

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

Tuesday, January 11, 2022

10:00 a.m.

Meeting Summary

The Parenting Time Deviation Study Committee (“Study Committee”) of the Georgia Commission on Child Support (“Commission”) held this meeting via videoconferencing using Zoom webinar. Executive Program Manager, Elaine Johnson, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for the meeting.

Twelve (12) Study Committee members and two (2) guests attended this open meeting. Study Committee members in attendance were:

William Alexander	Mara Block
Katie Connell	Byron Cuthbert
Adam Gleklen	Johanna Kiehl
Jill Massey	Sarah Mauldin
Mark Rogers	Wayne Slear
Charles Spinardi	Carol Walker

At the start of the meeting, a quorum of Study Committee members was not present, but a few minutes into the meeting staff attorney, Noelle Lagueux-Alvarez, established that a quorum of eleven Study Committee members was present. Sarah Mauldin moved to approve the minutes of the Study Committee’s November 15, 2021, and December 3, 2021, meetings as circulated by Elaine Johnson via email prior to the meeting. That motion was seconded by Johanna Kiehl. Chair Katie Connell held separate votes to approve each set of minutes. Both sets of minutes were approved unanimously with one abstention.

Chair Katie Connell noted that during the last full Child Support Commission meeting held on December 10, 2021, the work of this Study Committee was extended through the end of April 2022 and a report and any recommendations from this Study Committee should be presented at the next full Child Support Commission meeting, which is set for Friday, April 29, 2022, 1:30-3:30 p.m. Chair Connell also noted that Child Support Commission Chair, Judge R. Michael Key, authorized the removal of any Study Committee members who have not been attending regularly.

Executive Program Manager, Elaine Johnson, noted that the Child Support Commission is required to conduct an economic study every four years. The last one was conducted in 2018 and the Child Support Commission is in the beginning stages of the economic study set for this year. A review of child support orders from a statewide case sampling as part of the 2018 Economic Study revealed that Georgia had a 45% deviation rate—higher than any other state.

Staff noted that what this Study Committee appears to be proposing is that accounting for parenting time should be a step in the process of calculating child support and, thus, should not be considered a deviation, rather should be handled as an adjustment to the Basic Child Support Obligation amount somewhere else in the calculator.

Chair Connell took a casual poll of the Study Committee, and all agreed that this Study Committee should recommend that going forward parenting time should no longer be handled as a deviation, but rather as an “adjustment.” However, the precise form and when such an adjustment should be made remains an open question. Some discussion focused around whether there should be a threshold amount of parenting time required before any adjustment is warranted. Study Committee member, Carol Walker, offer to compile statutory language from other states and circulate those with her thoughts on this issue.

The Study Committee also discussed the issue of defining an increment of time in order to determine the amount of parenting time that each parent has. The Study Committee especially discussed the issue of parents who do shift work (police officers, doctors nurses, etc.) being negatively impacted if parenting time is determined simply by the term “overnight” with no flexibility to account for other significant amounts of parenting time that does not involve an overnight stay. Study Committee member, Johanna Kiehl, spoke about this issue in depth with a Minnesota legal aid practitioner and will summarize that conversation and circulate it to the group.

The Study Committee started discussing the possible form a parenting time adjustment would take including a presumptive formula that would also allow for judicial discretion. Study Committee member Mark Rogers suggested that this group begin working on drafting text for a statutory change. All agreed that generally “simpler is better.” The Study Committee does not believe that the use of a “Schedule C”—as had been in the original child support guidelines statute but removed by the Georgia legislature before passage—is needed. Further discussion focused on a tool for the sole purpose of calculating the parenting time involved in any given case be embedded in the larger child support calculator similar to how the self-employment calculator is a tool embedded in the child support calculator.

Study Committee member, Carol Walker, volunteered to work on a draft report to the Child Support Commission. She plans to work off historical information compiled by staff and use the Minnesota report as a model.

The next two Study Committee meetings will be via Zoom on February 3, 2022, at 10am and on February 17, 2022, at noon. Staff is working on arrangements for a hybrid meeting at the State Bar building in Atlanta and via Zoom on March 22, 2022.

This meeting was adjourned at 11:50 a.m.