

2018 Low-Income Deviation Study Committee Report

Issued December 4, 2020

2018 LOW-INCOME DEVIATION STUDY COMMITTEE REPORT

TO: GEORGIA CHILD SUPPORT COMMISSION

FROM: 2018 LOW-INCOME DEVIATION STUDY COMMITTEE
JUDGE EMORY PALMER, CHAIR

SUBJECT: REPORT & RECOMMENDATIONS OF THE 2018 LOW-INCOME DEVIATION STUDY
COMMITTEE

DATE: DECEMBER 4, 2020

BACKGROUND

On November 16, 2018, the Georgia Child Support Commission (“Commission”), at the recommendation of Judge Michael Key, Chair, established the Low-Income Deviation Study Committee (“LID Study Committee”) to take an in-depth look at the low-income deviation (“LID”) after attendees at Commission meetings raised concerns. Judge Emory Palmer volunteered and was appointed chair of the LID Study Committee. The Commission previously established a low-income deviation study committee in 2008, and as a result of the findings of that committee, the low-income deviation was changed in the statute at O.C.G.A. § 19-6-15(i)(2)(B). The resulting legislative amendments removed the income threshold of \$1,850 or less per month in adjusted gross income and removed the self-support reserve, with the goal of making it possible for more noncustodial parents to qualify for the low-income deviation.

WORK OF THE 2018 LID STUDY COMMITTEE

Membership of LID Study Committee:

The membership of the LID Study Committee was established in February 2019 and totaled 34 members consisting of judges, attorneys, staff from the Division of Child Support Services (DCSS), mediators, economic experts, law librarians, paralegals, and noncustodial parents (“NCPs”).

LID Study Committee Meetings:

The kick-off meeting of the LID Study Committee was held on April 12, 2019. For that meeting, resource materials on low-income, including, but not limited to, the history of the low-income deviation in Georgia’s statute, were gathered and placed in binders and provided to the members. During the kick-off meeting, a presentation was made by graduate students from Georgia State University on the scope of work they were conducting to determine how other states handle low-income in their child support guidelines statutes.

Additional LID Study Committee meetings were held on July 31, 2019, February 7, 2020, and September 22, 2020.

50-state survey:

In February 2019, Child Support Commission staff engaged the assistance of graduate students of the Andrew Young School of Policy Studies to survey all 50 states and determine how low-income is handled in each state's child support guidelines statute. The survey was completed in mid-May 2019 and the information was disseminated to and utilized by the Study Committee. The 50-state survey is incorporated in this report as **Appendix A**.

Surveys – Judicial and Public:

The Child Support Commission asked staff to prepare survey questions for judges on the low-income deviation. The survey questions were approved by the Study Committee and by the Commission at their December 9, 2019 meeting. Judge Michael Key, Chair, directed staff to use the same survey questions for the public survey. Staff worked with the Judicial Council, Administrative Office of the Courts webmaster and developed a method of hosting the public survey questions on the Child Support Commission website.

- *Judicial Survey*

Staff attended the Superior Court Judges' Winter Conference on January 22, 2020 and were granted ten minutes to present on the LID Study Committee judicial survey. The survey was also included in the judges' materials packet with instructions on how to respond in writing or online. We received 26 judicial responses to the LID survey.

- *Public Survey*

The online survey was available to the public at the end of January 2020 and surveys were collected through March 2020. We received 100 public responses to the LID survey.

FINDINGS

Judicial Survey Results:

- The analysis report compiled by staff for the Judicial Low-Income Deviation Study Committee Survey is incorporated in this report as **Appendix B**.

Public Survey Results:

- The analysis report compiled by staff for the Public Low-Income Deviation Study Committee Survey is incorporated in this report as **Appendix C**.

Input from the Division of Child Support Services (DCSS) Policy Unit:

- No income threshold needed. Returning to the former statutory \$1,850 threshold level for automatic use of the LID would not be helpful;
- No need for a self-support reserve for either parent; and
- Using the LID in the child support calculator needs to be "more flexible" and "user friendly" like the non-specific deviation.

Input from the Division of Child Support Services (DCSS), Assistant District Attorneys (ADAs) and Special Assistant Attorneys General (SAAGs):

- Comments from the DCSS ADA/SAAG CLE Training in March 2020 are incorporated in this report as **Appendix D**.

Input from Mr. Mark Rogers:

- A position paper on the Low-Income Deviation, that advocates for a self-support reserve, has been prepared by Mr. Mark Rogers and Mr. Ross Brockway, members of the LID Study Committee, is incorporated in this report as **Appendix E**.

General Findings discussed during Study Committee Meetings:

- Parents whose income is in the lower end of the Basic Child Support Obligation (BCSO) table pay a considerably higher percentage of their gross income compared to their higher-earning counterparts. Example: parents with a combined AGI of \$800 pay 25% of that AGI in child support on a pro rata basis, whereas parents with a combined AGI of \$15,000 pay 11% of that AGI in child support on a pro rata basis.
- NCPs of multiple children with the same custodial parent will pay a lower amount of child support versus NCPs of multiple children with different custodial parents. Examples:
 - NCP with one case, three children with same custodial parent, \$3000/month income for each parent. The monthly child support is \$794 for the NCP.
 - Noncustodial parent with three cases, with three different custodial parents, one child in each case, and the parents each have the same \$3000 per month income. The monthly child support per case will be \$494, totaling \$1,482 for the three cases.
 - If this were a low-income case and that deviation was used, the total child support for the NCP with three separate cases would be \$100 per month for each order, totaling \$300 for the three cases. If the NCP were granted a LID for three children in one case, the child support amount would be \$200.
- The committee discussed having a workgroup review how the low-income deviation is handled currently in the online Child Support Calculator, to determine if a change in the instructions or layout of the calculator could improve overall use of the low-income deviation.

CONCLUSIONS

- Create a workgroup to improve the instructions/layout of the LID in the child support calculator.
- Await the 2022 Quadrennial Review of the BCSO table and consider lowering the BCSO table amounts.

Resource:

**Analysis of Judicial Responses
to the 2020 Low-Income
Deviation (“LID”) Survey**

**By
Child Support Commission Staff**

June 26, 2020

Analysis of Judicial Responses to the 2020 Low Income Deviation (“LID”) Survey
 By Child Support Commission Staff
 June 26, 2020

Twenty-six Superior Court Judges responded to this survey between January and May 2020.

<p>Question #1 What percentage of time do you use the LID?</p>	<p>81% of respondents use less than 20% of the time 62% of respondents use less than 10% of the time</p> <p>The low-income deviation is not being used frequently.</p>
<p>Question #2 Do you ever use the non-specific deviation instead of the low-income deviation to reduce the non-custodial parent’s child support obligation to account for that person’s low income?</p>	<p>69% of those surveyed said yes</p> <p>One judge reported “always” using the non-specific deviation in place of LID and another who noted that he or she “almost always” uses non-specific deviation in place of LID explained that “as a general rule using a nonspecific deviation is easier than going through the finds required by specific deviations.”</p> <p>Many Judges are regularly using the non-specific deviation in place of the low-income deviation.</p>
<p>Question #3 What are the barriers, if any, to applying the current low-income deviation in cases that come before you?</p>	<p>Statements from survey responses:</p> <ul style="list-style-type: none"> • Four judges did not respond • No barriers (8) • Determining the actual income of the parties (4) • Not requested by the parties (3) • Doesn’t come up (2); viewed this as different than “not requested” saw this as “not an issue in the case” • Negotiated by parties • Many low-income cases not at contested hearings • Mostly the custodial parent is the one with the low income • “CSRU” (today called Division of Child Support Services) doesn’t ever mention it this could be the same as “not requested” which would bring that response to 4. • Understanding how the worksheet currently handles the LID • Having the other party agree to it

	<p>46% of respondents answered there were no barriers or did not answer the question. The next two most frequently noted barrier is difficulty determining the actual income of the parties and the parties not requesting the deviation. Many judges may not realize that since a statutory change in 2014, judges may apply the LID sua sponte. One respondent noted confusion over how the worksheet handles LID.</p>
<p>Question #4 Should there be a threshold income at which the low-income deviation is automatically applied? If yes, what income level should be used?</p>	<p>Yes, 42% of respondents No, 35% of respondents No answer, 23% of respondents This was very close. Of the 20 respondents who gave an answer, 9 said no and 11 said yes. Virtually 50/50.</p> <p>Judges are closely divided, nearly 50/50, over whether there should be a set threshold amount that triggers the use of the LID.</p> <p>Responses by judges on what the income threshold should be: 7 – minimum wage 2 – poverty level 1 - \$900</p> <p>Interestingly, all responses are well below the \$1,850 threshold used in the statute from 1/1/07 – 8/30/2009.</p>
<p>Question #5 Should the non-custodial parent retain a certain amount of money for his or her own living expenses before being obligated to pay child support?</p>	<p>Yes, 42% of respondents No, 42% of respondents No answer, 16% of respondents</p> <p>Here again, judges are closely divided. Of the 22 judges who gave an answer, 11 said no and 11 said yes—a tie.</p> <p>But, the similar percentages as in Question 4 seem to be a coincidence. They do not correlate to how they answered Question #4. In other words, if someone thought there should be an income threshold, they did not necessarily think there should be a self-support reserve.</p>

<p>Question #6 Do you think LID should remain a matter of judicial discretion?</p>	<p>Yes, 96% of respondents No, 4% of respondents</p> <p>Judges overwhelmingly think the LID should remain a matter of judicial discretion.</p> <p>One judge noted, "should be shared. Perhaps discretion can be claimed or used in certain instances to prevent unfair support to custodial parent." Staff considered this a yes response, but it appears this judge thinks there should be more guidance from the statute, e.g. a formula that a judge could override, if necessary.</p>
<p>Question #7 What do you want the Child Support Commission to know about the realities of low-income cases?</p>	<p>Statements from survey responses:</p> <ul style="list-style-type: none"> • Orders are often by consent • Both parents are low income • Most of the time, it is the custodial parent who is low income • Current formula does not anticipate non-custodial parent with multiple children with different custodial parents • Difficulty with proof of the parties' income • Unable to prove real inability to work/earn income • Self-represented litigants who are unaware of LID and don't request it <p>These are all very similar to the survey responses from the public.</p>
<p>Question #8 Do you think Georgia law adequately addresses the needs of low-income parents?</p>	<p>No, 50 % of respondents Yes, 42% of respondents No response, 8% of respondents</p> <p>Half of judges do NOT think Georgia law adequately addresses the needs of low-income parents. Two respondents specifically mentioned the high cost of childcare and two specifically mentioned the complexities associated with fathers of multiple children with different mothers. There is room for improving the way the law handles these cases.</p>

Resource:

**Analysis of Public Responses to
the 2020 Low-Income Deviation
("LID") Survey**

**By
Child Support Commission Staff**

June 26, 2020

Analysis of Public Responses to the 2020 Low Income Deviation (“LID”) Survey
By Child Support Commission Staff
June 26, 2020

There were 100 respondents in total from 39 counties across the State of Georgia. A strong majority, 68%, identified themselves as attorneys. The other respondents self-identified as one of the following: custodial parent, non-custodial parent, mediator, DCSS staff, or the general public.

<p>Question #1 What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %</p>	<p>73% of respondents reported they use the LID less than 10% of the time and some even said that they never use it. The next highest percentage was 8% of respondents who use the LID less than 20% of the time. There were 4 outliers who reported they use it 50% of the time, but this could be because they specifically practice in an impoverished area of the state. Bottomline, the LID is not being used very frequently by those who responded to this survey.</p>
<p>Question #2 Do you ever use the nonspecific deviation — instead of a low-income deviation — to reduce the non-custodial parent’s child support obligation to account for that parent’s low income?</p>	<p>63% of respondents (who are largely attorneys) noted that they regularly use the non-specific deviation instead of the low-income deviation. This is very similar to the judicial respondents, 69% of judges who responded to this survey noted that they do this as well.</p>
<p>Question #3 What are the barriers, if any, to applying the current low-income deviation in cases that come before you?</p>	<p>Interestingly, only about half of respondents, 47%, articulated barriers to using the LID. An inability to describe what the problem is with using LID may imply that the LID appears too complicated and judges and attorneys are opting to use a simpler method (non-specific deviation) to achieve the same result in a way that is viewed as less complicated.</p> <p>Of the respondents who did identify a barrier, staff noted 6 overarching barriers that were recognized repeatedly.</p> <p>Those barriers are:</p> <ul style="list-style-type: none"> A. Balancing needs of parents vs. needs of children generally, but especially when there are multiple children on different orders B. Statute needs more defining of all aspects, including when to apply LID C. When to apply LID is too discretionary

	<p>D. LID creates a bad incentive for non-custodial parents to remain unemployed, underemployed, or to hide income</p> <p>E. Too complex/total confusion.</p> <p>For example:</p> <ul style="list-style-type: none"> • LID is seen as only for parents making minimum wage or less (which is NOT a requirement of the statute) • Respondents stated that some judges think non-custodial parents have to show BOTH “no earning capacity” AND “Extreme economic hardship” when in fact the statute says that either condition can trigger use of LID • Judges won’t apply LID sua sponte even when appropriate for a self-represented non-custodial parent • Seen as having no discretion to be above the statutory minimum of \$100 (which is seen as “too low”) • Seen by some attorneys as only for non-custodial parents on disability, e.g. SSI, RSDI. • DCSS says “there is no discretion for use in local offices” or that agents “have to be advised by an attorney” to use it on a case by case basis. <p>F. General issues with proving actual income, litigants failing to provide proof of income or allegedly hiding income</p>
<p>Question #4 Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?</p>	<p>41% of respondents believe there should be a threshold income level that triggers use of the LID. 38% disagreed, and 21% did not respond to this question. The following were suggestions for what that threshold should be:</p> <ul style="list-style-type: none"> • Minimum wage or less- 10 respondents • Federal poverty level or less- 4 respondents • On disability- 3 respondents • Specific Amounts ranging from \$1,200 - \$3,333 monthly- 12 respondents

<p>Question #5 Should the non-custodial parent retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?</p>	<p>52% of respondents think there should be a self-support reserve for non-custodial parents. 36% said no, and 12% did not answer this question.</p> <p>Of the 52 people who responded that there should be a self-support reserve for non-custodial parents, 30 said that there should also be a self-support reserve for the custodial parent. Whereas, 6 respondents specifically said that a self-support reserve should only be for non-custodial parents and not extended to custodial parents. A total of 16 were unclear about whether a self-support reserve should be extended to custodial parents.</p>
<p>Question #6 Do you think the low-income deviation should remain a matter of judicial discretion?</p>	<p>63% of respondents answered, yes, LID should remain a matter of judicial discretion, 27% answered no, and 10% did not answer this question.</p>
<p>Question #7 What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?</p>	<p>61% of respondents provided substantive feedback to this question and those responses could be categorized into 17 overarching comments:</p> <ul style="list-style-type: none"> A. Child support amounts are often not “right sized” and this leads to contempts B. Often both parents are low-income earners. This begs the question, why is LID only for the non-custodial parent. C. Underemployment is an issue D. Multiple children with different custodial parents means separate cases and different orders which produce higher child support amounts than if all children are on the same order E. Parents always have a duty to support their children regardless of income level. The needs of children come first F. LID is a complex issue without enough statutory guidance G. There is difficulty in proving income including parents who allegedly hide income H. Parents need to cover their basic needs first, like when on an airplane, putting your oxygen mask on first before helping others

	<p>I. Often, self-represented litigants aren't even aware of the LID and, therefore, they don't request it</p> <p>J. There is a lack of understanding by judges of what it really means to be low income (lack of appreciation of the struggle)</p> <p>K. The child support guidelines disproportionately impact low-income earners (a larger percentage of their income goes toward child support)</p> <p>L. The bench isn't exercising its discretion to use LID</p> <p>M. LID should be left to judges who are best equipped to consider all the circumstances of a case</p> <p>N. There needs to be a focus on enforcement, not deviations</p> <p>O. LID gives a negative incentive not to make more money or to hide income</p> <p>P. There is always a judicial bias in favor of custodial parents</p>
<p>Question #8 Do you think Georgia law adequately addresses the needs of low-income parents?</p>	<p>55% of respondents think that Georgia law does NOT adequately address the needs of low-income parents, while 26% think it does and 19% did not answer this question.</p>
<p>General Comments The survey provided space for respondents to give the Child Support Commission any comments he or she wished to leave</p>	<p>This was an optional opportunity for respondents to share information or opinions with the Commission. Comments that were redundant of previous survey responses (already noted above) were omitted. If comments had not been previously mentioned in any other responses to this survey, we list them here in no particular order:</p> <ul style="list-style-type: none"> • Kudos to the Commission for doing this study • An absolute cap on is child support needed. Specifically, "for parents whose gross income is at \$2,000 or less, child support should be capped at \$500 per month including health insurance and childcare considerations." • Suggestion for a new deviation for high-income earners who have significant student loans

	<ul style="list-style-type: none">• “Better to leave it alone than to make it worse.”• More needs to be done to help low-income families. “We need some means test or something to help with this issue.”• Worksheet should “include a yearly COLA, especially when low-income deviation is used.”• Perhaps DCSS can provide literature, attorney referrals, or resources to help low-income families because separation between non-custodial parents and children is a huge issue. Better communication is key to an agreement that all parties can agree on and children may get their monetary support faster as a result• Child support should be a set amount and “the same as what is offered by TANF.”• Child support should be based on net income, not gross income• “The current guidelines seem to be more stringent for middle class.”• “The low-income deviation is often the cost of work-related childcare.”
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Resource:

**Recommendation from the
Low-Income Deviation Study
Committee**

Year 2008

Recommendation from the Low Income Deviation Study Committee

1. The first step in the process was the agreement between the members that the Low income Deviation Study Committee agreed to completely strike through the current low income deviation provision of 19-6-15.
2. After many months of meeting, the low income deviation subcommittee approved a proposed revision, which is numbered LC29 3503. However, there is some dissent among the members regarding Line 16, page 2.
3. Beyond the issues of dissent, the provisions of LC 29 3503 provide the following:
 - o In the first paragraph, division (i) requires the Noncustodial Parent to request a low income deviation, and to do so such parent must demonstrate no earning capacity or that his/her pro rata share of the presumptive amount of child support would create an extreme economic hardship for such parent.
 - o The next line of this revised provision has drawn some controversy in that it states, "A noncustodial parent whose sole source of income is supplemental security income received under Title XVI of the Federal Social Security Act shall be considered to have no earning capacity." [More details about SSI, which is what this referring to will be explained later.]
 - o This provision gives instructions to the court that when considering a noncustodial parents request for a low income deviation, "The court or jury shall examine all attributable and excluded sources of income, assets and benefits available to each parent and may consider all reasonable expenses of each parent, ensuring that such expenses are actually paid by the parent and are clearly justified expenses." Further, the court or jury is given a balancing test to "weigh the relative hardship that a reduction in the amount of child support paid to the custodial parent would have on the custodial parent's household, the needs of each parent, the needs of the child for whom child support is being determined, and the ability of the noncustodial parent to pay child support." [This balancing test is in the current low income deviation.]

- o The big change in this proposal to revise the low income deviation is the following provision: Instead of providing the court a formula to determine the deviation, the court or jury are giving discretion to provide a low income deviation. The provision in the statute states: "following a review of such noncustodial parent's gross income and expenses, and taking into account each parent's adjusted child support obligation, the court or the jury may consider a downward deviation to attain an appropriate award of child support, which is consistent with the best interest of the child."
- o The area that has drawn the most dissent from members of the low income deviation study committee is the following provision, found on line 16, which involves a minimum order amount if the court does apply the low income deviation. The exception to the minimum order amount as stated here is when the noncustodial parent's sole source of income is SSI, as covered under Title XVI of the federal social security act:
 - a. *The intent of referencing supplemental security income ("SSI") is to make clear that if one's sole income is SSI, then one should not be ordered to pay a minimum amount of child support. In fact, the noncustodial parent would not be ordered to pay child support until such time as he or she is no longer eligible for SSI benefits. Georgia's Child Support Guidelines' subsection (f), regarding "gross income," clarifies under paragraph (2) that needs based benefits and income are excluded from child support calculation. §19-6-15(f)(2). In most instances, the benefits do not compensate or replace one's income, such as Peach Care for Kids Program, food stamps, etc. However, with SSI benefits, the purpose is to provide subsistence to one who does not have the ability to earn income.*
 - b. *The purpose of SSI income is to provide subsistence to one who meets the qualifications of Title XVI of the Social Security Act. As a result, SSI payments are not subject to federal taxes. Unlike with Social Security Disability payments which fall under Title II of the Social Security Act, SSI benefits are based on the needs of the individual and are only paid to the qualifying person. There are no spouse's, children's or survivor benefits payable. The issue of whether the court should order a noncustodial parent to pay child support when his or her sole income is SSI monthly payments is a difficult question and not easily answered by the federal laws and regulations.*

i. Traditionally, the practice of most courts throughout the nation is not to order child support when the parent's sole income is SSI. The courts though may order child support on income that is in addition to the SSI benefit.

ii. The Georgia Office of Child Support Services' policy states: "In any unobligated case when the [non-custodial parent's] sole source of income is SSI, at a minimum paternity must be established. Establishment of a support order will be dependent upon the local court." Thus, it seems to be at the court's discretion.

iii. The federal regulations providing the "Guidelines for Setting Child Support Awards," states that a State's child support guidelines should at a minimum "take into consideration all earnings and income of the noncustodial parent." 45 CFR §302.56(c) (1). However, when reviewing various sections of the Social Security Act and the Social Security Handbook, published by the Social Security Administration, it seems clear that SSI is not considered income due to being specifically exempt from levy or garnishment. Pursuant to Section 207 of the Social Security Act (42 U.S.C. §407), certain Social Security benefits are protected from assignment, levy or garnishment. While some Social Security benefits can be garnished (pursuant to 42 U.S.C. §659) to enforce child support and/or alimony obligations, Policy Statement 129 of the Social Security Handbook clarifies that "SSI payments cannot be levied or garnished." If SSI payments cannot be levied or garnished, it stands to reason that the amount of the SSI benefit cannot be used to calculate child support.

iv. When this suggested revision was sent for a vote to the Study Committee, the majority of the Study Committee elected to keep this reference to SSI exclusion within the low income deviation. You will hear both sides regarding keeping the reference to SSI in or out from various speakers following me this morning.

4. The only other line that I failed to review in this proposed revision to the low income deviation is the following:
 - o Division (ii) of this proposed revision remains unchanged.

Resource:

**Making Child Support Work for
Low-Income Families**

Georgia Justice Project

Year 2020

Making Child Support Work For Low-Income Families

Recommendations for the Georgia Child Support Commission

What's not working with Georgia's Child Support Guidelines?

Children aren't getting the support they need.

- Over \$2.53 billion of unpaid child support money is currently owed to Georgia's children, leaving kids without financial support and without fathers or mothers in their lives.¹
- Over 83% of state-monitored child support cases involve a parent who is behind on payments. Only a small minority of cases—17%—are current and on-track.²
- State and national studies show that orders beyond ability to pay result in *less* money paid to custodial parents and children, while payable orders that protect self-sufficiency income result in *more* child support paid to low-income children.³ That's a problem because...

Georgia's presumptive obligation amounts are beyond low-income parents' ability to pay.

- Georgia's BCSO amounts for low-income families are the highest in the U.S.: despite having the 10th highest poverty rate in the nation, our minimum presumptive amount for a family with one child is 3 $\frac{2}{3}$ times the national average.⁴
- Our presumptive amounts do not protect self-sufficiency income, so either cannot be paid or push low-income parents into financial instability—resulting in less money for children.

Georgia's low-income deviation is rarely used, while imputation is used too often.

- Despite changes to Georgia and U.S. law to limit income imputation and protect self-sufficiency income for low-income parents,⁵ income imputation is still widespread and low-income deviations are rarely requested or applied, according to the Commission's studies.⁶

How do we get more money to low-income families and children?

Adjust the BCSO table to make orders payable, protecting self-sufficiency income.

- Some states, like West Virginia,⁷ apply a self-support reserve calculation outside of the BCSO table; others, like North Carolina,⁸ simply set presumptive amounts in the BCSO in a way that ensures self-sufficiency income is retained for low-income families.
- Federal law requires states to "incorporate" a self-support reserve or low-income adjustment into the presumptive obligation calculation, which results in more money to children⁹; we need to incorporate a reserve into our BCSO table or calculation process.

Have courts include written explanations when imputing income.

- Because income imputation results in less child support paid, federal and state law requires courts to base it on the specific circumstances of each case, rather than apply it generally.¹⁰
- Having courts document the specific circumstances for why imputation is appropriate would bring Georgia into federal compliance and increase child support to low-income children.

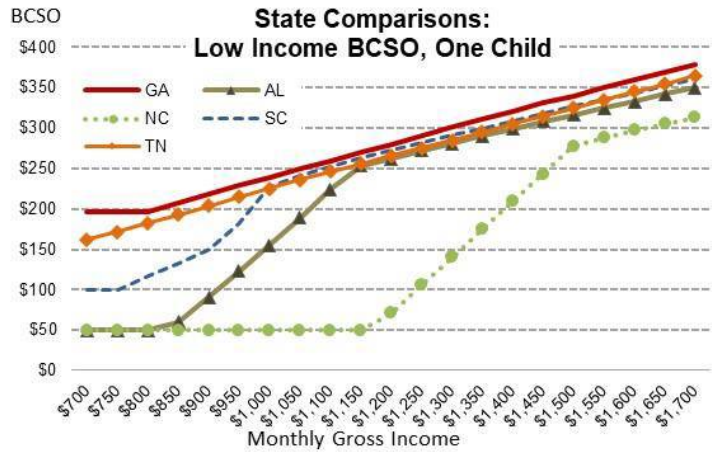
Make modification of orders faster and more efficient.

- When orders are quickly modified after job loss, disability, or incarceration, families avoid negative consequences of unpayable debt and counterproductive punishments (e.g. driver's license suspensions); promotions should result in prompt increases in order amounts.
- By making the review and modification process more automatic and efficient, less debt will accrue and more money will get to children in need.¹¹

Table A:

Summary of States' Minimum Presumptive Awards			
State	Presumptive Min. Award, One Child, Monthly	State	Presumptive Min. Award, One Child, Monthly
California	\$0	New Hampshire	\$50
Connecticut	\$0	North Carolina	\$50
Illinois	\$0	Oklahoma	\$50
Indiana	\$0	Oregon	\$50
Maine	\$0	Rhode Island	\$50
Michigan	\$0	Vermont	\$50
Mississippi	\$0	Washington	\$50
Montana	\$0	West Virginia	\$50
North Dakota	\$0	Kentucky	\$60
Texas	\$0	Virginia	\$68
Wisconsin	\$0	District of Columbia	\$75
Wyoming	\$0	Hawaii	\$77
Kansas	\$6	Delaware	\$78
Pennsylvania	\$17	South Dakota	\$79
Maryland	\$20	Ohio	\$80
New Jersey	\$21.75	Louisiana	\$100
New York	\$25	Nevada	\$100
Iowa	\$30	New Mexico	\$100
Utah	\$30	South Carolina	\$100
Alabama	\$50	Tennessee	\$100
Alaska	\$50	Massachusetts	\$109
Colorado	\$50	Arkansas	\$127
Idaho	\$50	Arizona	\$174
Minnesota	\$50	Florida	\$190
Missouri	\$50	Georgia	\$197
Nebraska	\$50		
U.S. Median			\$50

Table B:



¹ DCSS data, obtained via Open Records Request, July 8, 2019.

² See *id.*.

³ See Fed. Register Vol. 79, No. 221 (Nov. 17, 2014), p. 68553-68556 (and studies cited therein).

⁴ See Table A (Rogers Economics); GA BCSO Table, <https://csonlinecalc.gegiacourts.gov/frontend/web/index.php?r=site%2Fbcso>.

⁵ See GA SB 427 (passed 2018), <http://www.legis.ga.gov/Legislation/20172018/179070.pdf>; 45 CFR 302.56(c); Fed. Register, Vol. 79, No. 221 (Nov. 17, 2014), p. 68548.

⁶ Jane Venohr, Review of the Georgia Child Support Guidelines (2018); GA Child Support Commission, Low-Income Deviation Surveys for Judges and Public (2020).

⁷ See W. Va. Code § 48-13-403, <https://code.wvlegislature.gov/48-13-403/>.

⁸ See NC Child Support Guidelines, <https://ncchildsupport.com/ecoa/cseGuideLineDetails.htm#SSReserve>; NCGS § 50-13.4(c).

⁹ 45 CFR 302.56(c); Fed. Register, Vol. 79, No. 221 (Nov. 17, 2014), p. 68548.

¹⁰ 45 CFR 302.56(c); Fed. Register Vol. 79, No. 221 (Nov. 17, 2014), p. 68555; OCGA § 19-6-15(f)(4)(A).

¹¹ See Fed. Register Vol. 79, No. 221 (Nov. 17, 2014), p. 68559.