

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

**Friday, November 18, 2022
1:00 p.m.**

Meeting Minutes

The Statute Review Subcommittee (“Subcommittee”) of the Georgia Child Support Commission (“Commission”) held this meeting via Zoom webinar. Five (5) Subcommittee members attended. The Subcommittee members in attendance were:

Kathleen “Katie” Connell, Esq.
Mara Block

Hon. Connie Williford
Ryan Bradley proxy for Byron Cuthbert

Justice Shawn LaGura

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 began by reminding the Subcommittee members that the draft minutes from the October 21st meeting had been distributed for their review. She also noted the absence of a quorum and delayed a vote on the minutes from the meeting held on October 21, 2022. Staff member Latoinna Lawrence reminded everyone that Subcommittee members are panelists and able to speak during the Zoom meeting. She also reminded attendees that public comment is not taken during subcommittee meetings. Before the conclusion of the meeting, Co-Chair Connell confirmed with staff that a quorum of eight members was not present and a quorum was not available to vote on approval of the previous meeting minutes. She asked staff to conduct an e-vote for the approval of the October 21, 2022, minutes.

Co-Chair Williford gave an update on the proposed resolution for a legislative study committee on parenting time. She reported that the final draft of the resolution was presented to the Child Support Commission at their November 4, 2022, meeting and was approved. She reminded the Subcommittee that Sen. Strickland and Rep. Mandi Ballenger plan to sponsor the resolution, with support by Commission member, Rep. Gaines. She added that staff has already sent the resolution to Legislative Council, Holly Carter. Ms. Carter shared that she is awaiting a formal request by the legislators for the resolution because without that request she cannot draft the final version for purposes of tracking the legislation. She assured the Subcommittee that this request process is something the legislators will know to do. Judge Williford remarked that she will speak with the legislators to remind them.

Co-Chair Williford reminded the Subcommittee that the AOC legal department will draft the contract with Dr. Jane Venohr, the Center of Policy Research Inc., to assist with remaining work on Parenting Time and the Low-Income Deviation, with the intention of having the contract completed in January 2023. Staff remarked that they are still working on the details of the deliverables for the contract and will complete the work for the contract to proceed.

Co-Chair Williford received the legitimation resources information from Staff Attorney Noelle Lagueux-Alvarez, however, she has not had an opportunity yet to delve into the information to see what other states are doing with legitimation. Co-Chair Williford asked if Co-Chair Connell had anything else to add on this topic. While she had nothing further to add, she did ask staff to place this item on next month's agenda for further discussion.

Co-Chair Connell spoke on some concerns brought up at the October 21st meeting on the extraordinary expenses possibly being handled outside the calculator, and this included discussion on the BCSO table and the 7% test for special expenses when calculating a deviation amount. Co-Chair Connell asked staff member Elaine Johnson to share information she gathered from Dr. Jane Venohr. Ms. Johnson related that she originally conferred with Dr. Venohr in June 2022, because Dr. Venohr was considering tables to recommend to Georgia during the Economic Study. Ms. Johnson informed Dr. Venohr that there was a possibility Georgia may remove the 7% test from the statute and wanted to know if this would impact the table. Ms. Johnson confirmed with Dr. Venohr that 7% of the BCSO table does include extracurricular expenses for children and that if the Commission decides to propose removing the 7% test calculation from Schedule E, the table will not be impacted. Dr. Venohr shared that the extracurricular expenses are part of the studies used to formulate Georgia's BCSO table and cannot be removed from the table. Co-Chair Connell stated her understanding for clarity by saying that what Dr. Venohr communicated is that it's not just a matter of taking the 7% out because it's in the underlying studies that have been used as rationale for a basis of Georgia's BCSO table. Ms. Johnson agreed with this understanding. Co-Chair Williford added that when making a decision on whether to include the special expenses in the calculation or outside the calculation and in the order, we need to be clear that we're talking about expenses above the 7% test. And that the problem is remembering that some of the expenses, the 7%, are already covered in the BCSO table. Co-Chair Williford noted that we must also consider the word "shall" in the statute when considering special expenses, which is language the Subcommittee may need to consider rewording in the statute.

Staff Attorney Noelle Lagueux-Alvarez shared research she made on the subject. She believes there are two things going on in parallel and reminded the Subcommittee that this topic stems from discussions by the Parenting Time Deviation Study Committee. The first issue is that there was a paper authored by the late Mark Rogers in which he called for removing 7% across the board from the table, arguing that there is a nexus between the 7% for extracurriculars and parenting time, which she did not see or understand from his paper, other than the over-arching issue that there is no accounting for parenting time in the BCSO table. She noted that Mark Rogers's argument, although not stated expressly, sounded like he wanted to add another category of additional expenses on Schedule D, based on calculations included in his paper. The **second issue** is pulling the 7% test from Schedule E. So, there's Mark Rogers's suggestion to remove 7% from the BCSO Table amounts, and then there's the removal of the 7% test when calculating the deviation amount for special expenses for child rearing, which are two very different things. She shared that she doesn't agree with Mr. Rogers that we should slash 7% from the BCSO table because that amount is in there for the average family and when there's an extraordinary expense, that should be a deviation.

Co-Chair Connell briefly spoke on non-modifiable terms in an order for child support, which is wrapped up in the same umbrella topic of the extraordinary expenses. She asked, does that issue become non-modifiable, where other pieces of the child support order would be modifiable? Co-Chair Connell asked staff to move the discussion on the "in or out" inclusion of the extraordinary expense and non-modifiable terms in an order to a future meeting.

Co-Chair Connell revisited the discussion on replacing terms in O.C.G.A § 19-6-15 for the custodial parent and noncustodial parent. She shared that these terms are only related to child support and not to parenting time, which she thinks is one of the problems because people view the terms as related to parenting time, even though our statute is clear that they are not. Co-Chair Williford asked if the subcommittee considered using the party's names. Staff member Elaine Johnson shared that the names of the parents or parties are used in the child support calculator. Co-Chair Connell spoke about the public survey to identify other terms that may be used to replace custodial parent and noncustodial parent. Staff reported that a help desk ticket was created with the AOC IT department to initiate adding the public survey on the Commission website for gathering suggestions. Co-Chair Connell stated that once we have data collected on this subject, we will revisit this issue in a future meeting.

Co-Chair Connell led a short discussion on the application of social security payment overages to child support arrears. Subcommittee member Pat Buonodono, who raised this item as new business at the October 21st meeting, was unable to attend today's meeting and report further on the issue. Co-Chair Connell moved the matter to the next meeting of this subcommittee for review.

Co-Chair Williford brought to the attention of the Subcommittee that at OCGA 19-6-15(k), the section in the child support guidelines that addresses modification and when a modification may be brought within a two-year period from the date of the final order. She has concerns with some language in this section. Co-Chair Connell agreed with the concern with the language in this section of the statute saying that it should be clarified or eliminated. This matter will be addressed at the next meeting of the subcommittee in December.

Co-Chair, Judge Connie Williford, had to leave the meeting due to a court scheduling conflict and had to conduct a hearing.

Co-Chair Connell addressed staff's question on tracking suggested changes for possible future legislation. She agreed that staff should begin tracking all substantive and technical suggested changes.

Co-Chair Connell asked staff member Elaine Johnson to report to the Subcommittee on a matter that originated in the Economic Subcommittee meeting on October 19, 2022. Ms. Johnson reported that the Economic Subcommittee voted to approve that when a table is adopted by the Child Support Commission and submitted in a bill to the legislature, that the high-income level should be increased to \$40,000. Dr. Tutterow spoke about language or insight, for further discussion, into what to do when the parent's combined adjusted gross income is above \$40,000 a month, which may or may not be something that would end up in the statute. Ms. Johnson reported that staff will follow-up with Dr. Tutterow on this matter.

The next meeting date is set for December 14th, 2022, at 1:00 pm, via Zoom webinar. Co-Chair Connell asked staff to circulate dates to her and Co-Chair Williford's offices before setting dates for January and February of 2023.

This meeting adjourned at 1:45 p.m.