a)(17) Changing Parenting Time Adjustment to Parenting Time Deviation - Parenting time was changed from an adjustment to a deviation pursuant to the as passed version of Senate Bill 382; this definition should be revised to reflect that change. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
4. Recommendation: § 19-6-15(g) Changing Parenting Time Adjustment to Parenting Time Deviation - References in the code section to a parenting time adjustment need to be revised to a parenting time deviation. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
5. Recommendation: § 19-6-15(b)(8)(J)and (K) Regarding the same issue as above, suggestion was--Changing the Order of the List of Deviations - In keeping with the organization of deviations found in subsection (i), review changing the order of the “parenting time” deviation, a specific deviation, with that of “nonspecific deviation” in §19-6-15(b)(8). - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
6. Recommendation: §19-6-15(c)(1) Adding the Term “or decreased” - A recommendation was to revise the word “increased” in subsection (c)(1) as to the applicability of the guidelines and the use of deviations to adjust the presumptive amount of child support. This is an internal inconsistency issue. The deviation subsection contradicts this line here, as well as subsection (b), paragraph (8), which states that deviations can be added or subtracted from the presumptive amount of child support. statute. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

7. **Recommendation: § 19-6-15(f)(1)(B) Consistency of Terms within the Definition of Self Employment Income** - Within the provision of self employment income, found in subsection (f), paragraph (1)(B), there appears to be an inconsistency of terms. Again, revising the terms to be consistent with each other does not appear to be a substantive change, but a clean up to ensure a consistency of terms. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
8. **Recommendation: § 19-6-15(b)(9) Clarification that the Final Child Support Order is Adjusted by Deviations and Benefits Received under Title II of the Federal Social Security Act by a Child on the Obligor's Account** - Currently, Subsection (b)(9) sets forth the process of calculating child support; however, the provision fails to reference the adjustment for Title II Social Security benefits prior to arriving at the final child support order. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
9. **Recommendation: § 19-6-15(c)(2) Specify Findings of Social Security Benefits in Order** - Under the requirements of an order paragraph of subsection (c), there was no requirement listed for findings regarding the use of Social Security benefits. Instead the requirement for a finding is found under paragraph (3) of Subsection (f). The Statute Review Subcommittee recommends that it may be more appropriate to include the requirements with the other requirements of an order. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
10. **Recommendation: § 19-6-15(f)(3)(B); §19-6-15(f)(3)(C); § 19-6-15(f)(3)(E) Clarifying the Language in the Social Security Benefits Provision under Subsection (f) Gross Income** - The Title II Social Security Benefits are to be an adjustment prior to reaching the final child support order. To clarify this within the Code, the following revisions are recommended to §19-6-15(f)(3) to ensure consistency and prevent confusion in how to figure in the Social Security benefit. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
11. **Recommendation: § 19-6-15(i)(3); § 19-6-15(i)(1)(D) Adding a Paragraph Break to the end of the Nonspecific Deviation Paragraph under Subsection (i) Deviations to Ensure that any Type of Deviation can be Modified** - The last sentence in §19-6-15(i)(3) seems to indicate that it applies to all deviations and is not limited to only nonspecific deviations. Recommendation is to make the last sentence of §19-6-15(i)(3) into a separate sub-paragraph in section (i)(1) General Principles so that it is clear that it applies to all deviations, not just a nonspecific one. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

12. **Recommendation: § 19-6-15(i)(3) Correction of Grammatical Mistake-- Deviation(s) – Change recommended: NONSPECIFIC DEVIATIONS. Deviation Deviations from the presumptive amount of child support may be appropriate for reasons in addition to those established under this subsection when the court or the jury finds it is in the best interest.** - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
13. **Recommendation: § 19-6-15(f)(5)(D) Updating References to Subparagraphs and Paragraphs Found in Subsection (f)** - Under Subsection (f), the subparagraph regarding priority of adjustments seems to reference outdated subparagraphs. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
14. **Recommendation: § 19-6-15(f)(4)(C) Revising the Current Ninety (90) Day Rehearing Provision to Make it Consistent with Current Modification Law** - The last sentence of the “Rehearing” sub-paragraph under §19-6-15(f)(4)(C) needs to be rewritten to reflect the statute’s current modification law. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
15. **Recommendation: § 19-6-15(a)(20)(C) Clarifying which Children are to be Considered as Qualified Child** - Under §19-6-15(a)(20)(C), the current definition for Qualified Child has been an interpretation issue as to whether (C) referred to a preexisting order as defined by this Code section or did it mean any other existing child support orders between a parent in this case and a parent from a previous relationship. Recommendation is for a change that would clarify the interpretation issue currently found in sub-paragraph (C). - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
16. **Recommendation: § 19-6-15(m)(1) Clarification as to Attachments with the Final Order** - Under subsection (m), it specifies that the Worksheet and Schedule E shall be an attachment to the final child support order. It also references “and any other schedules” which is confusing. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

## B. Review of “Technical” Revision Proposals

Various technical revisions that did not alter the meaning or intent of the statute were recommended to the Commission and adopted by the Commission members. Judge Abbot stated that other areas would require further study, and study groups had been assigned at the Statute Review Subcommittee meeting.

1. **Recommendation:** *§ 19-6-15(a)(18)(B); § 19-6-15(f)(5)(B)(i); § 19-6-15(f)(5)(B)(ii)* **Clarifying “Date of Filing” in the definition of “Preexisting Order”** - The statute uses inconsistent terms as to which “date” should be used for priority purposes. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
2. **Recommendation:** *§ 19-6-15(i)(2)(J)* **Ensuring that the Guidelines Allow Credit for Extraordinary Expenses Paid to a Third Party Vendor** – The recommendation is that a line is added to §19-6-15(i)(2)(J) to clarify that a parent who pays a third party vendor directly for the child’s extraordinary expenses, will receive credit for the expense paid. The Child Support Worksheet currently reflects this credit. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
3. **Recommendation:** *§ 19-6-15(c)(4); § 19-6-15(c)(5); § 19-6-15(c)(6); § 19-6-15(c)(7)* **Clarification of the Jury Question** - It is implied that the court, not the jury, hears issues regarding adjustments of income; however, recommendation is to add a line to ensure there is no question as to the role of the jury. The Statute Review Subcommittee suggested that the revision go further in clarifying the role of the jury and that of the court. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

#### C. Review of “Substantive” Revision Proposals

Two provisions, 1) the requirement that health insurance shall be ordered if reasonably available, at a reasonable cost to either parent, and 2) that the extraordinary medical expenses deviation be limited to the child for whom support is being calculated and the parents who are parties in the current case were recommended by the Statute Review to the full Commission. Both recommendations were adopted by the Commission members. Issues concerning a low income deviation and military compensation and allowances were referred to study committees, which were formed at the Statute Review Subcommittee.

1. **Recommendation:** *§ 19-6-15(h)(2)(B)(i)* **Adding a Requirement for Health Insurance** - Currently, the amount of the health insurance expenses that either parent incurs is part of the adjusted support obligation. However, providing health insurance is not required, as it was under prior guidelines. Legislative Counsel worked to sure the inclusion of this requirement fit best with the current language, and would be more of a “clean up” in nature. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.
2. **Recommendation:** *§ 19-6-15(c)(2)(D)* **Finding of Insurance Coverage within the form of an Order (continued)** - Upon recommending the revision to order health insurance coverage under §19-6-15(h)(2)(A)(i), subsection (c)(2)(D) also needs consideration for revising. - A motion was made

to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

3. **Recommendation: § 19-6-15(i)(J)(iii) Revising Extraordinary Medical Expenses to Apply Only to the Child of the Current Case.** - This provision was different than the other types of Extraordinary Expenses' deviations (i.e., extraordinary educational and special expenses) in which expenses of other family members, including stepparents, were included. The Statute Review Subcommittee recommended limiting the reach to only children of the current case and his or her parents. - A motion was made to approve this recommendation from the Statute Review Subcommittee, seconded and approved by a quorum of the Child Support Commission members.

### **III. New Business**

#### **A. Appointment of Forms Subcommittee Chair**

Chairman Harp stated that he would appoint a new Forms Subcommittee Chair by next week.

#### **B. Domestic Violence Issues Follow-Up**

Dr. Kirsten Rambo, Executive Director, Georgia Commission on Family Violence, presented before the Commission that dialog had started between the Georgia Commission on Family Violence, and Jill Radwin, Staff Attorney, on collaboration between the Child Support Commission and Commission on Domestic Violence. For example, as a result of this continuing discussion, the Commission today heard about a proposed revision to the Child Support Guidelines which would ensure and clarify that the Guidelines apply to Domestic Violence cases, pursuant to §19-13-4. She stated that this would be an ongoing process and thanked Chairman Harp and the Commission for initiating this dialog.

### **IV. Next Meeting Agenda Items**

Chairman Harp requested that Jill Radwin, staff attorney for the Commission, and Jill Travis, Legislative Counsel, work together to ensure that the appropriate language is used in changes to guarantee that the proper meaning of the language is conveyed.

Chairman Harp requested that the military personnel's Cost of Living Allowance study be a top priority for review so that if there is any needed legislative changes it could be brought before the Legislature this session.

Chairman Harp called for the Statute Review Subcommittee to meet the first week of February followed by the next full Child Support Guidelines Commission meeting.

The meeting concluded at 3:00 p.m.