

Senate Resolution 159

By: Senators Strickland of the 17th, Kirkpatrick of the 32nd, Watson of the 1st, Jones of the 10th and Dugan of the 30th

A RESOLUTION

1 Creating the Senate Study Committee on the Parenting Time Deviation in Georgia's Child
2 Support Guidelines Statute, O.C.G.A. Code Section 19-6-15; and for other purposes.

3 WHEREAS, the Georgia General Assembly created the Georgia Child Support Commission
4 in 2005 to study and collect data relating to awards of child support and to create a Georgia
5 Schedule of Basic Child Support Obligations and, thereafter, to conduct comprehensive
6 reviews of the child support guidelines statute bearing in mind economic conditions, all
7 matters relevant to maintaining effective and efficient child support guidelines, the best
8 interest of Georgia's children, and the changing dynamics of family life in order to make
9 recommendations which require final legislative action; and

10 WHEREAS, amongst its responsibilities, the General Assembly requires the Georgia Child
11 Support Commission "to identify and recommend whether and when the child support
12 obligation table or child support guidelines should be modified" and "to make
13 recommendations for proposed legislation"; and

14 WHEREAS, the General Assembly also specifically tasked the Georgia Child Support
15 Commission with studying the "impact of having parenting time serve as a deviation to the

16 presumptive amount of child support" and making "recommendations concerning the
17 utilization of the parenting time adjustment"; and

18 WHEREAS, in November, 2018, the Georgia Child Support Commission created its own
19 Parenting Time Deviation Study Committee and that study committee worked for several
20 years on this issue and recommended that, at a minimum, the parenting time "deviation" be
21 changed to a parenting time "adjustment" and made other recommendations all of which may
22 be found in its final report, archived on the Georgia Child Support Commission's website;
23 and

24 WHEREAS, currently there is no accounting for parenting time in the Georgia Schedule of
25 Basic Child Support Obligations; and

26 WHEREAS, while there is a statutory deviation available to account for parenting time, that
27 deviation remains completely discretionary, with the judge hearing the child support case,
28 and there is no formula or other guidance in the statute to help judges and litigants determine
29 an economically sound deviation amount; and

30 WHEREAS, the Georgia Child Support Commission has been working with an economist
31 to determine the best way to account for parenting time when calculating child support; and

32 WHEREAS, there are many considerations and various methodologies that could be
33 employed to account for parenting time when calculating child support; and

34 WHEREAS, the parenting time deviation is a complex topic that will impact many Georgia
35 families year after year.

36 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE:

37 (1) **Creation of Senate study committee.** There is created the Senate Study Committee
38 on the Parenting Time Deviation in Georgia's Child Support Guidelines Statute, O.C.G.A.
39 Code Section 19-6-15;

40 (2) **Members and officers.** The committee shall be composed of 17 members as
41 follows:

42 (A) The chairperson of the Senate Judiciary Committee;

43 (B) The chairperson of the Senate Health and Human Services Committee;

44 (C) The chairperson of the Senate Children and Families Committee;

45 (D) Three members of the Senate appointed by the President of the Senate, one of
46 whom shall be designated as chairperson of the committee;

47 (E) Two members who are superior court judges;

48 (F) Two members of the Georgia Child Support Commission;

49 (G) One member who is a noncustodial parent as defined in Code Section 19-6-15 of
50 the Official Code of Georgia Annotated;

51 (H) One member who is a custodial parent as defined in Code Section 19-6-15 of the
52 Official Code of Georgia Annotated;

53 (I) One member who is an economist in Georgia;

54 (J) One member who is the president of the Family Law Section of the State Bar of
55 Georgia or his or her designee;

56 (K) One member who is a mediator registered to mediate family law cases;

57 (L) One member who is a lawyer for an organization serving indigent clients; and

58 (M) One member who is a superior court staff attorney.

59 (3) **Powers and duties.** The committee shall undertake a study of the conditions, needs,
60 issues, and problems mentioned above or related thereto and recommend any action or
61 legislation which the committee deems necessary or appropriate.

62 (4) **Meetings.** The chairperson shall call all meetings of the committee. The committee
63 may conduct such meetings at such places and at such times as it may deem necessary or
64 convenient to enable it to exercise fully and effectively its powers, perform its duties, and
65 accomplish the objectives and purposes of this resolution.

66 (5) **Allowances, expenses, and funding.**

67 (A) The legislative members of the committee shall receive the allowances provided
68 for in Code Section 28-1-8 of the Official Code of Georgia Annotated.

69 (B) Members of the committee who are state officials, other than legislative members,
70 or who are state employees shall receive no compensation for their services on the
71 committee, but they may be reimbursed for expenses incurred by them in the
72 performance of their duties as members of the committee in the same manner as they
73 are reimbursed for expenses in their capacities as state officials or employees.

74 (C) Members of the committee who are not legislators, state officials, or state
75 employees shall receive a daily expense allowance in an amount the same as that
76 specified in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia
77 Annotated, as well as the mileage or transportation allowance authorized for state
78 employees.

79 (D) The allowances authorized by this resolution shall not be received by any member
80 of the committee for more than five days unless additional days are authorized. Funds
81 necessary to carry out the provisions of this resolution shall come from funds
82 appropriated to the Senate; except that funds for the reimbursement of the expenses of
83 state officials, other than legislative members, and for the reimbursement of the
84 expenses of state employees shall come from funds appropriated to or otherwise
85 available to their respective agencies.

86 (6) **Report.**

87 (A) In the event the committee adopts any specific findings or recommendations that
88 include suggestions for proposed legislation, the chairperson shall file a report of the

89 same prior to the date of abolishment specified in this resolution, subject to
90 subparagraph (C) of this paragraph.

91 (B) In the event the committee adopts a report that does not include suggestions for
92 proposed legislation, the chairperson shall file the report, subject to subparagraph (C)
93 of this paragraph.

94 (C) No report shall be filed unless the same has been approved prior to the date of
95 abolishment specified in this resolution by majority vote of a quorum of the committee.

96 A report so approved shall be signed by the chairperson of the committee and filed with
97 the Secretary of the Senate.

98 (D) In the absence of an approved report, the chairperson may file with the Secretary
99 of the Senate a copy of the minutes of the meetings of the committee in lieu thereof.

100 (7) **Abolishment.** The committee shall stand abolished on December 1, 2023.