Senate Bill 483

By: Senators Harp of the 29th and Carter of the 13th

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 19-6-15 of the Official Code of Georgia Annotated, relating to child support in final verdict or decree, guidelines for determining amount of child support award, and the duration of support, so as to revise certain definitions; to change certain provisions relating to the process of calculating child support; to provide for orders in cases involving family violence; to change certain provisions relating to gross income and clarify military compensation and allowances as gross income; to correct cross-references and clarify certain provisions of the Code section; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 19-6-15 of the Official Code of Georgia Annotated, relating to child support in final verdict or decree, guidelines for determining amount of child support award, and the duration of support, is amended by revising paragraphs (1), (6.1), (17), (18), and (20) of subsection (a) as follows:

"(1) 'Adjusted child support obligation' means the basic child support obligation adjusted by ~~the parenting time adjustment, if applicable,~~ health insurance~~,~~ and work related child care costs."

"(6.1) 'Child support services' means the ~~Office of Child Support Services~~ agency within the Department of Human Resources which provides and administers child support services."

"(17) 'Parenting time ~~adjustment~~ deviation' means ~~an adjustment to~~ a deviation from the noncustodial parent´s portion of the basic child support obligation based upon the noncustodial parent´s court ordered visitation with the child. For further reference see ~~subsection~~ subsections (g) and (i) of this Code section.

(18) 'Preexisting order' means:

(A) 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 of filing with the clerk of court of the initial order for each such other case is earlier than the date 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) 'Qualified child' or 'qualified children' means any child:

(A) 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 ~~child support~~ 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.″

SECTION 2.

Said Code section is further amended by revising paragraphs (8) and (9) of subsection (b) as follows:

″(8) In accordance with subsection (i) of this Code section, deviations subtracted from or increased to the presumptive amount of child support are 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 are not limited to, the following:

(A) High income;

(B) Low income;

(C) Other health related insurance;

(D) Child and dependent care tax credit;

(E) Travel expenses;

(F) Alimony;

(G) Mortgage;

(H) Permanency plan or foster care plan;

(I) Extraordinary expenses;

(J) ~~Nonspecific deviations~~ Parenting time; and

(K) ~~Parenting time~~ Nonspecific deviations;

(9) The final child support order shall be the presumptive amount of child support as increased or decreased by deviations and any benefits which the child receives under Title II of the federal Social Security Act shall be applied against the final child support order. 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;″

SECTION 3.

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

″(c) *Applicability and required findings.*

(1) The child support guidelines contained in this Code section are a minimum basis for determining the amount of child support and shall apply as a rebuttable presumption in all legal proceedings involving the child support responsibility of a parent. This Code section shall be used when the court enters a temporary or permanent child support order in a contested or noncontested hearing or order in a civil action filed pursuant to Code Section 19-13-4. The rebuttable presumptive amount of child support provided by this Code section may be increased or decreased according to the best interest of the child for whom support is being considered, the circumstances of the parties, the grounds for deviation set forth in subsection (i) of this Code section, and to achieve the state policy of affording to children of unmarried parents, to the extent possible, the same economic standard of living enjoyed by children living in intact families consisting of parents with similar financial means.

(2) The provisions of this Code section shall not apply with respect to any divorce case in which there are no minor children, except to the limited extent authorized by subsection (e) of this Code section. In the final judgment or decree in a divorce case in which there are minor children, or in other cases which are governed by the provisions of this Code section, the court shall:

(A) Specify in what sum certain amount and from which parent the child is entitled to permanent support as determined by use of the worksheet;

(B) Specify as required by Code Section 19-5-12 in what manner, how often, to whom, and until when the support shall be paid;

(C) Include a written finding of the parent´s gross income as determined by the court or the jury;

(D) Determine whether health insurance for the child involved is reasonably available at a reasonable cost to either parent. If the health insurance is reasonably available at a reasonable cost to the parent, then the court ~~may~~ shall order that the child be covered under such health insurance;

(E) Include written findings of fact as to whether one or more of the deviations allowed under this Code section are applicable, and if one or more such deviations are applicable as determined by the court or the jury, the written findings of fact shall further set forth:

(i) The reasons the court or the jury deviated from the presumptive amount of child support;

(ii) The amount of child support that would have been required under this Code section if the presumptive amount of child support had not been rebutted; and

(iii) A finding that states how the court´s or the jury´s application of the child support guidelines would be unjust or inappropriate considering the relative ability of each parent to provide support and how the best interest of the child who is subject to the child support determination is served by deviation from the presumptive amount of child support;

(F) Specify the amount of the noncustodial parent´s parenting time as set forth in the order of visitation; ~~and~~

(G) Include a written finding regarding the use of benefits received under Title II of the federal Social Security Act in the calculation of the amount of child support; and

(H) Specify the percentage of uninsured health care expenses for which each parent shall be responsible.

(3) When child support is ordered, the party who is required to pay the child support shall not be liable to third persons for necessaries furnished to the child embraced in the judgment or decree.

(4) In all cases, the parties shall submit to the court their worksheets and schedules and the presence or absence of other factors to be considered by the court pursuant to the provisions of this Code section. The child support worksheet and Schedule E shall be attached to the final court order or judgment; provided, however, that any order entered pursuant to Code Section 19-13-4 shall not be required to have such worksheet and schedule attached thereto.

~~(4)~~(5) In any case in which the gross income of the custodial parent and the noncustodial parent is determined by a jury, the court shall charge the provisions of this Code section applicable to the determination of gross income. The jury shall be required to return a special interrogatory determining gross income. The court shall determine adjusted income, health insurance, and work related child care costs. Based upon the jury´s verdict as to gross income, the court shall determine the presumptive amount of child support in accordance with the provisions of this Code section. The court shall inform the jury of the presumptive amount of child support and the identity of the custodial and noncustodial parents. In the final instructions to the jury, the court shall charge the

provisions of this Code section applicable to the determination of deviations and the jury shall be required to return a special interrogatory as to deviations and the final award of child support. The court shall include its findings and the jury´s verdict on the child support worksheet in accordance with this Code section and Code Section 19-5-12.

~~(5)~~(6) Nothing contained within this Code section shall prevent the parties from entering into an enforceable agreement contrary to the presumptive amount of child support which may be made the order of the court pursuant to review by the court of the adequacy of the child support amounts negotiated by the parties, including the provision for medical expenses and health insurance; provided, however, that if the agreement negotiated by the parties does not comply with the provisions contained in this Code section and does not contain findings of fact as required to support a deviation, the court shall reject such agreement.

~~(6)~~(7) In any case filed pursuant to Chapter 11 of this title, relating to the 'Child Support Recovery Act,' the 'Uniform Reciprocal Enforcement of Support Act,' or the 'Uniform Interstate Family Support Act,' the court shall make all determinations of fact, including gross income and deviations, and a jury shall not hear any issue related to such cases.″

SECTION 4.

Said Code section is further amended by revising paragraphs (1) and (3), subparagraphs (B) and (C) of paragraph (4), and subparagraphs (B) and (D) of paragraph (5) of subsection (f) as follows:

″(1) INCLUSION TO GROSS INCOME.

(A) *ATTRIBUTABLE INCOME.* Gross income of each parent shall be determined in the process of setting the presumptive amount of child support and shall include all income from any source, before deductions for taxes and other deductions such as preexisting orders for child support and credits for other qualified children, whether earned or unearned, and includes, but is not limited to, the following:

(i) Salaries;

(ii) Commissions, fees, and tips;

(iii) Income from self-employment;

(iv) Bonuses;

(v) Overtime payments;

(vi) Severance pay;

(vii) Recurring income from pensions or retirement plans including, but not limited to, United States Department of Veterans Affairs, Railroad Retirement Board, Keoghs, and individual retirement accounts;

(viii) Interest income;

(ix) Dividend income;

(x) Trust income;

(xi) Income from annuities;

(xii) Capital gains;

(xiii) Disability or retirement benefits that are received from the Social Security Administration pursuant to Title II of the federal Social Security Act;

(xiv) Workers´ compensation benefits, whether temporary or permanent;

(xv) Unemployment insurance benefits;

(xvi) Judgments recovered for personal injuries and awards from other civil actions;

(xvii) Gifts that consist of cash or other liquid instruments, or which can be converted to cash;

(xviii) Prizes;

(xix) Lottery winnings;

(xx) Alimony or maintenance received from persons other than parties to the proceeding before the court; ~~and~~

(xxi) Assets which are used for the support of the family; and

(xxii) Other income.

(B) *SELF-EMPLOYMENT INCOME*. Income from self-employment includes income from, but not limited to, business operations, work as an independent contractor or consultant, sales of goods or services, and rental properties, less ordinary and reasonable expenses necessary to produce such income. Income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership, limited liability company, or closely held corporation is defined as gross receipts minus ordinary and ~~necessary~~ reasonable expenses required for self-employment or business operations. Ordinary and reasonable expenses of self-employment or business operations necessary to produce income do not include:

(i) Excessive promotional, travel, vehicle, or personal living expenses, depreciation on equipment, or costs of operation of home offices; or

(ii) Amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses, investment tax credits, or any other business expenses determined by the court or the jury to be inappropriate for determining gross income.

In general, income and expenses from self-employment or operation of a business should be carefully reviewed by the court or the jury to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. Generally, this amount will differ from a determination of business income for tax purposes.

(C) *FRINGE BENEFITS.* Fringe benefits for inclusion as income or 'in kind' remuneration received by a parent in the course of employment, or operation of a trade or business, shall be counted as income if the benefits significantly reduce personal living expenses. Such fringe benefits might include, but are not limited to, use of a company car, housing, or room and board. ~~Basic allowance for housing and subsistence and variable housing allowances for members of the armed services shall be considered income for the purposes of determining child support.~~ Fringe benefits ~~do~~ shall not include employee benefits that are typically added to the salary, wage, or other compensation that a parent may receive as a standard added benefit, including, but not limited to, employer paid portions of health insurance premiums or employer contributions to a retirement or pension plan.

(D) *VARIABLE INCOME*. Variable income such as commissions, bonuses, overtime pay, military bonuses, and dividends shall be averaged by the court or the jury over a reasonable period of time consistent with the circumstances of the case and added to a parent´s fixed salary or wages to determine gross income. When income is received on an irregular, nonrecurring, or one-time basis, the court or the jury may, but is not required to, average or prorate the income over a reasonable specified period of time or require the parent to pay as a one-time support amount a percentage of his or her nonrecurring income, taking into consideration the percentage of recurring income of that parent.

(E) *MILITARY COMPENSATION AND ALLOWANCES.* Income for a parent who is an active duty member of the regular or reserve component of the United States armed forces, the United States Coast Guard, the merchant marine of the United States, the commissioned corps of the Public Health Service or the National Oceanic and Atmospheric Administration, the National Guard, or the Air National Guard shall include:

(i) Base pay;

(ii) Drill pay;

(iii) Basic allowance for subsistence, whether paid directly to the parent or received in-kind; and

(iv) Basic allowance for housing, whether paid directly to the parent or received in-kind, determined at the parent´s pay grade at the without dependent rate, but shall include only so much of the allowance that is not attributable to area variable housing costs.

Except as determined by the court or jury, special pay or incentive pay, allowances for clothing or family separation, and reimbursed expenses related to the parent´s assignment to a high cost of living location shall not be considered income for the purpose of determining gross income.″

"(3) SOCIAL SECURITY BENEFITS.

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

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

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

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

~~(E) The court shall make a written finding of fact in the final child support order regarding the use of Social Security benefits in the calculation of the child support.~~"

"(B) *MODIFICATION.* When cases with established orders are reviewed for modification and 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 jury has no other reliable evidence of ~~that~~ such parent´s income or income potential, the court or jury may ~~enter an order to~~ increase the child support of the parent failing or refusing to produce evidence of income by an increment of at least 10 percent per year of ~~that~~ such parent´s ~~pro rata share of the basic child support obligation~~ gross income for each year since the final child support order was entered or last modified and shall calculate the basic child support obligation using the increased amount as such parent´s gross income.

(C) *REHEARING.* If income is imputed pursuant to subparagraph (A) of this paragraph, the party believing the income of the other party is higher than the amount imputed may provide within 90 days, upon motion to the court, evidence necessary to determine the appropriate amount of child support based upon reliable evidence. A hearing shall be scheduled after the motion is filed. The court may increase, decrease, or leave unchanged the amount of current child support from the date of filing of either parent´s initial filing or motion for reconsideration. While the motion for reconsideration is pending, the obligor shall be responsible for the amount of child support originally ordered. Arrearages entered in the original child support order based upon imputed income shall not be forgiven. When there is reliable evidence to support a motion for reconsideration of the amount of income imputed, the party shall not be required to demonstrate ~~the existence of a significant variance~~ that there has been a substantial change in either parent´s income, financial status, the needs of the child, or other such factors required for modification of an order pursuant to subsection (k) of this Code section.″

″(B) *PREEXISTING ORDERS.* An adjustment to the parent´s monthly gross income shall be made on the Child Support Schedule B – Adjusted Income for current preexisting orders actually being paid under an order of support for a period of not less than 12 ~~consecutive~~ months immediately prior to the date of the hearing or such period that an order has been in effect if less than 12 months prior to the date of the hearing before the court to set, modify, or enforce child support.

(i) In calculating the adjustment for preexisting orders, the court shall include only those preexisting orders where the date of ~~entry~~ filing with the clerk of court of the initial support order precedes the date of ~~entry~~ filing with the clerk of court of the initial order in the case immediately under consideration;

(ii) The priority for preexisting orders shall be determined by the date of filing with the clerk of court of the initial order in each case. Subsequent modifications of the initial support order shall not affect the priority position established by the date of the initial order. In any modification proceeding, the court rendering the decision shall make a specific finding of the date of the initial order of the case;

(iii) Adjustments shall be allowed for current preexisting support only to the extent that the payments are actually being paid as evidenced by documentation including, but not limited to, payment history from a court clerk, a IV-D agency, as defined in Code Section 19-6-31, the child support services´ computer data base, the child support payment history, or canceled checks or other written proof of payments paid directly to the other parent. The maximum credit allowed for a preexisting order is

an average of the amount of current support actually paid under the preexisting order over the past 12 months prior to the hearing date;

(iv) All preexisting orders shall be entered on the Child Support Schedule B – Adjusted Income for the purpose of calculating the total amount of the credit to be included on the child support worksheet; and

(v) Payments being made by a parent on any arrearages shall not be considered payments on preexisting orders or subsequent orders and shall not be used as a basis for reducing gross income.″

″(D) *PRIORITY OF ADJUSTMENTS*. In multiple family situations, the adjustments to a parent´s monthly gross income shall be calculated in the following order:

(i) Preexisting orders according to the date of the initial order; and

(ii) After applying the deductions on the Child Support Schedule B – Adjusted Income for preexisting orders, if any, in subparagraph ~~(A)~~ (B) of paragraph ~~(4)~~ (5) of this subsection, any credit for a parent´s other qualified children may be considered using the procedure set forth in subparagraph ~~(B)~~ (C) of this paragraph.″

SECTION 5.

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

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

SECTION 6.

Said Code section is further amended by revising division (2)(B)(i) of subsection (h) as follows:

″(B)(i) If either parent has health insurance reasonably available at reasonable cost through employment or a group policy that provides for the health care needs of the child ~~can be obtained by a parent at reasonable cost~~, then an amount to cover the cost of the premium shall be added as an adjustment to the basic child support obligation. A health insurance premium paid by a nonparent custodian shall be included when determining the amount of health insurance expense. In determining the amount to be added to the order for the health insurance cost, only the amount of the health insurance cost attributable to the child who is the subject of the order shall be included.″

SECTION 7.

Said Code section is further amended by revising paragraph (1), subparagraphs (B), (G), (J), and (K) of paragraph (2), and paragraph (3) of subsection (i) as follows:

"(1) GENERAL PRINCIPLES.

(A) The amount of child support established by this Code section and the presumptive amount of child support are rebuttable and the court or the jury may deviate from the presumptive amount of child support in compliance with this subsection. In deviating from the presumptive amount of child support, primary consideration shall be given to the best interest of the child for whom support under this Code section is being determined. A nonparent custodian´s expenses may be the basis for a deviation.

(B) When ordering a deviation from the presumptive amount of child support, the court or the jury shall consider all available income of the parents and shall make written findings or special interrogatory findings that an amount of child support other than the amount calculated is reasonably necessary to provide for the needs of the child for whom child support is being determined and the order or special interrogatory shall state:

(i) The reasons for the deviation from the presumptive amount of child support;

(ii) The amount of child support that would have been required under this Code section if the presumptive amount of child support had not been rebutted; and

(iii) How, in its determination:

(I) Application of the presumptive amount of child support would be unjust or inappropriate; and

(II) The best interest of the child for whom support is being determined will be served by deviation from the presumptive amount of child support.

(C) No deviation in the presumptive amount of child support shall be made which seriously impairs the ability of the custodial parent to maintain minimally adequate housing, food, and clothing for the child being supported by the order and to provide other basic necessities, as determined by the court or the jury.

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

"(B) ~~*LOW-INCOME*~~ *LOW INCOME*. For purposes of this subparagraph, 'low-income person' means a parent whose annual gross income is at or below $1,850.00 per month.

(i) If the noncustodial parent is a low-income person and requests a deviation on such basis, the court or the jury shall determine if the noncustodial parent will be financially able to pay the child support order and maintain at least a minimum standard of living by calculating a self-support reserve as set forth in division (ii) of

this subparagraph. The court or the jury shall take into account all nonexcluded sources of income available to each parent and all reasonable expenses of each parent, ensuring that such expenses are actually paid by the parent and are clearly justified expenses. The court or the jury shall also consider the financial impact that a reduction in the amount of child support paid to the custodial parent would have on the custodial parent´s household. Under no circumstances shall the amount of child support awarded to the custodial parent impair the ability of the custodial parent to maintain minimally adequate housing, food, and clothing and provide for other basic necessities for the child being supported by the court order.

(ii) To calculate the self-support reserve for the noncustodial parent, the court or the jury shall deduct $900.00 from the noncustodial parent´s adjusted income. If the resulting amount is less than the noncustodial parent´s pro rata responsibility of the presumptive amount of child support, the court or the jury may deviate from the amount of support provided for in the child support obligation table to the resulting amount. If the child support award amount would be less than $75.00, then the minimum child support order amount shall be $75.00.

(iii) If the custodial parent is a low-income person, the court or the jury shall subtract $900.00 from the custodial parent´s adjusted income. If the resulting amount is less than the custodial parent´s pro rata responsibility of the presumptive amount of child support, the court or the jury shall not deviate from the amount of support required to be paid by the noncustodial parent as provided for in the child support obligation table.

(iv) The self-support reserve calculation described in this subparagraph shall apply only to the current child support amount and shall not prohibit an additional amount being ordered to reduce an obligor´s arrears.

(v) The court shall make a written finding in its order or the jury shall find by special interrogatory that the low-income deviation from the presumptive amount of child support is clearly justified based upon the considerations and calculations described in this subparagraph."

"(G) *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."

"(J) *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 the expense is considered in the calculation of the final child support 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~~, or a child of a parent´s current family~~; 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) *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 or when the child resides with both parents equally.

(ii) If the court or the jury determines that a parenting time deviation is applicable, then such deviation shall be applied to the noncustodial parent´s basic child support obligation.

(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 the child support services.

(3) NONSPECIFIC DEVIATIONS. Deviations ~~Deviation~~ 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. ~~If the circumstances which supported the deviation cease to exist, the final child support order may be modified as set forth in subsection (k) of this Code section to eliminate the deviation.~~"

SECTION 8.

Said Code section is further amended by revising paragraphs (1) and (4) of subsection (k) as follows:

"(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 ~~parents´~~ parent´s income and financial status or the needs of the child."

"(4) A petition for modification shall be filed ~~and returnable~~ 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."

SECTION 9.

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

"(m) *Worksheets*.

(1) The child support worksheet is used to record information necessary to determine and calculate child support. Schedules and worksheets shall be prepared by the parties for purposes of calculating the amount of child support. Information from the schedules shall be entered on the child support worksheet. The child support worksheet and Schedule E shall be attached to the final court order or judgment~~, and any schedules completed by the parties shall be filed with the clerk of court~~; provided, however, that any order entered pursuant to Code Section 19-13-4 shall not be required to have such worksheet and schedule attached thereto.

(2) The child support worksheet and schedules shall be promulgated by the Georgia Child Support Commission."

SECTION 10.

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