

**Georgia Commission on Child Support
Statute Review Committee
Minutes of Meeting: August 19, 2014**

Present:

Judge Michael Key (via teleconference)
Judge Amanda Baxter
Katie Connell (via teleconference)
Judge Lisa Branch (via teleconference)
Judge Lisa Rambo (via teleconference)
Alice Limehouse
Stephen Harris
Erica Thornton
Ryan Bradley
Judge Thelma Tilley
Jill Travis
Eric John
Pat Buonodono, staff attorney
Elaine Johnson, staff
Bruce Shaw, staff

The meeting began at 12:39 p.m.

- I. Welcome and Introductions
- II. Review of Minutes – 7/25/2014

Judge Rambo made a motion to approve the minutes from the July 25, 2014 meeting, seconded by Stephen Harris. The motion carried unanimously.

- III. Old Business
 - A. Report from Administrative Legitimation Subcommittee

Judge Tilley reported that the subcommittee will provide two separate bills to the Statute Review Committee: one to make improvements to the existing administrative legitimation statute, and another one to eliminate it altogether. Judge Key recommended the bills be forwarded on to the commission for discussion at the next meeting and gave opportunity for objections to this recommendation; there were none.

- B. LC 29 6078

Judge Key stated that it was his intention to have LC 29 6078 ready for the commission for consideration and to put out a draft for public comment but that it likely would not be ready. He then asked the timeframe within which the committee is working. Jill Travis responded that there was ample time citing that pre-filing does not begin until November 15, 2014, and regular filing doesn't begin until the second Monday in January 2015.

Judge Key started the discussion around section 1 of LC 29 6078 by stating that some of the language probably needed to be worked on to prevent any unexpected creative interpretation. Katie Connell agreed

and added that the committee's knowledge of the intent of the statute could influence the interpretation, but when read by a first time user it could be confusing. Jill Travis advised the committee that when revising and crafting words for this bill to keep in mind the terms that are previously used in the Georgia Code. Stephen Harris inquired if it was the committee's intent to require multiple worksheets when this scenario is present. Alice Limehouse added that it might not be beneficial for cases where the children are very young and that it is appropriate to have a determination of the best interest of a child in this kind of case because of the inevitable change in circumstances. Both Stephen Harris and Alice Limehouse's points were aimed at whether the language should be the mandatory "shall" or the discretionary "may." Jill Travis pointed out that the code section that this item currently falls under states "...the determination of monthly child support shall be calculated..." so if it were to be made a more discretionary manner it would likely have to be reworked elsewhere in the code section. Judge Key stated that it was his preference to leave it as obligatory. Judge Baxter anticipates a large number of people will disagree but Judge Key doubted the efficacy of a change if it wasn't mandatory. It was discussed and agreed that a majority of judges believe they cannot use this process although they are allowed to by current law and that changing the code section to specify this process as discretionary would be beneficial. Stephen Harris asked the committee if it was made a requirement that there be an exemption for DCSS to allow it to be discretionary. A consensus was reached that the code provision would be discretionary; Judge Key asked Jill Travis to make the changes.

Discussion moved on to Section 2 of the proposed bill. Stephen Harris pointed out the confusing phrase "obligee of a IV-D agency" which refers to a custodial parent in a IV-D case rather than a direct obligee of the agency. Stephen Harris asked if it was even necessary to include the last half of the added part in Section 2 of the draft that includes this phrase. Jill Travis replied that the language was included to maintain parallel language with another section and if it is to be changed, then other sections should have this language eliminated as well. It was determined that since it would be impossible to stand before the legislature and explain the exact meaning of this phrase that it be removed from Section 2 as well as Section 6 of this draft, which would remove it from O.C.G.A. 19-6-33 as well.

Section 3 of the draft bill concerns work related child care. Three different options were presented: the first two options give exceptions for alternate amounts in the future and the third treats work related child care as a deviation. Judge Key stated he wanted the judge to have the option to remove, when appropriate, work related child care from the worksheet altogether and have it treated the same as uninsured healthcare expenses. Alice Limehouse stated that the default should be that work related child care be included in the worksheet for a variety of reasons, especially enforcement, but the court having an option, as well as parties agreeing to remove it from the worksheet was acceptable. Judge Baxter brought the committee's attention to the term "alternative order" in Section 3B of the draft legislation which could suggest a different order entirely. The committee agreed that language should be crafted to say that the existing order will reflect the anticipated change.

IV. New Business

Patricia Buonodono stated that any statutory changes that are signed into law be made effective on September 1 rather than the customary July 1 so that it corresponds with any calculator changes that are anticipated to happen on the same time frame.

V. Schedule Next Meeting

The schedule of the next meeting will be at a later time.