

**Georgia Commission on Child Support
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Friday, August 12, 2022
9:30 a.m.**

Meeting Summary

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Commission on Child Support (“Commission”) held this meeting via Zoom webinar. Eight (8) Subcommittee members attended. The Subcommittee members in attendance were:

Mara Block, Esq.	Patricia Buonodono, Esq.	Kathleen “Katie” Connell, Esq.
Byron Cuthbert, Esq.	Hon. Amanda Petty	Regina Quick, Esq.
Christina Scott, J.D.	Hon. Connie Williford	

Executive Program Manager, Elaine Johnson, Staff Attorney, Noelle Lagueux-Alvarez, and Program Coordinator, Latoinna Lawrence, served as staff for the meeting. Legislative Counsel, Holly Carter, General Counsel from the Judicial Council/Administrative Office of the Courts, Jessica Farah, an attorney for the Georgia Department of Human Services/Division of Child Support Services (DCSS), Charles Spinardi, and eleven (11) members of the public also attended this open meeting.

Co-Chair Katie Connell opened the meeting and welcomed all. Co-Chair Connell noted the absence of a quorum and delayed a vote on the minutes of the Subcommittee’s last meeting in hopes that a quorum would be achieved later into this meeting. Staff member, Latoinna Lawrence, reviewed procedural rules for this virtual meeting. Co-Chair Connell welcomed a new member to the Subcommittee, Pat Buonodono, who is currently an attorney in private practice, but who previously served as the staff attorney to the Commission. Judge Amanda Petty was able to attend the meeting briefly and a quorum of eight (8) of the fifteen (15) Subcommittee members was achieved. Judge Amanda Petty moved to approve the minutes of the Subcommittee’s last meeting, which was held on July 15, 2022, and those minutes were approved by seven of the eight Subcommittee members with an abstention by new Subcommittee member, Pat Buonodono, who had not attended the previous meeting.

Co-Chair Judge Connie Williford led an extensive discussion on the parenting time deviation in Georgia’s child support guidelines statute (O.C.G.A. 19-6-15). Judge Williford thanked the Commission’s Parenting Time Deviation Study Committee for its extensive work on that topic over a few years and twenty-two (22) meetings. Judge Williford invited Regina Quick to speak on requesting a resolution for a legislative parenting time deviation study committee. Ms. Quick explained that, if approved, a legislative study committee would provide an opportunity to educate the legislature on this complicated issue prior to filing a formal bill and offered her assistance with this process.

Judge Williford noted that while a lot of work had been done by the Commission's Parenting Time Deviation Study Committee, there was still no consensus on many issues. Judge Williford led a discussion on how to move forward and suggested working with an expert, such as Dr. Jane Venohr. Judge Williford also noted that Georgia's legitimation statute presents barriers to possible solutions to the parenting time issue and asked for input on how to get the topic of legitimation before the Georgia General Assembly and the State Bar's Family Law Section. Regina Quick offered that legitimation could be an issue discussed by a legislative parenting time deviation study committee and offered that, as a first step, Georgia's child support guidelines statute could be amended to clarify that the Basic Child Support Obligation (BCSO) Table does not account for parenting time at all.

Judge Williford noted that federal regulators look to see what Georgia's deviation rate is because a high deviation rate indicates that Georgia's guidelines are inadequate and that states with high deviation rates risk losing substantial federal funding. Judge Williford expressed her opinion that accounting for parenting time should be an "adjustment" and not a "deviation" and that any method for accounting for parenting time when calculating child support needs to be simple in order to be effective.

Staff attorney, Noelle Lagueux-Alvarez, noted that the economist retained by the Commission to conduct the 2022 Economic Study had been asked to give her opinion on the best way for Georgia to account for parenting time when calculating child support.

Co-Chair Connell suggested asking the Legislative Committee of the State Bar's Family Law Section to look into legitimation and thinks that a legislative parenting time deviation study committee would be helpful. Co-Chair Williford expressed wanting to meet with the State Bar's Family Law Section as well as the Commission members who are legislators. Subcommittee member, Mara Block, suggested talking to the domestic violence community about legitimation, too. Subcommittee member, Christina Scott, who is a full-time mediator in domestic cases noted that the parenting time deviation is always an issue, and that issue is increasing due to the rise in cases with 50/50 joint physical custody. Ms. Scott agrees that legitimation is tied to the parenting time deviation issue and is in favor of a legislative study committee. Ms. Scott and other Subcommittee members also noted that terminology in the child support guidelines and the child support calculator is an issue, especially the terms custodial and noncustodial parent to which many parents take offense. The Subcommittee discussed how words/titles are important and meaningful to people. Co-Chair Connell noted that she would contact the State Bar's Family Law Section and Judge Williford wants to hear Dr. Jane Venohr's preliminary report to the Commission, which is set for Friday, August 19, 2022, before next steps are taken.

The Subcommittee had a discussion on the issue of handling extraordinary expenses, including those extraordinary expenses for child rearing, outside of the child support calculator after Executive Program Manager, Elaine Johnson, gave a brief presentation on that topic. Regina Quick offered a motion to be put on the agenda for the next meeting that the child support guidelines statute be revised to remove the "7% test" for extraordinary expenses for child rearing and allow for those expenses to be addressed either inside or outside the child support worksheet.

Staff attorney, Noelle Lagueux-Alvarez, gave a report on the status of the LIFE Act and its impact on Georgia's child support guidelines statute. Ms. Lagueux-Alvarez noted that the LIFE Act amends Georgia's child support guidelines in two ways. First, it changes the definition of the term child in the statute to include any "unborn child with a detectable human heartbeat as such terms are defined in Code Section 1-2-1." Second, the LIFE Act creates a new type of child support specifically for unborn children. The new type of child support for unborn children is very different from the child support set for children once they are born. Typical child support for children after they are born is: (1) prospective, (2) largely based on generalized economic data, and (3) may obligate either the mother or the father depending on the circumstances of the particular family. Whereas child support for unborn children, as created by the LIFE Act, is: (1) retrospective (2) exclusively based on actual expenses, and (3) appears to create a reimbursement scenario in the which the "father" specifically reimburses the "mother" of the unborn child. Ms. Lagueux-Alvarez noted that the LIFE Act provides that "After birth, the provisions of this Code section shall apply in full" which she interprets to mean that the General Assembly did not intend to change the way child support is set once the child is born. Ms. Lagueux-Alvarez concluded that these two types of child support could be ordered at the same time, but otherwise do not affect each other. Co-Chair Connell noted that she will include the LIFE Act in her report to the Commission at its meeting on August 19, 2022 and will likely ask Ms. Lagueux-Alvarez to address it again for the benefit of the full Commission.

Due to time constraints, the topic of determining the noncustodial parent in 50/50 joint physical custody cases will be placed on the agenda for the next meeting, which is set for September 22, 2022, at 10:00 a.m. This Subcommittee also plans to meet on October 21, 2022, at 10:00 a.m.

This meeting was adjourned at 11:39 a.m.