

**Georgia Child Support Commission
Statute Review Subcommittee
Kathleen Connell, Esq., Co-Chair
Hon. Connie Williford, Co-Chair
Friday, October 21, 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. Seven (7) Subcommittee members attended. The Subcommittee members in attendance were:

Kathleen “Katie” Connell, Esq.
Regina Quick, Esq.
Patricia Buonodono, Esq.

Hon. Connie Williford
Byron Cuthbert, Esq.

Mara Block, Esq.
Christina Scott, J.D.

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

Co-Chair Katie Connell opened the meeting and noted the absence of a quorum and delayed a vote on the minutes of the Subcommittee meeting on September 22, 2022, in hopes that a quorum would be achieved later in the meeting. Unfortunately, quorum was not achieved by the end of the meeting and Co-Chair Connell asked staff to conduct an e-vote for the approval of the September 22, 2022, minutes. 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. The next full meeting of the Child Support Commission will take place on Friday, November 4, 2022.

Co-Chair Connell reviewed the LIFE Act and the definition of a child at O.C.G.A. § 19-6-15(a.1). She reported to the Subcommittee that the Commission, at its September 30, 2022 meeting, decided that, at this time, no action is needed by the Commission on the definition of a child and agreed to monitor the issue as case law develops and as other potential statutory changes may impact it.

Co-Chair Connie Williford gave an update on the Resolution for a Legislative Study Committee on Parenting Time. She reported that she had a lengthy conversation with Commission member, Senator Brian Strickland, on the matters this Subcommittee is trying to resolve. Sen. Strickland agreed that a Resolution for a Legislative Study Committee was a good idea and stated he would be happy to sponsor the resolution for the Commission in the Senate. A final draft of the Resolution was discussed and will be presented to the full Commission at its November 4, 2022, meeting. Once the Resolution is approved, it will be sent to Legislative Council, Holly Carter, Senator Strickland, and Representative Mandi Ballinger, who member Regina Quick brought into the process. Rep. Ballinger has also agreed to sponsor the Resolution for the

Commission in the House and to try to make it a joint study committee between the House and Senate, along with support from Commission member Rep. Houston Gaines, who will also receive a copy of the Resolution. Legislative Counsel, Holly Carter, shared that she is council for Chairman Ballinger's Juvenile Justice Committee and will also review the Resolution for the Commission.

Co-Chair Williford updated the members regarding the contract with economist Dr. Jane Venohr on Parenting Time and Low Income. A draft of the deliverables for the contract is being reviewed by the Co-Chairs of this Subcommittee and their final edits will be made by staff. Co-Chair Williford asked staff member Elaine Johnson to provide an update on the contract status. Ms. Johnson explained that once the scope of service or deliverables are approved, she will confirm with Dr. Venohr the cost of the work for this contract, the length of the contract, and will refer the matter to the AOC legal department to draft the contract. The goal is to have the contract in place through the Administrative Office of the Courts and with the Center for Policy Research, Inc., by January 2023.

Co-Chair Connell stated Subcommittee member Regina Quick had made a motion at the September 22, 2022, Statute Review Subcommittee meeting, and that clarification was needed to confirm if Ms. Quick's motion addressed just the 7% test for special expenses for child rearing or included all three types of extraordinary expenses. Elaine Johnson shared that the 7% only concerns the special expenses for child rearing and the other two are for extraordinary medical and educational expenses. The question is either to include or not include the other two expenses. Ms. Quick clarified that she was speaking of everything that comprises the 7% that is embedded in the worksheet and believes the 7% is either in or out. Co-Chair Williford pointed out during the discussion that parents and lawyers will handle the private school tuition expenses outside the calculator and asked whether the Subcommittee should look at those issues. She asked if there would be any problem with an either / or situation, as is allowed in the statute for work related childcare. Member Pat Buonodono commented that the other two extraordinary expenses, medical and educational, are already not mandatory to include or exclude in the calculation. Staff member Elaine Johnson asked if there could be an issue because of the language in OCGA 19-6-15(i)(2)(J) concerning "shall" and extraordinary expenses. There was discussion on the word "shall" and the Co-Chairs agreed that "shall" as used here in the statute needs clarity. Member Regina Quick pointed out that she doesn't think that any deviation would be a "shall," and that deviations by nature are a "may." Co-Chair Williford suggested this issue should be addressed further by the Subcommittee. Further discussion on the 7% test prompted Subcommittee member Regina Quick to voice concern on whether the 7% is built into the BCSO table or not. Staff member Elaine Johnson will clarify these questions with Dr. Jane Venohr and circle back to this Subcommittee with an update by the next Statute Review Subcommittee meeting that will take place November 18, 2022.

The Subcommittee revisited the discussion on replacing terms in O.C.G.A § 19-6-15 for custodial parent and noncustodial parent, based on a recommendation from the Parenting Time Deviation Study Committee. Currently 36 states use custodial and noncustodial parent labels. Co-Chair Williford shared that she likes the terms payer and receiver because the terms relate to child support more than they do to custody. She believes the terms custodial and noncustodial are really talking about parenting time more than they're talking about money. Co-Chair Connell agreed

with this analysis and shared that she believes the terms obligee/obligor can be confusing and that not every layperson is familiar with those terms and what they mean. Member Pat Buonodono reminded the Subcommittee that OCGA 19-6-15 contains its own definitions and that if the terms to describe the parents are changed it won't affect other parts of the Georgia code. Member Ryan Bradley asked if the Subcommittee should solicit information from the general public. Staff member, Noelle Lagueux-Alvarez, suggested placing a notification on the Child Support Commission website for the public to answer a very short survey with their input. Staff member, Elaine Johnson, said this same survey could be added to the Child Support Calculator home page. The Subcommittee discussed these ideas and agreed staff should move forward in developing the language for the survey and identify locations where it can be made available to the public. The Co-Chairs want lawyers, mediators, and others, such as Family Law Information Centers, etc., surveyed as well for their input and the Subcommittee discussed several options for securing those surveys. Erica Thornton of DCSS shared that her agency can also provide a way for their customers to reply to the survey. The staff will work on this project and explore all options for the survey, with the assistance of the Subcommittee members.

For new business, Subcommittee member, Pat Buonodono, raised an issue from the statute at O.C.G.A § 19 6 15(f)(3), concerning Social Security Disability or Retirement payments paid by the Social Security Administration (SSA) to children on the noncustodial parents' account. Ms. Buonodono shared that currently the statute allows the monthly amount paid to the children to be applied to the monthly current child support only and any overage between the monthly amount of the SSA check and the monthly amount of current child support cannot be applied to child support arrears accumulated under an order owed by the noncustodial parent in the same case. She asked the Subcommittee to investigate this issue further as it seems that overage should be applied toward the arrears. The Co-Chairs agreed that this matter should be investigated and discussed further by the Subcommittee. Member Pat Buonodono agreed to write up a paper with details on this issue and share the document with the members for further review at the next meeting of the Subcommittee.

Staff member, Noelle Lagueux-Alvarez, shared with the Subcommittee, in follow-up to Co-Chair Williford's comments on her discussion with Commission member, Sen. Brian Strickland, on the subject of legitimation, that her research has led her to the Uniform Parentage Act (Act). The Act, which involves legitimation, was initially adopted by a great many states in the early 1970's, and several other states have adopted the latest version of the Act released in 2017. Ms. Lagueux-Alvarez will explore this subject further and report back to the Subcommittee at the next meeting on what other states are doing on that topic with more information. Subcommittee members Pat Buonodono and Mara Block volunteered to assist on the subject.

The next Subcommittee meetings will take place on Friday, November 18, 2022, at 1:00 p.m. and Wednesday, December 14, 2022, at 1:00 p.m. Both meetings will be conducted via Zoom Webinar.

This meeting was adjourned at 11:15 a.m.