

**Georgia Child Support Commission  
Statute Review Subcommittee  
Kathleen Connell, Esq., Co-Chair  
Hon. Connie Williford, Co-Chair**

**Thursday, September 22, 2022  
10:00 a.m.**

**Meeting Minutes**

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom webinar. The Subcommittee is co-chaired by Kathleen “Katie” Connell and the Hon. Connie Williford. Eight (8) Subcommittee members attended. The Subcommittee members in attendance were:

Mara Block, Esq.	Patricia Buonodono, Esq.	Hon. Lisa Colbert
Kathleen “Katie” Connell, Esq.	Byron Cuthbert, Esq.	Jason Naunas, Esq.
Christina Scott, J.D.	Hon. Connie Williford	

Executive Program Manager, Elaine Johnson, and Staff Attorney, Noelle Lagueux-Alvarez, served as staff for the meeting. Several members of the public also attended this open meeting.

Co-Chair Connell opened the meeting, 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. Attendees were reminded that public comment is not taken during subcommittee meetings, but that the public is invited to give comment at any full Child Support Commission meeting. At approximately 10:40 a.m., Judge Lisa Colbert was able to join the meeting and a quorum of eight (8) of the fifteen (15) Subcommittee members was achieved. Co-Chair Williford moved to approve the minutes of the Subcommittee’s last meeting, which was held on August 12, 2022. Subcommittee member Pat Buonodono seconded that motion, and those minutes were approved unanimously.

Co-Chair Connell called upon Staff Attorney Noelle Lagueux-Alvarez to speak on the LIFE Act. Ms. Lagueux-Alvarez noted that Co-Chair Connell reported to the Commission about the LIFE Act at its August 19<sup>th</sup> meeting, but because the 2022 Economic Study was the main topic for that meeting, time did not permit a full discussion of the LIFE Act with the Commission. During the next Commission meeting scheduled on September 30, 2022, Co-Chair Connell will seek guidance on whether the Commission wishes for this Subcommittee to look further into the LIFE Act’s amendments to O.C.G.A 19-6-15(a.1), the definition of child.

Co-Chair Connell then turned the meeting over to Co-Chair Williford who gave an update on the resolution for a legislative parenting time deviation study committee. She reminded the Subcommittee that member Regina Quick, who could not attend this meeting, had originally suggested the resolution for a legislative study committee, and then made a motion at the August 19<sup>th</sup> Commission meeting for the resolution for a legislative study committee, which was voted on and passed. Co-Chair Williford stated that there was then discussion on next steps on how to move the resolution forward. She explained that she had not yet been able to reach Senator Emanuel Jones or Senator Brian Strickland, who serve on the Commission, but will continue to reach out to the Commission’s

legislative members to discuss what needs to be done to move the resolution forward. Noelle Lagueux-Alvarez noted that staff has a first draft of that resolution prepared that will be sent to both of the co-chairs for their review. Co-Chair Williford shared that she did have an extensive conversation with Ted Eittreim, President of the State Bar's Family Law Section, on parenting time issues, including that there is no parenting time built into the Basic Child Support Obligation (BCSO) Table, and ancillary issues such as legitimation. She shared that they spoke a great deal about that subject and was told by Mr. Eittreim that he would be discussing that issue at some point with the Family Law Section.

Co-Chair Connell noted that she serves on the Executive Committee for the State Bar's Family Law Section and that the Parenting Time Deviation Study Committee's Final Report had been sent to everyone on that Executive Committee. She shared that the intention is to keep the report and parenting time generally on the agenda of the Family Law Section's Executive Committee meetings, which she thinks will generate support.

Co-Chair Williford continued her report and led a discussion on what needs to be done to move forward with a new contract with economist Dr. Jane Venohr to focus on how best to account for parenting time when calculating child support. She shared that during the Commission meeting on August 19<sup>th</sup>, a contract with Dr. Venohr was approved by the members by unanimous vote. Staff noted that a draft scope of service for that contract has been prepared and will be shared with the co-chairs for their review. It was noted that staff is still discussing the details of the contract with Dr. Venohr, including cost, and that the AOC legal department will draft and execute the contract with Dr. Venohr. Co-Chair Williford stated that having an expert on board will really help us to come up with something on parenting time, understanding that there's not going to be a perfect plan, but the best plan that we can come up with and present to the Commission, and then ultimately the legislature. It is not likely by any stretch of the imagination that we'll be ready for the next legislative session, but the goal is that we would have something to present by the 2024 session.

The Subcommittee discussed the five items listed in the Parenting Time Deviation Study Committee's Final Report as "outside the scope of that study committee's work, but that are nonetheless important," and should be on this Subcommittee's radar.

Co-Chair Connell began the discussion on extraordinary expenses and the 7% test. She noted that Subcommittee member Regina Quick made a motion at the August 12<sup>th</sup> meeting, which would be considered further on this meeting agenda. She reminded the Subcommittee that the motion was to remove the 7% test for special expenses for child rearing and to allow those expenses to be addressed either inside or outside the calculator. She asked if any Subcommittee member wanted to renew that motion. Subcommittee member, Pat Buonodono, moved to renew the motion intended to remove the "7% test" from the deviation for special expenses for child rearing. Co-Chair Williford seconded that motion, and it was approved. Along with Co-Chair Connell, they see value in making changes to that deviation because extracurricular activities are so variable. A discussion was held around whether that deviation also needs to be changed to allow those expenses to be handled either inside or outside of the calculator and whether there is a need to further define "special expenses for child rearing." Pat Buonodono believes the original idea was only to remove the "7% test" and asked Elaine Johnson to circulate a report on this topic written by the late Mark Rogers. Ms. Johnson remarked she would distribute the report to the Subcommittee. She also added that she would like clarity on whether the Subcommittee is considering just the 7% for special expenses for child rearing or all three types of extraordinary expenses (special, medical, and educational). Staff Lagueux-Alvarez agreed with the need for this clarity and commented that she believes parents want to handle extraordinary expenses

outside the calculator, as needed. Co-Chair Williford commented that she recalled Ms. Quick's motion was to include all of the extraordinary expenses. The co-chairs also talked about nonmodifiable provisions of an order that may not fall under the umbrella of child support and that this must be considered in this discussion on extraordinary expenses being included or not included in the worksheet. There was further discussion on when Subcommittee member Regina Quick's motion could be considered by the Commission and staff explained that the Commission agenda on September 30<sup>th</sup> will be focused on the 2022 Economic Study Report. Co-Chair Williford suggested, after hearing this information, that adding this topic to the Commission's November 4, 2022, agenda was a better idea. The co-chairs agreed.

The second issue was accounting for parenting time in cases of split parenting and the Subcommittee agreed to table discussion of this issue and to add it to the scope of service to be included in the contract with economist, Dr. Jane Venohr. The Subcommittee members agreed.

The third issue was child support calculator considerations which the Subcommittee tabled for now pending recommendations from Dr. Venohr, but also acknowledged that the child support calculator will need be able to functionally handle any changes to the statute. Staff added that as changes are made to the calculator, including changes to instructions, that staff will reach out to folks on the Parenting Time Deviation Study Committee for their input.

The fourth issue was a parenting time adjustment being deemed a statutory basis for modification of child support which the Subcommittee felt was too premature to discuss at this time. The Subcommittee agreed to table the discussion and to add it to the scope of service to be included in the contract with economist, Dr. Jane Venohr. The Subcommittee members agreed.

The fifth issue was changing the statute to remove the terms custodial parent and noncustodial parent in favor of terms that are less offensive and upsetting to parents. Staff provided a document, originally prepared by Sarah Mauldin, for the Parenting Time Deviation Study Committee, that shows terminology used by the 50-states. The Subcommittee members used the document as a resource as they discussed this topic. Senior Assistant Attorney General and Subcommittee member, Jason Naunas, suggested the term obligor to replace noncustodial parent and obligee to replace custodial parent. He noted that those are the terms the federal government would prefer for states to use and thinks it is advisable to standardize the terminology based on the federal government's suggested terms of obligor and obligee. Co-Chair Williford thinks the terms should be changed as many parents who are deemed the "noncustodial parent" for purposes of child support have a great deal of parenting time, sometimes as much as 50%. With an eye to access to justice issues and the general public being able to understand the terminology in the child support guidelines statute, staff attorney Noelle Lagueux-Alvarez suggested "payer" and "receiver" in lieu of obligor and obligee. Co-Chair Connell prefers either obligor/obligee or payer/receiver as it keeps the terms "financial" and words matter in that the previous terms were very offensive to parents, and she understands their upset. Judge Colbert thinks the terms custodial and noncustodial parents are dehumanizing and prefers the terms payer and receiver. Subcommittee member, Mara Block, prefers "plain language" terminology such as payor/payee or payer/receiver to prevent an opportunity for confusion. Subcommittee member, Pat Buonodono, agreed. Co-Chair Williford noted that this issue needs more time and discussion.

Co-Chair Connell asked staff to make their demonstration on selecting the noncustodial parent in 50/50 joint physical custody cases. Staff displayed the live child support calculator via screensharing and gave a demonstration on how the noncustodial parent is currently determined in 50/50 joint physical custody cases. Staff noted that many people believe the parent deemed the noncustodial

parent in those cases is the person with the higher income, but the statute provides that it is the parent “who has the greater payment obligation for child support,” in O.C.G.A. 19-6-15(a)(9) and (a)(14). Staff explained that they did not begin seeing the issues related to these definitions until the 2018 Economic Study case sampling, and that the 2022 case sampling demonstrated an increase in the number of 50/50 cases. Staff demonstrated how the parent who is deemed the noncustodial parent can easily flip back and forth with relatively minor changes attributed on Schedule D and Schedule E of the calculator. The Subcommittee appreciated the demonstration and noted it was bound up with the larger topic of parenting time that will continue to be discussed. Subcommittee member Pat Buonodono suggested adding a definition of 50/50 joint physical custody, a.k.a. “shared parenting” to the statute. Co-Chair Connell noted the demonstration called attention to a likely “unintended consequence” of the statutory definitions of custodial parent and noncustodial parent. Co-Chair Williford asked about the importance of determining a noncustodial parent in a 50/50 case. Staff replied that most parents think that 50/50 parenting means \$0 child support paid between the parents, but that a disparity in income of the parents, such as \$100K a year versus \$20K a year could mean that one parent, the parent with the higher support obligation, may still need to provide child support to the other parent for support of their child. Co-Chair Williford commented that she has had to explain this very situation to parents and hopes that if we make changes to the statute that it is made very clear how to handle joint physical custody “50/50” situations. Co-Chair Williford asked staff to ensure that this issue be included in the scope of service for the contract with Dr. Jane Venohr, and staff noted that it is already included in the draft scope of service.

Staff Attorney, Ms. Lagueux-Alvarez, asked the co-chairs if any members should be tasked with delving deeper into the 7% issue and present information at the next Statute Review meeting. Co-Chair Williford stated that she plans to consult with Subcommittee member Regina Quick on whether Ms. Quick wants additional discussion on her motion about the “7% test” at the Subcommittee’s next meeting.

The next Subcommittee meeting will be on Friday, October 21, 2022, at 10:00 a.m. via Zoom. The following meeting will be held on November 18, 2022, at 1 p.m., also via Zoom. Staff reminded the Subcommittee members of the upcoming Commission meeting on September 30<sup>th</sup>.

This meeting was adjourned at 11:43 a.m.