

PRESS RELEASE

**Rockdale County Superior Court Judge Declares Georgia's
Child Support Guidelines Unconstitutional**

February 10, 2003

On February 10, 2003, Judge Sidney L. Nation, Sr., Chief Judge of Rockdale Superior Court, Rockdale County, Georgia, granted the motion of Laura Jean McFall to declare the Georgia Child Support Guidelines Unconstitutional in a temporary order.

Judge Nation granted the motion based upon the Supremacy Clause or Article VI of the Federal Constitution because Georgia has failed to comply with the Federal mandate for the state to adopt and periodically revise the guidelines in line with current economic data.

Judge Nation stated as follows:

“The evidence before this Court is clear and uncontroverted that the State of Georgia has not complied with federal requirements in setting and/or revising its child support guidelines. It has not considered economic data on the cost of raising children nor analyzed case data in reviewing the guidelines as contemplated by 45 C.F.R. §302.56(e) and (h). Georgia’s failure to comply with the federal mandate makes the application of the state’s child support guidelines inconsistent with federal law under the Supremacy Clause of the U.S. Constitution, which this Court is bound to uphold.

Until such time as the General Assembly brings O.C.G.A. §19-6-15 into compliance with the federal mandate pursuant to which it was adopted, this Court stays the application of Georgia’s child support guidelines and declines to apply the statute in future cases. Accordingly, Plaintiff’s Motions for Modification of Child Support and Declaratory Judgment are **GRANTED.**”

Submitted by:

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