

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

Monday, November 15, 2021

12:00 p.m.

Meeting Minutes

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

Kathleen “Katie” Connell, Chair of the Study Committee, was unable to attend this meeting due to a litigation emergency and asked Noelle Lagueux-Alvarez to chair the meeting in her stead. Ms. Lagueux-Alvarez called the meeting to order at 12:00 p.m. Thirteen (13) Study Committee members and two (2) guests attended this open meeting. Study Committee members in attendance were:

Adam Gleklen	Johanna Kiehl	Jill Massey
Mark Rogers	Carol Walker	Wayne Slear
Erica Thornton	Pat Buonodono	Byron Cuthbert
Sarah Mauldin	Jamie Rush	Judge Warren Davis
Charles Spinardi		

Noelle Lagueux-Alvarez established that a quorum of the Study Committee members was present. Sarah Mauldin moved to approve the minutes of the Study Committee’s October 27, 2021, meeting as circulated by Elaine Johnson on Wednesday, November 10, 2021, and that motion was seconded by Adam Gleklen. That motion was unanimously approved by voice vote with no abstentions.

Study Committee member, Sarah Mauldin, gave an update on the “State Notes” compilation she assembled. Sarah noted that all requested updates had been made and that Elaine Johnson had the final version. Elaine apologized for failing to furnish the final version to the members prior to the meeting, asked if anyone wanted her to send the final version during the meeting, and with no request made, stated she would furnish the final version to the members following the close of the meeting.

Ms. Lagueux-Alvarez reported that since our last meeting a few Study Committee members had submitted written suggestions on potential changes to how parenting time is handled in Georgia. Those who presented summary papers were: Mark Rogers, Carol Walker, Pat Buonodono, and Johanna Kiehl. Ms. Lagueux-Alvarez asked each of the members to summarize their basic ideas in up to five-minute presentations, after which the Study Committee would follow with discussions. She asked Mark Rogers to begin.

Mark Rogers:

Mr. Rogers stated we always need to think about the legal principles that we're applying in deciding what model is best and that it's important to remember the equal duty of support across the entire range of parenting time. Also, a presumption should not be arbitrary. He commented that judges like ease of use, but ease is not always the best answer. He added that he thinks the amount of time considered should be overnights which makes more sense than considering days. But also, that there should be language in the statute that everything is rebuttable. He commented that he thinks New Jersey's parenting time is best from an economic perspective, but that Oregon and Minnesota's parenting time will be easier to use and smooth. He also stated that cross credit states should be ruled out.

The summary written by Mr. Rogers is incorporated as Exhibit "A" in these minutes.

Carol Walker:

Ms. Walker stated she does not think we need to use the word overnight in our language concerning parenting time as she believes this to be problematic, especially with the way that people are doing their custodial arrangements now. She reminded the Study Committee of Adam Gleklen's example from Florida concerning parents who work different shifts. For example, if you had a parent who had three hours visitation every day after school from 4:30 until 7:30, or 3:00 until 6:00, they would never have the right to an overnight parenting time adjustment. And even though they're providing meals and transportation, that's a very troublesome thing. She recommends the Commission perhaps look at what other states have done in that regard to come up with some language that would be appropriate from a statutory perspective. Ms. Walker noted that Tennessee's statutory scheme, as augmented by case law, defines "day" as the majority of a twenty-four-hour period. If the judge finds that there are "extraordinary circumstances", they may consider whether partial days of parenting time not consistent with this definition may be considered as a day, including routinely incurred parenting time of shorter duration may be cumulated as a single day for parenting time adjustment purposes.

The summary written by Ms. Walker is incorporated as Exhibit "B" in these minutes.

Patricia Buonodono:

Ms. Lagueux-Alvarez reported that staff had heard from Pat Buonodono, and she was having trouble with her throat and had lost her voice a bit, so is going to postpone her report until the next Study Committee meeting set for Friday, December 3, 2021, at noon.

The summary written by Ms. Buonodono is incorporated as Exhibit "C" in these minutes.

Johanna Kiehl:

Ms. Kiehl commented that we should probably use day instead of overnight in Georgia's parenting time definition, and that it should be the majority of a 12-to-24-hour period. Further that we should also give the discretion to the judge because we do have a lot of people who share parenting time in a way where they're picking up the kids after school, doing snack, dinner, homework, transporting for all the extracurriculars, and otherwise those people would get no credit for any of that time. She further explained that this is the approach taken in New Jersey. They use the majority of a 24-hour period and have very little litigation about parenting time, such as what constitutes a day or overnight. I will say that their definition is the majority of a 24-hour day.

The summary written by Ms. Kiehl is incorporated as Exhibit "D" in these minutes.

During these presentations, discussions were initiated and comments were made by other members of the Study Committee.

Member Judge Warren Davis shared that he also likes how overnights are defined by the Minnesota model and explained that they prepare their parenting plan over a two-year period. Member Sarah Mauldin agreed with the idea of the parenting time calculation being made over a two-year period.

Member Adam Gleklen shared that he is of the opinion there should be a baseline percentage of parenting time before a deviation kicks in. He explained that at one point he had considered that a day equals 12 plus hours, but that he understands Judge Davis's thinking on overnights and that Carol brings up good points as well in considering overnight exceptions. He agreed we must consider those exceptions. He concluded that he likes the definition of overnights as written in the Minnesota statute because it doesn't limit parents to just overnights.

During the three presentations, there was lengthy discussion concerning changes to the guideline's statute on the following subjects:

- That there should be a parenting time adjustment in the Division of Child Support Services (DCSS) cases.
- That the inclusion of the 7% calculation of the BCSO table for special expenses should be reconsidered.

These items will be brought to the attention of the Commission for consideration.

The next meeting date has already been scheduled for Friday, December 3, 2021, starting at noon. No following meeting date was scheduled, but Ms. Connell can call a meeting if necessary.

This meeting was adjourned at approximately 1:30 p.m.