

**Georgia Child Support Commission**  
**Statute Review Subcommittee**  
**Kathleen Connell, Esq., Co-Chair**  
**Hon. Connie Williford, Co-Chair**  
**Friday, February 24, 2023**  
**10:00 a.m.**

**Meeting Summary**

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

Kathleen “Katie” Connell, Esq.	Hon. Connie Williford	Pat Buonodono
Byron Cuthbert	Judge R. Michael Key	Jason Naunas
Christina Scott, J.D.	Regina Quick	

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 Judge Connie Williford opened the meeting and noted some technical difficulties with Zoom that slightly delayed the meeting. Staff member Latoinna Lawrence reviewed rules for conducting this meeting via Zoom.

Co-Chair Williford noted the absence of a quorum and delayed a vote on the minutes of the Subcommittee meeting held on November 18, 2022. Before the conclusion of the meeting, Co-Chair Williford confirmed with staff that a quorum of eight members was never achieved as Judge Key joined at the very end of the meeting and Subcommittee member Jason Naunas had already departed the meeting. Accordingly, Chair Williford asked staff to conduct an e-vote for the approval of the November 18, 2022, minutes.

Elaine Johnson gave an update on the anticipated contract with Dr. Venohr for recommendations for Georgia to consider regarding the Parenting Time Deviation and the Low-Income Deviation. Staff has been drafting the deliverables and negotiating that contract, the final version of which was emailed to Dr. Venohr on February 24<sup>th</sup>, 2023. Staff anticipates that contract will be signed very shortly and plans for Dr. Venohr to attend the next Subcommittee meeting.

Chair Williford asked if anyone had news of any legitimation reform efforts. Regina Quick reported on SB-135 which modernizes genetic testing references and provisions in O.C.G.A. § 19-7-45 and O.C.G.A. § 19-7-46, utilizing guidance from the Uniform Parentage Act of 2017, and addresses the self-authentication of genetic testing and the admissibility of genetic testing into evidence in other civil actions, which means that such paternity tests could be used in subsequent legitimation proceedings.

Chair Williford asked for a status update regarding the public survey on replacing the terms “custodial parent” and “noncustodial parent” in the Child Support Guidelines Statute. Latoinna Lawrence gave a quick presentation on a draft survey to be added to the Commission’s website.

Subcommittee members gave suggestions for making the survey more prominent on the Commission's website. Co-Chair Williford and others also suggested adding an option to keep the terms custodial and noncustodial parent as a choice on the survey. Once all the suggested updates are made, the survey will go live on the Commission's website. The Subcommittee discussed how to promote the survey to maximize participation.

Subcommittee member Pat Buonodono presented on the application of social security payments to a child support arrearage. Specifically, Ms. Buonodono addressed whether when a parent receives social security disability that includes a payment to a child and the amount for the child exceeds the current support amount, can the excess be used to satisfy an arrearage. Ms. Buonodono noted that there are a mix of stances on this topic amongst the states and she found case law on the issue, but could not find any legislation on the matter. DCSS staffer, Ryan Bradley, who has also looked into the issue, noted that if an excess is not allowed to offset an arrearage, then payment for the arrearage would come out of the disabled parent's fixed income which could put that parent in a hardship. The Subcommittee discussed the idea that any excess over the current support could be used to offset only an arrearage that accrued once the parent was disabled. Regina Quick suggested possibly addressing this issue with a statutory change allowing for an "equitable credit."

Co-Chair Williford discussed use of the word "shall" within the code section on deviations, which are all discretionary and noted that the question is whether any statutory language needs to be amended. It was agreed that none of the uses of the word shall were problematic and, therefore, no further action on this topic is needed.

Co-Chair Williford led a discussion around whether it is proper to handle extraordinary expenses outside of the Child Support Worksheet. Staff Attorney Noelle Lagueux-Alvarez raised the case of Day v. Mason, 357 Ga. App. 836 (2020). Co-Chair Williford thinks this topic needs further thought and should be raised again at a future meeting.

Staff Attorney Noelle Lagueux-Alvarez presented briefly on HB-499 and the Subcommittee held a discussion around that newly-filed bill. Co-Chair Williford asked staff to keep this piece of legislation on the Commission's radar.

Co-Chair Williford raised concerns about provisions that address when a modification can be made. She questions the authority to modify an order to raise the child support amount when a parent is not exercising his or her parenting time because no parenting time is factored into the child support amount whatsoever, and the Subcommittee held a discussion around this topic.

Co-Chair Williford delayed discussion on the issue of removing the 7% test for special expenses for child-rearing to a future meeting.

Noelle Lagueux-Alvarez announced that there has been a resolution filed in the Georgia Senate for the creation of a Senate Study Committee on Parenting Time, but no similar resolution has been filed in the Georgia House thus far.

It was announced that the next Statute Review Subcommittee meeting will take place on Friday, April 21, 2023, at 2:00pm via zoom and that Dr. Venohr is expected to attend that meeting.

This meeting adjourned at 12:13 p.m.