

ADOPTED

Representative Beskin of the 54th offers the following amendment:

1 *Amend the House committee substitute to SB 427 (LC 29 8057S) by replacing "to change "on*
 2 *line 4 with the following:*

3 to enact reforms recommended by the Georgia Child Support Commission; to clarify and
 4 revise a definition; to clarify the process of calculating child support when there is more than
 5 one child for whom support is being determined under certain circumstances; to change

6 *By replacing line 17 with the following:*

7 to provide support, and duration of support, is amended by revising paragraph (11) of
 8 subsection (a) as follows:

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

11 **SECTION 1-1A.**

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

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

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

20 **SECTION 1-1B.**

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

22 "(12) When there is more than one child for whom support is being determined, the court
 23 shall establish the amount of support and the duration of such support in accordance with
 24 subsection (e) of this Code section. When, within two years of a final order being
 25 entered, there is a likelihood that a child will become ineligible to receive support, the
 26 court may allow for the use of separate worksheets. Separate worksheets shall be utilized
 27 for such determination and show the final child support amount to be paid for all such
 28 children and the adjusted amount of support to be paid as each child becomes ineligible
 29 to receive support during such two-year period. Such worksheets shall be attached to the

30 final ~~child support~~ order. Such order shall contain findings as required by law. A final
 31 order entered pursuant to this paragraph shall not preclude a petition for modification."

32 **SECTION 1-1C.**

33 Said Code section is further amended by revising subsection (d) as follows:

34 *By replacing lines 27 and 28 with the following:*

35 Said Code section is further amended by revising paragraph (3) of subsection (f),
 36 subparagraphs (f)(4)(A) and (f)(4)(B), and the introductory language of subparagraph
 37 (f)(4)(D) as follows:

38 **"(3) Social Security benefits.**

39 (A) Benefits received under Title II of the federal Social Security Act by a child on the
 40 obligor's account shall be counted as child support payments and shall be applied
 41 against the final child support ~~order~~ amount to be paid by the obligor for the child.

42 (B) After calculating the obligor's monthly gross income, including the countable
 43 social security benefits as specified in division (1)(A)(xiii) of this subsection, and after
 44 calculating the amount of child support, if the presumptive amount of child support, as
 45 increased or decreased by deviations, is greater than the social security benefits paid on
 46 behalf of the child on the obligor's account, the obligor shall be required to pay the
 47 amount exceeding the social security benefit as part of the final ~~child support~~ order in
 48 the case.

49 (C) After calculating the obligor's monthly gross income, including the countable
 50 social security benefits as specified in division (1)(A)(xiii) of this subsection, and after
 51 calculating the amount of child support, if the presumptive amount of child support, as
 52 increased or decreased by deviations, is equal to or less than the social security benefits
 53 paid to the nonparent custodian or custodial parent on behalf of the child on the
 54 obligor's account, the child support responsibility of that parent shall have been met and
 55 no further child support shall be paid.

56 (D) Any benefit amounts under Title II of the federal Social Security Act as determined
 57 by the Social Security Administration sent to the nonparent custodian or custodial
 58 parent by the Social Security Administration for the child's benefit which are greater
 59 than the final child support ~~order~~ amount shall be retained by the nonparent custodian
 60 or custodial parent for the child's benefit and shall not be used as a reason for
 61 decreasing the final child support ~~order~~ amount or reducing arrearages."

62 *By replacing lines 71 through 77 with the following:*

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

66 "(h) **Adjusted support obligation.** The child support obligation table does not include the
67 cost of the parent's work related child care costs, health insurance premiums, or uninsured
68 health care expenses. The additional expenses for the child's health insurance premiums
69 and work related child care costs shall be included in the calculations to determine child
70 support. A nonparent custodian's expenses for work related child care costs and health
71 insurance premiums shall be taken into account when establishing a final ~~child support~~
72 order."

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

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

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

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

85 "(iii) Eligibility for or enrollment of the child in Medicaid, or the PeachCare for Kids
86 Program, or other public health care program shall ~~not~~ satisfy the requirement that the
87 final ~~child support~~ order provide for the child's health care needs. Health coverage
88 through Medicaid, the PeachCare for Kids Program and Medicaid, or other public
89 health care program shall not prevent a court from also ordering either or both parents
90 to obtain other health insurance for the child.

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

92 (A) The child's uninsured health care expenses shall be the financial responsibility of
93 both parents. The final ~~child support~~ order shall include provisions for payment of ~~the~~
94 uninsured health care expenses; provided, however, that ~~the~~ uninsured health care
95 expenses shall not be used for the purpose of calculating the amount of child support.
96 The parents shall divide ~~the~~ uninsured health care expenses pro rata, unless otherwise
97 specifically ordered by the court.

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

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

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

106 *By inserting between lines 93 and 94 the following:*

107 **SECTION 1-4A.**

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

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

113 "(J) **Extraordinary expenses.** The child support obligation table includes average
 114 child rearing expenditures for families given the parents' combined adjusted income and
 115 number of children. Extraordinary expenses are in excess of average amounts
 116 estimated in the child support obligation table and are highly variable among families.
 117 Extraordinary expenses shall be considered on a case-by-case basis in the calculation
 118 of support and may form the basis for deviation from the presumptive amount of child
 119 support so that the actual amount of ~~the~~ such expense is considered in the ~~calculation~~
 120 ~~of the~~ final ~~child support~~ order for only those families actually incurring the expense.
 121 Extraordinary expenses shall be prorated between the parents by assigning or deducting
 122 credit for actual payments for extraordinary expenses."