

Updated:  
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## **Proposed Legislation for Self-Support Adjustments in Georgia's Child Support Guidelines**

Notes:

- This version's BCSO table has been updated to include in the calculations of the Self-Support Reserve payroll tax withholding rates for 2019. The prior version was based on 2018 withholding rates.
- Code discarded is shown in stricken font. Code to be inserted are underscored. Red font are notable sections to be added.

(a) Definitions. As used in this Code section, the term:

(1) Reserved.

(2) "Adjusted income" means the determination of a parent's monthly income, calculated by deducting from that parent's monthly gross income one-half of the amount of any applicable self-employment taxes being paid by the parent, any preexisting order for current child support which is being paid by the parent, and any theoretical child support order for other qualified children, if allowed by the court. For further reference see paragraph (5) of subsection (f) of this Code section.

(3) "Available income" means adjusted gross income minus the self-support reserve.

~~(3)~~(4) "Basic child support obligation" means the monthly amount of support displayed on the child support obligation table which corresponds to the combined adjusted income and the number of children for whom child support is being determined.

~~(4)~~(5) "Child" means child or children.

~~(5)~~ Reserved.

(6) "Child support obligation table" means the chart in subsection (o) of this Code section.

~~(6.1)~~(7) "Child support services" means the entity within the Department of Human Services and its contractors that are authorized to enforce a duty of support.

~~(7)~~(8) "Combined adjusted income" means the amount of adjusted income of the custodial parent added to the amount of adjusted income of the noncustodial parent.

~~(8)~~(9) "Court" means a judge of any court of record or an administrative law judge of the Office of State Administrative Hearings.

~~(9)~~**(10)** "Custodial parent" means the parent with whom the child resides more than 50 percent of the time. Where a custodial parent has not been designated or where a child resides with both parents an equal amount of time, the court shall designate the custodial parent as the parent with the lesser support obligation and the other parent as the noncustodial parent. Where the child resides equally with both parents and neither parent can be determined as owing a greater amount than the other, the court shall determine which parent to designate as the custodial parent for the purpose of this Code section.

~~(10)~~**(11)** "Deviation" means an increase or decrease from the presumptive amount of child support if the presumed order is rebutted by evidence and the required findings of fact are made by the court pursuant to subsection (i) of this Code section.

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

**(12)** "Final child support amount" means the preliminary presumptive amount of child support adjusted by any deviations and after adjustment for the self-support reserve.

~~(12)~~**(13)** "Gross income" means all income to be included in the calculation of child support as set forth in subsection (f) of this Code section.

~~(13)~~**(14)** "Health insurance" means any general health or medical policy. For further reference see paragraph (2) of subsection (h) of this Code section.

~~(14)~~**(15)** "Noncustodial parent" means the parent with whom the child resides less than 50 percent of the time or the parent who has the greater payment obligation for child support. Where the child resides equally with both parents and neither parent can be determined as owing a lesser amount than the other, the court shall determine which parent to designate as the noncustodial parent for the purpose of this Code section.

~~(15)~~**(16)** "Nonparent custodian" means an individual who has been granted legal custody of a child, or an individual who has a legal right to seek, modify, or enforce a child support order.

~~(16)~~**(17)** "Parent" means a person who owes a child a duty of support pursuant to Code Section 19-7-2.

~~(17)~~**(18)** "Parenting time deviation" means a deviation allowed for the noncustodial parent based upon the noncustodial parent's court ordered visitation with the child. For further reference see subsections (g) and (i) of this Code section.

~~(18)~~**(19)** "Preexisting order" means:

- (B)** An order in another case that requires a parent to make child support payments for another child, which child support the parent is actually paying, as evidenced by documentation as provided in division (f)(5)(B)(iii) of this Code section; and

(B) That the date and time of filing with the clerk of court of the initial order for each such other case is earlier than the date and time of filing with the clerk of court of the initial order in the case immediately before the court, regardless of the age of any child in any of the cases.

(20) “Preliminary final child support amount” means the presumptive award with accepted deviations included but before taking into account self support needs.

~~(19)~~(21) “Presumptive amount of child support” means the basic child support obligation including health insurance and work related child care costs.

~~(20)~~(22) “Qualified child” or “qualified children” means any child:

(B) For whom the parent is legally responsible and in whose home the child resides;

(B) That the parent is actually supporting;

(C) Who is not subject to a preexisting order; and

(D) Who is not before the court to set, modify, or enforce support in the case immediately under consideration.

Qualified children shall not include stepchildren or other minors in the home that the parent has no legal obligation to support.

(23) “Self-support reserve” means the basic needs income for a non-custodial parent, or for custodial parent when the custodial parent is determined to be paying the noncustodial parent. This reserve is the income for a 1 person family/household as published annually by the U.S. Department of Health and Human Services as “HHS Poverty Guidelines” and multiplied by 1.15 for payroll taxes at low income levels (which reduce ability to pay). This figure shall be rounded up or down to the nearest whole dollar. This self-support reserve amount shall be updated no later than April 1 of each year, reflecting the most current HHS figure, shall become a part of the required child support calculations, and shall be incorporated in the child support worksheet no later than April 1 of each year. The same poverty guidelines apply to the custodial parent’s household subsistence and shall be based on a poverty guideline amount for 1 adult plus the number of the children in the instant case multiplied by 1.15. Including the children in the comparison implies the need to adjust both parent’s subsistence needs according to parenting time shares and may be consideration for a nonspecific deviation.

~~(21)~~(24) “Split parenting” can occur in a child support case only if there are two or more children of the same parents, where one parent is the custodial parent for at least one child of the parents, and the other parent is the custodial parent for at least one other child of the parents. In a split parenting case, each parent is the custodial parent of any child spending more than 50 percent of the time with that parent and is the noncustodial parent of any child spending more than 50 percent of the time with the other parent. A split parenting situation

shall have two custodial parents and two noncustodial parents, but no child shall have more than one custodial parent or noncustodial parent.

~~(22)~~(25) “Theoretical child support order” means a hypothetical child support order for qualified children calculated as set forth in subparagraph (f)(5)I of this Code section which allows the court to determine the amount of child support as if a child support order existed.

~~(23)~~(26) “Uninsured health care expenses” means a child’s uninsured medical expenses including, but not limited to, health insurance copayments, deductibles, and such other costs as are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, and any acute or chronic medical or health problem or mental health illness, including counseling and other medical or mental health expenses, that are not covered by insurance. For further reference see paragraph (3) of subsection (h) of this Code section.

~~(24)~~(27) “Work related child care costs” means expenses for the care of the child for whom support is being determined which are due to employment of either parent. In an appropriate case, the court may consider the child care costs associated with a parent’s job search or the training or education of a parent necessary to obtain a job or enhance earning potential, not to exceed a reasonable time as determined by the court, if the parent proves by a preponderance of the evidence that the job search, job training, or education will benefit the child being supported. The term shall be projected for the next consecutive 12 months and averaged to obtain a monthly amount. For further reference see paragraph (1) of subsection (h) of this Code section.

~~(25)~~(28) “Worksheet” or “child support worksheet” means the document used to record information necessary to determine and calculate monthly child support. For further reference see subsection (m) of this Code section.

**(b) *Process of calculating child support.*** Pursuant to this Code section, the determination of monthly child support shall be calculated as follows:

- (1) Determine the monthly gross income of both the custodial parent and the noncustodial parent. Gross income may include imputed income, if applicable. The determination of monthly gross income shall be entered on the Child Support Schedule A – Gross Income;
- (2) Adjust each parent’s monthly gross income by deducting the following from the parents’ monthly gross income and entering it on the Child Support Schedule B – Adjusted Income if any of the following apply:
  - (A) One-half of the amount of self-employment taxes;
  - (B) Preexisting orders; and
  - (C) Theoretical child support order for qualified children, if allowed by the court;

- (3) Add each parent's adjusted income together;
- (4) Locate the basic child support obligation by referring to the child support obligation table. Using the figure closest to the amount of the combined adjusted income, locate the amount of the basic child support obligation. If the combined adjusted income falls between the amounts shown in the table, then the basic child support obligation shall be based on the income bracket most closely matched to the combined adjusted income. The basic child support obligation amount stated in subsection (o) of this Code section shall be rebuttably presumed to be the appropriate amount of child support to be provided by the custodial parent and the noncustodial parent prior to consideration of health insurance, work related child care costs, and deviations;
- (5) Calculate the pro rata share of the basic child support obligation for the custodial parent and the noncustodial parent by dividing the combined adjusted income into each parent's adjusted income to arrive at each parent's pro rata percentage of the basic child support obligation. The basic child support obligation table includes an adjustment for self support and a gradual increase in the basic child support obligation after available income becomes positive to provide an incentive to noncustodial parents to seek to increase earnings (a rise in the BCSO takes less than 100 percent of the increase in income). To incorporate these effects, the presumptive BCSO for the noncustodial parent shall be the lesser of: (a) the pro rata share based on combined adjusted gross income and (b) the BCSO based solely on the noncustodial parent's adjusted gross income.
- (6) Find the adjusted child support obligation amount by adding the additional expenses of the costs of health insurance and work related child care costs, prorating such expenses in accordance with each parent's pro rata share of the obligation and adding such expenses to the pro rata share of the basic child support obligation. The monthly cost of health insurance premiums and work related child care costs shall be entered on the Child Support Schedule D – Additional Expenses. The pro rata share of the monthly basic child support obligation and the pro rata share of the combined additional expenses shall be added together to create the monthly adjusted child support obligation;
- (7) Determine the amount of child support for the custodial parent and the noncustodial parent resulting in a monthly sum certain payment due to the custodial parent by assigning or deducting credit for actual payments for health insurance and work related child care costs from the basic child support obligation;
- (8) In accordance with subsection (i) of this Code section, deviations subtracted from or added to the presumptive amount of child support shall be applied, if applicable, and if supported by the required findings of fact and application of the best interest of the child standard. The proposed deviations shall be entered on the Child Support Schedule E – Deviations. In the court's or the jury's discretion, deviations may include, but shall not be limited to, the following:
- (A) High income;

- ~~(B)~~ Low income;
- ~~(C)~~(B) Other health related insurance;
- ~~(D)~~(C) Life insurance;
- ~~(E)~~(D) Child and dependent care tax credit;
- ~~(F)~~(E) Travel expenses;
- ~~(G)~~(F) Alimony;
- ~~(H)~~(G) Mortgage;
- ~~(I)~~(H) Permanency plan or foster care plan;
- ~~(J)~~(I) Extraordinary expenses;
- ~~(K)~~(J) Parenting time; and
- ~~(L)~~(K) Nonspecific deviations;

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

(9) The preliminary final child support award shall be compared to the noncustodial parent's self-support needs to determine the final child support award. First, available income shall be determined. Available income is adjusted gross income minus the self-support reserve. Available income shall be defined to be no less than zero dollars. The final child support amount shall be defined as the lesser of: (a) available income of the noncustodial parent and (b) the noncustodial parent's preliminary final child support award. Should the preliminary final child support award be negative (the custodial parent pays the noncustodial parent), the final child support amount shall be defined as the lesser of available income of the custodial parent and the custodial parent's preliminary final child support award. Because this award amount shows up as a negative in the noncustodial parent's worksheet column, it is treated as a positive in this calculation.

The court may make a nonspecific deviation upward or downward if the final support award is less than \$50 per month and if the court makes a written finding regarding the parent's ability to pay the additional amount of child support, indicating how the parent's individual circumstances support this deviation and providing other required explanations for this deviation. In making the determination for this deviation, the court shall consider evidence of resources or circumstances affecting the parent's ability to pay. This may include age, employability, disability, homelessness, incarceration history, inpatient substance abuse

treatment, other inpatient treatment, housing expenses, provision or receipt of in-kind resources or services, benefits received from means-tested public assistance programs, other public benefits, subsidies, tax credits, or other appropriate circumstances.

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

**(f) Gross income.**

**(4) Reliable evidence of income.**

**(A) Imputed income.** When establishing the amount of child support, if a parent fails to produce reliable evidence of income, such as tax returns for prior years, check stubs, or other information for determining current ability to pay child support or ability to pay child support in prior years, and the court or the jury has no other reliable evidence of the parent's income or income potential, gross income for the current year may be imputed. When imputing income, the court shall take into account the specific circumstances of the parent to the extent known, including such factors as the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors in the case. If the court or jury imputes income, how these considerations for imputing income were met shall be explained and how the dollar amount of imputed income was determined from the consideration of the specific circumstances of the parent shall be explained by the court or jury in a written statement. Such written explanation shall cover factors enumerated in OCGA § 19-6-15(f)(4)(A). Such statement shall be preserved and included in the final order or attached to the final order and accompanying worksheets. If a parent is incarcerated, the court shall not assume an ability for earning capacity based upon pre-incarceration wages or other employment related income, but income may be imputed based upon the actual income and assets available to such incarcerated parent.

**(g) Parenting time deviation.** The court or the jury may deviate from the presumptive amount of child support as set forth in subparagraph (i)(2)(~~K~~)(L) of this Code section.

**(i) Grounds for deviation.**

**(2) Specific deviations.**

**(A) High income.** For purposes of this subparagraph, parents are considered to be high-income parents if their combined adjusted income exceeds \$30,000.00 per month. For high-income parents, the court shall set the basic child support obligation at the highest amount allowed by the child support obligation table but the court or the jury may consider upward deviation to attain an appropriate award of child support for high-income parents which is consistent with the best interest of the child.

~~(B) *Low income.*~~

~~(i) If the noncustodial parent can provide evidence sufficient to demonstrate no earning capacity or that his or her pro rata share of the presumptive amount of child support would create an extreme economic hardship for such parent, the court may consider a low income deviation.~~

~~(ii) A noncustodial parent whose sole source of income is supplemental security income received under Title XVI of the federal Social Security Act shall be considered to have no earning capacity.~~

~~(iii) The court or the jury shall examine all attributable and excluded sources of income, assets, and benefits available to the noncustodial parent and may consider the noncustodial parent's basic subsistence needs and all of his or her reasonable expenses, ensuring that such expenses are actually paid by the noncustodial parent and are clearly justified expenses.~~

~~(iv) In considering a request for a low income deviation, the court or the jury shall then weigh the income and all attributable and excluded sources of income, assets, and benefits and all reasonable expenses of each parent, the relative hardship that a reduction in the amount of child support paid to the custodial parent would have on the custodial parent's household, the needs of each parent, the needs of the child for whom child support is being determined, and the ability of the noncustodial parent to pay child support.~~

~~(v) Following a review of the noncustodial parent's gross income and expenses, and taking into account each parent's basic child support obligation adjusted by health insurance and work related child care costs and the relative hardships on the parents and the child, the court or the jury, upon request by either party or upon the court's initiative, may consider a downward deviation to attain an appropriate award of child support which is consistent with the best interest of the child.~~

~~(vi) For the purpose of calculating a low income deviation, the noncustodial parent's minimum child support for one child shall be not less than \$100.00 per month, and such amount shall be increased by at least \$50.00 for each additional child for the same case for which child support is being ordered.~~

~~(vii) A low income deviation granted pursuant to this subparagraph shall apply only to the current child support amount and shall not prohibit an additional amount being ordered to reduce a noncustodial parent's arrears.~~

~~(viii) If a low income deviation is granted pursuant to this subparagraph, such deviation shall not prohibit the court or jury from granting an increase or decrease to the presumptive amount of child support by the use of any other specific or nonspecific deviation.~~

~~(C)~~(B) **Other health related insurance.** If the court or the jury finds that either parent has vision or dental insurance available at a reasonable cost for the child, the court may deviate from the presumptive amount of child support for the cost of such insurance.

~~(D)~~(C) **Life insurance.** In accordance with Code Section 19-6-34, if the court or the jury finds that either parent has purchased life insurance on the life of either parent or the lives of both parents for the benefit of the child, the court may deviate from the presumptive amount of child support for the cost of such insurance by either adding or subtracting the amount of the premium.

~~(E)~~(D) **Child and dependent care tax credit.** If the court or the jury finds that one of the parents is entitled to the Child and Dependent Care Tax Credit, the court or the jury may deviate from the presumptive amount of child support in consideration of such credit.

~~(F)~~(E) **Travel expenses.** If court ordered visitation related travel expenses are substantial due to the distance between the parents, the court may order the allocation of such costs or the jury may by a finding in its special interrogatory allocate such costs by deviation from the presumptive amount of child support, taking into consideration the circumstances of the respective parents as well as which parent moved and the reason for such move.

~~(G)~~(F) **Alimony.** Actual payments of alimony shall not be considered as a deduction from gross income but may be considered as a deviation from the presumptive amount of child support. If the court or the jury considers the actual payment of alimony, the court shall make a written finding of such consideration or the jury, in its special interrogatory, shall make a written finding of such consideration as a basis for deviation from the presumptive amount of child support.

~~(H)~~(G) **Mortgage.** If the noncustodial parent is providing shelter, such as paying the mortgage of the home, or has provided a home at no cost to the custodial parent in which the child resides, the court or the jury may allocate such costs or an amount equivalent to such costs by deviation from the presumptive amount of child support, taking into consideration the circumstances of the respective parents and the best interest of the child.

~~(I)~~(H) **Permanency plan or foster care plan.** In cases where the child is in the legal custody of the Department of Human Services, the child protection or foster care agency of another state or territory, or any other child-caring entity, public or private, the court or the jury may consider a deviation from the presumptive amount of child support if the deviation will assist in accomplishing a permanency plan or foster care plan for the child that has a goal of returning the child to the parent or parents and the parent's need to establish an adequate household or to otherwise adequately prepare herself or himself for the return of the child clearly justifies a deviation for this purpose.

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

**(i) Extraordinary educational expenses.** Extraordinary educational expenses may be a basis for deviation from the presumptive amount of child support. Extraordinary educational expenses include, but are not limited to, tuition, room and board, lab fees, books, fees, and other reasonable and necessary expenses associated with special needs education or private elementary and secondary schooling that are appropriate to the parent's financial abilities and to the lifestyle of the child if the parents and the child were living together.

**(I)** In determining the amount of deviation for extraordinary educational expenses, scholarships, grants, stipends, and other cost-reducing programs received by or on behalf of the child shall be considered; and

**(II)** If a deviation is allowed for extraordinary educational expenses, a monthly average of the extraordinary educational expenses shall be based on evidence of prior or anticipated expenses and entered on the Child Support Schedule E -- Deviations.

**(ii) Special expenses incurred for child rearing.** Special expenses incurred for child rearing, including, but not limited to, quantifiable expense variations related to the food, clothing, and hygiene costs of children at different age levels, may be a basis for a deviation from the presumptive amount of child support. Such expenses include, but are not limited to, summer camp; music or art lessons; travel; school sponsored extracurricular activities, such as band, clubs, and athletics; and other activities intended to enhance the athletic, social, or cultural development of a child but not otherwise required to be used in calculating the presumptive amount of child support as are health insurance premiums and work related child care costs. A portion of the basic child support obligation is intended to cover average amounts of special expenses incurred in the rearing of a child. In order to determine if a deviation for special expenses is warranted, the court or the jury shall consider the full amount of the special expenses as described in this division; and when these special expenses exceed 7 percent of the basic child support obligation, then the additional amount of special expenses shall be considered as a deviation to cover the full amount of the special expenses.

(iii) *Extraordinary medical expenses.* In instances of extreme economic hardship involving extraordinary medical expenses not covered by insurance, the court or the jury may consider a deviation from the presumptive amount of child support for extraordinary medical expenses. Such expenses may include, but are not limited to, extraordinary medical expenses of the child or a parent of the child; provided, however, that any such deviation:

(I) Shall not act to leave a child unsupported; and

(II) May be ordered for a specific period of time measured in months.

When extraordinary medical expenses are claimed, the court or the jury shall consider the resources available for meeting such needs, including sources available from agencies and other adults.

~~(K)~~(J) *Parenting time.*

(i) The child support obligation table is based upon expenditures for a child in intact households. The court may order or the jury may find by special interrogatory a deviation from the presumptive amount of child support when special circumstances make the presumptive amount of child support excessive or inadequate due to extended parenting time as set forth in the order of visitation, the child residing with both parents equally, or visitation rights not being utilized.

(ii) If the court or the jury determines that a parenting time deviation is applicable, then such deviation shall be included with all other deviations.

(iii) In accordance with subsection (d) of Code Section 19-11-8, if any action or claim for parenting time or a parenting time deviation is brought under this subparagraph, it shall be an action or claim solely between the custodial parent and the noncustodial parent, and not any third parties, including child support services.

(3) *Nonspecific deviations.* Deviations from the presumptive amount of child support may be appropriate for reasons in addition to those established under this subsection when the court or the jury finds it is in the best interest of the child.

*(o) Georgia Schedule of Basic Child Support Obligations.*

*Georgia Schedule of Basic Child Support Obligations*

Combined Adjusted Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
<del>\$ 800.00</del>	<del>\$ 197.00</del>	<del>\$ 283.00</del>	<del>\$ 330.00</del>	<del>\$ 367.00</del>	<del>\$ 404.00</del>	<del>\$ 440.00</del>
<del>850.00</del>	<del>208.00</del>	<del>298.00</del>	<del>347.00</del>	<del>387.00</del>	<del>425.00</del>	<del>463.00</del>
<del>900.00</del>	<del>218.00</del>	<del>313.00</del>	<del>364.00</del>	<del>406.00</del>	<del>447.00</del>	<del>486.00</del>
<del>950.00</del>	<del>229.00</del>	<del>328.00</del>	<del>381.00</del>	<del>425.00</del>	<del>468.00</del>	<del>509.00</del>
<del>1,000.00</del>	<del>239.00</del>	<del>343.00</del>	<del>398.00</del>	<del>444.00</del>	<del>489.00</del>	<del>532.00</del>
<del>1,050.00</del>	<del>250.00</del>	<del>357.00</del>	<del>415.00</del>	<del>463.00</del>	<del>510.00</del>	<del>554.00</del>
<del>1,100.00</del>	<del>260.00</del>	<del>372.00</del>	<del>432.00</del>	<del>482.00</del>	<del>530.00</del>	<del>577.00</del>

~~1,150.00 270.00 387.00 449.00 501.00 551.00 600.00~~  
~~1,200.00 280.00 401.00 466.00 520.00 572.00 622.00~~  
~~1,250.00 291.00 416.00 483.00 539.00 593.00 645.00~~  
~~1,300.00 301.00 431.00 500.00 558.00 614.00 668.00~~  
~~1,350.00 311.00 445.00 517.00 577.00 634.00 690.00~~  
~~1,400.00 321.00 459.00 533.00 594.00 654.00 711.00~~  
~~1,450.00 331.00 473.00 549.00 612.00 673.00 733.00~~  
~~1,500.00 340.00 487.00 565.00 630.00 693.00 754.00~~  
~~1,550.00 350.00 500.00 581.00 647.00 712.00 775.00~~  
~~1,600.00 360.00 514.00 597.00 665.00 732.00 796.00~~  
~~1,650.00 369.00 528.00 612.00 683.00 751.00 817.00~~  
~~1,700.00 379.00 542.00 628.00 701.00 771.00 838.00~~  
~~1,750.00 389.00 555.00 644.00 718.00 790.00 860.00~~  
~~1,800.00 398.00 569.00 660.00 736.00 809.00 881.00~~  
~~1,850.00 408.00 583.00 676.00 754.00 829.00 902.00~~  
~~1,900.00 418.00 596.00 692.00 771.00 848.00 923.00~~  
~~1,950.00 427.00 610.00 708.00 789.00 868.00 944.00~~  
~~2,000.00 437.00 624.00 723.00 807.00 887.00 965.00~~  
~~2,050.00 446.00 637.00 739.00 824.00 906.00 986.00~~  
~~2,100.00 455.00 650.00 754.00 840.00 924.00 1,006.00~~  
~~2,150.00 465.00 663.00 769.00 857.00 943.00 1,026.00~~  
~~2,200.00 474.00 676.00 783.00 873.00 961.00 1,045.00~~  
~~2,250.00 483.00 688.00 798.00 890.00 979.00 1,065.00~~  
~~2,300.00 492.00 701.00 813.00 907.00 997.00 1,085.00~~  
~~2,350.00 501.00 714.00 828.00 923.00 1,016.00 1,105.00~~  
~~2,400.00 510.00 727.00 843.00 940.00 1,034.00 1,125.00~~  
~~2,450.00 519.00 740.00 858.00 956.00 1,052.00 1,145.00~~  
~~2,500.00 528.00 752.00 873.00 973.00 1,070.00 1,165.00~~  
~~2,550.00 537.00 765.00 888.00 990.00 1,089.00 1,184.00~~  
~~2,600.00 547.00 778.00 902.00 1,006.00 1,107.00 1,204.00~~  
~~2,650.00 556.00 791.00 917.00 1,023.00 1,125.00 1,224.00~~  
~~2,700.00 565.00 804.00 932.00 1,039.00 1,143.00 1,244.00~~  
~~2,750.00 574.00 816.00 947.00 1,056.00 1,162.00 1,264.00~~  
~~2,800.00 583.00 829.00 962.00 1,073.00 1,180.00 1,284.00~~  
~~2,850.00 592.00 842.00 977.00 1,089.00 1,198.00 1,303.00~~  
~~2,900.00 601.00 855.00 992.00 1,106.00 1,216.00 1,323.00~~  
~~2,950.00 611.00 868.00 1,006.00 1,122.00 1,234.00 1,343.00~~  
~~3,000.00 620.00 881.00 1,021.00 1,139.00 1,253.00 1,363.00~~  
~~3,050.00 629.00 893.00 1,036.00 1,155.00 1,271.00 1,383.00~~  
~~3,100.00 638.00 906.00 1,051.00 1,172.00 1,289.00 1,402.00~~  
~~3,150.00 647.00 919.00 1,066.00 1,188.00 1,307.00 1,422.00~~  
~~3,200.00 655.00 930.00 1,079.00 1,203.00 1,323.00 1,440.00~~  
~~3,250.00 663.00 941.00 1,092.00 1,217.00 1,339.00 1,457.00~~  
~~3,300.00 671.00 952.00 1,104.00 1,231.00 1,355.00 1,474.00~~  
~~3,350.00 679.00 963.00 1,117.00 1,246.00 1,370.00 1,491.00~~  
~~3,400.00 687.00 974.00 1,130.00 1,260.00 1,386.00 1,508.00~~

~~3,450.00 694.00 985.00 1,143.00 1,274.00 1,402.00 1,525.00~~  
~~3,500.00 702.00 996.00 1,155.00 1,288.00 1,417.00 1,542.00~~  
~~3,550.00 710.00 1,008.00 1,168.00 1,303.00 1,433.00 1,559.00~~  
~~3,600.00 718.00 1,019.00 1,181.00 1,317.00 1,448.00 1,576.00~~

\$1,400	\$50	\$50	\$50	\$50	\$50	\$50
\$1,450	\$58	\$59	\$60	\$60	\$61	\$62
\$1,500	\$93	\$94	\$95	\$96	\$97	\$98
\$1,550	\$127	\$129	\$130	\$131	\$133	\$134
\$1,600	\$162	\$164	\$165	\$167	\$169	\$171
\$1,650	\$196	\$198	\$201	\$203	\$205	\$207
\$1,700	\$231	\$233	\$236	\$238	\$241	\$243
\$1,750	\$265	\$268	\$271	\$274	\$277	\$280
\$1,800	\$300	\$303	\$306	\$310	\$313	\$316
\$1,850	\$334	\$337	\$341	\$345	\$348	\$352
\$1,900	\$367	\$371	\$375	\$379	\$384	\$388
\$1,950	\$401	\$405	\$410	\$414	\$419	\$423
\$2,000	\$434	\$439	\$444	\$449	\$454	\$458
\$2,050	\$446	\$473	\$478	\$483	\$489	\$494
\$2,100	\$455	\$507	\$513	\$518	\$524	\$529
\$2,150	\$465	\$541	\$547	\$553	\$559	\$565
\$2,200	\$474	\$575	\$581	\$588	\$594	\$600
\$2,250	\$483	\$609	\$616	\$622	\$629	\$636
\$2,300	\$492	\$643	\$650	\$657	\$664	\$671
\$2,350	\$501	\$677	\$684	\$692	\$699	\$707
\$2,400	\$510	\$711	\$719	\$726	\$734	\$742
\$2,450	\$519	\$740	\$753	\$761	\$769	\$777
\$2,500	\$528	\$752	\$787	\$796	\$804	\$813
\$2,550	\$537	\$765	\$821	\$830	\$839	\$848
\$2,600	\$547	\$778	\$856	\$865	\$874	\$884
\$2,650	\$556	\$791	\$890	\$900	\$909	\$919
\$2,700	\$565	\$804	\$924	\$934	\$944	\$955
\$2,750	\$574	\$816	\$947	\$969	\$980	\$990
\$2,800	\$583	\$829	\$962	\$1,004	\$1,015	\$1,025
\$2,850	\$592	\$842	\$977	\$1,039	\$1,050	\$1,061
\$2,900	\$601	\$855	\$992	\$1,073	\$1,085	\$1,096
\$2,950	\$611	\$868	\$1,006	\$1,108	\$1,120	\$1,132
\$3,000	\$620	\$881	\$1,021	\$1,139	\$1,155	\$1,167
\$3,050	\$629	\$893	\$1,036	\$1,155	\$1,190	\$1,203
\$3,100	\$638	\$906	\$1,051	\$1,172	\$1,225	\$1,238
\$3,150	\$647	\$919	\$1,066	\$1,188	\$1,260	\$1,273
\$3,200	\$655	\$930	\$1,079	\$1,203	\$1,295	\$1,309
\$3,250	\$663	\$941	\$1,092	\$1,217	\$1,330	\$1,344
\$3,300	\$671	\$952	\$1,104	\$1,231	\$1,355	\$1,380
\$3,350	\$679	\$963	\$1,117	\$1,246	\$1,370	\$1,415

\$3,400 \$687 \$974 \$1,130 \$1,260 \$1,386 \$1,451  
\$3,450 \$694 \$985 \$1,143 \$1,274 \$1,402 \$1,486  
\$3,500 \$702 \$996 \$1,155 \$1,288 \$1,417 \$1,522  
\$3,550 \$710 \$1,008 \$1,168 \$1,303 \$1,433 \$1,557  
\$3,600 \$718 \$1,019 \$1,181 \$1,317 \$1,448 \$1,576

**(j) *Involuntary loss of income.***

(1) In the event a parent suffers an involuntary termination of employment, has an extended involuntary loss of average weekly hours, is involved in an organized strike, incurs a loss of health, becomes incarcerated, or similar involuntary adversity resulting in a loss of income of 25 percent or more, then the portion of child support attributable to lost income shall not accrue from the date of the service of the petition for modification, provided that service is made on the other parent. It shall not be considered an involuntary termination of employment if the parent has left the employer without good cause in connection with the parent's most recent work.

(2) In the event a modification action is filed pursuant to this subsection, the court shall make every effort to expedite hearing such action.

(3) The court may, at its discretion, phase in the new child support award over a period of up to one year with the phasing in being largely evenly distributed with at least an initial immediate adjustment of not less than 25 percent of the difference and at least one intermediate adjustment prior to the final adjustment at the end of the phase-in period.

**(k) *Modification.***

(1) Except as provided in paragraph (2) of this subsection, a parent shall not have the right to petition for modification of the child support award regardless of the length of time since the establishment of the child support award unless there is a substantial change in either parent's income and financial status or the needs of the child.

(2) No petition to modify child support may be filed by either parent within a period of two years from the date of the final order on a previous petition to modify by the same parent except where:

(A) A noncustodial parent has failed to exercise the court ordered visitation;

(B) A noncustodial parent has exercised a greater amount of visitation than was provided in the court order; or

(C) The motion to modify is based upon an involuntary loss of income as set forth in subsection (j) of this Code section.

**(3) Any petition for modification shall be deemed to be seeking relief under section (j) of this code section, pending a finding by the court or jury that a required condition for relief exists**

as stated in code section (j)(1). Accordingly, if the court or jury finds, amid or around review of a modification petition or hearing, that the requirements of section (j)(1) of this code section are met, then the portion of child support attributable to lost income shall not accrue from the date of the service of the petition for modification, provided that service is made on the other parent.

~~(3)~~**(4)** (A) If there is a difference of at least 15 percent but less than 30 percent between a new award and a Georgia child support order entered prior to January 1, 2007, the court may, at its discretion, phase in the new child support award over a period of up to one year with the phasing in being largely evenly distributed with at least an initial immediate adjustment of not less than 25 percent of the difference and at least one intermediate adjustment prior to the final adjustment at the end of the phase-in period.

**(B)** If there is a difference of 30 percent or more between a new award and a Georgia child support order entered prior to January 1, 2007, the court may, at its discretion, phase in the new child support award over a period of up to two years with the phasing in being largely evenly distributed with at least an initial immediate adjustment of not less than 25 percent of the difference and at least one intermediate adjustment prior to the final adjustment at the end of the phase-in period.

**(C)** All child support service's case reviews and modifications shall proceed and be governed by Code Section 19-11-12. Subsequent changes to the child support obligation table shall be a reason to request a review for modification from child support services to the extent that such changes are consistent with the requirements of Code Section 19-11-12.

~~(4)~~**(5)** A petition for modification shall be filed under the same rules of procedure applicable to divorce proceedings. The court may allow, upon motion, the temporary modification of a child support order pending the final trial on the petition. An order granting temporary modification shall be subject to revision by the court at any time before the final trial. A jury may be demanded on a petition for modification but the jury shall only be responsible for determining a parent's gross income and any deviations. In the hearing upon a petition for modification, testimony may be given and evidence introduced relative to the change of circumstances, income and financial status of either parent, or in the needs of the child. After hearing both parties and the evidence, the court may modify and revise the previous judgment, in accordance with the changed circumstances, income and financial status of either parent, or in the needs of the child, if such change or changes are satisfactorily proven so as to warrant the modification and revision and such modification and revisions are in the child's best interest. The court shall enter a written order specifying the basis for the modification, if any, and shall include all of the information set forth in paragraph (2) of subsection (c) of this Code section.

~~(6)~~**(7)** In proceedings for the modification of a child support award pursuant to the provisions of this Code section, the court may award attorney's fees, costs, and expenses of litigation to the prevailing party as the interests of justice may require. Where a custodial parent prevails in an upward modification of child support based upon the noncustodial

parent's failure to be available and willing to exercise court ordered visitation, reasonable and necessary attorney's fees and expenses of litigation shall be awarded to the custodial parent.

(8) Upon processing any new individual for incarceration, the Georgia Department of Corrections, each county's sheriff's department, and all other state and local government entities that have duties of maintaining incarceration shall provide a form to the individual inquiring whether the individual has a duty of child support. This shall apply to any individual expected to be incarcerated for 90 days or longer or for an indefinite period of incarceration. If the individual indicates that he or she has a child support obligation, a copy of the form shall be immediately forwarded to the Georgia Title IV-D agency and the Georgia Title IV-D agency shall file a petition for modification in behalf of the individual. All state and local government entities that have duties of maintaining incarceration shall provide the form inquiring about child support obligations to those already incarcerated. When a form is returned and indicates a child support obligation, said form shall be forwarded to the Georgia Title IV-D agency. The Georgia Title IV-D agency shall determine whether an order of support exists, and if so, the Georgia Title IV-D agency shall file a petition for modification in behalf of the individual within 45 days of receipt of the form and serve the opposing party within 10 days of filing the petition. Receipt of this form shall be date and time stamped by the Georgia Title IV-D agency. If the child support case is a Title IV-D agency case, date of service to the other party shall be deemed to be the date of receipt of this form by the Title IV-D agency. All state and local government entities that have duties of maintaining incarceration shall be responsible for creating the form in a manner that provides information required by the Georgia Title IV-D agency. The Georgia Title IV-D agency shall provide guidance in developing this form and in making improvements to this form as needed.

Questions or Comments? Contact:

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