

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

**Thursday, February 17, 2022
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 webinar. Executive Program Manager, Elaine Johnson, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for the meeting.

Nine (9) Study Committee members and five (5) guests attended this open meeting. Study Committee members in attendance were:

Pat Buonodono	Katie Connell	Byron Cuthbert
Hon. Warren Davis	Johanna Kiehl	Sarah Mauldin
Wayne Slear	Charles Spinardi	Carol Walker

The meeting was convened at 12:06 p.m., at which time a quorum of Study Committee members was not yet present, and Chair Katie Connell opted to wait a few minutes before addressing approval of the minutes from the February 3, 2022, meeting. A few minutes into the meeting, Executive Program Manager, Elaine Johnson, established that a quorum of Study Committee members was present. Chair Connell inquired whether any corrections to minutes from the February 3, 2022, meeting were needed and there were no edits recommended by the members. Member Pat Buonodono moved to approve the minutes of the Study Committee’s February 3, 2022, meeting. That motion was seconded by member Sarah Mauldin and passed unanimously by voice vote with no abstentions.

In working toward a final report containing recommendations for the Commission, Chair Connell reminded the members that she had shared her edited version of the draft consensus document and the Study Committee continued their discussions using that version of the document. The draft consensus document was originally prepared by member Carol Walker and consists of three components: (1) with issues on which there is consensus amongst the Study Committee members, (2) issues on which consensus is lacking, and (3) issues that have been identified, but that fall outside the scope of the charge of this Study Committee and that will be passed on to the Commission or one of its subcommittees. One of the possible out-of-scope issues is use of the terms “custodial” and “noncustodial parent” in the Child Support Guidelines Statute, O.C.G.A. § 19-6-15. The members discussed potential new terms for the Child Support Commission to consider using in the statute namely, “lesser time parent” and “greater time parent” in place of custodial parent and noncustodial parent and agreed this issue should be mentioned in the report to the Commission. Executive Program Manager Elaine Johnson asked

about using these new terms in the report and Chair Connell said footnotes could be used as a way to assist the Commission on digesting the new terms.

Study Committee members also discussed whether removing the “7% for child rearing expenses” from the Basic Child Support Obligation (BCSO) table and as a calculation on Schedule E falls within the scope of this Study Committee. It was suggested that someone come up with a proposed bullet on this issue to be voted on at the next meeting. Study Committee member Johanna Kiehl volunteered to prepare the language and plans to follow up with Study Committee member Mark Rogers on that issue, too, as Mark has previously drafted documents on that topic. Chair Connell commented that, at this point, she thinks that issue falls outside the scope of this Study Committee, but she remains open-minded on the issue and will take it up at the next meeting. Staff assured the members that any items outside the scope of this study committee will be turned over to the Commission for consideration and potential assignment to a subcommittee of the Commission.

The Study Committee confirmed that they believe that going forward accounting for parenting time in the calculation of child support needs to be an “adjustment” not a “deviation” as those terms are statutorily defined in Georgia’s Child Support Guidelines Statute at O.C.G.A. 19-6-15.

The Study Committee had a discussion around whether findings of fact are needed for “adjustments” as they are for when “deviations” are made. Additional discussions were held on several other items in the document and some of the Study Committee members agreed to edit the current language in the document and for discussions to continue at the next meeting scheduled for March 10, 2022.

The Study Committee had a discussion around the way in which Georgia’s legitimation process affects the work of this Study Committee. Judge Warren Davis noted that Georgia’s legitimation process is especially cumbersome and should be fixed. Several members noted there is a need to streamline the legitimation process in line with the vast majority of other states. Study Committee members brainstormed the best entity or organization to advocate for such legislative change, but no specific conclusions were reached.

Study Committee members discussed the need to define how to measure parenting time, which crosses the socio-economic spectrum, and that such a definition should not be constrained to “overnights” and needs to acknowledge non-traditional parenting time, e.g., shiftwork. The Study Committee reached consensus that the term “standard parenting time” should not be used.

Study Committee member, Pat Buonodono noted that she thinks it needs to be clarified that the BCSO table does not account for parenting time at all and, therefore, an adjustment is warranted. Chair Connell added that there needs to be a concerted effort to make that point widely understood through education and training of all who use the child support guidelines and child support calculator, including: self-represented litigants, judges, mediators, lawyers, etc.

Study Committee members had a discussion around the interplay between “adjustments” and “deviations.” Study Committee member, Carol Walker, asked whether her fellow Study

Committee members think that the “parenting time deviation” should be completely removed from the statute, if a parenting time “adjustment” is adopted. It was noted that an adjustment needs to be *considered* by the judge, but not necessarily used.

Study Committee members Johanna Kiehl and Carol Walker agreed to work together to edit the draft consensus document as a result of today’s discussions. Chair Connell identified several items in the draft consensus document that will be discussed in more detail at the next meeting. The agenda will include the question of whether “7% of special expenses for child rearing” is within the scope of this study committee, and discussions will continue on item numbers 4, 8, 10, 12, 13, 14, and 15.

The next Study Committee meeting will be via Zoom on Thursday, March 10, 2022, at 9:30 a.m. The meeting after that will be conducted as a hybrid meeting at the State Bar building in Atlanta and via Zoom on March 22, 2022, at 10:00 a.m.

The meeting adjourned at 1:24 p.m.