

**Georgia Commission on Child Support
Commission Meeting
Judge R. Michael Key, Chair**

**April 23, 2021
1:30 – 3:30 p.m.**

Meeting Minutes

Judge R. Michael Key, Chair of the Child Support Commission, called the meeting to order at 1:30 p.m. Child Support Commission members in attendance were Judge R. Michael Key, Chair, Presiding Judge Anne Elizabeth Barnes, Charles C. “Chuck” Clay, Esq., Kathleen B. Connell, Esq., Rep. Houston Gaines, Judge Lisa Jones, Judge Emory Palmer, Regina Quick, Esq., and Dr. Roger Tutterow. 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, Housekeeping, Introductions, Commission Member Updates:

The meeting was conducted as a virtual meeting using Zoom Webinar. Judge Key asked Latoinna Lawrence to conduct roll call. Ms. Lawrence explained she was using Zoom to determine the names of all individuals attending the meeting. Ms. Lawrence provided instructions for attendees on how to indicate they wish to speak, including giving public comment, during the Zoom Webinar virtual meeting. Noelle Lagueux-Alvarez conducted the roll call to determine if a quorum was present and confirmed that nine Commission members were present and a quorum to conduct business was established.

Judge Key recognized Superior Court Judge Connie L. Williford, Macon Judicial Circuit, as a new appointee to the Commission attending today’s meeting but who has not been sworn in yet. Judge Key also informed members that Wendy Williamson submitted her resignation from the Commission effective immediately. He recognized her years of contributions to the work of the Commission and stated the Commission will miss her.

Review and Approval of Minutes from December 4, 2020, Commission Meeting

Noelle Lagueux-Alvarez stated the minutes for the December 4, 2020, meeting had been previously circulated to the members. Judge Key asked if there were any recommended changes, and no suggestions were made. Judge Key asked if the members would approve the minutes and Mr. Clay made a motion to approve and Judge Palmer seconded the motion. The minutes were unanimously approved.

Revisions to Commission Bylaws

Judge Key asked Ms. Lagueux-Alvarez to review staff-recommended edits to the Commission’s bylaws to clean up typographical and word choice errors and some substantive updates. This item was previously discussed in detail during the December 4, 2020, Commission meeting. Ms. Lagueux-Alvarez shared her screen to show the “track changes” version of the bylaws and pertinent parts of the Commission’s enabling statute, O.C.G.A. § 19-6-50 *et seq.* Judge Key asked members to make comments or ask questions as each substantive change was discussed. Substantive edits to the bylaws were made at Article II, Objectives, letter C, Article III, Section 2, Attendance, Article V, Section 1, General Meetings, and in Article V, Section 2, Subsection E, Number (3). Judge Key verified the changes as each was discussed. None of the members suggested additional changes or had opposition to the edits. The revised bylaws were voted on and unanimously approved by the members. Judge Key asked staff to distribute the final version of the bylaws, as amended, to the members.

Update on Recent Court of Appeals Opinion

Noelle Lagueux-Alvarez reminded the members that a public comment was made during the December 4, 2020, Commission meeting calling the Commission's attention to Georgia Court of Appeals case, Cousin v Tubbs, A20A2050 from March 2020. Since that meeting, an opinion had been issued. Ms. Lagueux-Alvarez noted that the Court of Appeals found no reversible error and declined Cousin's request for a reimbursement of the child support payments he made while his appeal to the Court was pending since those payments were made based on a consent judgment. Judge Key asked if any members had any comments on the opinion and none were asked. He also stated attendees could make comments on the case during the public comments time provided in the agenda.

Review of Commission Subcommittee Assignments

Elaine Johnson provided a handout to members identifying the Commission's three standing subcommittees and spoke on member vacancies. She stated that with the resignation of Ms. Wendy Williamson, there is now a member and Chair vacancy on the Technology and Calculator Subcommittee. Judge Key asked if any member wanted to volunteer and serve on any of the subcommittees. Member Regina Quick volunteered to serve on the Technology and Calculator Subcommittee, which was approved by Judge Key. Judge Key instructed staff to contact him on the appointment of a Chair for the Technology and Calculator Subcommittee. Ms. Johnson also stated that Assistant Attorney General Jason Naunus volunteered to serve on the Statute Review Subcommittee. Ms. Connell acknowledged that he will be added to the subcommittee.

Changes to Uniform Superior Court Rules regarding Income Deduction Order

Elaine Johnson spoke on the status of Uniform Superior Court Rule (USCR) changes on private income deduction orders. Changes to USCR 24.11 were finalized on February 25, 2021, by the Council of Superior Court Judges. This rule change added new subparagraph (D), requiring the use of the federal OMB Income Withholding Order (IWO) form in all private IDO cases. She reported that there was a second reading of USCR 24.12 by the Council of Superior Court Judges on January 21, 2021, to update the IDO court order form. Those edits will update code sections and grammatical errors. Finally, she reported that USCR 24.11 has been updated on the IDO website, and that when USCR 24.12 is finalized, the new IDO form will be added as well. Judge Key asked the members if there were any questions or comments and there were none.

Status of Parenting Time Deviation Study Committee

Chair Kathleen Connell stated that the work of the Parenting Time Deviation Study Committee continues, and the committee is holding regular meetings. She explained that the committee is examining processes and guidelines of other states, their methodologies, what is provided in their statutes, is parenting time a deviation, is it discretionary, is there a formula, how did they decide on the formula, how is it applied, etc. The committee has found that parenting time varies widely in states. Judge Key thanked Ms. Connell for her leadership of the committee and asked if she anticipates recommendations from the committee and on what timeline? Ms. Connell replied that any recommendations to the Commission will include what the change should be and why the committee believes the change should be made. She anticipates the study committee will provide a recommendation to the Commission by late 2021. Judge Key asked whether she thought there would be anything ready for legislative action in the 2022 session? Ms. Connell replied that recommendations would have to go before the Commission and the Statute Review Subcommittee first and she was uncertain that we could have a bill ready for actual legislative action in 2022. Judge Key agreed that parenting time is a very complex issue and understands the time needed for this work. There were no questions or comments from the members.

Update of Economic Subcommittee

Judge Key called upon Dr. Roger Tutterow, Chair, Economic Subcommittee, to report on that subcommittee. Dr. Tutterow explained that the next economic study of Georgia's Child Support Guidelines and Basic Child Support Obligation (BCSO) table will be conducted in 2022. He continued saying the subcommittee will convene meetings starting in June 2021 and will include "listening sessions" to hear public comments. He reminded the Commission that in the past we have used Dr. Jane Venohr to conduct our economic studies and that he had recently spoken with her. Dr. Venohr shared with him that there is now a fifth iteration of the Betson-Rothbarth study, used in Georgia's

original table, that appears to address high income individuals and may be beneficial to Georgia. Dr. Tutterow spoke on the basic process of case sampling explaining that he plans to review the methodology and algorithm used to identify counties for the sampling, so the counties are representative of the 12 economic development regions, per capita income, and population density, to ensure our sampling is representative of Georgia. Judge Key asked if any of the members had questions or comments, and there were none. He also thanked Dr. Tutterow for leading this work. Elaine Johnson added that after the counties are identified for case sampling, staff will send a letter in January 2022 to those specific clerks requesting copies of all final and temporary orders and child support worksheets entered in the month of October 2021. The same process will be followed with the Division of Child Support Services. Each entity will be asked to provide the documents by a specific date so staff may review each order and worksheet to capture data needed for the economic study.

Child Support Guidelines and Calculator Online Training

Elaine Johnson reported that staff is providing virtual training one to two times per month and the training has been well attended. The training is approved for one hour of CLE for attorneys and one hour of CE credit for registered neutrals. Staff has also created training videos for parents/self-represented litigants that are available for public access on the Commission's website. This particular training is provided in parts so it may be viewed in any order. Staff is also working on recording a training video for employees of the Division of Child Support Services (DCSS). That video training will be available to the agency's staff through a log-in process and will provide a certificate at the conclusion of the training. Staff hope to return to in-person training by the end of this calendar year. Ms. Lagueux-Alvarez shared that staff have arranged specific trainings for mediation neutrals in conjunction with the staff of the Georgia Office Dispute Resolution (GODR).

Judge Key added that there is a new Uniform Superior Court Rule requiring judges, of other classes of courts, other than superior court judges, who handle superior court work, to obtain an additional 12 hours of training annually, which includes the Child Support Guidelines and Calculator. Judge Key shared that he recommended to ICJE that staff provide training to satisfy the requirement of this new rule. Elaine replied that she had communicated with Doug Ashworth, ICJE, and is awaiting their direction on how staff will participate in this training.

Status of Appointment of Superior Court Judges

Elaine Johnson reported that the Commission has submitted the names of two Superior Court Judges—Judge Alison T. Burleson of the Ocmulgee Judicial Circuit and Judge Lisa Colbert of the Eastern Judicial Circuit—to fill the one remaining Superior Court Judge vacancy on the Commission. She explained that Governor Kemp may consider these candidates but may also select his own candidate from our state's many superior court judges. Elaine reported she will continue communications with Amy Doehrman, of Governor Kemp's office, on filling this vacancy.

Report on 50/50 Joint Physical Custody & "Split Parenting" Issues

Noelle Lagueux-Alvarez reported on feedback she has received anecdotally from judges, attorneys, and the general public that 50/50 joint physical custody, or shared parenting as staff refer to it, is trending upward in Georgia. Ms. Lagueux-Alvarez also made the Commission aware of HB 96 that was introduced during the 2021 Georgia Legislative Session, and that one of the sponsors was Rep. Chuck Efstation, who is also a family law attorney. The bill addressed 50/50 joint physical custody as a rebuttable presumption in child custody disputes between parents but did not pass during the session. Ms. Lagueux-Alvarez noted that she receives questions from attorneys during every child support calculator training on exactly how child support should be determined in 50/50 joint physical custody cases. She specifically acknowledged staff's appreciation of Judge Warren Davis in the Gwinnett Judicial Circuit, for his invaluable feedback on joint physical custody. Judge Connie Williford offered her perspective as a long serving family law attorney and now a superior court judge and agreed that, from her perspective, the practice of handling shared parenting is kind of all over the place with judges who deal with it differently and inconsistently.

Public Comments

The Commission heard comments from several members of the public all of whom identified themselves as non-custodial parents. Each speaker was afforded approximately five to seven minutes of time to speak.

Mr. Paul Harper gave a PowerPoint presentation on his perspectives on the parenting time deviation, and stated he is a strong advocate of 50/50 custody. Mr. Harper's materials were provided to the members.

Judge Key acknowledged that Mr. Mark Rogers was unable to attend the meeting today but had provided materials for the members to consider as his public comments. Those materials were furnished to the Commission members.

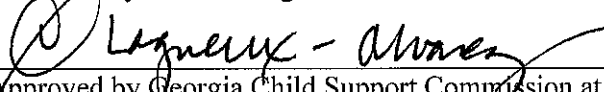
Mr. Wayne Slear spoke to the Commission and asked if a list of the standing committees could be posted on the Commission website. Judge Key responded and asked staff to post the Commission member standing committees on the website. Mr. Slear also commented on open meetings of the Commission and notices. Judge Key noted that staff must post meeting notices but are not required to send notices to individual members of the public. He also asked Ms. Lagueux-Alvarez to ensure that staff provide notices as required by the Open Meetings Act. Ms. Lagueux-Alvarez stated that a notice was posted on the Commission website approximately one month in advance of the meeting and was also sent to members on the listserv a week prior to the meeting. Mr. Slear also asked that there be an open bid for the economic study. Ms. Lagueux-Alvarez noted that O.C.G.A. § 19-6-53(c), addresses the authority of the Commission to retain the services of an economist, etc., without having to publicly bid the study and that she had conferred with state purchasing experts at DOAS who confirmed this. Dr. Tutterow commented that the Economic Subcommittee will provide an opportunity for the public to comment on the economic study.

Narayan Sengupta also spoke before the Commission and stated he agrees with 50/50 custody between parents and spoke on other concerns he has on parenting time and child support. Member Regina Quick asked if staff could secure data on 50/50 shared custody from the clerks in their record keeping.

Raja Antone was the final public speaker and discussed his observations that child support is supposed to be needs based and gave an example of when work related childcare costs cease in an order and shared other concerns.

The meeting adjourned at 3:09 p.m., and Judge Key stated the Commission will convene again in the fall.

Reviewed by: Noelle Lagueux-Alvarez, Staff Attorney


Approved by Georgia Child Support Commission at
Commission Meeting on 10/15/2021