

Low-Income Deviation, Judicial Survey, Georgia Child Support Commission 3/17/2020	1. What percentage of time do you use the low-income deviation in cases before you? Less than 10% of the time? Less than 20% of the time? Less than 30% of the time? Less than 40% of the time? Less than 50% of the time? Fill in a percentage %	2. Do you ever use the nonspecific deviation instead of a low-income deviation to reduce the non-custodial parent's child support obligation to account for that person's low income?	3. What are the barriers, if any, to applying the current low-income deviation in cases that come before you?
Judge 1		The non specific deviation is most often used to create fairness when calculations aren't sufficient to account for the peculiar circumstances so many families present with.	Most often people aren't requesting LID and sometimes they even ask the court not to do it. Many times it has been dealt away in consent cases. Very few low income cases make it to contested hearing b/c well they can't afford it.
Judge 2	Less than 10% of the time	No	Seldom comes up. Most of the time the CP is the one with low income.
Judge 3	Less than 10% of the time	Yes	Unless a NCP is "on disability". Sometimes more to impute minimum wage - assume can work full time, min wage to be fair across the board.
Judge 4	Less than 10% of the time	No, but I would not be opposed to using it or parenting time.	In my circuit (Atlanta) judicial officers/magistrates handle most self-represented cases. It is rare for a "low-income" case to get to the elected judge.
Judge 5	Less than 20% of the time	Yes	None
Judge 6	Less than 20% of the time	Yes	None
Judge 7	Less than 20% of the time	Yes	
Judge 8	Less than 10% of the time	No	

4. Should there be a threshold income level at which the low-income deviation is automatically applied? If yes, what income level should be used?	5. Should the NCP retain a certain amount of money for their own living expenses before being obligated to pay child support? (This is known as a self-support reserve.) Should this consideration also be extended to the custodial parent?	6. Do you think the low-income deviation should remain a matter of judicial discretion?
No. It has to remain discretionary because the worksheet fail to account for so many variables (e.g. multiple parents with multiple children.)	The question deserves a question- should children starve so that parents may live?	Yes. the issue us too complex to legislate a cookie-cutter solution.
Not if it deprives a child of any support.	Undecided. Would need to see how this works out.	Absolutely. We are the finders of fact. That can't be delegated.
	No	Yes
Minimum wage.	Yes	Yes
No	No	Yes
No	No	Yes
Any income level less than minimum wage.	How do you consider other income in the household - i.e. another person pays rent/utilities.	Yes
	No	Yes

7. What do you want the Child Support Commission to know about the realities of low-income cases for parents who come before you in court?	8. Do you think Georgia law adequately addresses the needs of low-income parents?
They often are by consent and the parties are both low income. Day care exceeds their income in some cases. Ultimately to provide basic child needs one parent will have to work a lot more than they want to work. They won't be resolved by the government pushing numbers around on a worksheet.	No, but the issue is not just divorce law. Medicaid, daycare, mental health, minimum wage, transportation- GA needs broad policy for the working poor.
Most low income parents are the CP Mother. They are the working parent at or near minimum wage.	Yes. I use the low income deviation when needed.
The current "formula" does not anticipate NCP with multiple children from different CP's.	Probably not.
They cannot afford to litigate. We don't see them.	No
N/A	Yes
Proposed legislation is a very bad idea especially taking discretion from imputing income.	Yes
Some litigants who receive SSI or other benefits also receive additional funds through housing, food stamps, Medicaid.	Reduction in child care with vouchers; how do you factor those issues?
	Yes

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Judge 9	Less the 10% of the time	Yes	I usually follow the lead of the attorney or I only handle domestic cases when out assigned domestic judge has conflicts.
Judge 10	Less than 10% of the time	Yes	None
Judge 11	Less than 10% of the time	Yes	CSRU doesn't ever mention it.
Judge 12	Less than 20% of the time	Yes	None
Judge 13	Less than 20% of the time	Yes	Determining the actual income of the parties.
Judge 14	Less than 10% of the time	No	Lack of reliable evidence. Lack of consent. Failure to prove low-income & inability to earn more money.
Judge 15	Is it automatically triggered on the worksheet?	Yes	Understanding how the worksheet currently handles.
Judge 16	Less than 10% of the time	Yes	
Judge 17	Less than 40% of the time	Always	Some don't request it.

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Yes. Sometimes above poverty level but I am not expert enough to suggest what the amount should be.	I do believe they should be some amount even meager calculated before child support award. NCP has to "live" to continue paying child support.	Yes, but because it may not be applied by all judges the same there is need for a mandate.
Think it should be case by case.	Clearly the NCP owes a duty of support to his/her child/children. At the same time, they must be able to live.	Yes
No, judge's discretion should be encouraged.	The guidelines should leave someone with the ability to support themselves.	Yes
At minimum wage with 30 hours.	No. It would encourage the hiding of income more than they do now. Child is first priority.	Yes
Yes. Any gross income amount less than minimum wage.	Yes	Yes, even if there is an automatically applied deviation since some parties are hiding income.
Not a bad idea.	No. Focus needs to be on the child.	Yes
See standard poverty levels	Leave to judicial discretion.	Yes
No	No	Yes
Yes. Minimum wage with only one child. More than one child can become an issue.	Balance between both incomes and expenses is always necessary.	Should be shared. Perhaps discretion can be claimed or used in certain instances to prevent unfair support to custodial parent.

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	No
People with multiple children from different mothers and different jurisdictions are getting destroyed by the guidelines.	No, not where there are multiple children.
	Yes
Difficulty of proof. Failure of low-income parent to prove real inability to work and earn money.	Probably not
Often pro se and can't complete child support worksheets.	Yes
Both are usually low income.	Yes
Child support prevents and interferes w/ parent child relationship, which has significant social consequences.	No

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Judge 18	Less than 10% of the time	Yes	None, really
Judge 19	Less than 40% of the time	No	None
Judge 20	0%	No	Nobody has ever argued it. Maybe more training is needed.
Judge 21	Less than 50% of the time	Yes	Income verification
Judge 22	Less than 10% of the time	Yes- almost always. As a general rule using a nonspecific deviation is easier than going through the findings required by specific deviations.	I rarely have valid evidence, for or against, that proves income of parties. I usually have to fight to get a 24.2 affidavit and almost never get additional proof.
Judge 23	10% of the time	Yes	Having the other party agree to it
Judge 24	10% of the time	No	None
Judge 25	10% of the time 20% of the time	Yes	I haven't found any.

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No	The judge has to take into consideration. The noncustodial parent must be able to live.	Yes
No	No	Yes
	Probably so	Yes. is my gut feeling. But then again, it may be easier if it's not, because how do you find it to be in the child's best interest?
Yes- \$900	No-sometimes the bird who will not sing must be made to sing.	Yes
If we are going to live w/ a national minimum wage, it has to be a starting point. The min income should probably include analysis of other dependents (or lack their of.)	Yes, both ways.	Yes, but better to start with a minimum "set off."
Yes minimum wage	Yes and yes	No
No	Yes. Yes.	Yes.
I have no strong opinion about that.	Yes	Yes - if not, we would not be able to compensate for some situations involving self employment or other unusual employment situations.

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The courts often have scant reliable evidence from lots of these people.	Yes
Retain judicial discretion.	Yes
They don't have lawyers, so nobody ever argues it.	No, because we often have fathers with children by multiple mothers and multiple child support orders from different courts that make it impossible to set a fair and adequate child support amount.
See #8 answer below	
The findings required of the statute are incredibly unrealistic on a variety of fronts. The online worksheet is TERRIBLE.	No
They really can't afford to pay - even \$250/month is a stretch	No
Casual labor work and the gig economy are of much greater effect than chronic low income for most cases that appear before me. Most of the true low-income case are handled through the office of child support enforcement.	Yes
I believe judges and attorneys already figure out ways to compensate for the families.	Probably not.

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Judge 26					
	Less than 5%	Rarely.			
	81% for the 10 & 20%				
	Less than 10% = 16 or 62%	Yes = 18 or 69%		Barriers 14 or 46%	
	Less than 20% = 5 or 19%	No = 7 or 27%		No barriers = 8 or 31%	
	No responses = 2 or 8%	No response = 1 or 4%		No response = 4 or 15%	
	Less than 40% = 2 or 8%				
	Less than 50% = 1 or 3%				

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No	Only if it is determined that the noncustodial parent has no earning capacity. Otherwise it discourages the noncustodial parent from finding employment which can sufficiently contribute to child support.	Yes, because it allows the court to take other factors into consideration such as history, education, etc.
Yes = 11 or 42%	Yes = 11 or 42%	Yes = 25 or 96%
No = 9 or 35%	No = 11 or 42%	No = 1 or 4%
No response = 6 or 23%	Undecided = 4 or 16%	No response = 0

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	This is a complicated subject which would need to take into consideration a person's history, education, etc.
See Analysis document for summary.	Yes = 11 or 42%
	No = 13 or 50%
	No response = 2 or 8%