

**Georgia Child Support Commission
Parenting Time Deviation Study Committee
Meeting Minutes
January 12, 2021**

Attendees: Katie Connell, Chair; William Alexander, Byron Cuthbert, Adam Gleklen, Johanna Kiehl, Sarah Mauldin, Mark Rogers, Jamie Rush, Charles Spinardi, Carol Walker, Staff- Noelle Lagueux-Alvarez, Elaine Johnson, and Latoinna Lawrence.

Welcome, Introductions, Roll Call

Katie Connell welcomed everyone to the January 12, 2021 Parenting Time Deviation Study Committee meeting. Latoinna Lawrence conducted roll call.

Committee Work Extended-Debrief from Commission Meeting

Ms. Connell reported to the study committee members that during the Child Support Commission meeting on December 4, 2020, the Commission granted a one-year extension to continue the work of this study committee.

Presentation by Mr. Wayne Slear, Georgia Family Law Reform

Mr. Wayne Slear was not able to attend the meeting, and as a result, his presentation will be delayed to a future meeting.

Identify Specific States for In-depth Review of their Parenting Time Formulas

Ms. Connell led the discussion on next steps for the work of the committee.

- Ms. Connell discussed several observations she has gleaned from reading the 2018 Economic Study conducted for Georgia by Dr. Jane Venohr of Policy Studies, Inc. She related that the study tells us that at least, as of 2018, parenting time was the second most common reason for a deviation among Georgia final orders in private cases. That study also tells us that 37 states provide guidelines, formulas, and criteria to adjust for parenting time. That does not mean that 37 states have a formula, instead it means 37 states have some sort of formula or criteria to adjust for parenting time. Additionally, from the orders analyzed, 48.7% used a deviation for parenting time purposes, and further revealed that almost 21% of those were upward deviations. We know that parenting time deviations are happening, even without a defined formula in Georgia and we know that they are our second most popular type of deviation.
- Ms. Connell reminded everyone of the work previously done by this committee of reviewing how all fifty states handle parenting time based on the fifty-state survey originally prepared by graduate students at Georgia State. She identified three states--Florida, Minnesota, and Pennsylvania--that were discussed and suggested for further study by respondents to the public surveys (who were primarily attorneys). Ms. Connell related that as an early step in the work of this committee, three groups were formed and assigned a specific range of the 50 states for an analysis of parenting time in those states. She also stated that during the November 2020 Parenting Time Study Committee meeting, there were discussions on investigating more

specifically a handful of states regarding their respective parenting time formulas. Ms. Connell said she would like to continue with that effort.

- Ms. Connell stated she looked again at the initial 50-state survey prepared by the Georgia State graduates, and the information they found was consistent with the 2018 economic study, finding that Georgia is in the minority for not having a formula or specific way to calculate a parenting time deviation. Finally, the formulas vary greatly in terms of how states make the calculations and what their formulas are based upon.
- Ms. Connell called upon three committee members to lead a more in-depth study of at least one state, and two at the most. In reviewing the teams in the original 1/3 split of the 50 states from 18 months ago, she stated it made sense to stick with that split of states, and that the members she has identified for the task were, serendipitously, each in one of the three original groups. The following members were selected and agreed to serve - William Alexander (Alabama – Kansas), Carol Walker (Kentucky - North Carolina), and Adam Gleklen (North Dakota – Wyoming). Ms. Connell asked the groups to focus their analysis on states that do have a formula or criteria, look at the formulas used, and consider states that have more recently updated their guidelines.
- Sarah Mauldin volunteered to assist the members with any needed research and her offer was accepted. Ms. Connell asked the three groups to notify her, and Commission staff, when they identify the states they plan to review. She offered to help with brainstorming, as needed, and offered that Commission staff can secure access to economic studies conducted in other states.
- Staff member, Noelle Lagueux-Alvarez noted the article Mark Rogers provided which was written by J. Thomas Oldham and Dr. Jane Venohr titled, *The Relationship Between Child Support and Parenting Time*. Noelle believes the article is a good basic primer and explains what other states are doing with parenting time and can be used as a starting framework for our in-depth study of a few states.
- Ms. Connell discussed again information learned in the 50-state survey conducted by the Georgia State graduates, that identified states that had more recently reviewed or updated their guidelines. Those states included Alabama, Arkansas, Illinois, Iowa, Maine, New York, North Carolina, and Ohio. She suggested those states may be a good place to start.

Meeting Notes from November 17, 2020

- The notes from the November 17, 2020 meeting were made available to members and no recommendations were made for edits to the notes. Ms. Connell pointed out that as a result of the survey conducted by staff, there were questions on whether or not we needed to look at income disparity, and are any states doing that. She recommended the three groups keep that in mind as they make their reviews. She also asked that the groups make note of states that use a 50/50 equal parenting time and how those formulas are applied. If there's any sort of difference for exactly equal parenting time, or the notion of equal parenting time? We would need to understand if it's a formula, whatever the formula is. Do they have a separate category for 50/50 or do they apply a formula, and how that formula plays out.

Additional Discussion of Identified Concerns

The members discussed several items of concern that they want the committee to consider.

- Ms. Connell asked staff to email the article, along with an updated member roster, and the 50 State Survey, to the four group members for their use and information. Ms. Connell will also email the volunteers a few pages from the 2018 Georgia Economic Study. The group may also ask and include any other members from the PTD Study Committee to work with them.
- Carol Walker suggested the committee look at the difference between hours versus overnights versus days. Also, how much tolerance might there be in the legislature for a criteria or formula that is incredibly complex versus something more simplistic.
- Staff member, Noelle Lagueux-Alvarez, mentioned that the article written by Mr. Oldham and Ms. Venohr was clear that states do look at per diems and overnights, but where the formulas end up is varied. She also commented that some states gradually work in a percentage reduction based on parenting time and for others there is suddenly a threshold at which child support is dramatically change—a very large percentage reduction—which she cautioned against because there are concerns about creating litigation and friction points. In other words, if at a certain point there is a large financial impact linked to whether, for example, you get one more night or not, then that's going to be a friction point. We should keep those two things in mind.
- Ms. Connell reminded us that as a starting point in our in-depth studies, we do want to know what other states are doing and we want opinions, but we want to know what is going on in states, as objectively as possible. And in reviewing states think about whether a formula would cause additional litigation. She asked the groups to drill down and look at various formulas and start with the what and how they are doing it, and then we can start brainstorming as a group and lead to more discussions.
- Mark Rogers had suggestions for three states to consider reviewing. North Carolina has crossed credit with the cliff effect issue, as well as Tennessee. Oregon is a state that is very gradual and is called a percentage credit state. Two other alternatives could either be Indiana or Arizona. Ms. Connell shared her view that the members do not review Arizona as we already have plenty of data and information on this state.

Schedule Next Meeting and Adjourn

Ms. Connell asked that staff coordinate the scheduling of the next meeting at the end of February or the first week of March. The meeting was adjourned at 3:00 p.m.