

House Bill 654

By: Representatives Beskin of the 54th, Willard of the 51st, Oliver of the 82nd, Coomer of the 14th, and Hanson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-6-15 of the Official Code of Georgia Annotated, relating to child
2 support in final verdict or decree, guidelines for determining amount of award, continuation
3 of duty to provide support, and duration of support, so as to enact reforms recommended by
4 the Georgia Child Support Commission; to clarify and revise a definition; to clarify the
5 process of calculating child support when there is more than one child for whom support is
6 being determined under certain circumstances; to provide for related matters; to provide an
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 19-6-15 of the Official Code of Georgia Annotated, relating to child support
11 in final verdict or decree, guidelines for determining amount of award, continuation of duty
12 to provide support, and duration of support, is amended by revising paragraph (11) of
13 subsection (a) as follows:

14 "(11) 'Final child support ~~order~~ amount' means the presumptive amount of child support
15 adjusted by any deviations."

16 **SECTION 2.**

17 Said Code section is further amended by revising paragraphs (9) and (11) of subsection (b)
18 as follows:

19 "(9) Any benefits which the child receives under Title II of the federal Social Security
20 Act shall be applied against the final child support ~~order~~ amount. The final child support
21 amount for each parent shall be entered on the child support worksheet, together with the
22 information from each of the utilized schedules;"

23 "(11) In a split parenting case, there shall be a separate calculation and final ~~child support~~
24 order for each parent; and"

25 **SECTION 3.**

26 Said Code section is further amended by revising paragraph (12) of subsection (b) as follows:

27 "(12) When there is more than one child for whom support is being determined, the court
 28 shall establish the amount of support and the duration of such support in accordance with
 29 subsection (e) of this Code section. ~~When, within two years of a final order being~~
 30 entered, there is a likelihood that a child will become ineligible to receive support, the
 31 court may allow for the use of separate worksheets. Separate worksheets shall ~~be utilized~~
 32 for such determination and show the final child support amount to be paid for all such
 33 children and the adjusted amount of support to be paid as each child becomes ineligible
 34 to receive support during such two-year period. Such worksheets shall be attached to the
 35 final ~~child support~~ order. Such order shall contain findings as required by law. A final
 36 order entered pursuant to this paragraph shall not preclude a petition for modification."

37 **SECTION 4.**38 Said Code section is further amended by revising paragraph (3) of subsection (f) and
39 subparagraph (f)(4)(B) as follows:40 **"(3) Social Security benefits.**41 (A) Benefits received under Title II of the federal Social Security Act by a child on the
42 obligor's account shall be counted as child support payments and shall be applied
43 against the final child support ~~order~~ amount to be paid by the obligor for the child.44 (B) After calculating the obligor's monthly gross income, including the countable
45 social security benefits as specified in division (1)(A)(xiii) of this subsection, and after
46 calculating the amount of child support, if the presumptive amount of child support, as
47 increased or decreased by deviations, is greater than the social security benefits paid on
48 behalf of the child on the obligor's account, the obligor shall be required to pay the
49 amount exceeding the social security benefit as part of the final ~~child support~~ order in
50 the case.51 (C) After calculating the obligor's monthly gross income, including the countable
52 social security benefits as specified in division (1)(A)(xiii) of this subsection, and after
53 calculating the amount of child support, if the presumptive amount of child support, as
54 increased or decreased by deviations, is equal to or less than the social security benefits
55 paid to the nonparent custodian or custodial parent on behalf of the child on the
56 obligor's account, the child support responsibility of that parent shall have been met and
57 no further child support shall be paid.58 (D) Any benefit amounts under Title II of the federal Social Security Act as determined
59 by the Social Security Administration sent to the nonparent custodian or custodial
60 parent by the Social Security Administration for the child's benefit which are greater

61 than the final child support ~~order~~ amount shall be retained by the nonparent custodian
 62 or custodial parent for the child's benefit and shall not be used as a reason for
 63 decreasing the final child support ~~order~~ amount or reducing arrearages."

64 "(B) **Modification.** When cases with established orders are reviewed for modification
 65 and a parent fails to produce reliable evidence of income, such as tax returns for prior
 66 years, check stubs, or other information for determining current ability to pay child
 67 support or ability to pay child support in prior years, and the court or jury has no other
 68 reliable evidence of such parent's income or income potential, the court or jury may
 69 increase the child support of the parent failing or refusing to produce evidence of
 70 income by an increment of at least 10 percent per year of such parent's gross income
 71 for each year since the final ~~child support~~ order was entered or last modified and shall
 72 calculate the basic child support obligation using the increased amount as such parent's
 73 gross income."

74 **SECTION 5.**

75 Said Code section is further amended by revising the introductory language of subsection (h),
 76 subparagraph (h)(1)(F), subdivision (h)(2)(B)(iii), and paragraph (3) of subsection (h) as
 77 follows:

78 "(h) **Adjusted support obligation.** The child support obligation table does not include the
 79 cost of the parent's work related child care costs, health insurance premiums, or uninsured
 80 health care expenses. The additional expenses for the child's health insurance premiums
 81 and work related child care costs shall be included in the calculations to determine child
 82 support. A nonparent custodian's expenses for work related child care costs and health
 83 insurance premiums shall be taken into account when establishing a final ~~child support~~
 84 order."

85 "(F)(i) The total amount of work related child care costs shall be divided between the
 86 parents pro rata to determine the presumptive amount of child support and shall be
 87 included in the worksheet and the final ~~child support~~ order.

88 (ii) In situations in which work related child care costs may be variable, the court or
 89 jury may, in its discretion, remove work related child care costs from the calculation
 90 of support, and divide the work related child care costs pro rata, to be paid within a
 91 time specified in the final ~~child support~~ order. If a parent or nonparent custodian fails
 92 to comply with the final ~~child support~~ order:

93 (I) The other parent or nonparent custodian may enforce payment of the work
 94 related child care costs by any means permitted by law; or

95 (II) Child support services shall pursue enforcement when such unpaid costs have
 96 been reduced to a judgment in a sum certain."

97 "(iii) Eligibility for or enrollment of the child in Medicaid or the PeachCare for Kids
 98 Program shall not satisfy the requirement that the final ~~child support~~ order provide for
 99 the child's health care needs. Health coverage through the PeachCare for Kids
 100 Program ~~and or~~ Medicaid shall not prevent a court from ordering either or both
 101 parents to obtain other health insurance.

102 **(3) Uninsured health care expenses.**

103 (A) The child's uninsured health care expenses shall be the financial responsibility of
 104 both parents. The final ~~child support~~ order shall include provisions for payment of ~~the~~
 105 uninsured health care expenses; provided, however, that ~~the~~ uninsured health care
 106 expenses shall not be used for the purpose of calculating the amount of child support.
 107 The parents shall divide ~~the~~ uninsured health care expenses pro rata, unless otherwise
 108 specifically ordered by the court.

109 (B) If a parent fails to pay his or her pro rata share of the child's uninsured health care
 110 expenses, as specified in the final ~~child support~~ order, within a reasonable time after
 111 receipt of evidence documenting the uninsured portion of the expense:

112 (i) The other parent or the nonparent custodian may enforce payment of the expense
 113 by any means permitted by law; or

114 (ii) Child support services shall pursue enforcement of payment of such unpaid
 115 expenses only if the unpaid expenses have been reduced to a judgment in a sum
 116 certain amount."

117 **SECTION 6.**

118 Said Code section is further amended by revising subparagraphs (i)(1)(D) and (i)(2)(J) as
 119 follows:

120 "(D) If the circumstances which supported the deviation cease to exist, the final ~~child~~
 121 ~~support~~ order may be modified as set forth in subsection (k) of this Code section to
 122 eliminate the deviation."

123 "(J) **Extraordinary expenses.** The child support obligation table includes average
 124 child rearing expenditures for families given the parents' combined adjusted income and
 125 number of children. Extraordinary expenses are in excess of average amounts
 126 estimated in the child support obligation table and are highly variable among families.
 127 Extraordinary expenses shall be considered on a case-by-case basis in the calculation
 128 of support and may form the basis for deviation from the presumptive amount of child
 129 support so that the actual amount of ~~the~~ such expense is considered in the ~~calculation~~
 130 ~~of the final child support~~ order for only those families actually incurring the expense.
 131 Extraordinary expenses shall be prorated between the parents by assigning or deducting
 132 credit for actual payments for extraordinary expenses."

133 **SECTION 7.**

134 This Act shall become effective upon its approval by the Governor or upon its becoming law
135 without such approval.

136 **SECTION 8.**

137 All laws and parts of laws in conflict with this Act are repealed.