

1 MEETING OF THE ADVISORY COMMITTEE
2 ON CHILD-SUPPORT GUIDELINES AND ENFORCEMENT
3 FOR THE STATE OF ALABAMA
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8 The following proceedings were held in
9 the meeting of the Advisory Board on Child
10 Support Guidelines for the State of Alabama
11 on Friday, December 13, 2013, commencing at
12 approximately 10:00 a.m., at the Heflin-
13 Torbert Judicial Building, 300 Dexter Avenue,
14 Montgomery, Alabama, 36104, and was taken
15 down by Kristie Pearson, Certified Court
16 Reporter and Notary Public for the State of
17 Alabama at Large.
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1 APPEARANCES

2 MR. GORDON BAILEY, CHAIRMAN

3 MR. JAMES D. JEFFRIES, ESQ.
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5 MS. FAYE NELSON
Department of Human Resources

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7 MS. JENNIFER BUSH
Alabama Department of Resources

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11 HONORABLE WILLIAM K. BELL
Circuit Judge Madison County

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13 MR. MICHAEL POLEMENI

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15 MS. PENNY DAVIS
Alabama Law Institute

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17 MR. STEPHEN R. ARNOLD, ESQ.
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19 MR. SCOTT HOYEM
Alabama Administrative Office of Courts

20 MR. ALEX W. JACKSON, ESQ.
Alabama Supreme Court

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22 MS. JULIA WELLER
MR. KENNETH HOLDER
MRS. BRENDA WRIGHT HOLDER
MR. KENNETH PASCHAL

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1 HEARING OFFICER: Kristie Pearson, our
2 court reporter, is here with us today.
3 She's going to take down everything we
4 say and really make us look good in the
5 transcript. Kristie always asks
6 that -- Our court reporting service
7 always asks that when you speak, first
8 state your name.

9 Now, we've got some cards out there,
10 placards, that might help you, Kristie.

11 But state your name and title when
12 you first start.

13 Let's go around the room and
14 introduce ourselves. I'm Gordon
15 Bailey. I'm retired and enjoying every
16 minute of it.

17 Jeff, do you want to --

18 MR. JEFFRIES: I'm Jim Jeffries from
19 Mobile. I have a solo divorce
20 practice.

21 MR. WRIGHT: I've Steve Wright. I'm from
22 Birmingham, Alabama. I'm a practicing
23 attorney.

1 MR. ARNOLD: I'm Steve Arnold from
2 Birmingham. I'm a practicing attorney
3 in the area of domestic relations.

4 MR. POLEMENI: Michael Polemeni, not an
5 attorney.

6 MS. BUSH: Jennifer Bush, DHR.

7 MS. NELSON: I'm Faye Nelson, DHR.

8 JUDGE BELL: I'm Billy Bell. I'm the
9 circuit judge from Madison County.

10 MS. DAVIS: Penny Davis, Alabama Law
11 Institute.

12 MR. BAILEY: We have some guests with us.
13 We'll hear from them at the end of the
14 meeting when we have our comments from
15 the public.

16 Now, Scott, for the record, you sent
17 notices out to all the press notifying
18 everybody of the meeting? Just want to
19 be sure that's on the record.

20 MR. HOYEM: Yes, sir.

21 MR. BAILEY: Thank you so much.

22 Our first item of business is
23 approval of the transcript from the

1 August 2nd meeting. You have a copy of
2 the transcript from that meeting. And
3 Angela Campbell has asked us to make
4 some corrections. That's in your
5 packet, so if you'll pull the three
6 page -- Starting on page 84, three
7 pages of the transcript, which she's
8 asked to be corrected. If you'll take
9 a minute and look at that. I don't
10 think it's anything major. Just a few
11 changes that she suggested that we
12 make. And if you'll look that over,
13 I'll entertain a motion to accept the
14 corrections as offered by Angela and
15 that be made part of the transcript
16 from our last meeting.

17 MR. WRIGHT: I so move.

18 MS. DAVIS: Are they highlighted?

19 MR. BAILEY: It's written in. It's just
20 written in. Page 84 has a couple of
21 changes, 85 has a couple written in,
22 and 86 has one toward the top.

23 MS. DAVIS: Thank you.

1 MR. BAILEY: And it's nothing major. It's
2 just the way she thought it should be
3 phrased.

4 All right. Steve Wright has made a
5 motion that we accept the corrections
6 and make that a part. Do we have a
7 second?

8 JUDGE BELL: Second.

9 MR. BAILEY: Do we need more time to
10 review it?

11 (No response)

12 MR. BAILEY: All in favor say aye.

13 (All responded)

14 MR. BAILEY: All right. That will be
15 done.

16 MR. JACKSON: We need to assure that we
17 have a quorum.

18 MR. BAILEY: That's a good idea. And our
19 understanding of a quorum is how many,
20 Alex?

21 MR. JACKSON: Simple majority.

22 MR. BAILEY: Okay. And a majority of the
23 twenty -- I think we have about twenty

1 on the committee, so it would be 10.

2 MR. JACKSON: Right.

3 MR. BAILEY: Do you and Bob want to huddle
4 and make sure we've got a quorum?

5 MR. JACKSON: I think it's pretty clear we
6 don't.

7 MR. POLEMENI: We have nine.

8 MR. BAILEY: Well, maybe somebody will
9 join us.

10 MR. JACKSON: Well, the point is we can
11 have a discussion, but we can't vote on
12 anything.

13 MR. BAILEY: That's right. So when we
14 have a quorum, we'll agree then to make
15 the changes in the minutes. I'm glad
16 you pointed that out.

17 All right. Let's talk about update
18 of schedule discussion then.

19 And, Alex, you're correct. We'll
20 just have some discussions.

21 We have secured the funding for
22 reviewing the guidelines, reviewing the
23 schedule. We've secured the funding to

1 do that. Now, we don't have open-ended
2 funding, but we've been assured that
3 we'll have the funding necessary to
4 complete the task, to see what needs to
5 be changed in the schedule and any
6 guideline changes that we need to
7 make.

8 Bob, do you want to speak to the
9 issue of contacting vendors that might
10 want to bid on services for the
11 committee?

12 MR. MADDOX: Yes, sir. Bob Maddox with
13 the AOC Family Court Division.

14 Just to give you a little history of
15 this committee, on two separate
16 occasions this committee has reached
17 out to vendors in order to update the
18 schedule. And it's been done a couple
19 of ways. In fact, about ten years ago
20 back in November 2003 when the schedule
21 was about to be updated, it was decided
22 to reach out to the Department of
23 Finance Division of Purchasing. And

1 back then they sent us a list of
2 anybody that was classified as a cost
3 estimator or consultant, and it was
4 over eleven hundred vendors. And we
5 undertook the arduous task of mailing
6 out RPs to update the schedule to all
7 those vendors by mail, and we only had
8 about one person respond.

9 We also sent the RP to twenty-nine
10 colleges and universities with
11 economics departments around the state
12 of Alabama. We also sent RPs to five
13 other persons, including Jane Venohr
14 with currently Center For Policy
15 Research -- I think it was Policy
16 Studies Incorporated back ten years
17 ago -- as well as four other persons,
18 two who were recommended to send it
19 to. And I'll name those off just for
20 the record. Urban Institute in
21 Washington, D.C.; ABT Associates,
22 Incorporated, from Cambridge,
23 Massachusetts; Dr. Burt S. Barnow,

1 Baltimore, Maryland with Johns Hopkins
2 University; Dr. David M. Beldsoe,
3 Associate Professor of Economics, Notre
4 Dame University. I think that was it.
5 But we sent these RPs to all these
6 entities and only Dr. Venohr responded
7 at that time.

8 A couple of years later in 2005, the
9 committee wanted -- There was kind of
10 limbo with the committee meetings for a
11 year or so. And in 2005, the committee
12 discussed this again and decided to
13 send it to two entities, including
14 Dr. Venohr, as well as the colleges and
15 universities around Alabama. And
16 Dr. Mark Rogers responded with that RP
17 at the time. That was in 2005.

18 Then the committee made a decision
19 to have Dr. Venohr and Dr. Rogers come,
20 if y'all remember, in 2006 to present
21 both their studies to the committee.
22 So that's a little history of how it
23 was done before with vendors.

1 Now, I contacted the Department of
2 Finance Division of Purchasing to kind
3 of get an updated list of vendors
4 classified as cost estimating and
5 consulting. Thankfully, it's much less
6 than eleven hundred. It's down to
7 about two-fifty. However, there are a
8 lot of these entities that really
9 probably don't need this study. This
10 would be up to the committee to decide
11 who should get this RP. I think
12 colleges and universities are still a
13 good idea. I think that was mentioned
14 at the last meeting. And also these
15 other entities we reached out before,
16 the professors of economics or
17 whoever. So that's up to the committee
18 to decide what they want to do just
19 like in 2005.

20 MR. BAILEY: Thank you, Bob.

21 Any questions of Bob about where we
22 should be? Unfortunately, without a
23 quorum, we can't really vote on what to

1 do, but we can certainly discuss it and
2 we can move along before our next
3 meeting and try to accomplish some
4 things.

5 Billy?

6 JUDGE BELL: Bob, do we have the work data
7 from the prior studies so that whoever
8 we hire wouldn't have to go back and
9 reinvent the wheel?

10 MR. MADDOX: Are you talking about the
11 request for proposal?

12 JUDGE BELL: No. The result of how we got
13 to where we are in the last adopted
14 schedule. If we've got that work data
15 so that they can take that and kind of
16 extrapolate from there, it might save
17 us some money.

18 MR. JACKSON: Do we own it so that we can
19 give it to somebody else to use?

20 MR. MADDOX: I would probably get
21 permission.

22 MR. JACKSON: Because it may be
23 copyrighted.

1 MR. MADDOX: But that is another important
2 point. If we decide to send an RP out,
3 I think the committee should set the
4 parameters as to what they want in the
5 study.

6 MS. DAVIS: Am I correct in remembering
7 that you're going to check with Jane
8 about some information that she had
9 accumulated for somebody else and
10 whether or not we could utilize that if
11 we utilize her?

12 MR. MADDOX: I think Mr. Bailey e-mailed
13 her about that.

14 MR. BAILEY: I did. And Jane has been
15 kind enough to continue to offer some
16 advice as we reconstituted the
17 committee -- I mean, got the committee
18 back together again to consider the
19 guidelines and updating. She's been
20 kind enough to give us some pointers
21 about some direction, and she hasn't
22 charged us for that. So we appreciate
23 that.

1 MS. DAVIS: Do you know if she could
2 utilize -- If she winds up being our
3 vendor, if we'll be able to have access
4 to kind of piggy back off information
5 that she acquired through working with
6 others?

7 MR. BAILEY: Absolutely. I think Jane
8 would be glad to share that with us.

9 Any other questions of Bob? We
10 can't really take any formal action
11 unfortunately today. But any other
12 questions of Bob or Alex that we should
13 proceed with while we're waiting for
14 our next meeting and a quorum? Any
15 other suggestions?

16 MR. JACKSON: Gordon, I think we could
17 send out reports for votes on how to
18 proceed and get a vote if we have a
19 sense of the committee.

20 MS. DAVIS: So could we vote the number
21 that are here and then -- Or do you
22 need to send it all out at the same
23 time to everybody?

1 MR. JACKSON: I think it would be cleaner
2 to do it all at the same time.

3 MS. DAVIS: Okay.

4 MR. BAILEY: I'm sorry. What are you
5 proposing we send out, Alex?

6 MR. JACKSON: Send out the notice to the
7 committee that we're going to do this
8 and ask them how they want to deal with
9 it. I don't know how to phrase it. We
10 can come up with something.

11 MS. DAVIS: Could we do motions and
12 seconds here and then have a proposal
13 that we vote on it?

14 MR. JACKSON: We could call it a sense-of-
15 the-committee kind of thing. I think
16 that's acceptable.

17 JUDGE BELL: I wonder if we could send a
18 transcript so they can see what we
19 talked about.

20 MR. JACKSON: I don't see any problems
21 with it. This day is not a futility.
22 We can get a lot accomplished, but we
23 would have to have the stamp from the

1 rest of the committee.

2 MS. DAVIS: Do we know if we anticipate
3 other people coming?

4 MR. JACKSON: Have you had any more
5 responses?

6 MR. MADDOX: I haven't had any more
7 responses.

8 MR. BAILEY: Well, I know we want our
9 vendor, whoever we choose, to do the
10 schedule again, look at the schedule
11 and bring that up to date with the
12 current economic conditions in Alabama,
13 factors and so on.

14 Are there any other issues that we
15 want to have the vendor address, any
16 other issues?

17 Jim, you brought up the issue of
18 joint custody to me yesterday. Do you
19 want to speak to that?

20 MR. JEFFRIES: Sure. I mentioned to Bob
21 and Gordon that in my practice in
22 Mobile in Baldwin County that I am
23 seeing more and more true joint

1 physical custody orders, whether it's
2 by agreement or with an order from a
3 judge, and noted that there is still no
4 guideline, no guidance, at all within
5 the rules, in Rule 32, about how to
6 calculate child support in that
7 circumstance.

8 And after speaking with Judge Bell
9 right before the meeting started, I now
10 know of three different ways that
11 different judges handle child support
12 orders that way. And I think it would
13 help for lawyers and judges and
14 parties, really everyone, to have some
15 sort of guide, guidance, rule about how
16 to handle child support in those
17 situations.

18 MR. BAILEY: In a true joint custody?

19 MR. JEFFRIES: True joint physical
20 custody. We have been using --
21 Generally, judges will just use the
22 split custody rule, which may or may
23 not be appropriate in a lot of

1 circumstances.

2 MR. BAILEY: Any other comments, questions
3 of Jim?

4 JUDGE BELL: I had this very situation
5 come up this week in a domestic
6 relations trial docket. And the
7 parties had agreed to true joint
8 custody, but they were hung up on how
9 to calculate child support. Knowing
10 that there was no procedure set out in
11 Rule 32, they and their clients came to
12 me and said, We need your guidance.
13 What do you do? And I told them and
14 they ended up being able to resolve the
15 case.

16 If the purpose of the guideline is
17 to keep people out of court and help
18 folks settle cases and have some
19 certainty and clarity, we definitely
20 need a joint custody arrangement in
21 here.

22 MR. ARNOLD: May I speak to that?

23 MR. BAILEY: Yes, sir.

1 MR. ARNOLD: Other states have tried some
2 of that and they bogged into percentage
3 of time, then that leads to battles
4 over whether someone is fully
5 exercising their full percentage of
6 time, which brings them back to court
7 for modifications, arguments over
8 whether percentages are right,
9 arguments over whether there's a
10 disadvantage to the parent that has
11 less money versus the one who has more
12 money. Other states have grappled with
13 that very shared custody issue and have
14 had some very significant problems both
15 practically and academically,
16 philosophically.

17 Jim, I appreciate the issue.

18 Billy, I appreciate the issue.

19 I think it has to be looked at
20 extremely carefully and some experience
21 drawn off of some other states that
22 have tried that, because it can turn
23 into an octopus.

1 MR. JEFFRIES: We know that it's
2 happening. The joint physical custody
3 is happening.

4 MR. ARNOLD: Absolutely.

5 MR. JEFFRIES: It seems to me we ought to
6 try at least to come up with
7 something --

8 MR. ARNOLD: I definitely -- I agree,
9 Jim. I think for sure we ought to look
10 at it. I'm just urging caution.

11 MR. JEFFRIES: One of the things I
12 mentioned to Gordon was with the
13 esteemed members of this committee that
14 have been here a lot longer than me --
15 The first thing I said to him, look,
16 there's got to be a good reason why
17 this is not in the rule. Maybe that's
18 what we decide, that there is a good
19 reason.

20 MR. ARNOLD: We have addressed that
21 problem before.

22 MR. JEFFRIES: And I'm certainly not
23 asking this committee to redo work and

1 redecide something that's already been
2 decided.

3 MR. ARNOLD: And I agree, with more and
4 more attention being given to a truer
5 shared custody, there's a lot more
6 consideration given to equalizing time,
7 at least to some extent, if not
8 completely. And that's going to have
9 an impact. And I think you're right.
10 I think in the long run, we need to be
11 looking past the horizon to look at
12 that issue again. It's got some
13 inherent problems that we don't want to
14 accidentally create more problems than
15 we solve. And I've talked to members
16 of the judiciary who said we've got to
17 figure something out.

18 MR. BAILEY: I agree.

19 JUDGE BELL: It's makes no sense for a
20 judge in Madison County to make a child
21 support decision on a joint custody
22 arrangement one way and a judge
23 somewhere else -- If you've got a split

1 custody arrangement in the Rule 32, the
2 way the law is moving towards shared
3 custody, there's no reason not to have
4 a procedure in here. A judge can
5 always deviate from the guidelines if
6 they don't feel like it's appropriate
7 and equitable in that situation. But I
8 think we've got to keep up with the
9 times and we need a procedure, in my
10 opinion.

11 MS. DAVIS: To move along the discussion,
12 perhaps in preparation, may I suggest
13 we get Jim to -- since he's already
14 discovered three ways -- to maybe send
15 a little memo that describes the three
16 different ways he's learned. And
17 anybody else after seeing that, sees
18 another way, then that way we'll have
19 at least the benefit of the various
20 experiences that we have in Alabama
21 with it. And that way, maybe this can
22 be a little more organized discussion
23 next time.

1 MR. BAILEY: And I'm sure Jim would be up
2 to the task of doing that.

3 MR. JEFFRIES: I would be happy to.

4 MR. JACKSON: Penny, do you know if Civils
5 has had to address that at all? Have
6 they had any cases come up on that?

7 MS. DAVIS: I think the dilemma with --
8 I'm sure it's been brought up in some
9 cases, but there's not going to be any
10 direction in the rule that they can
11 really weigh in on. Which if it's not
12 in the rule, then it seems to me it
13 would fall back on the equity of
14 initially the trial court and then the
15 ore tenus rule would apply as far as
16 the determination of the sense of
17 fairness.

18 JUDGE BELL: I think what the cases before
19 the Court of Civil Appeals that had a
20 problem is where the lawyers call it
21 joint custody, but it's really split
22 custody or vice versa. And then they
23 use the procedure in Rule 32 for split

1 custody when it's joint custody and you
2 get reversed because Rule 32 is not
3 complied with.

4 MR. BAILEY: Michael, did you want to say
5 something?

6 MR. POLEMENI: I was going to bring this
7 up in my time. But New Jersey has an
8 adjustments for parenting time, and
9 they go into a whole list here of what
10 they can do, what percentage of
11 parenting time gets credit. So if it's
12 20 percent, they have a certain
13 amount. If it's 30 percent, they have
14 a certain amount and so on. So that's
15 one way, one state doing it.

16 MS. DAVIS: That kind of leads down the
17 path that you were talking about.

18 MR. ARNOLD: I'll add to my comment. New
19 Jersey is a state where I have several
20 friends who practice, and I do hear the
21 anecdotal comments about problems that
22 arise with their program. It doesn't
23 mean I'm against looking at it at all,

1 but that's one of the places where we
2 have problems.

3 MR. POLEMENI: Alabama can do it better,
4 I'm sure.

5 MR. ARNOLD: Than New Jersey? I'll go
6 with that.

7 MR. BAILEY: Steve I know is involved in a
8 lot of our discussions we had about
9 four or five years ago involving joint
10 custody and the things we looked at and
11 issues we discussed.

12 But we did discuss it a good bit,
13 didn't we, Steve?

14 MR. ARNOLD: We did.

15 MR. BAILEY: I don't think there's any
16 reason our vendor can't do some work on
17 that and present some proposals to us
18 and some options that we might want to
19 look at and make some recommendations.

20 All right. I've got the schedule
21 change and true joint custody. What
22 else do we want the vendor to explore
23 for us in terms of providing us with

1 some options and discussion points of
2 updating the guidelines?

3 MS. DAVIS: Any information they have
4 relating to medical, I think, would be
5 helpful.

6 MR. BAILEY: Do we want to take medical
7 now? Is that a good segue?

8 MR. ARNOLD: I agree with Penny, and I may
9 be totally off base. And this is
10 strictly a non-political comment. But
11 the Affordable Health Care Act, what
12 impact, if any, is in the periphery or
13 hiding in there somewhere?

14 MR. BAILEY: Perfect segue into Judge
15 Bell's committee. At our last meeting,
16 we appointed Judge Bell to head a
17 committee to look at language involving
18 medical updates, health insurance
19 subcommittee.

20 And, Billy, will you take the floor,
21 please?

22 JUDGE BELL: I'll be happy to.

23 And that's what happens, Jim, when

1 you bring up an issue, you form a
2 subcommittee.

3 MR. JEFFRIES: You see how well I
4 deflected that off.

5 JUDGE BELL: Y'all should have received
6 the e-mail. And I had a wonderful
7 subcommittee and we did -- kind of
8 knocked a bunch of things around. And
9 we came up with what you have as Option
10 1 and Option 2. And what we're
11 proposing is to basically use both of
12 these.

13 Option 1 is probably going to look
14 real familiar to you, but this is from
15 Rule 32. It's 32(A)1, which has
16 reasons for deviating from the
17 guidelines. And it's got A, B, C and
18 D. Like A is shared physical custody;
19 B is extraordinary cost of
20 transportation; C is expenses of
21 college education -- which really we
22 could probably go ahead and take out
23 right now -- D is assets of, or

1 unearned income received by or on
2 behalf of the child; and it's got E,
3 Other-facts or circumstances.

4 But what we're proposing to do is to
5 add three more. And I'll talk about
6 E. The actual cost of the family
7 policy health insurance coverage to be
8 used in the calculation exceeds the
9 actual cost of the premium, which would
10 be charged to provide health insurance
11 coverage solely for the children who
12 are the subject of the support-order by
13 20 percent or more. That goes with
14 Option Number 2.

15 Now, Option 2 will look real
16 familiar to you. My subcommittee back
17 in 2008 put this together and we
18 proposed it -- The whole committee
19 adopted it and we sent it to the
20 Supreme Court and the Supreme Court
21 turned it down, as I understand, for
22 the feeling it was too big a change at
23 that time.

1 But I also sent to Gordon, and y'all
2 received it, a summary of the case from
3 2012 by the Court of Civil Appeals. I
4 was the trial judge. And it's Hein
5 versus Fuller, and you have that. The
6 point in that summary, which is really
7 important, is I had a case where mother
8 and father were divorced. The mother
9 had remarried. The stepfather carried
10 the medical insurance coverage. Added
11 the mother and the parties' two
12 children to the coverage he already had
13 for he and his daughter by a prior
14 marriage.

15 So when I did the order, I did not
16 include the father's medical insurance,
17 family policy medical insurance
18 premium. Made a specific finding that
19 to do so would be manifestly unjust and
20 inequitable. Because when I did that,
21 it resulted in this father paying 79.27
22 percent of the stepfather's family
23 policy premium, which was absurd. And

1 the testimony was that it cost nothing
2 to add the mother and the parties' two
3 children to the policy he already had.
4 And it was over \$400 that this man was
5 paying in child support because of
6 that. So I deviated.

7 It went to the Court of Civil
8 Appeals. I got reversed. And they
9 were very gentle with me. And they
10 said although we understand the trial
11 court's concern over the father being
12 required to pay a large percentage --
13 Now, remember, 79.27 percent -- of the
14 health insurance premium that covers
15 three other people and not just the
16 children, it's apparent from the
17 language used in Rule 32(B)(7)(e) that
18 the guidelines recognize that family or
19 dependent coverage could well include
20 children who are not the subject of the
21 child support obligation. And Judge
22 Moore even went so far to say it is
23 absolutely absurd for child support to

1 include the payment of health insurance
2 for anybody other than the children
3 involved in the case.

4 And the Court of Civil Appeals
5 recommended that I let the dad carry
6 the medical insurance, which I did and
7 that solved that problem. But to me it
8 shed light on a real glaring flaw in
9 Rule 32. It's just not fair to use the
10 family policy premium.

11 So what we had proposed in Option 2
12 back in '08 -- And we want to propose
13 it again -- is basically you figure out
14 what the pro-rata portion of the family
15 policy premium is or the number of
16 children -- the numerator is the number
17 of children involved in the case who
18 are to be covered by the insurance.
19 And the denominator would be the total
20 number of people who are covered under
21 that policy. And that would be the
22 medical insurance premium. And then we
23 go back up into Option 1 and we still

1 have the discretion within the trial
2 court to deviate from that if we feel
3 like that is in and of itself not fair
4 and equitable. And so those are the
5 recommendations of my subcommittee.

6 MR. BAILEY: And who all was on your
7 committee? I know Penny.

8 JUDGE BELL: Penny, Julie Palmer, Julia
9 Kimbrough, Michael. We bounced it back
10 and forth, talked about it a good bit
11 and this is what we have come up with.
12 And Penny is going to talk more about F
13 and G because they deal with other
14 issues.

15 MR. JEFFRIES: Can I ask you a question?
16 Does this proposal change the ability
17 of Rule 32 guidelines to add the
18 premium paid by the stepparent, like in
19 your situation?

20 JUDGE BELL: As I understand, it does
21 not.

22 MR. JEFFRIES: The wording is the premium
23 actually paid by the parent.

1 JUDGE BELL: As I understand the case law,
2 whoever carries the medical insurance
3 under which the children are covered,
4 that premium is to be carried. Under
5 the current Rule 32, as I understand
6 it, that's with family policy premiums
7 regardless of the number of people who
8 are insured. But it does not.

9 If they are covered under the
10 stepfather's or stepparent's medical
11 insurance premium, that pro-rata amount
12 would still be included in the
13 calculation. In my particular case, it
14 would have been 40 percent of the
15 premium times 79.2 percent, so it would
16 have reduced it to 27 or 28 percent.

17 MS. DAVIS: But what I think Jim is saying
18 is maybe the language ought to say
19 parent or spouse of the parent.

20 MR. JEFFRIES: If I was interpreting this,
21 this language in the 6th line down kind
22 of in the middle where it says
23 insurance premiums actually paid by the

1 parent ordered to provide the coverage,
2 that that stepparent can never be
3 ordered to provide the coverage. It
4 would be the mother, for example, if it
5 was the stepfather. But she wouldn't
6 actually be paying it.

7 JUDGE BELL: So if you say actually paid
8 by or on behalf of the parents --

9 MR. JEFFRIES: -- policy that covers the
10 children. I frankly don't mind
11 changing the rule to lead the
12 stepparent issue.

13 MR. POLEMENI: The way Judge Bell worded
14 it, that could be anyone other -- you
15 know, a grandparent or somebody else
16 could be paying the insurance as well;
17 correct? Is that a good interpretation
18 by saying --

19 JUDGE BELL: You would actually have to be
20 paid by the parent the way it's worded
21 here.

22 MR. POLEMENI: The way it's worded now,
23 but if you make that change --

1 JUDGE BELL: I like that language. I
2 think it should be one or the other
3 parent. I agree with you, that if you
4 want to include the stepparent, then
5 you could just add paid by or on behalf
6 of the parent ordered. It depends on
7 how far you want to go.

8 MS. DAVIS: So this would be changing the
9 current law, which allows the
10 stepparents. As proposed, it would not
11 include stepparents.

12 MR. JEFFRIES: I think the way this is
13 proposed, Option 2 reads, I think
14 you're right.

15 MS. DAVIS: So that would also change the
16 current status of how it's calculated?

17 JUDGE BELL: That's right.

18 MS. DAVIS: In addition to the amounts of
19 money, it would also change whose
20 coverage should be calculated.

21 MR. JEFFRIES: In those limited situations
22 where you have a stepparent --

23 MS. DAVIS: It may not be that limited.

1 MR. POLEMENI: But to take us back to
2 court, the addition.

3 MS. DAVIS: I guess it becomes a matter of
4 public policy. Clearly we want kids
5 covered with health insurance. And in
6 the sense of fairness, if a kid is
7 covered by a stepparent, do we think
8 that should be brought into the
9 equation?

10 MS. BUSH: And don't you think that any
11 unfairness there is having a
12 noncustodial parent pay for the
13 insurance, as in Judge Bell's case,
14 would be alleviated if you just used
15 the proportionate amount for those
16 children? I agree with you. What
17 you're saying is insurance is difficult
18 enough to get as it is, and we don't
19 know what's going to happen in the
20 future. It may be the only insurance
21 available to the children is through a
22 stepparent. And while you don't want
23 to be unfair to a noncustodial parent

1 and have them pay for insurance
2 covering someone other than children,
3 if you only include the amount that's a
4 pro-rata portion to cover those
5 children, you even out that and you
6 take away the unfairness.

7 MS. DAVIS: But that would be hard to have
8 to -- You could also argue that in no
9 other instance do we consider the
10 spouse's contribution to child
11 support.

12 MR. JEFFRIES: None. That's right.

13 MS. DAVIS: If you have a spouse that
14 makes a million dollars and the child
15 is living in this mansion, then
16 obviously the child is benefiting from
17 that. But we don't calculate that in
18 any other manner other than -- Isn't
19 this the only instance in which we
20 calculate -- We somehow give credit for
21 a contribution of that spouse?

22 MR. JEFFRIES: I argue from the
23 standpoint of -- Like, for example,

1 when the spouse is remarried, about the
2 only thing I know to do is to argue
3 that that spouse doesn't have all these
4 expenses that are paid by her new --
5 his or her new wealthy spouse. Mixed
6 result I'll say.

7 JUDGE BELL: Here's what I want and that's
8 where we're trying to get is to
9 hopefully alleviate the injustices I
10 think are done when you claim the full
11 family policy premium and part of the
12 child support is paying for the new
13 stepfather and a parent and maybe a
14 child by another marriage.

15 I'm looking at Rule 32 and under the
16 definition of health insurance under
17 Subparagraph 7, it doesn't say by a
18 parent.

19 And that's probably where we got
20 off, Jim, going to stepparent's medical
21 insurance. It says in Subparagraph E,
22 the amount to be added to the basic
23 child support obligation shall be --

1 It's on page 5 -- the actual amount of
2 the total insurance premium for
3 family/dependent coverage regardless of
4 whether all children covered are in the
5 same family.

6 So it doesn't say by a parent and
7 that's probably where we got off track
8 from a parent paying for it and got to
9 a stepparent. But we need to do
10 something. And I think the Hein versus
11 Fuller case sure shed a lot of light on
12 what that particular flaw is.

13 My understanding of medical
14 insurance is that if a new spouse is
15 added to the family policy, it probably
16 doesn't cost one red cent to add
17 children from both families to the
18 coverage. And so to include the
19 premium to me has got basic unfairness
20 built into it.

21 MS. DAVIS: We're also thinking in terms
22 of how policies are written now. And
23 you may wind up with a per person -- As

1 I understand it, some health insurance
2 policies are now being drafted based on
3 a per-person coverage. And so the
4 amount of people covered -- I think
5 what you're describing is certainly the
6 way it used to be. You either had
7 family coverage or you didn't. It
8 didn't matter if you had fourteen kids
9 or you had one. It was the same
10 amount. But I'm not sure that we're
11 moving in that direction. We're kind
12 of moving away from that.

13 So I guess that bodes to the idea of
14 the coverage ought to be -- or the
15 credit ought to be for the amount that
16 goes to the child or the children,
17 which I think -- I get the sense that
18 everybody kind of -- I may be wrong,
19 but I get the sense that we all think
20 that's fair. But I think Jim pointed
21 out an issue that I had not focused on,
22 is whether we ought to continue to give
23 some sort of credit to someone as a

1 substitute person paying.

2 MR. JEFFRIES: We changed the rule with
3 Jennifer's help and assistance with
4 regard to federal requirement about
5 health insurance and cash medical
6 support. So the judge has to order one
7 or the other to have the health
8 insurance with some conditions. So I'm
9 just speaking of Penny's concern about
10 we want people to be covered. There
11 already is an obligation for the judge
12 to order health insurance or cash
13 medical support.

14 MS. DAVIS: In regard to that thought,
15 which I hadn't really focused on -- But
16 maybe we ought to ask Jennifer. We
17 can't make decisions today anyway -- to
18 determine if there would be any
19 stumbling block in terms of whether
20 Alabama chose not to include in the
21 rule the credit that the spouse is
22 getting. In other words, does that
23 matter as far as any money that you're

1 receiving? You may not know the
2 answer.

3 MS. BUSH: I do think you have to address
4 health insurance. They don't care
5 whether you put the entire premium,
6 part of the premium, how the details of
7 the amount of the premium. But you do
8 need to address the health insurance or
9 health expenses, be it cash medical
10 support, in the guidelines.

11 MS. DAVIS: So you don't think that if we
12 made a change that resulted in the
13 contribution of the stepparent not be
14 included would impact upon Alabama
15 being in compliance with federal regs?

16 MS. BUSH: As long as it's addressed, I
17 don't think that they are going to be
18 concerned with the entire premium,
19 whole premium, stepparent, as long as
20 it's available to the parent and
21 included if it's available to the
22 parent.

23 MS. DAVIS: Can y'all just kind of follow

1 up on that since we're not going to
2 decide anything anyway?

3 MS. BUSH: I will.

4 MR. POLEMENI: But since age 26 is now the
5 age that you can have on your parent's
6 insurance policy, you could have
7 grandparents that still have a parent
8 and their children on their policy. So
9 I think the wording that Judge Bell put
10 in there where it wasn't specifically a
11 stepparent, but another person for that
12 parent.

13 MR. BAILEY: Bob, do you want to say
14 something? I saw your hand a minute
15 ago.

16 MR. MADDOX: I just wanted to clarify
17 something with Judge Bell.

18 In your proposed drafts, Options 1
19 and 2, you just read from the current
20 rule under (B)(7). Do you mean E
21 instead of B in this Option 2 where the
22 actual -- the amount to be added to the
23 basic child support obligation --

1 JUDGE BELL: Yes. I was reading from
2 Subparagraph E on page 5, if I didn't
3 say that.

4 MR. MADDOX: So in your draft, this is an
5 amendment to E, not B like you have it
6 in here?

7 JUDGE BELL: Yes. It would be -- It's (B)
8 (7)(b) is what it is -- Or E. Excuse
9 me. (B)(7)(e). Because I think we
10 changed it since we did it in '08 to
11 put in the cash medical support. So it
12 would be little E rather than B. Thank
13 you, Bob.

14 MR. BAILEY: All right. Any other
15 questions of Judge Bell's subcommittee?

16 (No response)

17 MR. BAILEY: Judge, do we want to redraft
18 this before we send it out? Make any
19 changes? What's your pleasure?

20 JUDGE BELL: Well, if we could get the
21 sense of the committee. I know there's
22 just nine of us here. But do we like
23 this basic language? We'll change

1 Subparagraph B to E. Do you want to
2 include the wording "or on behalf of"?
3 So that would take into account if a
4 stepparent or a grandparent is paying
5 the medical insurance premium for the
6 children.

7 MR. BAILEY: What's everybody's thought
8 about that? Anybody --

9 MS. DAVIS: My thought is that there's
10 really two different issues. I think
11 that my proposal would be that we send
12 to the committee a recommendation that
13 we send the Court Option 1(e) and
14 Option 2 related to medical as it
15 relates to curing the problem of the
16 proration of that.

17 JUDGE BELL: As a package?

18 MS. DAVIS: As a package. Now, the second
19 issue is -- And I guess I'm not really
20 recommending that we send that. But I
21 think we need to decide with regard to
22 Option 2 that we eventually send, would
23 be whether we want to make the

1 determination that we will change the
2 current status to only limit the credit
3 to the parent that actually pays, or
4 the stepparent. I think that's a
5 separate issue. I guess we probably
6 ought to decide that in reverse order
7 and decide whether we want to do the
8 stepparent, because if we do, I think
9 we need to adjust the language in
10 Option 1 and 2.

11 JUDGE BELL: I'm afraid if we try to
12 change the law, we might hit a snag
13 with the Supreme Court. I think this
14 would probably be more saleable if we
15 were just trying to fix the unfairness
16 of the rule as it is. If we don't put
17 the other language in, then obviously I
18 don't think the plain reading would
19 be -- It would have to be paid by one
20 parent or the other to be included in
21 the calculation.

22 MR. ARNOLD: So as a matter of history,
23 the last -- Justice Stuart and I were

1 charged with the same task as your
2 committee at one time in history. And
3 we came up with -- She and I were the
4 only -- And we came up with something
5 pretty similar to what you did and it
6 was presented to the Supreme Court and
7 they essentially said no.

8 JUDGE BELL: We did it again in 2008 and
9 they said no.

10 MS. DAVIS: That's why, I think, we
11 decided we want to do -- present not
12 just the suggestion that we have here
13 in Option 2, but to also present the
14 suggested option, which we have as 1(e)
15 which is if you don't want to change
16 the way you calculate it, at least
17 allow it to be a reason to deviate if
18 there is -- And again, when I was
19 drafting this, I chose 20 percent as
20 the arbitrary amount.

21 But Option 2 is listed really
22 just -- Just changes the way it's
23 calculated period. But the Option 1 --

1 And I was kind of concerned that the
2 Court would just say, all right, you've
3 already tried that twice and we've
4 turned it down. How many times do we
5 have to keep turning it down? So I
6 wanted to give the Court another option
7 if they weren't comfortable with that
8 being -- with changing the way they are
9 calculating it every time. At least
10 allow judges to look at the impact on
11 that in these cases like Billy had so
12 that it could be a reason to deviate.
13 And that's why we initially started
14 with trying to figure out some language
15 for deviating, to allow the judges to
16 deviate from the way it's currently
17 calculated.

18 JUDGE BELL: And as I remember it, that
19 was one of Justice Stewart's
20 suggestions as to how we kind of get to
21 that point, that we listed as a stated
22 reason for deviating from Rule 32. She
23 didn't say 20 percent. But she said

1 put in there as a stated reason.

2 MS. DAVIS: And I would like for us at
3 some point to talk about the 20
4 percent. I used it there and I used it
5 in another instance. And frankly, I
6 initially thought about putting in 10
7 percent here and later on we talk about
8 the child care cost, because we already
9 have a presumptive 10 percent. But I
10 also mentally debated in my mind
11 whether you want to have something
12 deviate -- We don't want every case
13 scenario being, well, we're going to
14 deviate from it. So I arbitrarily
15 chose the larger amount, but I thought
16 that would be a part of the discussion
17 we would have today.

18 MR. POLEMENI: Theoretically what would
19 that -- That wouldn't amount to much,
20 would it?

21 MS. DAVIS: Well, it depends on how much
22 money -- Some people pay a thousand
23 dollars worth of -- a month in medical

1 insurance, and some pay four hundred,
2 so a large range. In your case, the
3 impact would have been substantial. So
4 it gives -- What Option 1 does is
5 obviously give the trial judges the
6 option to look at the individual
7 cases.

8 MR. POLEMENI: Well, I was talking about
9 the deviation between 10 percent and 20
10 percent isn't that much.

11 MS. DAVIS: It's not a whole lot.

12 JUDGE BELL: If we don't have Subparagraph
13 E under Option 1, then I'm afraid we
14 would be blocked by Hein versus Fuller
15 on ever not using -- deviating and not
16 using the family policy premium. So
17 what we're hoping is that they will
18 take it as a package. And if they
19 don't, at least give us Option 1.

20 MS. DAVIS: And if they change Option 1,
21 they may -- the Court may very well
22 decide there's no reason to have the
23 other option for deviations because you

1 really will not have -- My assumption
2 would be that either choose to make the
3 new way of calculating based on the
4 amount that the child really costs.

5 JUDGE BELL: For the child.

6 MS. DAVIS: For the child. But my concern
7 was because it had been tried twice
8 before. And, of course, it's a
9 different Court. I understand that.

10 MR. ARNOLD: We never had a chance to sell
11 it. As best it was reported to me, it
12 was just a piece of paper with a rule
13 change on it put in front of them.

14 They were in conference and didn't --

15 MR. JACKSON: I can help with that. I
16 think I can get the Court to accept a
17 spokesperson from the committee to come
18 and engage in dialogue so that Justice
19 Stuart wouldn't be put in a partisan
20 position. And that might help.

21 MS. DAVIS: And I will say this. The
22 second go around, we actually had a
23 chance to speak to the Court, Gordon

1 and I did. And unless you want to
2 volunteer to do that -- I will say it
3 did result in Gordon and I being sued
4 in federal court.

5 MR. JACKSON: So it may be a hard thing to
6 find a spokesperson.

7 MS. DAVIS: I was thinking Billy was
8 the --

9 JUDGE BELL: I'm judgment proof anyway.

10 MS. DAVIS: I don't think that would be a
11 problem this time. But we did have an
12 opportunity to speak the second time.
13 And I will say this, in the absence of
14 a committee member, I was thoroughly
15 impressed with the preparation that the
16 Court had in terms of the questions
17 they asked us about all the proposals
18 we had at that time, including my
19 proposals. The questions were well
20 reasoned. They had obviously done a
21 lot of their homework. Obviously we're
22 not privileged to their discussions as
23 to why they chose not to, but it was

1 not because they had not had an
2 opportunity to ask questions.

3 MR. BAILEY: We were both really impressed
4 with the preparation that the Court had
5 put into our discussion with them. And
6 I think we were scheduled for like 30
7 minutes. The Court allowed us almost
8 two hours.

9 MR. JACKSON: Two hours of Gordon is an
10 awful lot.

11 MR. BAILEY: My children would agree with
12 that.

13 MS. DAVIS: So I think they probably would
14 entertain us coming back or someone
15 coming back. And we could
16 even maybe -- The committee could send
17 some type of explanation in addition to
18 whatever committee comments that we
19 want to --

20 MR. JACKSON: Well, we get information to
21 them far enough ahead of time that
22 they've had a chance to prepare and
23 think about this. There's a difference

1 between reading something right before
2 conference and going in and being able
3 to ask questions and having time for
4 that moment in the middle of the night
5 where you wake up and say, eureka, I've
6 got it. I haven't had one of those
7 moments, but I understand people do.

8 MR. BAILEY: Billy, where are we in terms
9 of finalizing something that we propose
10 to send out to other committee
11 members?

12 JUDGE BELL: Well, once we get a sense of
13 the committee whether to add "or on
14 behalf of", and then what I can do is
15 finalize that language and I can shoot
16 you a clean copy.

17 MR. BAILEY: Let's get a sense of the
18 committee now. How does that sound?

19 Anybody else want to speak to it?

20 MR. MADDOX: Another quick thing, if you
21 look at the current version of the
22 Rule, there is a current E in there as
23 well. Under A(1), Reasons for

1 deviation. So did y'all intend for
2 these to be F, G and H possibly?

3 MR. JEFFRIES: I would say E would
4 change --

5 MS. DAVIS: E would bump back, the
6 catchall.

7 MR. JEFFRIES: My only comment about that
8 is if the judges would deviate anyway.
9 They already have a basis to deviate
10 with these exact reasons. And my
11 experience is judges just don't deviate
12 for whatever reason. The deviation
13 aspect of it is not really something
14 that changes how it's done.

15 JUDGE BELL: Well, it's because when we
16 do, we have to state reasons for it and
17 we get reversed.

18 MR. JEFFRIES: I understand. I'm just
19 telling you my experience is --

20 JUDGE BELL: I agree.

21 MR. JEFFRIES: That's why there's just too
22 many non-deviations. You certainly get
23 to have -- speak, say your peace and

1 then it just doesn't happen.

2 MS. DAVIS: My impression throughout --
3 Because I'm like Steve. I've been on
4 the committee for a while -- is the
5 committee certainly has felt like the
6 calculation should be changed. And
7 that would still be our first choice.
8 And the using deviation was only a
9 fallback if they wouldn't at least --
10 wasn't willing to make the change, it
11 would at least give them a fallback.
12 So it would be some relief in those
13 situations.

14 MR. BAILEY: Judge Bell needs consensus of
15 the committee.

16 Do you want to restate it again,
17 Billy, so that you'll be clear?

18 JUDGE BELL: On Option 2 we changed
19 Subparagraph B to Subparagraph E. And
20 down in the 6th line, as Jim has
21 pointed out, where it says insurance
22 premium actually paid by, our decision
23 is to add "by or on behalf of the

1 parent ordered to provide the
2 coverage." If you add "or on behalf
3 of", that would bring in any other
4 persons carrying and paying for medical
5 insurance premiums for the children,
6 which would be a stepparent generally,
7 or maybe a grandparent as Michael
8 said.

9 MR. BAILEY: Any questions of Judge Bell
10 on that issue? I take it we have a
11 consensus. Do we have a consensus that
12 he should proceed with what he's just
13 said? Anybody opposed to that?

14 JUDGE BELL: Do we want to put in "or on
15 behalf of"?

16 MR. JEFFRIES: I would reiterate, I
17 personally like it just like it is. I
18 think allowing a stepparent or third
19 party to contribute -- to make a
20 noncustodial parent pay for premiums
21 that are paid by a third party is
22 improper and I think it needs to be
23 deleted.

1 MS. BUSH: I would like to say there are
2 times when a noncustodial -- the
3 insurance comes from the noncustodial
4 parent's spouse. And so in those
5 cases, they benefit because the money
6 is coming out of a noncustodial
7 parent's household income and they are
8 allowed to then get a credit for it
9 which is a benefit to them. So it
10 really depends on which side it's being
11 paid as to whether it hurts you or it's
12 a benefit.

13 JUDGE BELL: It works both ways and I've
14 seen it work both ways.

15 MS. DAVIS: But again, I guess it's the
16 philosophical. That's the only time
17 that a spouse's income or benefit is
18 used in the calculations.

19 JUDGE BELL: Why don't I do this? Why
20 don't I send it out Option 2 and Option
21 2-A, or 2-A and 2-B. And 2-B will
22 include the language "or on behalf of",
23 and then we can send it out and let the

1 committee tell us what they -- the full
2 committee tell us what they want to
3 do.

4 MR. BAILEY: I think that's a great idea.

5 JUDGE BELL: I'll get that to you.

6 MR. ARNOLD: On behalf of the Court
7 conferring a benefit on a party is not
8 before it, and that raises a legal
9 issue, I think.

10 JUDGE BELL: But it's never been raised,
11 and as I understand the law, we have to
12 include it.

13 MR. ARNOLD: I understand. That's why I'm
14 supportive of your --

15 JUDGE BELL: Leaving it straight.

16 MR. ARNOLD: Leaving it straight. It's
17 got to be paid by the parent.

18 JUDGE BELL: And that's what I'm going to
19 vote for, too.

20 MR. ARNOLD: I'm ordered to, as you
21 pointed out, provide something to
22 someone, a benefit to someone, who I
23 have no control over and no right of

1 redress over it.

2 JUDGE BELL: Well, let's see what the
3 majority of the committee wants to do
4 and vote on 2(A) or 2(B) and Option 1
5 as well.

6 MR. ARNOLD: Bob, do you have any
7 questions since you'll be charged with
8 sending all of this out? Do you have
9 any questions of Judge Bell that you
10 need clarified?

11 MR. MADDOX: No, sir.

12 MR. BAILEY: Anything else you want to add
13 to the discussion?

14 MS. DAVIS: With regard to medical?

15 MR. BAILEY: Yes, medical.

16 MS. DAVIS: No, sir.

17 MR. BAILEY: All right. We've taken care
18 of medical.

19 Faye, I skipped you. We're going to
20 come back to Penny in just a minute.

21 Faye, I skipped you. Do you want to do
22 regional training updates for us real
23 quick?

1 MS. NELSON: Well, you-all have a map.
2 And we're looking at trying to provide
3 the training in three regions in 2014.
4 And we're looking at the month of
5 April. We coordinated these scheduled
6 trainings with AOC. So we plan to try
7 to proceed with that, with getting
8 proper notification and finalizing the
9 agenda.

10 So if there are some suggestions
11 that you-all feel like we need to have
12 as a subject matter to address it with
13 the DHR staff, legal staff, as well as
14 the judges that are doing IV-D
15 services, feel free to share it with
16 Bob or with me or Jennifer and we'll be
17 glad to try to include the necessary
18 speakers or whomever on the agenda.

19 MR. BAILEY: Well, this is great. And
20 this is a result, of course, from a lot
21 of members of the public urging us to
22 do training and training for judges.
23 And the committee agreeing, of course,

1 with all that.

2 Faye has got us a map in here about
3 the training areas in the state that
4 she'll be doing.

5 Faye, is this going to be required
6 for child support referees that DHR
7 works with and your attorneys or have
8 you given that any thought?

9 MS. NELSON: Right. We've identified all
10 of our legal staff who worked within
11 the child support program -- It's about
12 150 in all -- with DHR, certain DHR
13 staff. All DHR staff, of course, will
14 not be able to attend. So we've
15 identified the key people within DHR.
16 All of our legal representatives as
17 well as referees and judges.

18 So we hope to make it a productive
19 meeting. And we're looking at maybe a
20 half day. Well, starting about 10:00,
21 finishing up about 2:00 and having
22 lunch so that we can have things on
23 site. They will be held in Montgomery,

1 Birmingham and Mobile. So we pretty
2 much by the region identified the areas
3 where people will have to attend at
4 those particular locations to try to
5 accommodate those that won't have to
6 travel so far.

7 MR. BAILEY: It will have a great affect,
8 it really will. I think we all agree
9 with that.

10 Any other questions of Faye about
11 the training? This is just wonderful
12 news.

13 MS. DAVIS: Would it be possible for any
14 of the committee members who want to
15 attend one of the meetings to do that?

16 MS. NELSON: I don't foresee it being any
17 issue. We will probably have to
18 coordinate for those that are not a
19 part of DHR, whomever, what form of
20 reimbursement, how they could be
21 reimbursed for their cost.

22 MR. POLEMENI: I would just like to go
23 myself.

1 MR. BAILEY: Faye, that sounds wonderful.
2 Great report. I'm really excited for
3 us. And that's something we can say
4 we've really accomplished as a result
5 of the last year of this committee's
6 work.

7 Penny, let's go back to you now on
8 proposed Rule 32 language.

9 MR. MADDOX: Mr. Bailey, I think we
10 skipped Item 5.

11 MR. BAILEY: We need to go back to Mike.
12 I'm sorry.

13 Your report. I'm sorry, Mike.

14 MR. POLEMENI: Basically looked at
15 Massachusetts, which just completed its
16 Title IV-D rounds in the summer;
17 Georgia, which is still completing its
18 rounds. But one of the interesting
19 things I found about Georgia and
20 Tennessee was that they codified their
21 findings. They send it to the
22 legislature in bill form and they pass
23 it or reject it.

1 And in Massachusetts it was a twenty
2 percent reduction in cost on theirs.
3 Georgia still has -- they have still
4 several rounds of going. But their
5 schedule right now at \$800 is 197.
6 Massachusetts was 176. And I don't
7 remember what ours is at \$800, but it's
8 right around 156, I believe.

9 And then another finding that
10 surprised me was that in Mississippi
11 their schedule is by percentage and not
12 a schedule per se. So that was
13 something surprising. And they start
14 out at 14 percent for one child, 20
15 percent for two and on up.

16 And then New Jersey had the one
17 issue about parenting time, but another
18 thing that they had in theirs was that
19 they do not allow the portion of a
20 mortgage that is representative of
21 savings; i.e., the equity that is
22 acquired. So that is subtracted rather
23 than the whole mortgage payment being

1 subtracted. So those are the items
2 that I found.

3 MR. BAILEY: Any recommendations, Michael,
4 that you have? And I appreciate all
5 the work you did. You really did a
6 great job with this.

7 MR. POLEMENI: No, other than a reduction
8 would be nice. But I think it's just
9 some things to think about. I think
10 the one article on New Jersey, which is
11 in Appendix A that I sent out for New
12 Jersey -- and we can get that back --
13 dealing with how to divide parenting
14 time. We can look at that as a model,
15 but I didn't find anything else.

16 MR. BAILEY: Any committee members have
17 questions of Michael's emails and
18 work? He's done really a lot of work
19 on this.

20 MR. MADDOX: Were any members not able to
21 download the emails? I think we're
22 going to check and see if they needed
23 to be resent.

1 MR. POLEMENI: Yeah. If you need any
2 information, I can resend it on any
3 specific --

4 MS. DAVIS: I guess what we'll do is at
5 the time -- Once we pick somebody to do
6 anything, if we need to tell them to
7 readjust their calculations based on
8 something, then we'll need to make that
9 decision before we get the vendor to
10 start. We don't want them to start
11 doing things based on the way our rule
12 is drafted now if we're going to make
13 some type of determination.

14 I think we definitely need to -- I
15 get a sense that everybody wants to
16 deal with the joint custody. So I
17 think we need to make whatever
18 determination, whether it's percentage
19 of -- or whatever -- When Jim sends out
20 that, that's something that we ought to
21 consider.

22 And maybe, Michael, you can -- When
23 you get Jim's information, you can see

1 how that was handled in the other
2 states, too, would be helpful.

3 MR. BAILEY: Well, it's real interesting
4 to know what other states do, it really
5 is, their approaches and how they
6 handle things. Some state guidelines
7 committees are appointed by the
8 Governor and some are legislative.
9 Georgia had a percentage child support
10 guideline before they worked with us in
11 the late '90s and early 2000 years.
12 They came over and they adopted the
13 same guideline schedule we have
14 basically.

15 MR. POLEMENI: And remember Mark Rogers,
16 who also did the study for
17 Massachusetts, or was one of the
18 participants in doing the Massachusetts
19 study, had recommended the cost model,
20 and Georgia accepted the cost model
21 back, what, in 2008, but now they are
22 back to the income model again.

23 MR. BAILEY: All right. Any other

1 questions of Michael or further
2 discussions on what he's done regarding
3 guideline schedules from other states?

4 (No response)

5 MR. BAILEY: Okay. Penny, are you ready
6 to tell us about Proposed Rule 32
7 language?

8 MS. DAVIS: Yes, sir. Usually I do a
9 better job deflecting work to somebody
10 else, but apparently I didn't in this
11 case. At the last meeting somebody
12 wanted something drafted about the
13 situations when a couple divides
14 their -- or uses their tax breaks
15 differently than is contemplated on the
16 rule. So Subsection F just reads that
17 a reason to deviate or to give the
18 Court the authority to deviate, that
19 the assumption under the Schedule of
20 Basic Child Support Obligation, the
21 custodial parent will take the federal
22 and state income tax exemption for the
23 children in his or her custody will not

1 be followed by this case. So I tried
2 to draft it as simple as possible just
3 to give the court authority to consider
4 that. In some instances it may make a
5 substantial difference.

6 MR. BAILEY: Any questions of Penny on
7 what she's proposed or presented to
8 us?

9 MS. DAVIS: I really don't know who asked
10 for that at this point.

11 MR. JEFFRIES: What you're saying here is
12 that if the noncustodial parent gets
13 one or more of the deductions, then
14 that would be a reason to deviate above
15 the guidelines of what was paid --

16 MS. DAVIS: It would be a reason for the
17 Court to consider deviation. Anything
18 that's different from the assumption
19 that's built into Rule 32 related to
20 federal or state income tax. And
21 again, it could be that when we get the
22 new person, the new figures in, that
23 may be something they -- I don't know.

1 But I would think that they would still
2 have that language.

3 JUDGE BELL: I would like to know from the
4 new study how much difference that
5 makes in the child support. And that's
6 going to differ based on the income
7 level.

8 MR. JEFFRIES: This comes up all the
9 time. I happen to have a brother who
10 is a CPA, who I can call from the
11 courtroom, and who I do all the time,
12 because he will flat out tell you that
13 it's impossible to know until you do
14 the return and you do it one way with
15 one person getting it, and do it
16 another way with them not getting it.
17 And that's the only way to know.

18 JUDGE BELL: I think it boils down to one
19 of these basic fairness situations. Do
20 we treat both people fairly that are
21 involved in the situation? What I
22 normally do is if I've got more than
23 one child and there's a substantial

1 amount of child support been paid, tax
2 free of the receiving party, then what
3 I'll do is award one or more of the
4 exemptions to the children for the
5 noncustodial parent who's paying that
6 child support, and then I'll deviate
7 and state the reason why I deviated,
8 based upon the income levels, the
9 amount of child support that's been
10 paid.

11 Luckily that's never been appealed
12 because it probably would have been
13 reversed based on the Hein vs. Fuller
14 case. But that's why it makes
15 Subparagraph F even more important as a
16 stated reason to deviate from the
17 guideline.

18 MR. BAILEY: All right. Any other
19 comments, questions of Penny on that
20 proposed language?

21 I guess, Bob, we can send that out
22 with the other material we're sending
23 out and ask for a consensus.

1 MR. MADDOX: Yes, sir. And Option 1 is
2 the latest version of the language?

3 JUDGE BELL: Yes. And what I'll do is I
4 will move the present E down to H.

5 MR. MADDOX: I think they were saying B,
6 but E, F and G like you have it, and
7 that will make the current E, H.

8 MR. POLEMENI: Yeah, that's what he --

9 JUDGE BELL: That's what I just said.

10 MR. ARNOLD: I'm glad you can calculate
11 those tax exemptions to make it come
12 out fair.

13 JUDGE BELL: Well, you can't. It's like
14 Jim says, there's no way to know.

15 MR. ARNOLD: It's impossible.

16 JUDGE BELL: But I think if there's more
17 than one child and there's a good
18 amount of child support and it's not
19 deductible by the paying party and it's
20 not taxable to the receiving party,
21 there just needs to be some balance.

22 MR. ARNOLD: Do you take into account that
23 the exemption decreases as income

1 increases to the point where it
2 actually disappears?

3 JUDGE BELL: That's way above my grade
4 level.

5 MR. ARNOLD: I mean, just as conversation,
6 if I'm making \$275,000 a year and I'm
7 getting substantial -- I'm paying
8 substantial support, your theory would
9 be I get one of the exemptions. The
10 exemption means zero to me. So it's
11 manifestly unfair to take it away from
12 the person who at least gets a benefit
13 from it. It may be a freebie, but
14 okay. It doesn't cost me anything for
15 that other person to get a benefit.

16 JUDGE BELL: Well, luckily it hasn't been
17 appealed yet. And I'm retiring in a
18 year, so it probably --

19 MR. ARNOLD: Jim is right. Let's say
20 you've got two people, one making 80,
21 one making 100, three children. So
22 you've got an odd one or two or
23 whatever. You're going to need a

1 two-day seminar to get through that
2 one.

3 JUDGE BELL: I went to Auburn. I keep it
4 simple. Each gets one, you alternate
5 the third one. Odd and even years.
6 Right or wrong.

7 MR. JEFFRIES: People want that. Parties
8 want that. Even the parties themselves
9 don't realize how it can affect them.
10 They come out of there and they get one
11 of those deductions and I can get the
12 biggest pat on my back.

13 MR. ARNOLD: And in many cases it means a
14 couple of hundred bucks.

15 MR. BAILEY: All right. Any other
16 discussion, comments, direction for the
17 committee?

18 (No response)

19 MR. BAILEY: Bob, you're going to do Mary
20 Moore's presentation?

21 MS. DAVIS: Do you want me to do the other
22 one while we're talking? Do you want
23 me to do G, too?

1 MR. BAILEY: Please. I'm sorry. Go
2 ahead.

3 MS. DAVIS: Well, I think we're through
4 with our discussion on F.

5 MR. BAILEY: Let's go to G then.

6 MS. DAVIS: I was at another committee
7 meeting and we've heard this complaint
8 for years, or at least I have, that you
9 cannot put the actual cost of child
10 care. And the actual cost of the child
11 care is always substantially greater
12 than the amount that's allowed in the
13 child support guidelines. And so I was
14 asked to bring that up. And I asked
15 for them to send me suggested language,
16 which I did not get. So this is an
17 attempt just to be as simple as
18 possible. Which again, this only
19 provides a reason to deviate.

20 If the committee at large is
21 concerned that we ought to change
22 philosophically away from the
23 designation that DHR has based on the

1 criteria that was determined a long
2 time ago and go to actual, then that's
3 something that the whole committee may
4 want to entertain. But this was
5 falling short of that. That is
6 something that we could consider, just
7 like we're considering more options in
8 medical. But I thought at a minimum we
9 ought to at least give the trial courts
10 the option of deviating when the actual
11 amount of cost is substantial or some
12 difference.

13 Again, the 20 percent is a number
14 that I arbitrarily chose. Again, I
15 debated about whether we ought to do 10
16 percent. But at least in the instances
17 where it would make a substantial
18 difference, give the trial courts
19 authority to do that. So if the actual
20 child care cost incurred on behalf of
21 the children because of employment or
22 job search exceeds the cost allowed
23 under the way it's calculated now by 20

1 percent or more, that would be a reason
2 for deviating.

3 I assume that the policy underlying
4 this is that we want to encourage both
5 parents to be employed and provide
6 economic benefits to their offspring.
7 And by having it it winds up being a
8 substantially lesser amount included in
9 the guideline. To me it seems to
10 penalize the custodial parent and
11 might, in fact, discourage them from
12 going and seeking employment. So as a
13 matter of public policy, it might make
14 sense to at least allow that type of
15 deviation. And maybe even consider --
16 And I wasn't involved in the initial
17 decision to have anything other than
18 the actual cost. And I'm sure you were
19 here originally. I don't know what
20 their decision is based on.

21 MR. BAILEY: That was a lot of
22 discussion.

23 Now, Jennifer, you helped us a lot

1 on this with the federal regs.

2 MS. BUSH: Actually, the federal regs
3 aren't that concerned about a day
4 care. It does not matter whether you
5 use DHR rates or whether you use actual
6 costs. It's my understanding they
7 chose DHR rates just because it's a
8 uniform source that everybody across
9 the state can have access to.

10 MS. DAVIS: So I guess the first question
11 philosophically, does the committee
12 want to continue using that as the
13 amount, or do we want to entertain the
14 idea of moving from that to the actual
15 amount of cost?

16 MR. BAILEY: Something to think about.

17 MR. ARNOLD: Just on the actual cost -- I
18 don't mean to continue being the
19 negative, cynical voice here, but when
20 you go actual cost, you encourage
21 custodial parent to go out and look for
22 the Cadillac of all Cadillacs in child
23 care, where the paying parent has no

1 control over it and may have absolutely
2 no ability to meet that obligation.

3 MS. DAVIS: That's exactly right. And I
4 agree with Steve on that. And what I
5 envision this proposed subparagraph
6 being, it allows the trial judge to
7 take that into account and exercise
8 sound discretion and deviate from the
9 guidelines if the judge feels like
10 that's manifestly unjust.

11 MR. ARNOLD: And I like the built-in
12 judicial discretion there because --

13 MS. DAVIS: Otherwise their hands are
14 tied.

15 MR. POLEMENI: Could they not give the
16 right of choosing a child care center
17 to the noncustodial parent if they are
18 a fit parent?

19 MR. ARNOLD: Well, I'd pick a child care
20 center that's 40 miles away. There are
21 parents who will do that. And we have
22 to plan for the worst common
23 denominator.

1 MR. BAILEY: Without a quorum, we do have
2 a motion for a ten-minute recess.

3 (A recess was taken.)

4 MR. BAILEY: I'm going to ask Bob -- Bob,
5 if you will, to make Mary's report for
6 us because she's unable to be with us
7 today.

8 MR. MADDOX: The next item on the agenda
9 is Child Support Instructions/Forms
10 Update. If y'all remember at the last
11 meeting in August, Honorable Mary
12 Moore, Circuit Clerk of Perry County,
13 who is circuit clerk representative on
14 the committee, brought up about the
15 forms of pro se litigants, or self-
16 represented litigants as they are
17 called now, need to be tweaked a little
18 in terms of making them simpler, more
19 understandable, modified more in
20 laymen's terms. So she's primarily
21 talking about -- And I talked to her
22 after the meeting to clarify which ones
23 she was referring to, and she's

1 primarily referring to the forms on the
2 website AlabamaLegalHelp.org, which is
3 actually a website developed by Legal
4 Services Alabama. And they contain
5 multiple topic-type forms including
6 forms related to family court.

7 MR. JEFFRIES: Bob, what was that again,
8 that website?

9 MR. MADDOX: Www.alabamalegalhelp -- all
10 one word, no period -- dot, org. And
11 it's a great website. They did a great
12 job. They had a committee, I believe,
13 of people come up with these forms to
14 make them more understandable for lay
15 people if they want to go into court
16 pro se or represent themselves in
17 cases.

18 But it was Ms. Moore's opinion that
19 they needed to be tweaked further.
20 They are a little busy in places or a
21 little wordy. So I checked with the
22 Alabama State Bar Association --
23 specifically Tracy Daniel. She's

1 executive director of the Alabama Law
2 Foundation. And she is undertaking a
3 project, Self-Represented Litigant
4 Forms.

5 I talked to Ms. Moore this morning.
6 She apologizes for not being here.
7 She's short staffed and had an
8 emergency special hearing come up in
9 her county. That prevented her from
10 coming. So she asked me to give this
11 report.

12 But basically, she wants to get with
13 Ms. Daniel and meet in the next couple
14 of weeks, especially before the circuit
15 clerk's mid winter conference at the
16 end of January. She wants to develop a
17 packet of sorts for the circuit clerks
18 to be able to hand to self-represented
19 litigants when they ask for forms,
20 instructions and the forms. And also
21 maybe talk about having something
22 posted in both the clerk's office and
23 maybe even in DHR, Social Security

1 offices in different counties about
2 this website they can go to if they
3 have internet access. But if they
4 don't have internet access, certainly
5 they would have packets available to
6 hand to them.

7 So that's basically where we are
8 with that project. We're going to get
9 with Ms. Daniel in the next couple of
10 weeks and talk about developing these
11 packets for distribution.

12 MR. BAILEY: Any questions of Bob from
13 Mary's report? Any questions about
14 that?

15 JUDGE BELL: One thing it did bring to my
16 mind, if we do this pro-rata
17 calculation, then the CS-41 has got to
18 be modified a little bit to show the
19 total family policy premium divided by
20 blank number of children covered under
21 the policy so that you'll just have the
22 pro-rata portion. And I'll tweak that
23 and maybe send a draft to Bob with the

1 others.

2 MR. MADDOX: Did you mean to say the CS-42
3 policy, the guidelines?

4 JUDGE BELL: No. If you do it on CS-41
5 and it just shows rather than health
6 insurance premium, the pro-rata
7 insurance, then you could just plug
8 that number directly into the CS-42.
9 But we may want to tweak the 42 rata
10 health insurance premium.

11 MR. BAILEY: Judge Bell, is there anything
12 else you want to add before we begin
13 our comments from the public? Anything
14 else you want to clarify? Are you
15 clear on what you need?

16 JUDGE BELL: Yes, sir.

17 MR. BAILEY: Direction from the
18 committee?

19 JUDGE BELL: I'll get it to you.

20 MR. BAILEY: Wonderful.

21 Penny, let me ask you the same
22 thing. Anything else you need from the
23 committee? direction?

1 MS. DAVIS: I guess my only question was
2 the 20 percent, is that something --
3 It's an arbitrary percentage. Is that
4 an acceptable percentage? Do you think
5 it's too low? too high?

6 MR. BAILEY: Any comments?

7 MR. WRIGHT: I think it's fair.

8 MR. ARNOLD: Especially with the wide
9 variety of costs you're dealing with.

10 MR. BAILEY: Michael, anything else you
11 want to add from your standpoint?

12 MR. POLEMENI: No. Only that if Bob needs
13 a nonlawyer eyes to look at the forms,
14 I'll be glad to.

15 MR. BAILEY: It's probably a good idea to
16 have a nonlawyer look.

17 Faye, anything else you want to add
18 about the training before we hear from
19 the public?

20 MS. NELSON: Well, I would like to say
21 that we will probably -- Bob will
22 probably be sending something out to
23 the judges and different ones for

1 topics to cover during the training.
2 So we encourage you-all to encourage
3 your colleagues to give us some
4 feedback so that we can start planning
5 and hopefully get out some type of
6 notification to everyone by the first
7 of the year so that people can plan
8 ahead.

9 MR. BAILEY: I'm really proud of us for
10 doing the training. That's just
11 wonderful. That's exactly what we need
12 in this state.

13 Okay. Any other items from the
14 committee members before we hear from
15 the public?

16 (No response)

17 MR. BAILEY: All right. Let's see, who
18 would like to go first? If you'll
19 identify yourself. I don't have a
20 list. If you will, just one of you
21 come forward if you would like to speak
22 to us. Tell us your name.

23 MR. HOLDER: What's the protocol to hand

1 out a folder?

2 MR. BAILEY: However you want to do it is
3 fine.

4 We would like to ask you to limit it
5 to about ten minutes, if that's all
6 right. But if you need to go over, we
7 don't have a time keeper, just in the
8 interest of getting everyone heard
9 today.

10 If you'll tell us your name and
11 where you're from, sir.

12 MR. HOLDER: Did everybody get a packet?

13 MR. BAILEY: We did. Thank you, sir.

14 MR. HOLDER: My name is Ken Holder. I'm a
15 noncustodial parent and I'm from Gordo,
16 Alabama. What I'd like to share with
17 you today, the first page in the
18 package, what I'd like to share, is my
19 paycheck. And I don't make as much as
20 this lawyer guy over here said. I'm a
21 peon. I only make \$78,000 dollars a
22 year. But I would like to share with
23 y'all how that's broken down, what I

1 have to live on every month based on
2 the current schedule.

3 So if you'll look at my paycheck --
4 Of course, it has the gross and then on
5 the left-hand side, you'll see all the
6 deductions. And I don't have any extra
7 deductions other than just health
8 insurance and life insurance. The
9 garnishment on there is my child
10 support that I pay every month, \$1,185.
11 So on the bottom right-hand corner you
12 can see that I only make \$2,939 dollars
13 a month that I bring home. So I made a
14 budget of what it costs me to live.
15 And again, there's nothing exorbitant
16 on there. I pay insurance, pay a house
17 tax, auto, mortgage, my bills for my
18 house. I do have legal fees. And down
19 at the bottom I have to make payments
20 on legal fees each month. And my
21 situation in which the lawyer was
22 allowed to date my ex-wife, they amount
23 up. So I have a lot of money tied up

1 in legal fees.

2 But down at the very bottom, I want
3 you to pay close attention. The amount
4 that costs me per month is more than I
5 bring home. I live in a deficit. I'm
6 almost 50 years old. I make \$78,000 a
7 year. I have a 817 credit rating. I
8 know how to spend my money, very well.
9 But I have to rely -- Because of the
10 schedule that's followed currently in
11 the state of Alabama, I have to rely on
12 help from my parents to make it. And
13 down at the bottom in the red, I don't
14 have any miscellaneous areas. I don't
15 have any savings for Christmas. I
16 don't have any savings at all. I still
17 have to pay half the health insurance
18 of my kids beyond what her insurance
19 pays. And I still have not included my
20 health care. I don't make enough money
21 according to the schedule. And I'm not
22 living in an exorbitant amount. I
23 mean, if y'all look -- Y'all probably

1 make more than I do.

2 But if you'll look and study this --

3 And please use this as a template

4 because something has got to change.

5 And I'm not the only one in the state

6 of Alabama that's living this way. But

7 I wanted to share with you first hand

8 what happens on the current schedule.

9 And I don't know any way else to show

10 you except bring you what I make and

11 show you what I spend.

12 And that brings me to the second

13 page. There's some things that I need

14 some clarification on. On this

15 committee, is anybody a noncustodial

16 parent? Is it made up of any

17 noncustodial parents?

18 MR. POLEMENI: I have been.

19 MR. HOLDER: Is there anybody that's

20 currently paying child support based on

21 the current schedule?

22 (No response)

23 MR. HOLDER: I would suggest in the future

1 that when this committee meets again in
2 the next four years, that maybe you
3 sought somebody out in which it affects
4 directly. Because if it's not
5 affecting you directly, you don't have
6 a true vested interest in what's going
7 on. I mean, it's easy to talk about.
8 And I'm the same way. I'm the
9 principal at an elementary school.
10 It's easy to talk about until it starts
11 affecting you, then you think about
12 things a little differently.

13 On the second page here, I've become
14 aware of some IV-B money. Can anybody
15 tell me where does that money go? How
16 much comes in, where does it go, how
17 it's distributed and who oversees it?
18 Can anybody tell me that?

19 MR. POLEMENI: My understanding is that
20 the Title IV-D funds come from the
21 feds, go to the State budget office
22 decided by the Senate, and then it's
23 distributed amongst DHR or what other

1 agencies there are. But it's basically
2 a general fund credit and then it's
3 debited from there. Is that --

4 MR. BAILEY: Does anybody want to address
5 quickly the funding situation?

6 MS. NELSON: I'm sorry. I thought you
7 said IV-B.

8 MR. HOLDER: IV-D I mean. The money that
9 the Federal Government pays back to the
10 State based on child support
11 collections.

12 MS. NELSON: The Department receives
13 incentives for various areas of
14 performance that are used to pay for
15 staff and operating of the Child
16 Support Program, the IV-D Program, that
17 we report to the feds our expenditures,
18 what we receive and things of that
19 nature. So the money that we collect,
20 the IV-D money that we collect, is
21 distributed to the custodial.

22 MR. HOLDER: But the IV-D money, isn't it
23 like the collection of all child

1 support that's paid in Alabama? Is
2 that how it's based?

3 MS. NELSON: No.

4 MR. HOLDER: How does it come back?

5 MS. NELSON: There's also non-IV-D money
6 that does not come through the
7 Department of Human Resources. You
8 have AOC, that we have a contract with
9 them and they are passed through for
10 non-IV-D.

11 MR. POLEMENI: But the Title IV-Ds moneys,
12 from my basic recollection, are based
13 on the amount of moneys that are
14 collected by the State through child
15 support collections, and then the Feds
16 come back and give a percentage -- And
17 in the past it's been like a dollar to
18 two dollars for every dollar that went
19 through child support collection
20 system. And in 2004 the State of
21 Alabama got a \$124 million bonus
22 because they did a great job of
23 collecting.

1 MS. NELSON: No, that's not correct. Our
2 child support program usually averages
3 around 2 to 3 million in incentives
4 that is not based solely on
5 collections. There are four areas in
6 which the Federal Government measures
7 our performance, and that has to do
8 with paternity -- We have to maintain a
9 certainly level of paternity that's
10 established on children. Then they
11 look at the amount of arrears
12 collections that we collect, the amount
13 of current support that we collect, and
14 they also look at the percentage of
15 Court orders, obligations, that we
16 have.

17 And they have a scale that's used
18 that if you're within a certain range
19 as to the amount of money that the
20 Federal Government has set aside to
21 assist the states in running the IV-D
22 program, your state receives a certain
23 percentage of that based upon your

1 level of performance.

2 But those incentive dollars that
3 comes back to the State of Alabama are
4 used to operate the program, which
5 means that we pay for staff, we pay for
6 equipment, we pay for contracts. It's
7 used to help pay for this training that
8 we're about to provide, things of that
9 nature. So that's where the money is
10 going when you're talking about IV-D
11 dollars. So we don't get hundreds of
12 millions of dollars. We only collected
13 \$326 million dollars in the IV-D
14 program all together last year. And
15 that money is distributed to the
16 noncustodial parents. We are a
17 pass-through for the money that is
18 paid.

19 MR. BAILEY: Does that answer your
20 question, sir?

21 MR. HOLDER: I was just trying to find
22 out, because I can't find any
23 information on IV-D and how the State

1 of Alabama receives it, what basis -- I
2 could ask her after the meeting.

3 MR. BAILEY: Faye would be glad to try to
4 answer your question.

5 MS. NELSON: I will be glad to --

6 MR. HOLDER: -- so I could look it up.

7 I'll make this brief. I know y'all
8 don't know me from anybody, but I did
9 highlight about things and the person
10 that I have been as far as a dad,
11 things that I've done with my kids,
12 things that I continue to do. But I am
13 going to say that I have read
14 transcripts before -- and I know there
15 had been some terminology about
16 changing from visitation to something
17 else. But I feel like I'm treated as a
18 visitation person. I get four days a
19 month, when I had every day. And I was
20 a perfectly fit dad. The system is not
21 working in certain cases.

22 But I'd like to go to the next
23 little tree that I made here real

1 fast.

2 Judge Bell, I commend him for his
3 efforts in some of the transcripts that
4 I've read. I wish all judges were like
5 him.

6 But in this tree -- We in the
7 education system are trying to educate
8 our young people to be effective
9 leaders in our communities in all of
10 our programs. And if you'll take your
11 finger and you'll find on that tree --
12 Some of you don't even have the tree
13 open.

14 MR. BAILEY: I have it right here.

15 MR. HOLDER: But if you'll find this tree
16 right here and you look at the orange,
17 it says win/win. And win/win means
18 you're trying to make everybody win.
19 And if you keep that in mind and if
20 judges kept that in mind, I think we
21 would have a whole lot better system
22 than what we've been practicing in the
23 past.

1 So to open up eyes -- And I know
2 y'all are in influential positions.
3 But to open up eyes, especially -- And
4 I want to comment here on some judges
5 and lawyers. Judges don't know. They
6 default to a precedence. Their
7 precedence that they default to in most
8 cases is on a 20 -- And I'm on this
9 last page here with the smiley face and
10 the frowny face. Most judges default
11 on a 20/80 percent. The noncustodial
12 parent gets 20; the custodial parent
13 gets 80. And that's usually what they
14 default to because it's easy. It's the
15 path of least resistance. And it's
16 easy and it's easy to get out of the
17 courtroom.

18 If our legal system continues -- And
19 this is based on fit parents, by the
20 way. But if they continue to do this,
21 if you'll look at the top of my frowny
22 face here, it is a lose/lose/win
23 situation. And that means that -- And

1 the P here stands for parent, C stands
2 for child and the other P stands for
3 the other parent. The children lose,
4 the noncustodial parent loses. The
5 only winner is the custodial parent.
6 So in all cases of fit parents, 67
7 percent loses.

8 Conversely, if the judge's had to
9 default -- Again, with a fit parent.
10 If they had to default on a 50/50
11 measure until somebody proves something
12 different, if you'll look above the
13 smiley face, everybody wins. The
14 noncustodial parent wins, the child
15 wins, and the custodial parent wins.
16 So regardless of how poor a judge could
17 be or how good a judge could be, if
18 they default to this measure in a fit
19 parent relationship for their kids,
20 everybody wins.

21 So whatever -- And I know that's
22 beyond the scope of this committee.
23 But whatever we need to do to make that

1 happen, I strongly encourage y'all to
2 spread the word. That's what we need
3 to do, especially in fit parent
4 relationships. I know y'all deal with
5 tons of others, but there's lots of fit
6 parents that are basically getting the
7 shaft. I'm one of them.

8 But anyway y'all are welcome to
9 share my paycheck information. You can
10 use it for a work session or however
11 y'all do things. I think that
12 whatever -- And I think when I got into
13 this, somebody is hiring somebody to
14 look at a schedule. If they want to
15 use this, they are welcome to use
16 this.

17 In this situation, I can't live.
18 The only incentive that I have every
19 day to go to work is to pay my bills.
20 And that's tough to do, especially when
21 you've tried to do it -- And all I've
22 done is went through a divorce. Never
23 done anything else.

1 So anyway, thank you for your time.

2 Anybody got any questions?

3 MR. BAILEY: Does anybody have any
4 questions of Mr. Holder?

5 (No response)

6 MR. BAILEY: Obviously you put a lot of
7 thought and time into this. We
8 appreciate it.

9 MR. HOLDER: Every day I do. Thank you.

10 MR. BAILEY: Mrs. Holder, do you want to
11 also speak?

12 MRS. HOLDER: I do. I'm Brenda Wright
13 Holder. I have a background in quality
14 assurance, quality control. I was a
15 health physicist and industrial
16 hygienist for nuclear plants. I was in
17 nonweapons QA. So I understand quality
18 assurance, quality control.

19 What happened in a quality assurance
20 point of view, we need to have
21 programmatic, written programs. We
22 need to have guidelines. We need to
23 have procedures. Those procedures need

1 to be accepted. There needs to be
2 training. In the State of Alabama the
3 judges -- Which I'm so glad that you're
4 starting training. I have seen judges
5 in Madison County. I've seen judges in
6 Limestone County. I've seen judges in
7 Lauderdale County. I have seen judges
8 in Lamar County. They all do it
9 differently. The State of Alabama
10 needs a program, a quality assurance
11 program, to ensure that all of these
12 are done correctly.

13 I am retired. I retired to be a
14 grandmother. And my granddaughters,
15 who is Ken's children, tell me, Maw
16 Maw, we do not get -- My daddy gives my
17 mother a lot of money, but we don't get
18 any money. We don't have an
19 allowance. We never see any money. I
20 said, I thought -- This is just
21 children, but then I started looking at
22 the state of Alabama. What do we
23 require in quality assurance?

1 I'm on this page right here, and I
2 want to talk to you about variables. I
3 can see from DHR and the lady who was
4 talking about training, that the State
5 of Alabama does have programs. They
6 have laws and they have some
7 guidelines. I've heard you-all talking
8 today about Rule 32 that I need to
9 address further. But I understand that
10 you do have some, but it needs to be
11 stronger. There needs to be a quality
12 assurance program in Alabama for all
13 judges and all court systems so that no
14 matter if I go to Madison County or
15 Lauderdale County or Lamar County, I
16 have a consistent divorce, a consistent
17 procedure by which my children will be
18 treated the same way.

19 Everyone in this room's goal is to
20 ensure that children get their needs
21 met, that they get their welfare taken
22 care of. And I appreciate the
23 distinguished group. But what also we

1 have to understand is we in QA and
2 quality control have to always ask
3 ourselves when we are voting to up
4 child support payments, what are we
5 looking at? I've never seen a program
6 that affected my son as much as this
7 program has affected him; so
8 therefore -- especially his legal, his
9 paycheck, which I was appalled at. I
10 said something has got to be wrong.

11 So what happens, my granddaughter --
12 Just to give you a personal note, my
13 granddaughter, she gets no money. No
14 money at all from her mother. She has
15 to save up all year long so that she
16 can have money for Christmas presents.
17 So let's look at our variable here.
18 Our formula is this variable. The
19 State of Alabama, we have the mother
20 who is the custodial parent, and then
21 wedged in between, we have the
22 noncustodial parents whose paycheck is
23 being dwindled because she's constantly

1 taking him back to court.

2 In our particular case, Kenneth was
3 talking about legal fees. She took him
4 back to court so many times, but she
5 didn't have any legal fees. She was
6 traveling with her lawyer. She was
7 going on trips with her lawyer. She
8 never had any legal fees. But she
9 constantly brought Kenneth back into
10 the courtroom. And it took three years
11 to finalize that divorce.

12 There was no avenue to bring to
13 anyone, the conduct that was going on
14 during that divorce proceeding. He
15 wrote it up and sent it to the bar
16 association. They weren't interested.
17 It didn't meet their standards for
18 looking at things. There was no
19 investigation. So to me, what we have
20 to do in quality assurance that this
21 lawyer did not do -- But in quality
22 assurance we have a program. We have
23 to recuse ourselves no matter if we in

1 any way -- We could not give the
2 appearance of having a conflict of
3 interest. So what happens with it is
4 we have to work for excellence no
5 matter where we go and what we do.

6 Kenneth asked how many people on
7 this committee are paying child support
8 under these rules and regulations and
9 there was none. So I say that in order
10 to be effective, have cross-section
11 representation of public. There needs
12 to be people on the committee that can
13 bring a public experience level from
14 trying to live within the guidelines
15 that your committee is putting forth.
16 There needs to be someone with a
17 practical say, this doesn't work
18 because this is what I'm finding.
19 There is not an equality in the justice
20 system.

21 And then if we have vested interest,
22 if our program benefits -- If the
23 Federal Government is paying for our

1 program to distribute this money to the
2 individuals, and if there is an
3 influence to our programs, we must
4 recuse ourselves.

5 What I found was in the February
6 7th -- The next page. In the February
7 7th, there was a \$1.85 to \$2
8 mentioned -- That for every \$1.85
9 cents, the way I understand it, from
10 DHR that's collected, that DHR gets
11 funding through the Title IV-D
12 Program. Maybe I don't understand the
13 IV-D Program -- maybe I need to
14 understand it further -- which you were
15 talking about. I appreciate that
16 discussion. But we need to look at how
17 is the IV-D program impacting child
18 support in Alabama. Is there a way
19 that it's impacted?

20 So what happened, on the testimony
21 of one of your members on the page that
22 says \$1.85 to \$2 for every dollar
23 that's collected by DHR in Alabama,

1 they get funded from Title IV-D
2 program. If that is a true statement,
3 then we need to look at whether or not
4 we are independent or do we have a
5 vested interest in the program.

6 Then one of your committee members
7 on February 7th came to the fact that
8 they are looking at quality assurance,
9 quality control. Because quality
10 assurance, quality control, gives you
11 accountability and responsibility. And
12 when we tried to bring to someone's
13 attention that the judge was being
14 biased in Kenneth's case, we could find
15 no avenue by which to bring a judge
16 before anyone that said this judge
17 needs his opinions and what he's doing
18 needs to be looked at. There was a
19 group that you could take it to.

20 Who was it, Ken?

21 MR. HOLDER: Judicial Review.

22 MRS. HOLDER: Judicial Review. You can
23 take it to the Judicial Review. They

1 will call that judge in. They will
2 slap him on the hand, but it cannot in
3 any way affect your case. It will only
4 affect future cases. But here you're
5 in the middle of the case and it's not
6 going the way it's supposed to be
7 going, but there's no avenue by which
8 you can bring to anyone's attention
9 that things are not quite going well.

10 Then there was a discussion of
11 custody and visitation, and the
12 statement was made there is no standard
13 custom. And one person said on the
14 next page, page 47 line 18 through 20,
15 it says that you can go to ten
16 different counties and you can get ten
17 different decisions. And that is what
18 I was finding out with my experience
19 and what I could find.

20 So therefore a standardization of
21 limitation enforcement should be
22 unified in every county in the state of
23 Alabama in order to produce excellence

1 and equality. There needs to be a
2 quality assurance program. There needs
3 to be quality controls. How I got into
4 this is I started looking at who can I
5 go? What agency -- Going back to this
6 formula here. There's quality
7 assurance. There's quality assurance
8 in terms of Federal Government.
9 Because I worked for the Federal
10 Government in this part right here, but
11 there's none for this custodial
12 parent. This person is handed a check
13 by DHR. There is no one who requires
14 her to have a plan for how she's going
15 to use that money. There's no one to
16 require she -- She can do whatever she
17 wants to with it. There is no
18 requirement by anyone that there's a
19 quality assurance program.

20 I want to tell you about what I
21 learned from this whole thing. If we
22 had a standardized quality assurance
23 program for all of our Alabama, we had

1 one of the things that that would
2 require, which I'm so glad to hear, is
3 training for judges. Judges will know
4 how that quality assurance program,
5 have those guidelines. If this judge
6 does not understand how to do things
7 effectively, he can have a guideline, a
8 checklist, where he has covered all the
9 bases.

10 Some judges, like Judge Bell that I
11 heard, is very involved making sure
12 that he does everything exactly right.
13 There's others that just want to get
14 you in the courtroom and get you out
15 quickly. What we're trying to do is
16 find equality for the children. What
17 we're trying to do is find quality of
18 distribution for the money from the
19 hard-earned daddies.

20 Now, that ought to tell you, in
21 terms of making a courtroom, if we had
22 standardized procedures and standard
23 guidelines, then we knew how -- Now,

1 this is no reflection on all lawyers.
2 Some lawyers are unscrupulous, and I've
3 met a couple of them. And what happens
4 is they can manipulate naive judges who
5 have not been trained properly, who do
6 not understand exactly what they are
7 supposed to be doing. They can
8 manipulate that whole situation and the
9 product and the result is not as
10 equitable as it should be.

11 So I propose quality assurance,
12 quality control with all of the
13 guidelines, with training. The one
14 thing that it may be is a lack of
15 training, that I've heard you-all
16 discuss this.

17 One of the things I was in a former
18 position was a trainer. In order to
19 make people safe, I had to ensure --
20 because I worked the nuclear plant and
21 in the phospho plants and the hydro
22 plants. I had to ensure worker safety
23 as a health physicist and industrial

1 hygienist. How I did that was to
2 ensure that they had training. You can
3 work with any hazard safely as long as
4 you're training to do that. Let's
5 apply that to judges. Judges can apply
6 equitable, formidable, realistic and
7 realistic child support and life-
8 related needs and welfare of the
9 children if they have been trained to
10 do this. And some of them have not.
11 They walk -- Some of them are political
12 appointees. They walk in one day as a
13 lawyer and the next day they can be a
14 judge. There needs to be a training.

15 One of the things I did study as I
16 was studying Alabama -- I went on
17 Alabama's legal pages and I saw
18 guardian ad litem. In Kenneth's case
19 particularly, he was denied a guardian
20 ad litem. Every court in the state of
21 Alabama should have the child's rights
22 and needs first and foremost. And a
23 guardian ad litem in Madison County and

1 in Lauderdale County is one of the
2 things that is required; that you have
3 a guardian ad litem that the child's
4 needs and concerns are part of that
5 court. Not in Kenneth's case.

6 Let me tell you how that was done.
7 Much to my heartache -- I have three
8 degrees and four majors. And I sat
9 there appalled that I could not help my
10 son in any way with what was going on
11 in this courtroom. But what happened
12 with it is, in terms of looking at
13 this, I said, I've got to study. So I
14 started studying everything I could
15 find on the computer that the Alabama
16 laws in Alabama covered. Maybe I
17 haven't gotten them all. If you have
18 something that Mr. Maddox can help me
19 find, I want to participate and share
20 with you my experience like you're
21 sharing all your experiences.

22 I'm amazed at the expertise in this
23 room. I'm impressed I should say, not

1 amazed. I am impressed to the point of
2 the caring and the understanding and
3 the effort that's made to make the life
4 of these children stable and making the
5 life of these children normal.

6 Kenneth gave up a lot just to keep
7 his children mentally, physically and
8 spiritually stable. He put up with a
9 lot in terms of all the things that
10 were going on when he was going through
11 this lengthy, lengthy divorce.

12 MR. BAILEY: Mrs. Holder, I hate to
13 interrupt you, but could you tell us
14 your final points because we still have
15 another gentleman we want to hear
16 from.

17 MRS. HOLDER: I'm sorry.

18 So what happened -- I want to tell
19 you two cases.

20 Is my ten minutes up?

21 MR. BAILEY: Yes, ma'am.

22 MRS. HOLDER: Let me tell you two
23 examples. In Madison County I had a

1 nephew who got a divorce. They had a
2 child -- I was going to tell you about
3 emphasis on education. Some parents
4 have emphasis on education; other's do
5 not. Kenneth had emphasis on
6 education. And when he was settling
7 up -- They have over thirty something
8 acres of mature pine trees. So my
9 son -- It's always been for our
10 granddaughters' education fund. My
11 daughter-in-law said, No, I want the
12 money myself. I don't want this to go
13 in the education fund. I want it
14 divided so I can have this.

15 Then I want to tell you about the
16 other one in Madison County. In
17 Madison County, one of the hardworking
18 young men had an educational fund for
19 his children. And what happened with
20 it is when they went for dividing of
21 it, his wife said, no, I do not want to
22 put that in the education fund. I want
23 to quit my job. I want to stay home

1 and not work anymore. So that's what
2 she's done.

3 So what I'm telling you is the
4 mothers of today are not my generation
5 mothers. They are not my mother's
6 generation mother where education, hard
7 work gives you success. This
8 generation is more me first, what can I
9 have, I want it all for myself. And
10 it's not always in the best interest of
11 my children.

12 So as we wedge these young people,
13 these young fathers, who are paying
14 child support, into our formula, there
15 needs to be as much quality control on
16 the custodial parent as there is on DHR
17 and the enforcement onto the parent who
18 is having to pay, but there needs to be
19 an equal amount on the parent who is
20 the custodian. And there is no quality
21 assurance on her program.

22 Thank you for your time

23 MR. BAILEY: Thank you very much.

1 Do we have anybody else in the
2 public? Anyone else from the public?
3 Yes, sir. Give us your name and where
4 you're from, please, sir.

5 MR. PASCHAL: My name is Kenneth Paschal.
6 I'm from Birmingham. I'm with an
7 organization called the Alabama Family
8 Rights Association. I'm the Birmingham
9 chapter president. I'm also the
10 director of governmental affairs.

11 And our goal is to change the laws
12 in Alabama so each child will have an
13 opportunity to have both parents
14 equally. I would like to applaud
15 everyone here for your discussion over
16 the last -- well, throughout the year.
17 I think August 2nd was the last time we
18 were talking.

19 But I think a great discussion for
20 unfit parents. Great discussion.
21 Unfit parents need some guidance. But
22 as you look at the guidelines, I will
23 ask you to consider the guidelines for

1 fit parents. What I mean by that is --
2 Mr. Jeffries down there mentioned about
3 down south he's seeing more equal
4 custody. That's great. That means
5 we're doing our job as an
6 organization. We have one judge in
7 Montgomery, he started ordering equal
8 custody. We have a couple of judges up
9 north doing it.

10 So the guidelines for judges when it
11 comes -- The first option, resources to
12 enable parents to make those decisions,
13 that we want to use your guidelines
14 when it comes to equal custody.

15 Fit parents. Encourage them, give
16 them resources. They need assistance.
17 Give them resources so they can use
18 your guidelines and go off to the side,
19 mediation, and create that financial
20 obligation. I call it financial
21 obligation instead of child support.
22 Child support is a nasty word. It does
23 create -- makes people frown.

1 Each parent has a financial
2 obligation. So I would just ask you
3 just consider that as you're looking at
4 revising the guidelines. I have heard
5 the guidelines for unfit parents. So
6 consider fit parents.

7 And also, we have like forty
8 thousand kids each year going through
9 the system, forty thousand kids
10 roughly. Over twenty-five thousand
11 divorces each year, and then you have
12 additional about twenty-one thousand
13 never married, never married births.
14 So each one come through the system,
15 but they are subject to what decisions
16 you're making. So please consider
17 those. So forty thousand kids each
18 year that's impacted.

19 Someone mentioned earlier about the
20 board members, committee members.
21 That's one of the questions I have.
22 Who appoints the board members? How
23 does the committee --

1 MR. BAILEY: This committee you mean?

2 MR. PASCHAL: Yes.

3 MR. BAILEY: Supreme Court, Alabama
4 Supreme Court.

5 MR. PASCHAL: Okay. So how do the
6 nominations come about? How do you
7 petition if you want to get someone
8 before the Supreme Court so they can be
9 appointed to the committee?

10 MR. BAILEY: Alex, I'll defer to you on
11 that.

12 MR. JACKSON: The Court accepts requests
13 and nominations from any person who
14 cares to put them in. Generally
15 speaking, the committee needs to have
16 people who have some degree of
17 experience and expertise in child
18 support, because we're dealing with
19 making rules and regulations and those
20 require some basic knowledge of the
21 law. But the Court makes those
22 determinations based upon people who
23 have been recommended to it from any

1 source. You can send in a letter and
2 say, so and so ought to be considered.
3 Include a resume and see what happens.

4 I can't promise what they'll do or
5 not do in that regard. But we have a
6 wide variety of people on the committee
7 now. Lawyers, judges, people from the
8 Department of Human Resources. So they
9 try to keep a diverse group. And a lot
10 of the people that are on the committee
11 have been through divorces and have had
12 children that are receiving support.

13 MR. POLEMENI: I'm one nonlawyer. Is
14 there another slot for a nonlawyer, for
15 a private citizen?

16 MR. JACKSON: They are not slotted. They
17 are not defined as belonging to
18 anybody.

19 MR. POLEMENI: I thought Mr. Blackwell at
20 one point had gotten something set up
21 to where there had to be --

22 MR. JACKSON: I didn't have anything to do
23 with Blackwell.

1 Do you know anything about that?

2 MR. MADDOX: Yes. We had in a Federal
3 Court order the Supreme Court was
4 mandated to put a noncustodial
5 representative on there and an
6 alternate. And we have an alternate
7 now. I think it was John Kral.

8 MR. POLEMENI: John Kral, which hasn't
9 been around, but we can maybe --

10 MR. PASCHAL: And the reason I'm asking, I
11 travel -- I know you live in different
12 sectors, but I have taken it upon
13 myself to travel throughout the state
14 of Alabama, throughout our country to
15 address these issues. I've been
16 traveling throughout the state of
17 Alabama the last three months and I
18 have come across potential candidates
19 that would be beneficial to you-all.
20 Rebecca Brooks out of Tuscaloosa, she
21 would be a great candidate for this
22 forum because she sees-- she don't see
23 the people that makes 70 something

1 thousand dollars. She sees the people
2 that barely makes 18, 20 thousand
3 dollars. So I think she would be a
4 very good asset for the committee.

5 And thank you for sharing with me
6 how that process works and I will
7 definitely do a recommendation. I will
8 send it in personally myself for her,
9 because I think she would be beneficial
10 to this group.

11 Training, once again, that's great.
12 We do have major problems. I don't
13 know if you realize that as committee
14 members. If you're down south, you
15 might not be aware of the issues we
16 have up north. But we have 60
17 something counties and we have major,
18 major issues. So training, I applaud
19 you. If you need any assistance, I
20 volunteer with helping you put this
21 together, whatever. That's just how
22 committed I am.

23 I had an opportunity to serve in the

1 military 21 and a half years, and
2 what's occurring here impacts the
3 people in the military, too. How can
4 you fight for our country and worry
5 about your child, worry about if you
6 can't pay to feed them or whatever.

7 Federal mandate, health care
8 insurance. I think it was last year as
9 a citizen of Alabama I voted -- Well,
10 we voted about health care, the judges
11 in Alabama to no longer order you to
12 participate in health care programs.
13 Now, parents, we should encourage
14 them -- And then we have the guidelines
15 to include it in the calculation of
16 child support. But I know from the
17 transcript, someone -- We addressed
18 this before, and nobody really don't
19 want to address that issue. But we
20 voted on, citizens of Alabama, no one,
21 including a judge, can mandate anyone
22 to participate in health care
23 programs.

1 So I ask this committee if you don't
2 have an answer today, please consider
3 producing an answer, because our
4 legislators -- I was on the floor when
5 they voted and put it on the ballot and
6 we as citizens voted. No elements,
7 entities, judge, anyone, can mandate
8 anyone to participate. But we have to
9 keep it in the rules, because once
10 you -- If the parent volunteers, we
11 have to know how to calculate that.

12 I don't care how you want to tap
13 dance around that. It's in our
14 constitution, period. So please
15 consider that next time we have a
16 meeting. I would like to follow up and
17 ask what action does the committee plan
18 on taking with that.

19 Title IV-D moneys that goes to the
20 custodial parent. I would like to
21 definitely talk off line on that one.
22 The Title IV-D money that comes from
23 the Federal Government goes to the

1 custodial parent. Did I hear it
2 correctly?

3 MS. NELSON: No.

4 MR. POLEMENI: No. Title IV-D moneys go
5 to the state to be distributed amongst
6 the various agencies that need to work
7 that custodial -- those funds. Those
8 are the bonuses of that.

9 MR. PASCHAL: Okay. I wrote it down
10 wrong.

11 Deviation. Ms. Davis mentioned
12 about deviation as far as child care
13 options. I would ask to consider
14 before the judge have the latitude to
15 deviate, the first option deferred to
16 the other parent. Do you have the
17 means to watch the child or take care
18 of the child before we consider giving
19 a judge the option to increase. Before
20 you increase, defer to the other
21 parent. The other parent might have
22 the means to facilitate that time based
23 on their job status or whatever it may

1 be.

2 But once again, our organization is
3 about the physical time. We want the
4 child to have time with both mom and
5 dad, so that's why I'll ask you to take
6 a look at that.

7 Standard forms. It's great to hear
8 we have a website for that. And I
9 would definitely like to get with you
10 to learn more about that. Because I
11 think as a pro se litigant, one of the
12 forms should be Miranda law. As a
13 parent, you have an obligation to
14 provide, not only financial obligation,
15 but moral support, physical support for
16 that child. So that needs to be a
17 form, too. If you break into
18 somebody's house, there's a form of
19 Miranda rights that reads you your
20 rights. So if you walk through the
21 courts for divorce or whatever, we want
22 to make sure you know your rights. You
23 have the rights to be a parent and

1 maintain your obligations.

2 I appreciate what I'm hearing and
3 what I've heard over the last several
4 months from this committee and I
5 applaud everyone. So thank you for
6 your time.

7 MR. BAILEY: Thank you for being here. I
8 appreciate your comments.

9 Anyone else from the public that
10 would like to be heard?

11 (No response)

12 MR. BAILEY: Anything from the committee
13 members that we need to follow up or
14 address, or are we ready to adjourn?

15 MR. ARNOLD: I think we're ready to
16 adjourn.

17 MR. BAILEY: Thank y'all very much.
18 Appreciate y'all all coming.

19

20 (Hearing was concluded at 12:20 p.m.)

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C E R T I F I C A T E

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)

I hereby certify that the above and foregoing hearing was taken down by me in stenotype, and reduced to typewriting under my supervision, and that the foregoing represents a true and correct transcript of said hearing.

I further certify that I am neither of counsel nor kin to the parties to the action, nor am I in any way interested in the result of said cause.

/s/Kristie Pearson
KRISTIE PEARSON
CERTIFIED COURT REPORTER
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EXPIRATION: 09/30/2014
NOTARY PUBLIC
COMMISSION EXPIRATION: 01/14/2014

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