

**Georgia Commission on Child Support
Low Income Deviation Work Group
Tuesday, August 10, 2021**

Meeting Minutes

The Low-Income Deviation Work Group (“Work Group”) of the Georgia Commission on Child Support (“Commission”) held this—it’s first meeting—via videoconferencing using Zoom. Elaine Johnson, Executive Program Manager for the Commission, called the meeting to order at 10:00 a.m. and welcomed the eight Work Group members as well as two guests who attended this open meeting. The Work Group consists of 12 total members. Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, also served as staff for the meeting.

Elaine Johnson explained that a chair will not be appointed for the Work Group but instead staff will propel the group through its work. She recapped that the members each serve on the Low-Income Deviation Study Committee and any change to the low-income deviation will be considered during the 2022 Economic Study of our guidelines and Basic Child Support Obligation (BCSO) table. Elaine reminded the members that this Work Group was formed as the result of a suggestion by the Low-Income Deviation Study Committee based on feedback from judges, lawyers, and the public. She stated further that the purpose of this Work Group is to review the way the low-income deviation functions currently in the child support calculator, which is considered too complicated and often leads child support calculator users to utilize the nonspecific deviation in lieu of the low-income deviation.

Noelle Lagueux-Alvarez noted further that using the nonspecific deviation in lieu of the low-income deviation, in a single case may not seem significant, but when aggregating all cases in which that is done it sets off a false alarm that the BCSO table may be inappropriate. Accordingly, how the low-income deviation functions in the child support calculator must be user-friendly so that it is used as needed in appropriate cases. Thus, the objective of this Work Group is to review how the low-income deviation currently functions in the child support calculator and to suggest to the Commission, through the Technology and Calculator Subcommittee, if possible, ways to simplify the functionality and instructions for the low-income deviation in the child support calculator.

Members of the Work Group were furnished a soft copy of O.C.G.A. § 19-6-15(i)(2)(b), and Noelle recapped and reviewed the several provisions of the low-income deviation as found in the current statute. She reminded everyone that we are not discussing proposed changes to the statute, but rather how best to execute processes and simplify current instructions to the calculations in the child support calculator. Elaine provided a brief history of the low-income deviation from the first change in the statute to the deviation in September 2009, that removed the minimum income requirement of \$1850 per month or less, which limited the number of noncustodial parents who could be considered for the deviation, and then an additional change to the statute in 2014 allowing a party or the judge to recommend the low-income deviation in addition to the noncustodial parent’s request. Noelle noted that during the next Work Group meeting they would provide a demonstration of the low-income deviation from the live calculator.

Staff asked Work Group members for their general thoughts and comments on how the low-income deviation could work better in the calculator. Deborah Johnson commented that she thinks the low-income deviation is rather free form, which works, but unless you have a lawyer it is especially hard for self-represented litigants to navigate. She suggested adopting a step-by-step functionality like how the

self-employment income calculator works. Having a tool could then be used by those who need it and will draw out of the person the information needed for the court to consider the low-income deviation.

Audrey Bergeson asked if there is a way in the calculator to capture when someone used the nonspecific rather than the LID? She suggested perhaps adding a pop-up box or some method asking a person if they are using the nonspecific deviation in lieu of the low-income deviation? This additional process or question could prompt people to use the correct deviation. Audrey stated she agreed with Deborah's suggestion.

Deborah Johnson added that she doesn't believe the calculator should auto fill the deviation amount to automatically adjust to the maximum possible deviation so that the child support obligation drops to the low-income deviation's statutory minimum of \$100.

Noelle shared that one of the initial concerns is that we must preserve the statutory minimum, but perhaps the calculator could allow a person to enter deviation amount and once they exceed a maximum deviation amount that would not preserve the minimum amount of child support, a pop-up box could display with that message.

Ryan Bradley also agreed that courts are often using the nonspecific deviation in lieu of the low-income deviation and stated he agreed with Deborah Johnson's idea.

Erica Thornton commented that judges and attorneys sometimes identify an amount they want as the child support amount and a nonspecific deviation is used.

Liz Schriber shared her screen and displayed an Excel spreadsheet she prepared that captures financial information that would help identify for a parent if they are experiencing an extreme economic hardship. Elaine commented that we will review this idea further at another Work Group meeting - perhaps scheduled for Friday, August 27, 2021.

Noelle suggested that in addition to a demonstration of the LID in the calculator at the next meeting, we can also demonstrate the self-employment income calculator.

The Work Group discussed the best date/time to set a meeting in September which was determined to be Tuesday, September 21, 2021, at 10:00 a.m. The meeting was adjourned at 11:00 a.m.