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MEETING OF THE ADVISORY COMMITTEE  
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT  
FOR THE STATE OF ALABAMA  
FRIDAY, APRIL 23, 2021  
10:00 A.M.

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**ORIGINAL**

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**THE ADVISORY COMMITTEE ON CHILD SUPPORT  
GUIDELINES AND ENFORCEMENT MEETING** was held before  
Jeana S. Boggs, Certified Court Reporter and  
Commissioner for the State of Alabama at Large, via  
Virtual videoconference, Montgomery, Alabama,  
commencing at 10:00 A.M., Friday, April 23rd, 2021.

1 APPEARANCES

2 GUEST SPEAKER:

3 DR. JANE VENOHR  
4 Center for Policy Research  
5 Denver, Colorado

6 COMMITTEE MEMBERS:

7 PROFESSOR PENNY DAVIS, Chair  
8 Adjunct Professor of Law  
9 University of Alabama School of Law  
10 Tuscaloosa, Alabama

11 THE HONORABLE JULIE PALMER  
12 Private Practice Attorney and  
13 Part-time Referee, Shelby County  
14 Hoover, Alabama

15 AMANDA COX, Esquire  
16 Staff Attorney, The Honorable Terry Moore  
17 Judge, Alabama Court of Civil Appeals  
18 Montgomery, Alabama

19 ANGELA S. CAMPBELL  
20 Child Support Program Manager  
21 Mobile County Department  
22 of Human Resources  
23 Mobile, Alabama

JENNIFER BUSH, Esquire  
State-Level Child Support Attorney  
Alabama Department of Human Resources  
Montgomery, Alabama

JIM JEFFRIES, Esquire  
Private Practice Attorney  
Mobile, Alabama

KATIE STEINWINDER, Esquire  
Private Practice Attorney  
Montgomery, Alabama

1 LATHESIA MCCLENNY  
Director  
2 Child Support Enforcement Division  
Alabama Department of Human Resources  
3 Montgomery, Alabama

4 MELODY BALDWIN, Esquire  
District Attorney's Office  
5 Child Support Division  
Dadeville, Alabama

6 PROFESSOR BRIAN GRAY  
Associate Dean  
7 Culverhouse College of Commerce  
The University of Alabama  
8 Tuscaloosa, Alabama

9 MALLORY HALL, Esquire  
10 Private Practice Attorney  
Birmingham, Alabama

11 OTHER APPEARANCES:

12 JEANA BOGGS, COURT REPORTER  
13 BOGGS REPORTING & VIDEO LLC  
MONTGOMERY, ALABAMA 36104

14 STEPHANIE BLACKBURN, Esquire  
15 Central Staff Attorney  
Supreme Court of Alabama  
16 Montgomery, Alabama

17 BOB MADDOX, Esquire  
Staff Attorney, Legal Division  
18 Alabama Administrative Office of Courts  
Montgomery, Alabama

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1 APPEARANCES FROM THE PUBLIC:

2 CLIFFORD SMITH

3 LISA CLARK

4 LEE WOOD

5 APPEARANCE OF GUEST:

6 HON. PATRICIA STEPHENS

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1 MS. DAVIS: Good morning,  
2 everybody, and welcome to the Supreme Court  
3 Advisory Committee on Child Support  
4 Guidelines and Enforcement. We appreciate  
5 each of you taking the time to participate  
6 on the Committee either as a Committee  
7 member or those in public who will be giving  
8 comments.

9 We are fortunate to have Jeana  
10 Boggs with us again as our Court Reporter.  
11 Jeana, if you would wave so they can see  
12 your Brady picture.

13 THE COURT REPORTER: (Waving.)

14 MS. DAVIS: There you go.

15 And, again, I am the world's worst  
16 at identifying myself, particularly if you  
17 do not have a visual representation on  
18 screen. If you would, before you speak, it  
19 would help Jeana a lot if you would identify  
20 who you are either immediately when you  
21 speak; if not, if you think about it during  
22 your comments, that would be helpful.

23 Again, we are a numbers type of

1 Committee. So, it would be helpful, if at  
2 the time you speak about numbers, you would  
3 speak in terms of numbers and percentages.  
4 You would say, for example, three  
5 ninety-five should be stated three dollars  
6 and ninety-five cents, or three hundred and  
7 ninety-five dollars, or three point nine  
8 five percent, whichever way you are really  
9 intending to speak.

10 At this point, let's do a roll  
11 call. Bob, if you would, call the roll.  
12 And then after we have all the public  
13 members if you would ask them if they want  
14 to speak also.

15 MR. MADDOX: Yes, ma'am. Good  
16 morning, everyone. So, as I call your name,  
17 please unmute yourself and say "present" or  
18 "here" so we can identify you.

19 Honorable William Thompson?

20 (No response).

21 MR. MADDOX: I believe he emailed  
22 me a few days ago he could not join. But I  
23 always like to make sure.

1 Honorable Don McMillan?

2 (No response) .

3 MR. MADDOX: Honorable Michael

4 Sherman?

5 (No response) .

6 MR. MADDOX: Honorable Aubrey

7 Ford?

8 (No response) .

9 MR. MADDOX: Honorable Julie

10 Palmer?

11 (No response) .

12 MR. MADDOX: Honorable Karen

13 Dunn-Burks?

14 (No response) .

15 MR. MADDOX: Professor Davis is  
16 on. We just heard from her. She's present.

17 MR. MADDOX: Amanda Cox?

18 MS. COX: Here.

19 MR. MADDOX: Thank you. Angela  
20 Campbell?

21 MS. CAMPBELL: Here.

22 MR. MADDOX: Drew Whitmire?

23 (No response) .

1 MR. MADDOX: Greg Starkey?

2 (No response).

3 MR. MADDOX: Jennifer Bush?

4 Jennifer, can you hear me? I can see her  
5 name. Can you -- Do you need me to unmute  
6 you, or can you unmute yourself?

7 Anyway, Jeana, Jennifer is showing  
8 up. She must be having audio trouble.

9 MR. MADDOX: Jessica Kirk  
10 Drennan?

11 (No response).

12 MR. MADDOX: Jim Jeffries?

13 MR. JEFFRIES: (Waving).

14 MR. MADDOX: He is waving. I  
15 just admitted him. He is present.

16 MR. MADDOX: Katie Steinwinder?

17 MS. STEINWINDER: I am here, Bob.

18 MR. MADDOX: Thank you. I may be  
19 pronouncing your last name incorrectly. I'm  
20 sorry.

21 MS. STEINWINDER: It's  
22 Steinwinder, but that's okay.

23 MR. MADDOX: Steinwinder. Sorry.



1                   Lathesia McClenney. Actually, I  
2 think she just tried to get in. I just  
3 admitted her. Lathesia, are you on? I will  
4 come back to her. I think I just --  
5 Lathesia?

6                   MS. MCCLENNEY: Good morning.  
7 Yes, I am on, Bob.

8                   MR. MADDOX: Okay. Thank you.  
9 Appreciate it.

10                  MS. MCCLENNEY: Thank you.

11                  MR. MADDOX: Melody Baldwin?

12                  MS. BALDWIN: Present.

13                  MR. MADDOX: Thank you.

14 Professor Brian Gray?

15                  PROFESSOR GRAY: I am here.

16                  MR. MADDOX: I need a voice like  
17 that. Stephen Arnold?

18                         (No response).

19                  MR. MADDOX: Rachel King?

20                         (No response).

21                  MR. MADDOX: I think she emailed  
22 me. She probably won't be able to join. I  
23 think she had a trial or something.

1 Mallory Hall?

2 MS. HALL: I am here.

3 MR. MADDOX: Thank you.

4 Honorable Julie Weller?

5 MS. BLACKBURN: She is not going  
6 to be able to make it today.

7 MR. MADDOX: Stephanie Blackburn?  
8 She just spoke. She is present.

9 MR. MADDOX: Nathan Wilson?

10 (No response).

11 MR. MADDOX: All right. We have  
12 Dr. Venohr. If you would wave, Dr. Venohr,  
13 for everybody. She's in a different  
14 location. Looks good today. She is in her  
15 office for a change.

16 Clifford Smith?

17 MR. SMITH: I am here.

18 MR. MADDOX: Thank you. Would  
19 you like to speak at the end, Cliff?

20 MR. SMITH: No, I don't have any  
21 plans to. Just be here.

22 MR. MADDOX: Thank you. Tiffany  
23 Gates? Tiffany Gates?

1 (No response).

2 MR. MADDOX: Lisa Clark?

3 MS. CLARK: Here.

4 MR. MADDOX: Would you like to  
5 speak at the end?

6 MS. CLARK: No, thank you.

7 MR. MADDOX: Okay. Thank you.

8 Lee Wood? Lee Wood? Can you hear  
9 me?

10 MR. MADDOX: I admitted her.  
11 Maybe she's not able to unmute.

12 Honorable Patricia Stephens?

13 (No response).

14 MR. MADDOX: Vicki Porter? Vicki  
15 Porter?

16 (No response).

17 MR. MADDOX: All right. Penny,  
18 that's all I had for now.

19 MS. DAVIS: Okay. Thank you,  
20 Bob. I appreciate you doing the roll call  
21 for us. As we have others that come in, we  
22 will -- Bob can admit them and that one  
23 person that's got a phone number, I'm sure

1 when he has a chance he will assign a name  
2 to that.

3 At this time, Stephanie, it  
4 doesn't look like we have a quorum.

5 MS. BLACKBURN: I think we are  
6 one shy of a quorum.

7 MS. DAVIS: Okay. Thank you.  
8 So, we may very well have one later on.

9 Also, Stephanie, if you would,  
10 would you mention for the record the order  
11 authorizing -- Supreme Court authorizing the  
12 video conference?

13 MS. BLACKBURN: Yes, ma'am. That  
14 order is still in effect, I believe, until  
15 September. So, we are good.

16 MS. DAVIS: Thank you. And,  
17 again, for the record, Bob, will you speak  
18 on the notice sent to the media?

19 MR. MADDOX: Yes. There was a  
20 media notice, a news release, was sent to  
21 all the media outlets statewide by Scott  
22 Hoyem, Public Information Officer in the  
23 Administrative Office of Courts, on

1 March 22nd by email. This media notice, of  
2 course, allowed the public to provide  
3 written comments to the Supreme Court  
4 Clerk's Office by last -- let's see,  
5 Wednesday -- or sorry, Thursday, April 15th,  
6 and also they could join by Zoom by 5:00  
7 o'clock this past Wednesday, April 21st.

8 All the information, news release,  
9 agenda and other documents are posted on our  
10 website, Alacourt.gov, under Child Support  
11 and Child Support Guidelines Review under  
12 that.

13 MS. DAVIS: Okay. Thank you,  
14 Bob. Did we receive any written reports  
15 this time?

16 MR. MADDOX: No, ma'am.

17 MS. DAVIS: Okay. I knew I had  
18 not. I just hoped I didn't miss it in my  
19 email. So, I appreciate that clarification.

20 All right. Thank you for that  
21 information, Bob.

22 At this point, we need to ask for  
23 approval of the transcript of our last

1 meeting, which was March the 12th. So, are  
2 there any corrections or changes that anyone  
3 would like to submit at this time?

4 (No response).

5 MS. DAVIS: Okay. Then do I hear  
6 a motion of approval of the transcript?

7 MS. STEINWINDER: I move for  
8 approval. Katie Steinwinder.

9 MS. DAVIS: Thank you, Katie.  
10 And is there a second?

11 MS. CAMPBELL: Second from Angela  
12 Campbell.

13 MS. DAVIS: Thank you, Angela.  
14 All in favor, if you would, raise your  
15 hands.

16 (Committee members raising  
17 hands).

18 MS. DAVIS: Okay. Thank you.  
19 And those who -- thank you, Melody. All  
20 those who are not visible, if you would  
21 unmute and say "yea" or "nay" -- well, all  
22 those in favor at this point. All right.

23 (No response).

1 MS. DAVIS: Anybody opposed? If  
2 you would, unmute and say "nay" or do a  
3 thumbs down.

4 (No response).

5 MS. DAVIS: Okay. I hear no  
6 nays, or see no nays. So, it is approved.  
7 Thank you—all very much for that.

8 At this point, we are going to  
9 turn over the meeting to Dr. Venohr to  
10 continue our discussion on the updating or  
11 revising the self-support reserve  
12 Adjustment. Dr. Venohr?

13 DR. VENOHR: Thank you, Chair  
14 Davis. Good morning, everybody.

15 There are two versions of this  
16 memo that were posted on the Court website.  
17 They are both dated April 15th. One is  
18 longer than the other but contains the same  
19 core information. The difference is, the  
20 longer one also contains a side-by-side  
21 table comparison. I am not going to discuss  
22 that today. That's more for your benefit.  
23 That's where the proposed schedule is

1 standing right now.

2 So, I would encourage you to look  
3 at it on your own, and just look at the  
4 numbers and see where they land, and perhaps  
5 even run some case examples.

6 So, the shorter one doesn't  
7 include that table, but it includes the same  
8 core information, and I did that just  
9 because printing it out, you know, it can be  
10 cumbersome to print out a very, very -- a  
11 30-some page document.

12 Any questions on that? Need for  
13 clarification?

14 (No response).

15 DR. VENOHR: Okay. So, I only  
16 have the short one in front of me today.  
17 And I am actually in my office today and not  
18 working from home. So, I hope you don't  
19 have any questions of the side by sides  
20 because I don't have it right in front of  
21 me.

22 So, what we are going to do today  
23 is continue where we left off last time



1           which was, we were discussing the phaseout  
2           of the self-support reserve. We had some  
3           discussion about high incomes and arrears.  
4           And the high incomes had a significant  
5           schedule increase at high incomes. And  
6           there's just some follow-up information,  
7           particularly some things that were  
8           specifically requested from Professor Gray.

9                         And as you-all know, we were able  
10           to obtain information from ALECS -- we are  
11           very fortunate that the Agency was able to  
12           do that. That really helped Alabama meet  
13           the federal requirements, and I can't thank  
14           the Agency enough. I mean, I know that they  
15           are dealing with a legacy system, and we are  
16           very appreciative to the team of their  
17           effort pulling the data. They did miracles  
18           for an automated system that is old, to be  
19           honest.

20                        So, anyway, the intent was to meet  
21           the federal regulations: Analyzing case  
22           file data and guidelines deviation, income  
23           imputation and payment; and we were also

1 able to glean other things from it, like  
2 what percentage of those cases are high  
3 income.

4 We are a bit limited because this  
5 is IV-D cases only. In particular, ALECS  
6 tracks IV-D cases, and our sample was all  
7 orders that were effective in calendar year  
8 2018. So, there would have been a  
9 guidelines calculation in that year assuming  
10 that the date of the hearing was the same  
11 year as the effective date.

12 And so, that resulted in about  
13 7,000 orders. And then, because there's a  
14 guidelines calculator attached to ALECS --  
15 but that it is not always used -- we were  
16 able to obtain detailed information about  
17 incomes and what information was used for  
18 the guidelines calculation from 2,308  
19 orders. And, again, the limitation is, this  
20 is reflective of the government caseload.

21 So, with regard to Professor  
22 Gray's question, only about 1% of those  
23 cases were in the very, very high income

1 group. So, it's not going to affect a lot.

2 We were -- the reason we were  
3 looking at the very high income is that we  
4 are concerned about some major increases,  
5 some -- the new economic data is saying that  
6 there should be some big increases at very  
7 high incomes, and we are defining a big  
8 increase as 10% or more. And the majority  
9 of orders are for one child, and that  
10 increase of more than 10% or more is going  
11 to happen at twelve -- a combined income of  
12 \$1,200 -- excuse me, \$12,600 per month for  
13 one child. And then, it would be \$7,100 for  
14 two children, and \$6,800 for three children.  
15 And there's only 1% of the cases that fell  
16 into those categories at ALECS. But that  
17 doesn't mean that there isn't private cases  
18 that fall into that category.

19 And the maximum increases on that  
20 second paragraph from the top on page two  
21 where it shows that's a maximum increase of  
22 22% for one child, and that's going to occur  
23 at the highest end of the schedule of about

1 combined incomes of \$20,000.

2 So, where the Committee was  
3 leaning toward last time was not doing any  
4 sort of adjustment for high income. We've  
5 been working with some states on the new --  
6 with the new economic data, and there have  
7 been a few states that have elected to put a  
8 cap on the increase -- not a cap on the  
9 schedule amount, but a cap on how much the  
10 increase from the existing to the new  
11 schedule can be, just because they didn't  
12 want to have a price sticker shock. Those  
13 states were Iowa and Missouri. Arizona did  
14 not elect to do a cap.

15 And so, those are the three states  
16 that are -- have voted to approve using the  
17 BR5. So, just as reference.

18 Any questions on the high income  
19 before I move back to the low income?

20 (No response).

21 DR. VENOHR: Okay. Seeing none,  
22 I am going to go back to the other thing  
23 that Professor Gray pointed out, which is on

1 the first page of the memo, is that last  
2 time I shared some data on arrears that  
3 Alabama has higher arrears per order on  
4 average than other states.

5 And so, he suggested that, since  
6 we collected arrears data, that we look at  
7 that. And our arrears data is going to be a  
8 little bit different than what I reported  
9 last time, because our sample is those with  
10 new effective dates of their order because  
11 they were either a modified order or it was  
12 an established order.

13 So, the arrears is a little bit  
14 less, and that is on page two of the memo.  
15 And about a third of the orders analyzed had  
16 arrears at the time order establishment.  
17 Among those orders in arrears, the average  
18 arrears was about \$9,000 and the median  
19 amount was \$5,000. And the last time, I  
20 reported about \$20,000, but remember, those  
21 are all cases, so they might have been five,  
22 ten, who knows, how many years old. We  
23 don't have that type of data.

1                   And on average, arrears was  
2                   two-and-a-half times the parent's income  
3                   used for the guidelines calculation. And I  
4                   think that's a good barometer. You know, as  
5                   far as seeing the burden, that it would take  
6                   two-and-a-half times of just earning income  
7                   and not having any bills for them to pay  
8                   that off.

9                   I will say that this year Kentucky  
10                  and New Mexico, as part of their guidelines'  
11                  changes, they also put a limit on how much  
12                  retroactive arrears can occur, meaning that,  
13                  you know, can they go back to the data of  
14                  the birth of the child, or both states went  
15                  back, now go back to two years prior to the  
16                  filing for support. So, some states include  
17                  that in their Child Support Guidelines, that  
18                  they put a limit on how far back arrears can  
19                  go.

20                  So, I am going to stop there and  
21                  see if there are any questions before I  
22                  plunge into going back into the self-support  
23                  reserve.

1 (No response).

2 DR. VENOHR: Okay. Hearing none,  
3 where we are with the self-support reserve  
4 is that the Committee is favoring -- and  
5 again, this has not been to an official vote  
6 and this is just a straw poll. So, all  
7 these issues can be revisited is my  
8 understanding; and, you know, Penny can --  
9 Chair Davis can clarify or Stephanie can  
10 clarify if I say that wrong.

11 MS. DAVIS: That is correct.  
12 That is correct.

13 DR. VENOHR: Oh, good. So, where  
14 we are leaning is right now that  
15 self-support reserve is hidden in the  
16 schedule, taking it out, and putting it in  
17 the worksheet so it can be applied to both  
18 parents, and updating it to the 2021 federal  
19 poverty, adjusting it for Alabama incomes.  
20 And then the factor that is not so clear is  
21 that everybody is favoring a work incentive,  
22 but it's like, what percentage should be  
23 used? And a work incentive does two things:

1 It recognizes -- since we are putting it,  
2 the self-support reserve in the schedule --  
3 I mean, in the worksheet, we can no longer  
4 assume a tax rate like we did with being  
5 incorporated in the schedule.

6 So, we grossed it up, and that  
7 results in a gross self-support reserve at  
8 \$981 a month. And if it was net, it would  
9 be \$877 a month. And so, because we are  
10 going to use that \$981 in the worksheet as a  
11 self-support reserve available to both  
12 parents, we don't want to take every single  
13 dollar above \$981 and apply it to child  
14 support. One reason we don't want to do  
15 that is because of taxes.

16 For instance, a single individual  
17 that was earning full-time minimum wage at  
18 \$7.25 an hour, that would be a gross income  
19 of \$1,257, and the taxes is approximately  
20 \$160. That's the payroll taxes using the  
21 Federal and Alabama income withholding  
22 formula. So, that's going to leave a net  
23 income of about \$1,098. So, you know, we



1 don't want to take every single dollar  
2 because then they wouldn't even be able to  
3 pay their payroll taxes.

4 And then the other thing is that,  
5 by not taking every single dollar, there's  
6 some economic incentive to work, you know,  
7 with their income increased from \$7.25 an  
8 hour to \$8.00 an hour. Not every single of  
9 that \$.75 in increased income, some of it  
10 would go to taxes. But if it did all go to  
11 child support, there would be no incentive  
12 to earn more. So, there is some sort of  
13 sharing.

14 And so, what we considered is the  
15 memo, on page two, there's a table at the  
16 very bottom where we are looking at 85%,  
17 80%, 75%, 70%. We dropped the 50%.

18 So, the comparisons, as we go on  
19 to page three, that shows the comparisons  
20 that we are using, and we are doing the same  
21 scenarios as the March memo, and we are  
22 doing \$7.25 an hour because that's the  
23 current federal minimum wage. As part of

1 the American Rescue Act, the original bill  
2 included an increase to a minimum wage of  
3 \$15.00 an hour starting with \$9.50 proposed  
4 by summer of 2021. That was removed in the  
5 House bill. But President Biden said that  
6 he is committed to increasing federal  
7 minimum wage.

8 Most states have a state minimum  
9 wage greater than the federal amount.  
10 Alabama is one of the few that does not.  
11 And let's see. What else did I wanted to  
12 tell you about the minimum wage?

13 And usually when they propose it,  
14 it's a staggered increase. Like, if you  
15 look at this chart, that \$9.50 was proposed  
16 by summer of '21, but they did not propose  
17 going up to \$15.00 an hour until 2025.  
18 There's quite a bit of pushback about this.  
19 One reason is, there was a congressional  
20 budget report that says even though  
21 increasing the minimum wage will lift about  
22 a million -- I can't remember if it was  
23 families or individuals out of poverty. It

1 will push about the same in number of  
2 individuals or families -- I think it was  
3 individuals -- into poverty, because some  
4 employers can't afford to pay, you know, the  
5 \$15.00 minimum an hour. You know, a lot of  
6 these minimum wage employers are small  
7 employers. And, you know, they are in a  
8 competitive environment. So, they can't  
9 always afford to pay their workers more.

10 The last time the federal  
11 government increased the minimum wage was  
12 about 2006. So, it's been a while. It's  
13 going on about 13, 14 years.

14 So, in short, I think something is  
15 going to happen, but I'm not sure it's going  
16 to go up to \$15.00. And where this is  
17 significant is when income imputation is  
18 authorized at full-time minimum wage is  
19 usually used, and it's usually used for both  
20 parties.

21 And as I mentioned before, and I  
22 am repeating a lot of information because I  
23 do think this is going to be an issue that

1 Alabama has to face in the future when the  
2 feds do increase their minimum wage. And  
3 the big advantage that Alabama has is that  
4 you have a standing committee that is  
5 reviewing the guidelines. And you are the  
6 only state that I have known that can make  
7 changes -- the court doesn't seem to mind if  
8 you make changes six months and then six  
9 months down the road.

10 In other states, states are  
11 required to do the four-year review. So,  
12 usually they only make the changes to their  
13 guidelines every four years. So, the short  
14 of it is, I hope that you exercise that when  
15 there's changes.

16 Any questions before we plunge  
17 into the case examples?

18 (No response).

19 DR. VENOHR: Okay. Hearing none,  
20 I am on Figure 1, which is on page four.

21 So, this is one child. This is  
22 the majority of your cases. And that first  
23 cluster is where we have both parents

1           earning full-time minimum wage at \$7.25 an  
2           hour. Case 2, \$9.50 an hour. Case 3 is  
3           \$11.00. Case 4 is both earn \$12.00. And  
4           Case 5 is \$15.00. And the options that we  
5           are considering is the "existing," what the  
6           existing amount is. That's the first bar in  
7           the cluster that's really black, a dark  
8           black.

9                        And Option A is just including it  
10           in the schedule. Then, again, the  
11           difference with including it in the schedule  
12           is we can adjust for taxes there. And then  
13           Option A.1.A -- and this is numbered a  
14           little odd, just to be consistent with the  
15           March memo -- is taking 85% of the  
16           difference from his or her income, and his  
17           self -- and the self-support reserve.

18                       So, before I mention that, the  
19           self-support reserve being proposed is \$981  
20           a month. And if we had an obligated parent  
21           with an income of \$1,081 a month, that would  
22           mean a difference of \$100 between his or her  
23           income and the self-support reserve.

1                   So, that \$100 in Option A.1.A  
2                   would be multiplied by 85%, and that would  
3                   be an order of \$85. For Option B.2, it  
4                   would be multiplied by 80%, and it would be  
5                   \$80. For Option B.2.A it would be \$100  
6                   times 75%, so \$75. And Option B.3, it would  
7                   be \$100 times 70%, which would be \$70.

8                   MS. DAVIS: Jane, excuse me for  
9                   interrupting. Would you clarify for the  
10                  Committee the difference between the  
11                  "existing," and Option A, which is  
12                  designated as "in the schedule".

13                  DR. VENOHR: So, Option A would  
14                  be updating the schedule to the  
15                  Betson-Rothbarth 5th measurements where  
16                  right now you are on an old set of  
17                  Betson-Rothbarth, and then updating that  
18                  self-support reserve in the schedule, which  
19                  is -- I don't have it in front of me, but  
20                  it's based on 2006 poverty. I think it's  
21                  about \$772 in that.

22                  HON. PALMER: It would basically  
23                  using the same -- I'm going to use the word

1 "formula" probably incorrectly, but the same  
2 formula that we currently use without any  
3 changes, other than the economic numbers  
4 would be changed. Is that a fair layman's  
5 --

6 DR. VENOHR: That's very --

7 HON. PALMER: Okay. Okay.

8 DR. VENOHR: Yeah. Yeah. The  
9 algorithm is what I would call it, the  
10 algorithm. So, it's using the same  
11 algorithm.

12 MS. DAVIS: Okay. Thank you.

13 DR. VENOHR: And, again, the  
14 benefit of putting it in the worksheet is  
15 that it can be applied to both parents.

16 MS. DAVIS: Yes. Thank you.

17 DR. VENOHR: Absolutely.

18 So, what you will see is, it only  
19 affects the first cluster, that self-support  
20 reserve, and it doesn't affect the other  
21 clusters. And the other clusters, there's  
22 sufficient income of the obligated parent to  
23 meet that self-support reserve of \$981 per

1 month gross. And you can see that by Case  
2. If you look at Case 2, that is an income  
3 of \$9.50 an hour. When you multiply that by  
4 40 hours a week and monthly, that would be  
5 \$1,647. And then taxes for that are about  
6 \$250.

7 So, the after-tax income available  
8 to an obligated parent in Case 2 would be  
9 \$1,402. And you can see that if we take  
10 that \$1,402 and we subtract the existing  
11 order amount for that scenario, \$325, they  
12 are going to be left with about \$1,075. So,  
13 that is more than sufficient to make -- meet  
14 the self-support reserve.

15 And if we go to the other options,  
16 which is the updated schedule, it's going to  
17 be \$299. So, that's going to leave the  
18 obligated parent about \$1,100 a month after  
19 taxes. And even though these amounts are  
20 not adjusted for the self-support reserve,  
21 this \$299.99, as we know and we've talked  
22 about the new Betson-Rothbarth measurements  
23 show a decline at that very low end of the



1 schedule; just a nominal decline. And  
2 that's because they have better data on  
3 income. We have better data on income at  
4 the low income, and they found out that they  
5 are actually spending a little less.

6 So, that's the cause of the  
7 decrease in Case 2, Case 3, Case 4, and Case  
8 5. They are all driven by those new BR5  
9 measurements, not the self-support reserve.

10 I'm going to pause there for a  
11 second before I talk about Case 1 some more.  
12 Any questions on that BR5?

13 MS. DAVIS: I guess -- I guess I  
14 have a question. And maybe now is a good  
15 time to look at it. We do -- There's been  
16 some concern expressed about a decrease in  
17 the money that's given in the lower end.  
18 And we know that we have a minimum \$50 a  
19 month built in currently.

20 And so, my question, I guess, is  
21 sort of twofold: And one is, in today's  
22 dollar, what would the \$50 be if we took  
23 that \$50, whatever year it was, that was

1 determined and then looked at the today's  
2 dollars? And you may not have that number  
3 in front of you, Jane, because I didn't  
4 think to ask you that ahead of time.

5 But the second question is: That  
6 if we decide to adjust that number also,  
7 will that not also mitigate some of the  
8 differences that we see on these lower ends?  
9 So, instead of decreasing the income for the  
10 child to the recipient parent maybe \$25, if  
11 you increase the other one from \$50 to, say,  
12 \$60 and then it becomes a \$15 difference am  
13 I off. Am I thinking correctly, or am I  
14 off?

15 DR. VENOHR: It probably won't,  
16 because the \$50 applies to when their income  
17 is below the self-support reserve. So, it  
18 would only apply if their income was below  
19 \$981. And I don't think I have a schedule  
20 in front of me.

21 MS. DAVIS: That's okay.

22 DR. VENOHR: Yeah. The \$50 now  
23 applies at \$800 gross per month. So, and --

1 to be honest, I mean, you know, I appreciate  
2 the concern about lowering the amounts. But  
3 we also -- I mean, it makes sense because  
4 the federal regulation says to be more  
5 cognizant of ability to pay.

6 MS. DAVIS: Sure.

7 DR. VENOHR: And those -- And, I  
8 mean, it's a delicate balance between whose  
9 needs get first: The obligated parent, or  
10 the children and the custodial parent. And  
11 the way the rules are written, it's -- the  
12 federal rules, like, I would say it's a  
13 little bit more favoring of the obligated  
14 parent. But the intent is to keep him more  
15 involved with the child. Hopefully, he will  
16 increase his earnings sometime before the  
17 child reaches 18 and his ability to pay and  
18 be a role model for the child.

19 And the data that was quoted in  
20 the federal regs says that, you know, you  
21 can set the order at \$100 or \$50, you are  
22 still going to get the same amount paid.  
23 You know, it might be \$30.

1 MS. DAVIS: Right. So, the Case  
2 1 scenario here that's \$7.25, the \$50, or  
3 whatever the amount is, minimum would fall  
4 below this Case 1 scenario is what you are  
5 --

6 DR. VENOHR: (Nodding in the  
7 affirmative).

8 MS. DAVIS: Okay. Thank you.

9 DR. VENOHR: Yeah.

10 MS. DAVIS: I appreciate the  
11 clarification.

12 DR. VENOHR: Yeah. And just  
13 to -- I mean, I think it's a -- I mean, I  
14 really do hope that there's some increase in  
15 minimum wage. I think, you know, as an  
16 economist, you are always worried about the  
17 burden on employers and the indirect  
18 consequences. But, you know, if they -- if  
19 the minimum wage was \$9.50 an hour, not only  
20 does it bump the obligated parent's income  
21 up, but it bumps the amount of support that  
22 he or she could pay.

23 So, it would be a good thing. And

1 remember that the compliance on these are  
2 not full. You know, it's closer to 50% when  
3 income is imputed, and it's closer to 70%  
4 when it is not.

5 And just, too, when we talk about  
6 that self-support reserve of \$981, some of  
7 that is going to go to taxes, because it's a  
8 gross income; that \$981 is a gross amount.  
9 And then the net equivalent, once he or she  
10 pays those payroll taxes, is \$877.

11 And I looked up what the USDA food  
12 budgets are right now, and the USDA has a  
13 set of food budgets. The lowest is used to  
14 determine SNAP benefits, commonly known as  
15 food stamps, and that's based on a minimum  
16 diet of what you need to subsist. And, you  
17 know, the USDA even tells you what's in that  
18 diet, like, dried beans and things like  
19 that.

20 And then it also -- they have a  
21 liberal food budget which they use for  
22 military benefit allowances. So, based on  
23 the -- their second lowest food budget, an

1 adult would need about \$250 a month for  
2 food. And then rent, for a one-bedroom  
3 apartment in Alabama is about \$800. So, if  
4 you just look at food and rent, that would  
5 be \$1,050.

6 So, we are a little bit lower, and  
7 we are using the Federal Poverty Level. But  
8 if you look at a studio apartment, I mean,  
9 the biggest expense for anybody is housing,  
10 is generally going to be -- a studio  
11 apartment in Alabama on average is \$530.  
12 So, if you take that food of \$250 and \$530,  
13 that's \$780. And if that net is \$877, that  
14 leaves about \$100 extra for, you know, it  
15 could be medical; it could be something.

16 So, what I am saying is that  
17 self-support reserve is tight, but it is  
18 based on the Federal Poverty Level adjusted  
19 for Alabama incomes.

20 So, in other words, even though  
21 you see that those amounts are decreasing,  
22 in the spirit of the federal reg changes, I  
23 think they are appropriate amounts.

1 Any questions on that?

2 PROFESSOR GRAY: Maybe a comment  
3 about it. Thinking about the arrears thing,  
4 as well. This is Brian Gray.

5 You know, those arrears numbers  
6 are pretty scary when we think about it.  
7 And when we are looking at these numbers, we  
8 are trying to figure out, you know, what is  
9 the appropriate amount. And it seems like  
10 one way of kind of gauging that is to see,  
11 well, how well are people able to pay it.  
12 And if we are that deep in arrears, it  
13 suggests that maybe the numbers are a little  
14 on the high side potentially.

15 In fact, the thing that scares me  
16 about that arrears number is, if you say  
17 that the average is two-and-a-half times  
18 income, two-and-a-half times the income,  
19 another rule of thumb that that's used for  
20 is for how much house you can afford to buy,  
21 you know.

22 So, think about that. Basically,  
23 you are in arrears as deep as the amount of

1 house you can afford to buy. That's pretty  
2 significant.

3 So, you know, what is the right  
4 number? Who knows. And it does seem like  
5 the new economic data suggests that it  
6 should be lower. We obviously don't want to  
7 short children, no doubt about that. But at  
8 the same time, you know, how much blood can  
9 you squeeze out of that turnip?

10 DR. VENOHR: Yeah. And I think  
11 you are echoing the federal reason for  
12 requiring that self-support reserve. And  
13 the data show that at these income levels  
14 they are not paying in full anyway. And  
15 part of the reason, as we already discussed  
16 is, you know, a lot of these jobs are in the  
17 lower income sector, such as hospitality,  
18 food and retail. And a lot of those jobs  
19 don't offer IV-D hours a week, and the hours  
20 are variable from week to week. And I think  
21 we all saw that during the pandemic, you  
22 know, and that there would be a restaurant  
23 open one week and then closed the next.



1           And I -- I, you know, the  
2 restaurant owners I know, they didn't even  
3 know they were going to close. It was just  
4 a last-minute decision. And so, the  
5 employees didn't know either.

6           And a lot of people -- There's  
7 Federal Reserve data that says that the vast  
8 majority of people at the lower incomes  
9 don't have enough to meet like a \$400  
10 crisis. You know, if their income -- if  
11 their car breaks down.

12           And so, we have people in these  
13 jobs, these service-sector jobs, that have  
14 sporadic income, maybe not a consistent  
15 hourly per week to week. And then what we  
16 have in our rules -- and this is because of  
17 the Federal requirement -- is that driver's  
18 license has to be suspended once arrears  
19 starts to accrue.

20           So, what can happen is that  
21 somebody that's working in the restaurant  
22 business, say, and, you know, they are not  
23 getting that IV-D hours a week at minimum

1 wage, COVID hits, they lose their job or the  
2 restaurant closes for a week or two, and  
3 then a month later they are already in  
4 arrears, and their driver's license is being  
5 suspended.

6 And so, you know, I just can't  
7 emphasize that enough where that's the  
8 reason I think the decreases, I think, from  
9 the federal perspective they will feel like  
10 Alabama is embracing the new rule.

11 I am going to stop there just to  
12 see if there's any more comments or  
13 questions.

14 (No response).

15 DR. VENOHR: Okay. Hearing none,  
16 so, again, the big issue is, you know, and  
17 if you want to revisit the amount of the  
18 self-support reserve, you certainly can.  
19 Right now, it's tentatively at \$981. And  
20 what the -- Where we were at was whether it  
21 should be the difference 70%, 75%, 80%, 85%.

22 And if you look at Figure 2 on  
23 that same page, you will see the same sort

1 of pattern that -- it is not that the  
2 self-support reserve is hitting Case 1. And  
3 it's only hitting Case 2, 3 and 4 and 5 for  
4 the one where it's -- is that right? -- 85%  
5 of the difference. Or no -- yeah. It's not  
6 hitting those. It's all the same. And that  
7 with the other ones, and that's just because  
8 of the lower difference.

9 And the other thing that I want to  
10 point out is that, if you look at that first  
11 cluster Case 1, look at the amounts for one  
12 child and two children, and you will see  
13 that they are exactly the same for when we  
14 use Option A.1, the 85%, 80%, 75%, 70%, and  
15 that's because we don't have a different  
16 percentage applied for two children. And if  
17 you did, if you looked at the very last page  
18 of this document, if you just -- I don't  
19 think you need to go there, Bob. It's a  
20 long journey. And Bob is multi-tasking  
21 here. He is the Zoom command officer here.

22 But if you look at new line 12 on  
23 the very last page, you see that line 11

1 multiplied by 80% -- and it could be 70%,  
2 75%, whatever the Committee decides to  
3 recommend and the Court approves, and you  
4 could also say that it would be the 80% for  
5 three children; it would be 75% for two  
6 children; 70% for one child. And what that  
7 would do is, let's say that you wanted to  
8 use 85% for one child. So -- or I am sorry.  
9 You wanted to use -- let's say 75% for one  
10 child. So, that would be Option B.2.A. So,  
11 then the amount would be \$221. And then  
12 let's say that you wanted to use 80% for two  
13 children, then the amount would be \$234.  
14 But you would have to put that in that line  
15 12 of the worksheet, which is more  
16 cumbersome to explain, but there are some  
17 states that feel like it's really important  
18 for that order amount to go up because there  
19 are more children, because more children are  
20 expensive.

21 I'm going to stop there to see if  
22 there's any questions or comments on that  
23 concept.

1 MS. CAMPBELL: Hi. This is  
2 Angela Campbell.

3 I actually like that idea. I saw  
4 that you put that in your memo. I actually  
5 like that idea because you do want the  
6 support to go up, at least a little bit, the  
7 more children that you have.

8 You know, I am a big proponent of  
9 not lowering the support, but I do  
10 understand why we do need to do this. And I  
11 was really glad to see that the information  
12 on \$9.50 -- making \$9.50 an hour and above,  
13 it's almost statistically insig -- well, it  
14 is; they are all the same, the -- all the  
15 levels, whatever options we choose.

16 So, I was glad to see that, too.

17 DR. VENOHR: Yeah. And I hope --  
18 I think -- I really think the \$9.50 is  
19 probably a reasonable place that the feds  
20 might end up on their minimum wage. And  
21 it's a \$25 decrease. But, you know, the  
22 data is not showing that.

23 I am on a new computer, and it's

1 telling me my battery is low. So, I am  
2 going to fiddle a little bit to find my  
3 cord. If you guys don't mind talking among  
4 yourselves a little bit before I finish,  
5 just give me a couple of minutes. So...

6 MR. MADDOX: Yes, Penny. And  
7 while she's doing that, I wanted to point  
8 out Honorable Patricia Stephens joined the  
9 Zoom. She's a guest from the Jefferson  
10 County Family Court or Domestic Relations  
11 Division, I should say. And Honorable Julie  
12 Palmer joined us, as well.

13 MS. DAVIS: Good. Why don't we  
14 go to the Brady bunch until Jane is ready to  
15 go ahead and see if anybody has any comments  
16 they would like to make, and we could see  
17 people that way.

18 So, would anybody like to, at this  
19 point, make a comment or respond,  
20 particularly to the issue that we are  
21 speaking about now relating to the differing  
22 amounts that we would see with the updated  
23 figures on the lower income or on the higher

1 income. No one seemed to have any heartburn  
2 over the higher incomes.

3 Judge Palmer, I see you are lit  
4 up. Did you --

5 HON. PALMER: Well, of course, as  
6 somebody who knows, who is really seeing the  
7 child support on a semi day-to-day basis,  
8 you know, the person -- the custodial parent  
9 is the one who has the children and the  
10 three kids, and has to put a roof over their  
11 head, and with the pandemic, it's been shown  
12 that women have been losing their jobs more  
13 than the men.

14 So, that just gives me some  
15 concern that the federal guidelines,  
16 according to what the speaker, Jane, just  
17 said, you know, might be more worried about  
18 the payor versus the payee. So, that has my  
19 attention.

20 Also, the arrearage; how much of  
21 that -- somebody mentioned it was  
22 two-and-a-half times. And I apologize, I  
23 came in about 20 minutes late. How much of

1 that arrearage is actually cash owed versus  
2 interest? Was that ever broken down?

3 DR. VENOHR: I am back again. I  
4 have power. Sorry. So, I can answer that  
5 question.

6 That was among cases in our ALECS  
7 samples. So, they were new -- they were new  
8 orders or modified orders. So, we -- the  
9 new orders, I imagine, wouldn't have any  
10 interest. But the modified orders might,  
11 but we didn't break that down.

12 I think, if I remember right,  
13 Savannah, my research assistant, ran the  
14 numbers, and they weren't different between  
15 modified and new orders. So, it was a  
16 negligible difference. But we didn't -- So,  
17 that says to me there probably wasn't an  
18 interest thing and, as I talk about that,  
19 makes sense because when they modify an  
20 order they are usually a paying case, and  
21 they don't have as much arrears.

22 So, I would say the majority of  
23 that is principal.



1 HON. PALMER: Okay. Thank you.

2 MS. STEINWINDER: Penny, it's  
3 Katie. I have got a question.

4 At the risk of sounding grossly  
5 ignorant, I guess, for those of us who don't  
6 have institutional knowledge like maybe  
7 those with the Department do, they are about  
8 the federal guidelines. Is there anything  
9 in any of our handouts that would kind of  
10 summarize what those federal guidelines --  
11 the updates that are required? Does that  
12 make sense?

13 DR. VENOHR: Yeah. It's -- we  
14 did it in one -- it's the February memo, the  
15 comparison of federal requirements and state  
16 guidelines.

17 MS. DAVIS: And also I think that  
18 at one point Jennifer Bush had done one for  
19 us, too. She was always good about keeping  
20 us up to date.

21 So, if you want to look at sort of  
22 a historical perspective, Katie, about where  
23 the evolution from the federal guidelines,

1           then Jennifer could probably help you with  
2           that, too. She has done that for the  
3           Committee over the years.

4                       MS. STEINWINDER: Thank you.

5                       DR. VENOHR: But I do need to  
6           clarify that even though when you look at  
7           this memo it looks like, you know -- and I  
8           said it a little too crudely -- that it  
9           looks like a tradeoff between one parent and  
10          the other parent. And I made it sound like  
11          they are prioritizing the obligated parent.  
12          I want to make it clear that the federal reg  
13          is not that way, that the federal reg --  
14          what it recognizes is that it's better for a  
15          child to have two parents involved as long  
16          as it's a healthy relationship, you know, so  
17          that eliminates domestic violence cases and  
18          so forth. And that they are into the long  
19          term, the long haul, in that.

20                      If you lower the order amount,  
21          the -- it's more likely that the obligated  
22          parent isn't going to work in the  
23          underground economy. He or she is going to

1 be a taxpayer, which is important. And he  
2 or she is more likely to stay engaged with  
3 the child.

4 There's data that shows that, if  
5 they don't pay, they also drop off. There  
6 is a correlation between that, not having  
7 contact with the child.

8 So, the intent of the federal reg  
9 is also just to think of the overall child  
10 well-being and recognizing that most of  
11 those arrears go unpaid. There's data from  
12 a nine-state study that says that only  
13 10% -- I think it's either 10% or 9% -- of  
14 the arrears owed will be collected within  
15 ten years. And 70% of that arrears is owed  
16 by obligated parents that have incomes of  
17 \$10,000 or less a year.

18 So, again, the federal reg isn't  
19 so much -- I misstated it -- prioritizing  
20 you know, one parent's needs over the other.  
21 It's the child and the long term benefit to  
22 the child.

23 I am going to stop there to see if

1           there's any comments.

2                       MS. CAMPBELL: This is Angela  
3           Campbell again.

4                       If the concern is the arrears and  
5           in the data that you gave and not knowing  
6           how much of it is retroactive child support  
7           and how much of it is arrears that accrued  
8           because you were modifying the order, you  
9           made a statement earlier that if we changed  
10          how far back we can get a retroactive  
11          judgment, that would -- that actually would  
12          help because, I know in our county our judge  
13          routinely doesn't go back two years prior to  
14          the filing date. A lot of times --  
15          oftentimes, they go back to the filing date  
16          itself and get retroactive judgments so that  
17          they don't start off with -- in arrears that  
18          are insurmountable.

19                      DR. VENOHR: I think that's a  
20          very good point. And the fact that both  
21          Kentucky and New Mexico changed their  
22          provision about that in the last month, you  
23          know, I don't know if -- I don't know where

1 Alabama's rule is on that. Is it part of  
2 the guidelines, or is it somewhere else?

3 MS. CAMPBELL: It's  
4 discretionary. I mean, it's part of the --  
5 but it's up to the judge on whether -- how  
6 far back they go. But they can go back two  
7 years prior to the filing date. Or if it's  
8 a legal child, they can go all the way back  
9 to the child's date of birth.

10 DR. VENOHR: So, can you -- Would  
11 it be something you could address in the  
12 guidelines if you wanted to limit it?

13 MS. CAMPBELL: That I am not sure  
14 of. I'd need an attorney --

15 MS. DAVIS: But that's -- I think  
16 that's statutory, I believe. I'm -- maybe  
17 somebody can correct me that does that on a  
18 regular basis. It's been while since I have  
19 looked at that. I think it may be in the  
20 Uniform Parentage Act where it says you  
21 could go back.

22 HON. PALMER: Penny, it's Julie  
23 Palmer. I don't know if you all can hear me

1 or not.

2 MS. DAVIS: Yes.

3 HON. PALMER: But I believe the  
4 statute is two years. Not necessarily two  
5 years from the date of filing, but two years  
6 from when the child was born, whichever is  
7 less. So, if I have got an 18-month old, I  
8 can't go back for two years, but I can go  
9 back for 18 months past the date of filing.  
10 And I believe that is statutory.

11 MS. DAVIS: Thank you, Judge  
12 Palmer.

13 So, if it's a statutory  
14 implementation, then the rule -- we could  
15 not change it in a rule.

16 DR. VENOHR: Right. And then I  
17 guess the other issue that I am hearing is  
18 that it's already limited to two years.  
19 Like, you -- if the child is six, you could  
20 only go back to age four assuming the  
21 petition is being filed, and you couldn't go  
22 back to six years, right?

23 HON. PALMER: Correct.

1 DR. VENOHR: Correct. So, that's  
2 exactly what Kentucky and New Mexico, they  
3 limited it to two years.

4 So, you're in -- I don't know why  
5 Alabama has so much more arrears than those  
6 two states. You know, I mean, your interest  
7 rate is high, but -- what was the interest  
8 rate in Alabama, again? Somebody said it  
9 last time.

10 MS. CAMPBELL: 7.5%.

11 DR. VENOHR: Yeah, because some  
12 or these interest rates are 10%.

13 HON. PALMER: It got changed, I  
14 want to say, in September of 2011 from 12%?

15 MS. CAMPBELL: That's right.

16 HON. PALMER: So, some of that  
17 old money owed is at 12%. And oftentimes on  
18 those old cases, they only owe fifty -- they  
19 only owe a couple of thousand in back child  
20 support, but they owe \$50,000 in interest.  
21 So...

22 And then you have got your TANF  
23 and several other things that the State is

1           owed, as well, that has to be paid.

2                   DR. VENOHR: Yeah. I mean, what  
3           it's saying to me just with the information  
4           that we have at hand that it's more your  
5           order amount. And what that does speak to  
6           is that, if you wanted to limit arrears, it  
7           wouldn't be a bad thing to decrease these  
8           order amounts, because they are going  
9           unpaid. I mean, if that's your goal or one  
10          of your goals, you know.

11                   HON. PALMER: Well, a lot of that  
12          arrearage -- that old arrearage was before  
13          you could capture tax returns. They've been  
14          capturing a lot of the stimulus checks and  
15          that sort of thing. So, that part has had  
16          to come up. And then I do have a whole  
17          wrench to throw into this, but it's got  
18          nothing to do with what Jane is talking  
19          about, so I will save that until the end.

20                   DR. VENOHR: Okay. Oh, come on,  
21          do it now.

22                   HON. PALMER: No. You're on a  
23          roll, Jane. Go ahead while that computer is



1 charging up.

2 DR. VENOHR: No. I think it's  
3 important.

4 So, anyway, we were talking about  
5 one and two children and we were on page  
6 four. And the question is whether to use  
7 85%, 80%, 75%, and there's some interested  
8 in using a different percentage depending on  
9 the number of children.

10 And remember also that the  
11 Committee is favoring making that  
12 self-support reserve discretionary. So, at  
13 least that's what I understood. And you  
14 could correct me that it would be optional,  
15 and you looked at some language from New  
16 Jersey and Arizona in the memo -- I think it  
17 was last time -- that said that if the  
18 household where the custodial parent with  
19 the primary residential parent and the  
20 children live, if they don't have sufficient  
21 income that you wouldn't bring it down to  
22 these amounts. That this adjustment is  
23 discretionary.

1           So, keep that in mind. I mean,  
2           it's still a formula. But since you are  
3           favoring that, you could do one of two  
4           things: You could -- I have the adjustment  
5           shown on that worksheet at the end of the  
6           document, and some places tell me that if  
7           you put it in the worksheet, even if it's an  
8           advisory adjustment, it gets applied.

9           And so, you don't have to put it  
10          in the worksheet if you make it advisory or  
11          an optional adjustment. Nebraska is a state  
12          that doesn't. And I don't see it getting  
13          applied very often. The minute you put  
14          it -- you know, like I say, if you put it in  
15          a worksheet, it's more obvious. But our  
16          experience from looking at states that don't  
17          put it in the worksheet, it doesn't get  
18          applied.

19          I am going to skip the examples on  
20          the other ones that are -- it's just three  
21          children, and when the obligee has zero  
22          income -- but those are the charts on pages  
23          five and six. I mean, you can look at that,

1 but I -- you know, those also showed  
2 decreases. But if you go with the  
3 discretionary, it's not going to happen.

4 What I wanted to spend the rest of  
5 my time with is just looking at some of the  
6 language, because there was a concern that,  
7 well, if we do the self-support reserve in  
8 the worksheet, do we have to do the dual  
9 calculation in every single case? And that  
10 comes up -- I will show you why that's an  
11 issue. Let me just find the right example.

12 So, if you look at Figure 2 on the  
13 fourth page and we look at the amount for  
14 two children, and we will just show -- this  
15 is particularly a problem when you put it in  
16 the schedule. And if you see -- if we just  
17 updated the schedule for the new economic  
18 data and the new self-support reserve, so  
19 Option A, it would be \$360 when they both  
20 have income. But if he only has income, the  
21 obligated parent only has income, if you  
22 look at page six on Figure 5, two children,  
23 it's now \$232. Because his prorated share,

1 since she has income and the one on the  
2 earlier one -- well, I am saying that  
3 backwards. But the self-support reserve is  
4 intact on page six, but it's not when you  
5 consider both incomes.

6 So, that's why you have to do two  
7 calculations, because there is a -- there's  
8 a possibility -- I mean I'll just do an  
9 extreme example where she has \$10,000 in  
10 income and he has \$1,000 in income, then  
11 that order amount using the prorated share  
12 could be less than the self-support reserve  
13 adjusted amount.

14 So, the question was, well, do you  
15 have to do that in every case, or is there,  
16 like, a breaking point where there might be  
17 a situation where you don't have to do it?  
18 And you certainly could do it in every case,  
19 to do both calculations: The self-support  
20 reserve, adjusted amount, and then just the  
21 prorated amount. And -- but you don't have  
22 to. I mean, you could keep it simple and  
23 have every guidelines user use it, or you

1           could have an income threshold where it  
2           applies to.

3                       And just -- because I feel like I  
4           am being really abstract just to drill it at  
5           home. Let's see.

6                       If you look at page nine of this  
7           brief, this memo, this is the West Virginia  
8           worksheet. And you can see that they only  
9           apply the -- require the dual calculation at  
10          incomes below \$1,550 a month, and that  
11          works.

12                      And so, for Alabama, the way it's  
13          lining up, is back on page seven, if you  
14          used a self-support reserve of \$981 per  
15          month and a 70% work incentive, instead of  
16          saying that \$1,550 like West Virginia does,  
17          you would say \$1,400 for one child, \$1,700  
18          for two children, \$2,000 for three children,  
19          \$2,200 for four children, and \$2,500 for  
20          five children, and \$2,750 for six children.

21                      And the reason that increases with  
22          income is because that order, the basic  
23          obligation gets more as we add more

1 children. And note that those would be the  
2 income thresholds.

3 So, if there was -- the obligated  
4 parent's income was \$1,600, you don't need  
5 to do both calculations. Mathematically it  
6 takes care of itself. But if it was \$1,200,  
7 that obligated parent's income, you should  
8 do both calculations. And these thresholds  
9 work with 70%. And they are going to be  
10 higher if you use a higher percentage. So,  
11 that's just 75% or 80% or 85%. So, I would  
12 have to redo it.

13 And so, right now all we are  
14 talking about is a really small thing just  
15 with the wording to make it less cumbersome  
16 to use this calculation, the self-support  
17 reserve. And some of the things -- you  
18 know, we are already talking about, you  
19 know, considering the custodial parents, you  
20 know, whether her income is near poverty. I  
21 had some language in last month's memo from  
22 New Jersey where her income has to be at  
23 least 105% of the poverty before they apply

1 the self-support reserve to the obligated  
2 parents. So, that's one language that's  
3 complicating it.

4 Two, is that we are talking about  
5 using a different percentage for the number  
6 of children. That's going to make the  
7 calculation complicated.

8 And, three, if you want to limit  
9 it so those that are doing the manual  
10 calculation, they don't have to do two  
11 worksheets and see what's lower. This is  
12 going to result in a more complicated  
13 language.

14 And then on top of that is, you  
15 are switching from including it in the  
16 worksheet to including it -- I mean,  
17 including it from the schedule, that's what  
18 you did before, and doing it in the  
19 worksheet.

20 So, the rest of this memo is just  
21 saying, yeah, we recognize that there's a  
22 bunch of new things happening, but you can  
23 do it simple. And --

1 MS. DAVIS: Can I --

2 DR. VENOHR: Go ahead.

3 MS. DAVIS: Excuse me. Can I  
4 interrupt for a second before we go off this  
5 page.

6 If you look at what the amount  
7 here, like, from one child is \$1,400, would  
8 that be comparable to the West Virginia's  
9 example, which is \$1,550?

10 DR. VENOHR: Right. So, if you  
11 are looking at having some type of  
12 calculation in the formula, would under --  
13 if you are using something similar to West  
14 Virginia where you have the part two,  
15 ability to pay calculation, would you put in  
16 there, that it would be -- this example here  
17 where you go through six children, would you  
18 put that -- those amounts for each number of  
19 children, or would that be built in  
20 somewhere else?

21 DR. VENOHR: My recommendation,  
22 just to keep it simple, is just put it at  
23 the sixth child amount, \$2,750, because then



1           you have to explain why it differs for each  
2           child. And even though it means that a  
3           guidelines user would have to calculate two  
4           worksheets -- I mean, do that extra lines,  
5           those last four lines of the West Virginia,  
6           I don't think it's going to hurt them. It's  
7           just easier. You know, we know that it's  
8           going to be okay for incomes of \$1,400. I  
9           mean, that would -- So, in short, you could  
10          put those amounts, instead of \$1,550 and use  
11          the variable amounts by the number of  
12          children, or you could just put \$2,750.

13                   MS. DAVIS: The \$1,550, is that  
14          the West Virginia equivalent to six  
15          children, or is it the equivalent to one  
16          child, or somewhere in between?

17                   DR. VENOHR: It was the sixth  
18          child. I think we used the sixth child.  
19          That was done in 1999.

20                   So, I am spacing out as far as --  
21          but I worked with West Virginia, and I am  
22          pretty sure it was -- we just decided to go  
23          with the sixth child amount. Because if you

1 notice, the self-support reserve is \$500.

2 MS. DAVIS: Right.

3 DR. VENOHR: And they haven't  
4 updated their guidelines since 1999. In  
5 fact, we have a contract with them right  
6 now. So, they are looking into increasing  
7 that self-support reserve.

8 MS. DAVIS: Okay. I just wanted  
9 to make sure, because when you see this,  
10 these six different numbers I thought we are  
11 really going to get it complicated if they  
12 are going to have to calculate based on the  
13 number of children that they have. So, that  
14 helps clarify that for me. Thank you.

15 DR. VENOHR: I think that's a  
16 good question. Now, remember that the  
17 Federal Poverty Level for one person is  
18 \$1,073 right now in the year 2021.

19 Okay. So, the only state that  
20 provides a work incentive in the worksheet  
21 is actually West Virginia. I thought more  
22 states did that, but they don't. And that's  
23 that line ten on page nine where you see the

1 80% of the difference. And I am going to  
2 show you some examples of states that don't  
3 have any work incentive. I am going to go  
4 sequential because I am jumping around here.

5 So, I am on page seven. The 2019  
6 Kentucky Child Support Commission proposed  
7 to put the self-support reserve in the  
8 worksheet, include a work incentive. Their  
9 guidelines are legislatively promulgated,  
10 and the House Judiciary did not favor that.  
11 It was -- it just did not like that  
12 self-support reserve.

13 So, they did not approve it. But  
14 if you want to look at Kentucky's proposed  
15 language, it was drafted by -- on their  
16 commission that had judges and attorneys,  
17 but they didn't have any legislators.  
18 That's on page ten.

19 And what Kentucky wanted to use  
20 was 82% of the difference for their  
21 self-support reserve. And notice that on  
22 line eight it says that -- what they did  
23 was, instead of using that threshold like

1 West Virginia did, they just said 200% of  
2 the self-support reserve, that you have to  
3 do both calculations and take whatever is  
4 lower.

5 And the reason I am just showing  
6 you all this is that, these are just  
7 examples of language that you could adopt  
8 from other states.

9 And then on page 11, it shows the  
10 proposed Kentucky worksheet. And line 16  
11 shows where they put that 82%.

12 What's interesting is West  
13 Virginia, their worksheet is in the statute.  
14 So, there's no explanation about why it's,  
15 you know, 80% or narrative like Kentucky  
16 has, you know, no provision. They just  
17 stick that worksheet in their legislation,  
18 so they don't explain it. Wherein,  
19 Kentucky, their worksheet is done by the  
20 courts, but the provision for the 82% was  
21 done in the statute.

22 So, that's just to help clarify.  
23 You know, if somebody says, well, where is

1 the Kentucky language? Well, they didn't  
2 need to do it.

3 I am going to show you a couple of  
4 things of what not to do. On page 12, this  
5 is the beginning of Arizona's worksheet, and  
6 then page 13 is where their self-support  
7 reserve is.

8 And Arizona is a state where, in  
9 their guidelines -- and I didn't put the  
10 narrative -- it says that the application of  
11 the self-support reserve is discretionary,  
12 you know, that the court is to consider the  
13 needs of the household -- the primary  
14 household with custody. But what they do  
15 is, they put this self-support reserve in  
16 the worksheet. It's at the very bottom of  
17 page 13 or at the last line. See where it  
18 shows that \$1,456? That's -- it's kind of  
19 tucked about a third of the way in the row.

20 So, then, everybody in Arizona  
21 applies it. Even though in their provisions  
22 and their guidelines, which are established  
23 in court rule, it says you can apply this

1 discretionary. We just worked with Arizona.  
2 We did a hard case file review. And every  
3 time that number was populated, and they  
4 applied the self-support reserve.

5 So, nobody is using it  
6 discretionary. And, again, that might be  
7 because they have it on the worksheet.

8 The reason that they have it set  
9 aside and you see it's kind of bold -- it's  
10 \$1,456 -- is that Arizona relates it to  
11 their minimum wage, and they have a minimum  
12 wage of \$12.15 an hour. And their  
13 self-support reserve is 80% of self -- their  
14 full-time earnings at minimum wage.

15 So, this allows them to change it  
16 year to year as their minimum wage changes,  
17 without changing their form.

18 But what you see is that there's  
19 no work incentive. So, it's totally the  
20 difference. If we had an obligated parent  
21 whose income was \$1,500, then the difference  
22 between \$1,500 and \$1,456 would be \$44. And  
23 the Arizona guidelines doesn't even say what

1 to do with that. But most judges -- what we  
2 learned from the guidelines review -- would  
3 be setting the order at \$44 in that case.

4 And then Arizona doesn't  
5 provide -- what do you do when the income is  
6 less than the self-support reserve? So,  
7 let's say he has an income of \$1,300 and  
8 they're not imputing at minimum wage, then  
9 it's going to be negative. So, we would  
10 have \$1,300. We minus \$1,456, and we would  
11 get a negative \$156. And Arizona doesn't  
12 provide a minimum order in their guidelines.  
13 They are one of the few states that doesn't.  
14 And so, what most judges do in that case is  
15 they just order a zero order.

16 So, I just want to show you some  
17 nuances, because I think this is important  
18 for when you write it up, the provisions,  
19 and if you include it in the worksheets.

20 So, I am going to move on to page  
21 14, which is New York's worksheet. And New  
22 York has like a two-tier self-support  
23 reserve. It's -- or a two-tiered minimum

1 order. It's -- I am trying to see if I  
2 could see it right in here. It's so  
3 complicated.

4 If their income is below  
5 poverty -- and these are annual amounts when  
6 you read it -- then the minimum order is  
7 \$600 a year, which is \$50 a month. But then  
8 if the income is greater than -- if you look  
9 at line three -- greater than the  
10 self-support reserve of a hundred and -- I  
11 think that's 135% in the Federal Poverty;  
12 that's income amount of \$1,703.88, then it's  
13 a different minimum order.

14 And this just shows you what not  
15 to do. I think this is very complicated.  
16 So, I mean, I think Alabama is a very  
17 pragmatic state, and you want to keep things  
18 simple. But, you know, when you are  
19 thinking of, you know, this scenario and  
20 that scenario and sometimes it's easy to  
21 say, well, we should do this and this. This  
22 shows you that the math isn't always that  
23 easy.



1                   If we go to page 15, this is  
2                   Washington State self-support reserve. And  
3                   if you look at the very bottom they -- on  
4                   line eight, they have a self-support reserve  
5                   equivalent to 125% of the Federal Poverty  
6                   Guidelines.

7                   So, they are one of the handful of  
8                   states that adjust it every year since the  
9                   Federal Poverty Guidelines are updated every  
10                  year. And then you can see they don't have  
11                  any work incentive, so they don't do that  
12                  percentage adjustment like West Virginia  
13                  does.

14                  And then you can see that last  
15                  line is very simple about how they apply  
16                  their minimum order. You know, as a  
17                  combined net income less than a \$1,000,  
18                  we'll stick in \$50 just to show some simple  
19                  language.

20                  And then the next page shows it's  
21                  a little bit more complicated. Well, not on  
22                  line 1. That, again, just shows that if  
23                  their income is less than the self-support

1 reserve, just use the minimum order.

2 And then the rest of the lines --  
3 let's see. And then this is just how to  
4 deal with it when his income is more than  
5 the self-support reserve.

6 And then the last page of this  
7 memo is just the worksheet that what we did  
8 here at CPR is we took your existing  
9 worksheet, and we just wanted to see where  
10 you would fit in the self-support reserve.  
11 And this is what we came up with.

12 And so, there's a new line 10,  
13 which would be the self-support reserve.  
14 And then a new line 11, which would be the  
15 difference between each parent's income and  
16 the self-support reserve.

17 And then the new line 12 would be  
18 whatever percentage you wanted to multiply  
19 it with. So, we could do a little scale  
20 that showed one child, and then an arrow  
21 that said, you know, use 75%, and then two  
22 kids, you know, use 80%, something like  
23 that. And then, you know, it can't be less

1 than \$50, which is a policy decision. You  
2 could change your minimum order. I think --  
3 let's see. It's been \$50 since you first  
4 promulgated guidelines.

5 So, if I was to adjust it for  
6 inflation, that would be close to \$100, if I  
7 was to go back to, like, about 1990. And  
8 then from your last review, I don't know  
9 that off the top of my head.

10 And, again, as I talk about this,  
11 I realize you don't even have to put this in  
12 the worksheet. Like, Nebraska has a  
13 self-support reserve that is in their  
14 narrative similar to what I showed you in  
15 Alabama, but they don't put it in their  
16 worksheet. It never gets used, though, you  
17 know, and theirs is supposed to be  
18 presumptive. But if it doesn't show up in  
19 the worksheet, chances are it is not going  
20 to get used. I mean, it all depends on the  
21 state.

22 So, I am going to stop there.  
23 Hopefully that gives you some ideas on the

1 work incentive and just what sort of  
2 language you want to draft in your  
3 guidelines provision. And I will send you  
4 Nebraska for the next time and then whether  
5 you want to put the adjustment in your  
6 worksheet and how.

7 So, I would say the lingering  
8 questions are, one, you want to confirm that  
9 you want to do the adjustment; whether you  
10 want to have some language like Arizona or  
11 New Jersey that limits it depending on the  
12 income of the other party, the party where  
13 the children nearly -- usually reside;  
14 reconfirm that that's the amount of the  
15 self-support reserve you want to use; decide  
16 whether you want to put it in the worksheet;  
17 or you don't have to like Nebraska does.  
18 And if you do put it in the worksheet, well,  
19 you still have to address what the  
20 percentage difference should be, you know,  
21 because you seem to favor a work incentive:  
22 70%, 75%, 80%, 85%.

23 So, I am going to stop there.

1 I think I gave you some concrete  
2 questions and let you talk.

3 MS. DAVIS: Okay. I think we --  
4 let me confirm. Do we have a quorum at this  
5 point? I think we did at one point.

6 MS. BLACKBURN: Yes, we do.

7 MS. DAVIS: Thank you. Okay.  
8 So, I think we are at the point that we need  
9 to give Jane some firmer directions to go,  
10 although I think it's been helpful thus far  
11 to narrow it down by straw votes. And the  
12 simple vote may be to start with whether we  
13 want the self-support reserve test to show  
14 up on the worksheet so that it would be  
15 included for both parent A and parent B, or  
16 Plaintiff or Defendant, however you want to  
17 categorize it.

18 So, can we maybe go back to the  
19 Brady bunch. Well, you see the formula.  
20 You got it -- you don't have it in front of  
21 you. You have a written copy, that a way to  
22 do that, if we want to do it, would be  
23 fairly simple the way that Jane has done it

1           there on the last page.

2                       So, let's see if we have some  
3           discussion about that first. Anybody have  
4           any --

5                       MS. COX: Amanda Cox. Sorry.

6                       What percentage -- does anybody --  
7           I'm not sure if Jane answered this. But  
8           what percentage of cases would actually even  
9           use that self-support reserve?

10                      DR. VENOHR: Right now your --  
11           the case file data is based on ALECS. So,  
12           it's limited to those that are in the IV-D  
13           system. It's about a third that have income  
14           imputed at full-time minimum wage.

15                      So, that would apply -- that would  
16           be scenario one. That's the most common.  
17           If the feds change that minimum wage,  
18           though, it doesn't matter. You know, you  
19           are kind of -- you would be probably in Case  
20           Scenario 2.

21                      MS. COX: Thank you.

22                      MS. DAVIS: Judge Palmer?

23                      HON. PALMER: Well, I don't know

1 about the worksheet so much, that to put it  
2 in the worksheet. So much of it -- Where  
3 would it go? Would it be like a footnote on  
4 CS-42? Would it be on the 41 so that would  
5 be noted there? Everything is done online  
6 now.

7 So, is there some way that the  
8 electronic CS-42 that the judge would  
9 calculate would pop up and say, this is in  
10 the self-support reserve? Or I guess that's  
11 my question is where would it go and that  
12 sort of thing.

13 DR. VENOHR: I think what -- I  
14 mean, that would be at the discretion on the  
15 Committee and the court. But what we did  
16 was that last page of our memo shows our  
17 recommendation of where it would go in the  
18 worksheet.

19 So, it would go at the -- there  
20 would be a new line. I put -- I am looking  
21 at something else. But if you flip, there  
22 would be the new line 10, new line 11, and  
23 so forth.

1                   So, what we did was take your  
2 worksheet as is and recommend where it could  
3 go. You don't have to do it. You know, you  
4 could make it -- if you make it  
5 discretionary, you could just put it in a  
6 narrative and then treat it as like a  
7 deviation. And then wherever you put the  
8 deviation, now, that's where the  
9 self-support reserve would go.

10                   I feel like I am not making sense,  
11 you know, because I keep talking because I  
12 keep -- but I think it's really that you are  
13 just thinking about it.

14                   So, I really do need to hear from  
15 you because, otherwise, you are just going  
16 to have me say more stuff, and I am going to  
17 confuse you.

18                   MS. CAMPBELL: Jane, this is  
19 Angela Campbell, again.

20                   And you have probably said this  
21 100 times, and I am just -- may be just  
22 missing it.

23                   But if we do the self-support



1           reserve in the guideline itself, that --  
2           would that be just for the obligor? And if  
3           we do it on the worksheet, then both parties  
4           would get the benefit of the self-support  
5           reserve? Is that correct or incorrect?

6                     DR. VENOHR: Partially. The last  
7           part where you said that, if you do it in  
8           the worksheet where both get it?

9                     MS. CAMPBELL: Uh-huh (positive  
10          response).

11                    DR. VENOHR: Right now it's only  
12          in the schedule. So, if you put it in the  
13          schedule, it only goes to the obligated  
14          parent. But you could -- and I wish -- I  
15          might have it. I'm on Zoom, and we usually  
16          use often teams. I wish I could find  
17          Nebraska's language. I'm going to try to  
18          find it.

19                    You could put -- let me just find  
20          an example. Because what I think I am  
21          confusing you with is there's actually three  
22          options that I am talking about is: Do it  
23          like Alabama does now where you have it in

1 the schedule. A second option would be to  
2 put it in the worksheet where it can be  
3 applied to both parents. And now today, I  
4 never said this in front of you-all, so  
5 that's why it's very confusing. So, I am  
6 very glad you asked that question is, you  
7 could put the language for it to go in the  
8 worksheet but not necessarily put it in the  
9 worksheet. And that -- and the purpose of  
10 that would still be applied to both parents.  
11 But since it doesn't show up at the  
12 worksheet, the judge would have to make a  
13 decision and, like, put it on the same line  
14 that you would put a deviation and probably  
15 have to calculate manually.

16 MS. DAVIS: I don't think we  
17 would want to go that route, I think, just  
18 from a pragmatic standpoint. I don't want  
19 to speak on behalf of the judges because we  
20 certainly have good judges here that can  
21 speak.

22 But I think the value of having it  
23 there on the worksheet is that both people

1 see that they are equally -- they are  
2 treated equally in terms of the self-support  
3 reserve, both parents.

4 MR. MADDOX: Yes. This is Bob.  
5 I think that was mentioned at a previous  
6 meeting. That was the purpose of having it  
7 on the worksheet was to show the parties how  
8 it's calculated.

9 MS. DAVIS: I think there's value  
10 to that. And if we decide to have it, I  
11 don't want the judges to have to go through  
12 a lot of the extra calculations to do that  
13 when it could be done -- I mean, it's fairly  
14 simple the way you have drawn it here. You  
15 basically look at the amount, which would be  
16 the \$981, assuming the number remains the  
17 same than you do the subtraction, and you  
18 come up with the new amount that's  
19 available.

20 So, I don't see that as being that  
21 difficult to put it in the existing Alabama  
22 process. Of course, this is a -- it looks a  
23 little different than our current form

1           because, you know, you've skipped the  
2           existing lines five and six, you know, just  
3           because you're focusing on the self-support  
4           reserve. But this is basically how our form  
5           would look just with the self -- what is now  
6           hidden in the calculation is the  
7           self-support reserve that goes solely to the  
8           paying parent. If you put it in the  
9           workshop, it's visible and includes both  
10          parents equally.

11                         Is that stating it correctly,  
12          Jane?

13                         DR. VENOHR: Right. Bob, can you  
14          scroll it down to the bottom because I'm not  
15          sure if I can -- oh, could you -- yeah.

16                         MS. DAVIS: Really it only  
17          involves one subtraction.

18                         DR. VENOHR: I'm sorry?

19                         MS. DAVIS: I said it seems  
20          simple to me because, once you put in the  
21          self-support reserve amount, then you do  
22          that one subtraction and that comes up with  
23          the amount that you have available for

1 support. And then obviously the pay only  
2 goes in one direction.

3 DR. VENOHR: Bob, can you just  
4 show the line above there if you can. It's  
5 going to be \$250, yeah. I mean, this would  
6 convolute it, but it would make it more  
7 cumbersome, but this is a concern that I  
8 have heard the Committee will -- you know,  
9 the other parent, which is the first column,  
10 she's the primary custodial parent, you see  
11 on line eight that they are both going to be  
12 responsible for \$250 because it's an  
13 equal-income case where they are both  
14 minimum wage earners.

15 And you see that the one column  
16 that carries all the way down, it's going to  
17 go \$221. You could put wording in that line  
18 14 that says if the parent with the majority  
19 of the time, if they are line eight and line  
20 13, if they don't -- you know, if they can't  
21 meet there -- if their line 13 is more -- is  
22 less than line eight, don't apply the  
23 self-support reserve to the parent due

1 support. Because in that case, she doesn't  
2 have enough income to even make that \$250  
3 either.

4 Am I making sense? You know, I  
5 mean, that's the way to do it. I haven't  
6 seen a state do that. So, the language  
7 would have to be developed by -- crafted by  
8 you-all. There's not a state to inform it,  
9 but it would address your concern. I mean,  
10 that's what I have been hearing from the  
11 Committee members.

12 MS. DAVIS: Can you say that  
13 again real slowly, and let me understand  
14 what you are saying or suggesting to do on  
15 line 13?

16 DR. VENOHR: Yeah. So, what you  
17 would do is, on line 14, you would say  
18 something like, if SSR-adjusted amount of  
19 the parent with primary custody on line 13  
20 is less, that the parent's amount on line 18  
21 (sic) -- or in the amount on line 18 (sic)  
22 for that same parent, you can't do a  
23 self-support reserve adjustment for the

1 obligated parent.

2 MS. CAMPBELL: This is Angela  
3 Campbell. You mean line 8.? You said line  
4 18. But you meant line 8?

5 DR. VENOHR: Yeah. Thank you.  
6 You paid attention. You get the "A" in the  
7 class.

8 MS. DAVIS: So, if the custodial  
9 parent, the amount that they have is lower  
10 than the \$250, then the payor parent would  
11 pay the \$250 as opposed to the \$221; is that  
12 what you are saying?

13 DR. VENOHR: Uh-huh (positive  
14 response).

15 MS. DAVIS: Okay. So, the effect  
16 of that is, if one parent cannot get the  
17 self-support reserve benefit, the other  
18 parent does not get the self-support reserve  
19 benefit.

20 DR. VENOHR: Right. Right.

21 MS. DAVIS: So, the payor parent  
22 would only get the self-support reserve  
23 benefit if the recipient parent was able to

1 benefit from that too?

2 DR. VENOHR: Exactly.

3 MS. DAVIS: So, you would wind up  
4 being, if the line 13 is smaller than line  
5 8, then you would apply line 8?

6 DR. VENOHR: Yes.

7 MS. DAVIS: I mean, I'm not  
8 trying to reword how you are saying, but  
9 that's the effect.

10 DR. VENOHR: No. I think it's  
11 good you reword it. Because I think --  
12 yeah.

13 MS. DAVIS: If we do the  
14 self-support reserve test, the children  
15 would not receive less in -- if the  
16 self-support reserve could not be applied  
17 equally to both parents. Okay.

18 DR. VENOHR: I mean, that's one  
19 way to address it. I mean, that's just a  
20 visual way.

21 MS. DAVIS: Let's stop here for a  
22 minute and let other people ask questions  
23 about that third concept that you brought



1 up, Jane.

2 MS. CAMPBELL: This is Angela  
3 again.

4 I don't have any more questions,  
5 but I do like the work-around you just  
6 presented because the custodial parent is  
7 the one who has the burden of most of the  
8 support for the children, and it would not  
9 be fair for her not to be able to meet her  
10 portion, you know, whatever you just said.  
11 It just makes the most sense.

12 MS. DAVIS: It's the goose-or-  
13 gander concept. What's good for the goose  
14 is good for the gander.

15 MS. CAMPBELL: I agree.

16 MS. DAVIS: All right. Anybody  
17 else have a comment about that?

18 PROFESSOR GRAY: This is Brian  
19 Gray. I don't have a comment about that.  
20 But thinking back to Option 1 and Option 2,  
21 and not Option 3, I think Dr. Venohr talked  
22 about this before. The concept of keeping  
23 the schedule as clean as possible, without

1 adjustments embedded in it, helps us out a  
2 lot if we want to make changes in the  
3 future.

4 So, the more we keep the  
5 adjustments on the worksheet, the better.  
6 Plus it's a lot more clear, I think, to the  
7 parents in looking at the calculations that  
8 happen on that worksheet. And the worksheet  
9 is not any more complicated than a 1040-EZ.

10 So, it doesn't seem like it's  
11 overly complicated by these adjustments that  
12 we are making currently.

13 MS. DAVIS: Thank you, Dr. Gray.  
14 Other comments?

15 (No response).

16 MS. DAVIS: Okay. I want to  
17 suggest, then, if you would, Dr. Venohr, if  
18 for the next meeting if you would do an  
19 example with this third concept that you  
20 have presented to the Committee, and let the  
21 Committee look at that and give us time to  
22 cogitate a little bit on the underlying  
23 principles, as well as the calculations.

1 DR. VENOHR: Certainly. And I  
2 think, you know, there's some anomalies that  
3 will happen mathematically when his or her  
4 income is just slightly above the  
5 self-support reserve.

6 So, I will run that. But, you  
7 know, there's always a tradeoff between  
8 keeping it simple and making it work for  
9 every single scenario. So, that's what I am  
10 battling with in my head mathematically.

11 But, yeah, we will identify that  
12 by doing that in the worksheet. But I think  
13 it addresses what I am hearing from the  
14 Committee that they are concerned of  
15 shortchanging the custodial parent's  
16 household when that household is also very  
17 low income.

18 MS. DAVIS: Thank you. Any other  
19 comments from Committee members before we  
20 leave this particular area? Of course,  
21 obviously, if something pops up in your  
22 mind, we are not precluded from bringing it  
23 up. But I think we need --

1 MS. STEINWINDER: When I --

2 MS. DAVIS: Go ahead.

3 MS. STEINWINDER: I have a quick  
4 question. This is Katie.

5 When I go back to the comments to  
6 the '09 amendments and it's the \$851 per  
7 month, Jane, and then we would be raising it  
8 to the \$981 based on what we are looking at,  
9 if we look at the schedule the way it's  
10 done, was that self-support reserve applied  
11 to custodial and noncustodial when it was  
12 built into the schedule in the shaded  
13 sections?

14 DR. VENOHR: It was only applied  
15 to the noncustodial parent.

16 MS. STEINWINDER: Okay. And  
17 that -- okay. I was just making sure I  
18 understood that. Thank you.

19 MS. DAVIS: Thank you, Katie.  
20 Any other questions?

21 (No response).

22 MS. DAVIS: Okay. Well, let's --  
23 I think the next issue that I think we ought

1 to try to clarify for the next meeting is  
2 the percentage that we want to apply. Well,  
3 I guess the first question is: Are we still  
4 in favor of a work incentive to be included?  
5 So, let's do sort of a -- back to the Brady  
6 bunch and see if most people are in favor of  
7 that. We will start with a discussion on  
8 that, just the -- and then we will go from,  
9 if we are in favor of a work incentive, then  
10 what percentage?

11 So, let's open up the discussion  
12 for a work incentive.

13 MS. DAVIS: Judge Palmer?

14 HON. PALMER: I say, yes. That's  
15 all I have got to say.

16 MS. DAVIS: Okay. That's fine.  
17 That's helpful. I pause for another  
18 comment, and then we'll just kind of have  
19 a -- go ahead and have a vote on that. We  
20 will need to take a vote, and then proceed  
21 on percentage. Any other comment?

22 (No response).

23 MS. DAVIS: Going once. Going

1 twice. Gone.

2 All right. Let's go ahead and  
3 take a vote. Those who are in favor of  
4 having a work incentive included in the  
5 Child Support Guidelines, if you would,  
6 raise your hands.

7 (Committee members raising  
8 hands.)

9 MS. DAVIS: Okay. Thank you.  
10 Those who are not visible, if you would,  
11 unmute and vote -- the Committee members  
12 unmute and vote.

13 MS. CAMPBELL: This is Angela  
14 Campbell. I vote in favor.

15 HON. PALMER: Julie Palmer. I  
16 think I just voted in favor before I was  
17 supposed to, but I vote in favor.

18 MS. DAVIS: Thank you, Judge.

19 MS. DAVIS: Anyone else who want  
20 to vote in favor?

21 (No response).

22 MS. DAVIS: Okay. Those that are  
23 opposed, if you would, unmute and register

1 your opposition to the motion.

2 (No response).

3 MS. DAVIS: Okay. The motion  
4 carries. So, we will include a work  
5 incentive.

6 And now the question is what  
7 percentage, and obviously we have seen  
8 several percentages. I guess one option is  
9 to have the same percentage regardless of  
10 the number of children. And one option  
11 would be to have a different percentage  
12 based on the number of children.

13 So, does anyone have any thoughts  
14 on those issues?

15 MS. COX: This is Amanda Cox. I  
16 just had a quick question about percentages.

17 Dr. Venohr, can you remind us what  
18 the percentage would be that would  
19 effectively cancel out the taxes; was that  
20 the 80%?

21 DR. VENOHR: The tax rates varied  
22 depending on the income. So, I might have  
23 it in my rate memo.

1 MS. DAVIS: Somebody was thinking  
2 it was around 82%, but I might be wrong.

3 DR. VENOHR: Right. It's -- at  
4 minimum wage, the tax rate is about 13%.  
5 And this is -- the entire payroll taxes,  
6 this Alabama State, Federal and FICA. And  
7 then it's about 18% at \$15 an hour  
8 full-time.

9 MS. DAVIS: Those who were  
10 looking at the memo on page three, she had  
11 the option of using the number of children.  
12 The example she gave was 70% for one child,  
13 75% for two, 80% for three or more. The  
14 pros she listed was the approach would  
15 increase the amount for children. The con,  
16 that it would be a little more complicated.

17 MS. HALL: This is Mallory Hall.  
18 I mean, I like the idea of keeping a  
19 consistent number. It's nothing else but a  
20 simplicity of it. I guess I don't see much  
21 of a benefit bearing it based on the number  
22 of children as I do of just keeping it, you  
23 know, consistent and simple.



1 MS. DAVIS: Okay. Simple is a  
2 good version. Go ahead, Jane.

3 DR. VENOHR: I just wanted to  
4 comment with -- because it's a variable  
5 percentage as income increases, what you  
6 could be in a situation in Alabama is that  
7 right now, you know, for -- at \$7.25 an  
8 hour, if you really care about the payroll  
9 taxes, you definitely have to have one  
10 that's at least 85%, right? Because the  
11 payroll taxes is about 12% to 13% of that  
12 income.

13 And if minimum wage goes up to \$15  
14 an hour, which I think is beginning to think  
15 is unlikely, then you would definitely have  
16 to have one that's at least 80%.

17 So, right now, 85% is the maximum  
18 percentage you could use with the \$7.25 an  
19 hour. And then 80% is the maximum you could  
20 use with the \$15 an hour.

21 So, what I am saying is, if the  
22 feds change their minimum wage, you could be  
23 in a situation that changes your percentage

1 too because it sounds like what I am hearing  
2 from the Committee is that you really do  
3 respect that whole issue with the payroll  
4 taxes.

5 So, I just want to throw that out  
6 there that, you know, as you are talking  
7 about -- thinking about simplicity and  
8 making changes as the feds change the  
9 minimum wage, you might be in a position to  
10 tweak that percentage.

11 I am going to stop there.

12 MS. DAVIS: So, if you wanted to  
13 actually give some type of work incentive,  
14 it would have to be a percentage less than  
15 85%, because 85% is a break-even once you  
16 consider taxes; is that correct?

17 DR. VENOHR: Yeah. I mean,  
18 that's rounding to the --

19 MS. DAVIS: Yeah. Rounding up.  
20 Yeah. Rounding up. Okay.

21 DR. VENOHR: And then if you  
22 were -- if minimum wage went up to 15% and  
23 you wanted at least give the 80%.

1 MS. DAVIS: Melody, you are  
2 muted. I don't know if you are trying to  
3 talk to us or somebody else.

4 MS. BALDWIN: Oh, sorry. Yeah.  
5 I have probably a dumb question. But  
6 because we keep asking about the percentage  
7 based on the taxes that we expect to be paid  
8 by that individual. But was that not also  
9 included in the amount of self-support  
10 reserve that we have already taken off the  
11 top.

12 DR. VENOHR: No. That's a really  
13 good question. Yeah. We did take that into  
14 consideration. But now we are talking about  
15 those that their income is just above the  
16 self-support reserve.

17 MS. BALDWIN: Okay.

18 DR. VENOHR: So, they might --  
19 you know, we could look at that example  
20 where the self-support reserve we are  
21 talking about is \$981, and we are talking  
22 about that difference. If he has income of  
23 \$1,081, so there's a \$100 difference in his

1 gross income, should every single dollar of  
2 that \$100 go to child support, or should it  
3 be \$85, \$80, \$75, \$70.

4 MS. BALDWIN: Okay. I think that  
5 addressed the concern I had. Because now we  
6 are looking at already taking the amount  
7 after the self-support reserve to determine  
8 work incentive percentage, right? Am I --

9 DR. VENOHR: (Nodding in the  
10 affirmative).

11 MS. BALDWIN: Okay.

12 MS. DAVIS: You-all are asking  
13 very good questions.

14 Any other? Jane, go ahead. Were  
15 you waving?

16 DR. VENOHR: Yeah. I was just  
17 kind of curious. There is silence. I mean,  
18 what kind of information would tip the scale  
19 would make somebody more opinionated?

20 MS. BALDWIN: Dr. Venohr, this is  
21 Melody Baldwin.

22 In contrast to Mallory, while I  
23 understand the need for simplicity, we are

1 complicating it anyway, if we agree on any  
2 of this, I'm not sure -- is it going to  
3 complicate it that much further to have a  
4 sliding scale based on the number of  
5 children? Because obviously if I make a  
6 certain amount and I continue to have more  
7 children, I anticipate that I am going to  
8 have less to spend on things that I might  
9 ordinarily want to purchase.

10 So, I think that it makes sense to  
11 have it -- the work incentive percentage on  
12 a sliding scale based on the number of  
13 children for that reason. Somebody might  
14 disagree. Obviously, somebody does. But  
15 that's my effort to start a conversation.

16 DR. VENOHR: I think it's a good  
17 question. I'm sorry. I just want to say  
18 mathematically, no, the programmers can deal  
19 with it easily. It's really the manual  
20 calculator that they may see that line and  
21 find it confusing.

22 MS. CAMPBELL: This is Angela  
23 Campbell.

1                   As someone who used to do it  
2 manually when I was in court, I think we can  
3 put enough language on the line. It's line  
4 12, correct? Am I looking at it right?

5                   On line 12 to basically make it  
6 very clear what percentage you use for  
7 however many children. I think there's  
8 enough room to do that on the form itself.

9                   HON. PALMER: Well, hello, again.  
10 It's Julie Palmer.

11                   You know, in child support court,  
12 I have learned I have got three children by  
13 three different people. Do I get on that  
14 sliding scale for three? Is each case done  
15 separately? Is it just one child, one  
16 child, one child? We already give them  
17 credit for the child support that they are  
18 paying in other cases. What do we do about  
19 that?

20                   DR. VENOHR: My recommendation is  
21 that the worksheet is per the children of  
22 the order, the children at the bar, that  
23 that would just be the clear language. If

1           there's any sort of adjustment for prior  
2           orders, I don't put all the lines in there  
3           between line one and two. That's the only  
4           place that they would address that.

5                        HON. PALMER: Okay.

6                        MS. DAVIS: You all are raising  
7           some very good practical points, and I  
8           appreciate your willingness to share that to  
9           the Committee members. We may not have all  
10          thought of each of those particular points.

11                      Additional thoughts? Comments?

12                                (No response).

13                      MS. DAVIS: Maybe we will address  
14          the issue of the -- what I am going to call  
15          the staggered work incentive based on the  
16          number of children. So, let's get a -- an  
17          up or down vote on that. And then whatever  
18          we vote on, we can get Jane to give us some  
19          examples for the next meeting and then look  
20          at them. And then if -- then we can revote  
21          if we have some concerns about that. So,  
22          that way we will have something in front of  
23          us.

1                   So, those that would be in favor  
2 of staggering the percentage of -- the work  
3 incentive percentage based on the number of  
4 children with increasing as the number of  
5 children increased, if you would, raise your  
6 hand.

7                   (Committee members raising  
8 hands).

9                   MS. DAVIS: Okay. Those that are  
10 not visible, if you would unmute and vote if  
11 you are in favor.

12                  MS. CAMPBELL: This is Angela  
13 Campbell. I am in favor.

14                  MS. DAVIS: Okay. Thank you.  
15 Judge Palmer, I see you are unmuted. Would  
16 you like to vote?

17                  HON. PALMER: Well, I am going to  
18 vote to make it simple. Just one flat. So,  
19 I didn't know that was a question in front  
20 of me.

21                  MS. DAVIS: No, that's fine. I  
22 just -- you light up when you are unmuted.

23                  HON. PALMER: But I still have



1 that one question I want to throw in here  
2 when we get finished with the doctor here.

3 MS. DAVIS: All right. We will  
4 save time for that.

5 Okay. Anything -- any other votes  
6 in favor before we tally the votes in  
7 opposition?

8 (No response).

9 MS. DAVIS: All right. Those  
10 opposed to using a staggered work incentive  
11 for children, if you would, raise your hand.

12 (Ms. Hall raising hand).

13 MS. DAVIS: Okay. Thank you.  
14 And those opposed other than -- Judge, I  
15 can't see other than Judge Palmer, who has  
16 already voted in opposition, would you  
17 unmute and vote.

18 (No response).

19 MS. DAVIS: Okay. Well, then we  
20 will direct Dr. Venohr to come forward with  
21 some examples using a staggered amount. And  
22 then obviously we can revisit that issue  
23 once she presents those to us.

1           Does anyone want to propose a  
2 starting amount? Her example was 70% for  
3 one child. I think we have established that  
4 anything -- that if you do a staggered  
5 amount, you don't want to go above 85% if  
6 you want to consider the taxes.

7           So, you could do, you know, for  
8 example, the -- if you did the 75% for two,  
9 one child, 70% for one, 75% for two, or 80%  
10 for three or more was her example. Or you  
11 could do 75% for one, 80% for two, and 85%  
12 for three or more is a second example.

13           Does anybody have a preference as  
14 to the starting point?

15           MS. COX: This is Amanda Cox. I  
16 prefer the second example.

17           MS. DAVIS: So, it would be 75%  
18 for one child, 80% for two children and 85%  
19 for three or more?

20           MS. COX: Yes, ma'am.

21           MS. DAVIS: Okay. Anybody else  
22 favor that one? Dr. Venohr?

23           DR. VENOHR: Oh, go ahead. I

1 don't want to lose your train of thought.

2 MS. DAVIS: I'm sorry. Go ahead.

3 All right. Let's take a vote on that.

4 Then, all in favor of the 75%, 80% and 85%,  
5 raise your hand.

6 (Ms. Cox raising hand).

7 MS. DAVIS: Okay. Unmute if you  
8 would like to vote in favor.

9 MS. CAMPBELL: This is Angela  
10 Campbell. I am in favor of that.

11 MS. DAVIS: All right. Anybody  
12 else?

13 (No response).

14 MS. DAVIS: All right. The other  
15 suggestion was what Dr. Venohr had here on  
16 page three, which was 70% for one child, 75%  
17 for two children and 80% for three children.  
18 All in favor of that, raise your hand.

19 (Mr. Jeffries and Professor  
20 Gray raise hands).

21 MS. DAVIS: Thank you. Those who  
22 unmute and vote, if you would.

23 (No response).

1 MS. DAVIS: All right. Thank  
2 you. I didn't get a lot of votes in favor  
3 of either one. So, I am going to give a  
4 third alternative. Let's see if you want to  
5 go with 80%, 85% and -- maybe for one child  
6 for 80%, and two or more for 85%. So, the  
7 minimum amount would be 80% -- I mean, that  
8 would be the most common since 80% is the --  
9 one child is the most common. So, 80% for  
10 that. If there's more than one child, then  
11 it would be 85%. All in favor of that  
12 scenario, if you would, raise your hand.

13 (No response).

14 MS. DAVIS: Anybody unmute, be in  
15 favor of that?

16 (No response).

17 MS. DAVIS: All right. Well, it  
18 doesn't seem like I can come up with any  
19 suggestions that we have more than a couple  
20 of people in favor of. So, I think we will  
21 need to leave that.

22 Dr. Venohr, if you could give us  
23 some examples. The consensus seems to be

1 that we would like it to be different  
2 percentages based on the number of children,  
3 but with the amount of time we have -- and I  
4 am going to leave time for Judge Palmer to  
5 raise her question -- I think we are going  
6 to need more direction from you, if you  
7 could help us on that. Maybe look at what  
8 other states have done who have staggered.

9 DR. VENOHR: Yeah. I have a  
10 question. Just quickly. What was the  
11 second scenario? I didn't hear.

12 MS. DAVIS: Your scenario was  
13 one. The second one was basically to  
14 increase yours by a 5% on each increment  
15 which was starting at 75%, 80% and then 85%.  
16 And then the last one was to have one child,  
17 80%, and then more than one child, 85%, and  
18 nobody seemed to be in favor of that one.

19 DR. VENOHR: Is there any  
20 interest in going to uneven percentages such  
21 as like 80%, 84%, you know, or do you want  
22 to keep it in 5%? I mean, it's a small  
23 difference, but, I mean, just for

1 mathematical options I am asking, not  
2 officially.

3 MS. DAVIS: Asking for help in  
4 telling her what kind of direction we would  
5 like for her to go.

6 DR. VENOHR: Yeah. If you are  
7 okay with not using the 5, even 5%, like  
8 81%, 83%?

9 PROFESSOR GRAY: This is Brian  
10 Gray.

11 I voted for the second option, but  
12 I am wondering, is there truly a work  
13 incentive at 85%? It sounds like you are  
14 basically working for nothing in that. You  
15 know, I am wondering if maybe people are  
16 reluctant because we are not a little bit  
17 lower on the scale. You know, maybe  
18 starting at 70% or 60% and working our way  
19 up, if you are really talking about a work  
20 incentive.

21 MS. DAVIS: Thank you. That's a  
22 good point.

23 Would anyone like to comment?

1 MS. COX: This is Amanda Cox. I  
2 could probably, you know, be convinced, but  
3 I am not super sold on the work incentive.  
4 I just wonder how many people are actually  
5 going to calculate it out. Maybe I'm, you  
6 know, thinking incorrectly. Maybe some  
7 other people could kind of enlighten me.

8 But I just wonder how many people  
9 are going to actually calculate it out and  
10 say, well, I am going to work this number of  
11 hours so I won't have to pay. I mean, do  
12 people really do that in real life? I am  
13 just not sure if that's really going to have  
14 that much of an effect. But I welcome other  
15 people's comments on that.

16 MS. DAVIS: I think that raises  
17 an interesting question. Anybody have some  
18 thoughts or are there any research, Dr.  
19 Venohr, that you can present the next time  
20 to indicate that there is.

21 DR. VENOHR: There definitely is.

22 MS. DAVIS: Okay.

23 DR. VENOHR: I mean, it's more

1 from a tax incentive, but in the economic  
2 literature, yeah, tax rates matter a lot.

3 PROFESSOR GRAY: This is Brian  
4 Gray again. I think there's another example  
5 that we are seeing these days that is a  
6 great analogy. Look at all the people who  
7 are basically taking unemployment and not  
8 working and don't want to go to work because  
9 basically the additional amount that they  
10 are making is not enough to justify them  
11 going back to work.

12 MS. DAVIS: That's a good point.

13 DR. VENOHR: Penny, I think I  
14 have enough to work on some examples.

15 MS. DAVIS: Okay. Thank you. I  
16 am sorry we can't give more directions. I  
17 think the reason is everybody is being very  
18 thoughtful mentally in their deliberations,  
19 and we just haven't reached a consensus in  
20 our own minds.

21 Okay. Judge Palmer, if you would,  
22 go ahead with your bombshell.

23 HON. PALMER: Okay. Well, it's



1 not really a bombshell, and it has to do  
2 with taxes since we just finished that.

3 But starting July the 1st through  
4 at least December, rather than get the child  
5 credit on your taxes -- I make \$27,000 a  
6 year, I have got one child, now my taxable  
7 income is \$24,000 a year -- people are going  
8 to start actually getting checks in their  
9 bank account for \$300 a month. Or if you  
10 have a child, I believe, under six years  
11 old, of \$320 a month, at least July through  
12 December. I'm not worried about that as  
13 much, but now the last article I read is  
14 that they are looking to extend that through  
15 2025.

16 So, is that going to be income for  
17 the person who is receiving the actual money  
18 versus, in the past, it was just a credit  
19 towards taxes that you might owe? Now, this  
20 is actual cash in your pocket in your bank  
21 account, and that's per child up to 18 years  
22 old.

23 DR. VENOHR: If I may, it isn't

1 through 2025 yet.

2 HON. PALMER: Not yet, but that's  
3 the article that I read that they are  
4 looking to extend it.

5 DR. VENOHR: Right. That was  
6 part of the America Rescue Act -- yeah,  
7 American Rescue Act. And what it did was,  
8 it increased the child tax credit. And  
9 right now, it's \$2,000. And now with the  
10 new legislation, it's \$3,000, and then  
11 \$3,400 -- I think it's \$3,400 for young  
12 kids. And it affects the very, very low  
13 income because, it's a child tax credit  
14 and -- I have a heater on here -- you  
15 can't -- but before you --

16 HON. PALMER: Was that actual  
17 cash in their pocket?

18 DR. VENOHR: What, hun?

19 HON. PALMER: I was just going to  
20 say, isn't that actual cash in their pocket?  
21 Isn't that the difference before I got a  
22 credit on my taxes so it would lower my tax  
23 rate versus now I am going to be getting

1 that \$300 or I think \$320 in my bank account  
2 every month?

3 DR. VENOHR: Right. For just  
4 those six months. There's no legislation  
5 that's going to take it yet to December.  
6 But that's what President Biden wants to do.

7 So, it's just for this year. And  
8 if we run out of time, go to the minutes  
9 when I explained it from the last meeting.  
10 I explained how it's going to work. And my  
11 recommendation would be, if you wanted to  
12 address it, treat it as a deviation and  
13 maybe tweak your deviation criteria to deal  
14 with that tax credit. I think there was  
15 some language in it.

16 I don't have your deviation  
17 criteria right now, but there's some --  
18 parents can divide the tax credits  
19 associated with the kids. You know, for  
20 instance, a divorcing couple, Jane might  
21 claim the children; and if there's one child  
22 in 2021 and then the father claims them in  
23 2022, and -- or you can -- that might not

1 work because of this situation. But there's  
2 thing like that that you -- it's the same  
3 amount of income that's going into that  
4 parent's income. It's just that now it's  
5 being advanced. They are not -- you know,  
6 like you say, it's going directly to their  
7 bank account rather than them having to wait  
8 for the year, and it's going to be more  
9 because just for this calendar year.

10 Am I answering your question or  
11 helping?

12 HON. PALMER: You are. I am just  
13 looking at it from a lawyer's point of view  
14 that's going to be arguing in front of a  
15 judge. I am going to need my child support  
16 reduced or I need my arrearage reduced.  
17 There's all this extra money that this  
18 person got. I mean, we are already seeing  
19 that with the incentive checks that have  
20 gone out.

21 So, I don't know if Judge Thompson  
22 is on this call or not. But I can just see  
23 that coming down the pipe, especially if it

1 gets extended. If it's just for this six  
2 months, probably not so much. But if it  
3 gets extended, I think it's something we  
4 really need to address or at least the  
5 courts are going to have to address how is  
6 that money calculated. Because right now,  
7 it's not calculated for the purposes of  
8 child support, that I get the tax credit.  
9 But it is used as a negotiation tool. It is  
10 used. The judge does have the discretion:  
11 I get them one year; you get them the next  
12 year. But I can definitely see that the  
13 fight is over all of that.

14 So, that's just what I have been  
15 reading. I just had to share that with  
16 you-all.

17 MR. MADDOX: This is Bob Maddox.  
18 Would it be, Judge, the deviation criterion  
19 assets or income received by or on behalf of  
20 a child or children?

21 HON. PALMER: I think it could.  
22 Because I don't know if it's taxable or not  
23 or if that's just a tax credit that wouldn't

1 have been taxable to begin with. But I  
2 think it would be at least on earned income,  
3 under that line.

4 MR. MADDUX: Maybe it would be a  
5 deviation criterion for this short period of  
6 time.

7 HON. PALMER: Yeah. I mean, like  
8 I said, the six months I am not so worried  
9 about. But I can hear both -- even in my  
10 court so much, but in Judge Stephens' court,  
11 I bet you something like that is going to  
12 come up. I just bet you money.

13 DR. VENOHR: It is a tax credit,  
14 so it is -- just to clarify that.

15 MS. DAVIS: Judge Stephens, would  
16 you like to comment? I see a picture, but  
17 she may have stepped away from the screen.

18 Well, it's something that maybe we  
19 need to address again just as a reminder  
20 next week if you include that information  
21 again -- and not next week, next month, and  
22 which will be -- by then there may be some  
23 legislation that's clarified whether it's

1 going to go forward or whether it's just  
2 going to be for six months. Certainly it's  
3 something we can keep an eye on.

4 HON. PALMER: Yeah.

5 MS. DAVIS: Go ahead. I am  
6 sorry. Any last comments? We do need to  
7 open it up for our public. We didn't have  
8 many that suggested they wanted to speak.  
9 But just I think some more have come on.

10 Any other comments before we ask  
11 the public, see if they want to speak?

12 (No response).

13 MS. DAVIS: Okay. Bob, would you  
14 call the roll of the public again and see if  
15 anybody has changed their mind about whether  
16 they would like to speak?

17 MR. MADDOX: Sure. Cliff Smith,  
18 did you want to say anything?

19 (No response).

20 MR. MADDOX: Tiffany Gates? I  
21 don't think she is on.

22 (No response).

23 MR. MADDOX: Lisa Clark?

1 MS. CLARK: No, thank you.

2 MR. MADDOX: Thank you. Lee  
3 Wood, did you want to say anything?

4 MS. WOOD: No, thank you.

5 MR. MADDOX: Thank you. Judge  
6 Stephens, would you like to say anything  
7 before we leave?

8 HON. STEPHENS: I'm just glad to  
9 be here and know about what you all are  
10 doing. Thank you.

11 MR. MADDOX: Thanks for joining  
12 us today. We are glad to have you. That's  
13 it, Penny.

14 MS. DAVIS: Okay. I see Vicki  
15 Porter, but I don't think she ever joined  
16 us.

17 MR. MADDOX: Oh, yeah. Vicki  
18 Porter. I'm sorry. Yes.

19 MS. DAVIS: Okay. Thank you.  
20 So, we have no public comments. So, we  
21 still have a couple of more minutes if  
22 anybody has any more questions or comments  
23 regarding Julie's point about the taxes or



1 if any other questions that you would like  
2 to direct. I believe Dr. Venohr's picture  
3 has disappeared, but I think she is still  
4 here if anybody has any --

5 MR. MADDOX: Before you leave,  
6 Penny, I found the provision on the  
7 retroactive support limited to a period of  
8 two years. It's in the Uniform Parentage  
9 Act 26-17-636(h).

10 MS. DAVIS: Thank you. I thought  
11 it was in the Parentage Act.

12 MR. MADDOX: And it does except  
13 the provisions of the retroactive support in  
14 Title 30, Chapter 3, which begins I think at  
15 30-3-110, and I don't believe those  
16 provisions have a two-year limitation, if I  
17 read them correctly.

18 MS. DAVIS: It's always helpful  
19 to have Bob who knows so much. He is a  
20 wealth of information for all of us.

21 MR. MADDOX: Plus I have a phone  
22 right now for me to look it up.

23 MS. DAVIS: That does help. You

1 didn't have to confess to that, Bob, but we  
2 appreciate it. Most of us also had a phone  
3 who didn't look it up.

4 All right. Any other comments or  
5 questions you would like Dr. Venohr to  
6 address at our next meeting?

7 (No response).

8 MS. DAVIS: All right. Our next  
9 meeting is scheduled for May 21st. It will  
10 be Zoom again. It's a Friday, the same  
11 time. We will start at 10:00. And we do  
12 appreciate everyone's time. And we will  
13 continue probably to be making some  
14 decisions.

15 So, particularly we would  
16 encourage the Committee members to  
17 participate so we can have a quorum to vote.

18 All right. Unless you have  
19 anything else, Bob, then that will be all I  
20 guess.

21 MR. MADDOX: All right. Thank  
22 you-all for joining.

23 MS. DAVIS: Thank you.

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MR. MADDOX: Have a good weekend.

MS. DAVIS: Thank you.

(Conclusion of Advisory  
Committee Meeting at 12:20  
P.M.)

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REPORTER'S CERTIFICATE

STATE OF ALABAMA,  
MONTGOMERY COUNTY,

I, Jeana S. Boggs, Certified Court Reporter  
and Commissioner for the State of Alabama at Large,  
do certify that I reported the proceedings in the  
matter of:

BEFORE THE STATE OF ALABAMA  
ADVISORY COMMITTEE ON CHILD SUPPORT  
GUIDELINES AND ENFORCEMENT

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on Friday, April 23, 2021, the foregoing 123  
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I further certify that I am neither of  
relative, employee, attorney or counsel of any of  
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relative or employee of such Committee members and  
other persons, nor am I financially interested in  
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4 This 11th day of May, in the year of our  
5 Lord, 2021.

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Commission expires: 8/9/2022

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