

**Georgia Commission on Child Support
Parenting Time Deviation Study Committee Meeting
Kathleen Connell, Chair**

**Thursday, May 20, 2021
1:30 – 3:00 p.m.**

Meeting Minutes

Ms. Kathleen Connell, Chair of the Parenting Time Deviation Study Committee, and member of the Child Support Commission, called the meeting to order at 1:30 p.m. Other Committee members in attendance were Patricia Buonodono, Byron Cuthbert, Judge Warren Davis, Johanna Kiehl, Jill Massey, Sarah Mauldin, Mark Rogers, Jamie Rush, Wayne Slear, Charles Spinardi, and Carol Walker. The meeting was staffed by Executive Program Manager Elaine Johnson, Staff Attorney Noelle Lagueux-Alvarez; and Program Coordinator Latoinna Lawrence. The meeting was open to the public.

Welcome, Introductions, Roll Call

Ms. Kathleen Connell welcomed the Committee members and thanked everyone for taking time out of their schedules to participate in the meeting. The meeting was conducted as a virtual meeting using Zoom Webinar. Ms. Connell asked Latoinna Lawrence to conduct roll call. Ms. Lawrence stated she was using Zoom to determine the names of all individuals attending the meeting. She also provided instructions for the Committee on how to speak in a virtual environment during the meeting.

Meeting Minutes from April 13, 2021

Ms. Connell stated that the minutes from the April 13, 2021, meeting had been previously furnished to the members; she asked if anyone had any changes to suggest, and with no changes recommended, the minutes were approved.

Charge and Objectives of Committee

Ms. Connell reminded Committee members that during the April 13, 2021, meeting there was discussion on the Charge and Objectives for the work of this Committee, and that she had asked staff to continue developing a document to memorialize these responsibilities. Staff attorney, Noelle Lagueux-Alvarez explained that a soft copy of a document prepared by staff was distributed with the materials for this meeting. She reviewed the document and explained that she and Executive Program Manager, Elaine Johnson, developed overarching issues in Part A, based on three points paraphrased as: 1) Does parenting time need to be amended to better meet the needs of Georgia's families? 2) With no parenting time accounted for in the BCSO table, should there be a mandatory adjustment based on parenting time, and if so, should a parenting time adjustment (a) be embedded in the BCSO table, (b) be accounted for in a separate schedule, (c) be treated as an adjustment to the presumptive amount of child support as a deviation in Schedule E? 3) O.C.G.A. § 19-6-53 (a)(13) states the Commission shall "study the impact of having parenting time serve as a deviation to the presumptive amount of child support and make recommendations concerning the utilization of the parenting time adjustment."

Ms. Connell stated that Part B of the document was compiled with information furnished by Committee members Carol Walker and Johanna Kiehl, and rather than actually being part of our Charge and Objectives, goes further and more clearly represents regularly reoccurring thoughts, themes, and questions in our study to this point on what other states have done to address parenting time. The information also addresses various policies and methodologies in other states for the Committee to consider, such as, how to define

parenting time (overnights v. daytime, etc.), deviation v. formula, what expenses are included, etc. That information represents issues the Committee has seen repeatedly as other states are reviewed.

Ms. Connell recommended further edits to the document by staff, so that Part A represents the Charge and Objectives, while Part B represents Regular Reoccurring Questions and Themes.

Ms. Lagueux-Alvarez reminded the Committee that the Economic Subcommittee will hold their first meeting on June 4, 2021, to begin their work on the 2022 case sampling and Economic Study.

Legitimation, Parental Rights, and Parenting Time

Ms. Connell asked Staff attorney, Noelle Lagueux-Alvarez, and Executive Program Manager, Elaine Johnson, to share information on Legitimation and Parental Rights as it relates to Parenting Time. Noelle explained that under Georgia law establishing paternity creates a legal responsibility for a father to pay child support, but it does not establish parental rights, including the right to visitation, for a father of a child born out of wedlock. To establish parental rights to the child, the father has to go through another step to establish legitimation of a child born out of wedlock. She explained further that there will be a segment of the population who may be impacted by the need to legitimate the child. Elaine reported that she had communicated with Georgia Vital Records and secured statistics on the percentages of children born out of wedlock to Georgia mothers, specifically for the following three years: 2018 – 45%, 2019 – 46%, and 2020 – 46%. She also reported as national statistic that when a mother states a specific man is the biological father of her child, and a genetic test is conducted in that case to verify paternity, 30% of the time the man is not the biological father. They recommended the Committee consider how this information may factor into any parenting time calculation or formula that the Committee may recommend to the Commission.

Guest Speaker

Ms. Connell introduced Mr. David DeLugas, Executive Director and General Counsel, Parents USA, who asked to speak to the Committee concerning parenting time and was included on the agenda for that purpose. Mr. DeLugas explained that he is a family law attorney in Georgia and is also a divorced parent. He related his concerns on watching out for unintended consequences, for the best interest of the child, and for what will best promote the child's welfare and happiness. He explained that he does not believe we should tie child support, parenting time, or custody together under any circumstance because to do so incentivizes parents to take a stance based on financial reasons and not necessarily what is in the best interest of the child. He finds that the parents' custody decisions frequently change based on child support considerations. He closed by stating he does not want there to be a parenting time deviation.

Summary of States – In-depth Reviews

Ms. Connell asked Staff attorney, Noelle Lagueux-Alvarez, to address the summary of the states already reviewed by the Committee.

Ms. Lagueux-Alvarez discussed the overarching methodologies used by the 10 states and believes there are five different methodologies used, and those are:

- 1) Deviation with a specific formula (Florida, Minnesota, North Carolina, and Ohio);
- 2) Parenting Time partially accounted for in a BCSO table plus a deviation with a specific formula (Pennsylvania and Virginia);
- 3) Percentage of NCP income – not income shares—but provides a deviation with a formula without a specific unit of time identified (Nevada);
- 4) Different worksheets (New Jersey and South Carolina); and
- 5) Adjustment off the BCSO, which appears to be like our past proposed Schedule C that never got enacted by the General Assembly in 2006 (Tennessee).

As a result, staff proposed three suggestions for the Committee to consider. 1) That the Committee reduce the number of states from 10 to five for continued in-depth study, with those states being: Florida, Virginia, Nevada, New Jersey, and Tennessee. 2) Next, that if the Committee agrees to reduce the number of states, that the Committee consider speaking with at least one practitioner from each state to learn more on how the state's methodologies played out in real life and whether there were any unanticipated pitfalls. 3) Lastly, that the Committee should identify questions to ask the practitioners on their states methodologies, which could include the questions originally identified in the 50-state review.

Ms. Connell agreed these ideas were a great roadmap and plan. Discussions continued on whether the members had any objections to the five states suggested. Carol and Johanna recommended including the state of Minnesota (that state has an exponentially smooth formula). Ms. Connell agreed with the six states - Florida, Minnesota, Nevada, New Jersey, Tennessee, and Virginia. She recommended staff develop questions for practitioners and that we start with questions compiled by Johanna and Carol in Part B of the Charge and Objectives document. It was also suggested we capture questions used in the judicial and public surveys conducted by staff.

Ms. Lagueux-Alvarez recommended that once the draft questions are identified that staff survey the Committee members for their input. The final questions will then be used to interview expert practitioners from the six states. Ms. Connell reminded the members to watch their email for the survey so they will have an opportunity to review and respond.

Ms. Connell asked that staff schedule the next meeting of the Committee after the series of questions have been developed for surveying experts in other states. The meeting was adjourned at 3:02 p.m.