



Because Children Need Both Parents

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## **PRESS RELEASE**

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FOR IMMEDIATE RELEASE:

### **ON BEHALF OF GEORGIA'S FAMILIES**

### **PETITION FILED WITH THE UNITED STATES SUPREME COURT**

In Georgia, child support has traditionally been calculated by finding the actual cost of providing the reasonable needs of the child or children in question, then apportioning the burden between father and mother on an ability-to-pay basis. In the wake of the Federal Family Support Act of 1988, the legislature of Georgia adopted child support guidelines, supposedly to assist the courts in setting awards in private divorces. Under these guidelines, the amount of child support ordered has skyrocketed, delinquencies have multiplied, and thousands of good people in Georgia have been unfairly stigmatized as “deadbeat” dads or moms.

On February 25, 2002, Judge C. Dane Perkins in Atkinson County entered findings that Georgia's child support guidelines were not designed to deal with most private divorces, are unrelated to the cost of raising children, are unrelated to the equal duty of both parents to

provide the reasonable needs of their children in proportion to their resources, and yield grossly excessive awards which can drive non-custodial parents into poverty. The Georgia Department of Human Resources failed to offer any evidence to dispute these findings of fact.

Judge Perkins held, in light of the uncontested facts, that Georgia's child support guidelines are unconstitutional. On April 29, 2003, the Georgia Supreme Court left the findings of Judge Perkins undisturbed, yet upheld the guidelines as constitutional, and on June 2, 2003, denied a motion for reconsideration. The non-custodial parent in this case is Michelle Sweat, who has recently been ordered to pay her ex-husband an amount of child support which, in light of her living expenses and other obligations, will certainly drive her into poverty. Without judicial relief, she will become another social casualty, not from unwillingness to do her duty as a parent, but from inability to pay an amount that bears no relationship to what can fairly be expected of her.

On August 11, 2003, a petition was filed before the United States Supreme Court for a writ of certiorari to review and reverse the Georgia Supreme Court. Michelle Sweat's fellow citizens organized as Georgians for Child Support Reform have provided necessary resources to support her petition. Counsel engaged are John Remington Graham, a former law professor and a specialist in British, American, and Canadian constitutional law and history, and Daryl LeCroy of Atlanta who represented Michelle before Judge Perkins and the Georgia Supreme Court.

Questions concerning the case itself may be addressed to Mr. Graham or Mr. LeCroy. For more information on Georgia's child support guidelines, please visit the website of Georgians for Child Support Report Reform.