

STATE OF ALABAMA  
ADVISORY COMMITTEE ON CHILD  
SUPPORT GUIDELINES AND  
ENFORCEMENT  
MONTGOMERY, ALABAMA

IN RE: CHILD SUPPORT GUIDELINES  
PUBLIC HEARING  
March 11, 2004

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The following PUBLIC  
HEARING was had and done before  
the Advisory Committee on Child  
Support Guidelines and Enforcement,  
held on March 11, 2004, at the  
Alabama Judicial Building, 300  
Dexter Avenue, Montgomery,  
Alabama, and transcribed from a  
videotape by Laura A. Head, Court  
Reporter.

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2004

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Kelley Christian (for Bonnie Teague)

1                   ( W h e r e u p o n , t h e f o l l o w i n g  
2                   P u b l i c H e a r i n g w a s h a d  
3                   w i t h V i d e o t a p e O n e  
4                   b e g i n n i n g a s f o l l o w s : )

5                   K I M B E R L Y S M I T H : T o s t a r t  
6                   o f f , I ' m a s e c o n d w i f e . I m a r r i e d  
7                   m y h u s b a n d ; b e e n t o g e t h e r s i n c e  
8                   1 9 9 4 . A n d w e h a v e c r e a t e d o u r  
9                   o w n f a m i l y , w h i c h i s c o n s i d e r e d  
10                  s u b s e q u e n t c h i l d r e n i n t h i s s t a t e  
11                  a n d d o e s n ' t s e e m t o b e a s  
12                  i m p o r t a n t a s f i r s t b o r n c h i l d r e n  
13                  w i t h t h e g u i d e l i n e s t h a t t h e S t a t e  
14                  o f A l a b a m a c u r r e n t l y h a v e .

15                  C h i l d s u p p o r t g u i d e l i n e s f o r  
16                  A l a b a m a l i t e r a l l y c o n d e m n t h e  
17                  f a t h e r w h o d a r e s t o m a r r y a g a i n  
18                  a n d t o r e a r a n o t h e r c h i l d , w h i l e  
19                  f o r c i n g a d e a d b e a t d a d t o p a y u p  
20                  a n d b e c o m p l e t e l y a p p r o p r i a t e a n d  
21                  f o r c i n g a r e s p o n s i b l e f a t h e r i n  
22                  t h i s c a s e i n t o n e a r b a n k r u p t c y t o  
23                  s u p p o r t o n e c h i l d , h i s f i r s t b y  
24                  h i s f i r s t m a r r i a g e , l e a v i n g t h e  
25                  s e c o n d f a m i l y c o n s t a n t l y

1 struggling.

2 For instance, the guidelines  
3 state specifically that courts  
4 shall review income statements  
5 that fully disclose the financial  
6 status of the parties. Yet  
7 throughout my husband's long  
8 battle over child support, the ex-  
9 wife was never made to submit  
10 any documents to prove her  
11 financial status; however, we  
12 were forced to provide all of our  
13 information for them to look at.

14 Her word seemed to be law  
15 with the court, who presumed that  
16 she would not lie. The court  
17 presumed her veracity in the same  
18 way that the guidelines state:  
19 The custodial parent shall be  
20 presumed to spend his or her  
21 share directly on the child. Yet  
22 the court presumed and assumed  
23 only in favor of the custodial  
24 parent suing for support.

25 There is no assumption in

1 favor of the parent obligated to  
2 pay support at exorbitant rates.  
3 For instance, in my case, even  
4 though we were fully able to  
5 prove payment of several years of  
6 child support, my husband's ex-  
7 wife simply claimed that she had  
8 not received that money. Even  
9 though we provided copies of the  
10 checks with her signature on them  
11 and the stamp from her bank  
12 where she endorsed those checks,  
13 we're being forced to pay that  
14 money back in arrears with  
15 interest because she simply  
16 stated, He must have gotten those  
17 checks himself. The court  
18 presumed that she was telling the  
19 truth when she denied having  
20 endorsed the checks and spent  
21 that money.

22 As a result, like I say, we are  
23 now repaying that money. Paying  
24 it twice. There was no attempt to  
25 verify the endorsement with her

1           bank or to otherwise determine  
2           the truth of her claims. How can  
3           any family court rule in defiance  
4           of the evidence considered legal  
5           in any business, bank or even in a  
6           civil court? What more proof  
7           could we have provided than the  
8           endorsed checks and cashier's  
9           checks for which we had stubs and  
10          provided?

11           To worsen the matters, child  
12          support is computed upon his  
13          gross income, which in my case is  
14          relying heavily upon his  
15          overtime. Despite paying the  
16          taxes on the support funds, my  
17          husband cannot claim these  
18          expenses on his taxes. Despite  
19          that everything is computed  
20          upon gross income, it is paid out  
21          of his net income.

22           The guidelines need to make it  
23          clear that if the noncustodial  
24          parent provides fifty-one percent  
25          or more of the child support, then

1           that parent be given the right to  
2           claim that child for their tax  
3           deduction. Another possible  
4           solution would be to share the tax  
5           deduction in alternating years  
6           with the child.

7           A related problem in the  
8           computation of child support is  
9           the use of overtime to establish  
10          gross income. Child support  
11          figures are computed with  
12          overtime even though the overtime  
13          is not counted as steady income  
14          by businesses, banks or any other  
15          type of financial institution that  
16          you would go to. Businesses do  
17          not permit me to claim overtime  
18          as part of gross pay when I apply  
19          for a loan or my husband or apply  
20          for a mortgage or any other  
21          means.

22          But the custodial parent can  
23          use her guaranteed support  
24          income, the child support, as a  
25          reliable source of income on



1           w h i c h   t o   s e c u r e   a   l o a n   o n   h e r  
2           b e h a l f ,   w h i c h   s h e   h a s   a l r e a d y  
3           d o n e .   S h e   w a s   a b l e   t o   t a k e   h e r  
4           p a p e r w o r k   s t a t i n g   h o w   m u c h   c h i l d  
5           s u p p o r t   s h e   w o u l d   b e   r e c e i v i n g   a s  
6           a   g u a r a n t e e d   s o u r c e   o f   i n c o m e   a n d  
7           p u r c h a s e   a   b r a n d   n e w   c a r ,   w h i c h  
8           s h e   d i d   w i t h   h e r   v e r y   f i r s t   c h e c k .

9           T h e   b r a n d   n e w   D o d g e   D u r a n g o  
10          s h e   i s   n o w   d r i v i n g ,   a t   t h e   e x p e n s e  
11          o f   o u r   e x o r b i t a n t   r a t e   o f   c h i l d  
12          s u p p o r t ,   a v e r a g i n g   a r o u n d   t w e n t y -  
13          e i g h t   t h o u s a n d   d o l l a r s   f o r   a  
14          v e h i c l e ,   w a s   n e e d e d   o n   h e r   b e h a l f  
15          t o   r e p l a c e   h e r   o t h e r   c a r   t h a t   w a s  
16          o n l y   t h r e e   y e a r s   o l d .   T h e r e   i s  
17          c e r t a i n l y   n o   c o i n c i d e n c e   t h a t   t h i s  
18          c a r   w a s   p u r c h a s e d   w i t h i n   d a y s   o f  
19          h e r   v e r y   n e w   a n d   i m p r o v e d   c h i l d  
20          s u p p o r t   c h e c k .   A f t e r   a l l ,   c o u r t  
21          p a p e r s   i n d i c a t e d   t h e   m o n t h l y  
22          a m o u n t   o r d e r e d   s u f f i c e d   f o r   h e r  
23          t o   s e c u r e   t h a t   l o a n .

24          M e a n w h i l e ,   m y s e l f ,   I   c a n ' t  
25          a f f o r d   t o   r e p a i r   t h e   h e a t e r   t h a t   i s

1 broken in my car. I depend on my  
2 defrost system to heat my car so  
3 that my two-year-old is not too  
4 terribly cold when we have to go  
5 somewhere.

6 Another greatly unfair part of  
7 the guidelines concerns the health  
8 insurance payments. For the total  
9 insurance premium -- and this is  
10 a quote from the guidelines: The  
11 total insurance premium for  
12 family or dependant coverage,  
13 regardless of whether all children  
14 are covered, are in the same  
15 family.

16 How can it be fair and  
17 equitable for my husband to pay  
18 health insurance for the ex-wife's  
19 husband and child while we  
20 struggle to keep our own family  
21 insured? I can't imagine  
22 anything more absurd than paying  
23 money to an ex's new spouse and  
24 child.

25 My husband offered to cover

1 his child on his health insurance,  
2 which would have no more --  
3 which would not have raised his  
4 premium at all. This was denied.  
5 We offered to pay the part of the  
6 premium that it would cost to  
7 cover his daughter only on  
8 insurance and not the entire  
9 family. This was denied.

10 The court refused that offer  
11 and then refused to entertain a  
12 request for -- to have his ex-  
13 wife's insurance company to  
14 calculate the cost for the one  
15 child. Instead, the court  
16 demanded that he pay to the ex-  
17 wife's total health insurance  
18 package claiming that any change  
19 to move those provisions would  
20 take away money from the mother.  
21 Perhaps then she wouldn't be able  
22 to go to Florida as many times as  
23 she does.

24 In a comment to the  
25 guidelines, it is clear that there

1 is to be both proof of the child  
2 enrollment and actual cost  
3 provided if a parent is forced to  
4 pay these premiums. We have  
5 never seen that proof or any  
6 specified information about cost.

7 Again, at no time in our legal  
8 battle was the ex-wife forced to  
9 turn over any papers related to  
10 actual costs, expenditures, and  
11 debts involving this child in  
12 question. We watched while she  
13 pulled figures from her head,  
14 which were then accepted by the  
15 court as the gospel truth. Our  
16 offers -- Our proof, whether  
17 cashed, endorsed checks or  
18 detailed financial statements  
19 were never good enough to  
20 override the legal presumption in  
21 her favor. Why do the guidelines  
22 presume that an ex-spouse  
23 receiving support never lies and  
24 the paying spouse never seems to  
25 tell the truth?

1           A d d i n g   i n s u l t   t o   i n j u r y ,   m y  
2           h u s b a n d   a n d   I   w e r e   t o l d   t o  
3           c o n s i d e r   b a n k r u p t c y ,   t o   s e l l   o u r  
4           a s s e t s ,   a n y   j e w e l r y ,   a n y   c a r s ,   a n y  
5           p r o p e r t y ,   t o   b e   a b l e   t o   a f f o r d   t h e  
6           i n c r e a s e d   a m o u n t   o f   c h i l d  
7           s u p p o r t .   M y   h u s b a n d   w a s   a l s o  
8           a d v i s e d   t o   g e t   a   s e c o n d   j o b   s o  
9           t h a t   h e   c o u l d   a f f o r d   t o   p a y   t h i s  
10          c h i l d   s u p p o r t ;   h o w e v e r ,   s u c h   a  
11          m o v e   w o u l d   b e   a n o t h e r   a b s u r d i t y  
12          o n   h i s   c a s e .   W e   w o u l d   b e   r i g h t  
13          b a c k   i n   c o u r t   a g a i n   p a y i n g   m o r e  
14          c h i l d   s u p p o r t   b e c a u s e   h i s   i n c o m e  
15          w o u l d   t h e n   b e   u p .

16           O u r   l e g a l   f e e s   a r e   h i g h e r   t h a n  
17          t h e y   e v e r   n e e d e d   t o   b e   b e c a u s e  
18          t h e   e x   t h r e w   u p   e v e r y   o b s t a c l e  
19          c o n c e i v a b l e ,   a n d   q u i t e   a   f e w   t h a t  
20          w e r e   i n c o n c e i v a b l e ,   t o   m a k e   o u r  
21          l i v e s   m i s e r a b l e .   A n d   s h e   g o t  
22          a w a y   w i t h   i t   b e c a u s e   t h e  
23          p r e s u m p t i o n s   i n   t h e   g u i d e l i n e s  
24          a r e   t o t a l l y   s k e w e d   i n   h e r   f a v o r .

25           I t   i s   n e a r l y   i m p o s s i b l e   t o

1        r e b u t   a   p r e s u m p t i o n   a b o u t   t h e  
2        t r u t h   o r   f a l s i t y   o f   a n y   c l a i m   i f  
3        g e n e r a l l y   a c c e p t e d   e v i d e n c e   i s  
4        n o t   w e i g h e d   i n   t h e   b a l a n c e   a n d  
5        c o n s i d e r e d   b y   t h e   c o u r t .   B u t   y e t ,  
6        a g a i n ,   b e c a u s e   o f   p r e s u m p t i o n s ,  
7        h e r   e v i d e n c e   w a s   g o l d   a n d   o u r s  
8        w a s   l e a d .   T h e   C o u r t ' s   f a i l u r e   t o  
9        p r o p e r l y   c o n s i d e r   o u r   e v i d e n c e  
10       h a s   l e d   t o   a   d e n i a l   o f   o u r   d u e  
11       p r o c e s s ,   e q u a l   p r o t e c t i o n   u n d e r  
12       t h e   l a w .   W e   n e v e r   h a d   a   c h a n c e  
13       t o   b e   p r o p e r l y   h e a r d   o r   t o   h a v e  
14       o u r   e v i d e n c e   c o n s i d e r e d .

15                S e c o n d   f a m i l i e s   t h r o u g h o u t  
16        A l a b a m a   s u f f e r   a   l a c k   o f   e q u a l  
17        p r o t e c t i o n   a n d   a   l a c k   o f   e q u a l  
18        e q u i t y   i n   a l l   c h i l d   s u p p o r t  
19        m a t t e r s .   T h e s e   g u i d e l i n e s  
20        d e s p e r a t e l y   n e e d   r e v i s i o n   t o  
21        r e m o v e   t h e   h e a v y   p r e s u m p t i o n   o f  
22        t h e   c u s t o d i a l   p a r e n t ,   t o   c r e a t e   a n  
23        e q u i t a b l e   e n v i r o n m e n t   f o r   b o t h  
24        p a r e n t s ,   a n d   d e m a n d   s t r i c t  
25        a c c o u n t a b i l i t y   i n   t h e   u s e   o f   c h i l d

1 support payments, not just in the  
2 payment of them.

3 In these days of strict  
4 accountability in all phases of  
5 government, it is inexcusable that  
6 the judicial system, upon which  
7 we all depend for impartial  
8 judgments and equitable  
9 treatment, has instituted one of  
10 the most unaccountable,  
11 inequitable, and unfair systems  
12 imaginable in this case of child  
13 support. It is time that the state  
14 recognized other children that are  
15 born second or third or fourth and  
16 that they still deserve the equal  
17 right to have their father support  
18 them as well as the first child.  
19 No child is more important than  
20 the other based on when their  
21 birthday is.

22 My daughter receives the same  
23 -- deserves to receive the same  
24 amount of support that her half-  
25 sister receives regardless of

1           w h e r e   t h e y   l i v e .   A n d   i t   i s   n o t  
2           f a i r   t h a t   t h e   s t a t e   d o e s   n o t  
3           r e c o g n i z e   m y   d a u g h t e r   a s   a   c h i l d .  
4           S h e   i s   j u s t   a s   m u c h   h i s   d a u g h t e r  
5           a s   h i s   f i r s t   c h i l d   i s ,   a n d   s h e  
6           d e s e r v e s   j u s t   a s   m u c h  
7           c o n s i d e r a t i o n   a n d   r i g h t s   t o   h e r  
8           f a t h e r   a s   t h a t   f i r s t   c h i l d   d o e s .

9           T h a n k   y o u .

10           J U D G E   G O S A :   I   e x p e c t   s o m e  
11           c a n ' t   h e a r   i n   t h e   b a c k .   T h e y   a r e  
12           g o i n g   t o   s e t   u p   a   m i k e   s o   w e   c a n  
13           g e t   a   s y s t e m   g o i n g   h e r e .   I f   y o u  
14           h a v e   a   c o p y   o f   y o u r   r e m a r k s   a n d  
15           w a n t   t o   l e a v e   t h e m   w i t h   t h e  
16           c o m m i t t e e ,   p l e a s e   d o   s o   b e f o r e  
17           y o u   l e a v e .

18           H a s   D e b b y   V a n n   c o m e   i n   y e t ?  
19           D e b b y   V a n n ?   C y n t h i a   B r o t h e r s ?

20           W e ' l l   t a k e   j u s t   a   s e c o n d   f o r  
21           t h e m   t o   g e t   s e t   u p   s o   e v e r y b o d y  
22           c a n   h e a r .

23           ( B r i e f   p a u s e . )

24           C Y N T H I A   B R O T H E R S :   O u r  
25           c h i l d   s u p p o r t   - -   I ' m   f r o m   S h e l b y



1 County, by the way. Our child  
2 support guidelines state -- and I  
3 quote -- Children should not be  
4 penalized as a result of the  
5 dissolution of the family unit but  
6 should continue to receive the  
7 same level of support that had  
8 been available to them -- I'm  
9 sorry. This is all coming back to  
10 me. I've lived it for the past  
11 nine months, and it's all coming  
12 back to me.

13 I quote: Children should not  
14 be penalized as a result of the  
15 dissolution of the family unit but  
16 should continue to receive the  
17 same level of support that would  
18 have been available to them had  
19 the family unit remained intact.

20 It amazes me that our  
21 guidelines do not want a child to  
22 be penalized on a monetary level,  
23 but the same consideration is not  
24 given for the emotional needs of  
25 the child. The child should get

1 the father's money but not the  
2 father's time, love, and guidance.  
3 And this mentality is played out  
4 in our courts everyday.

5 I agree the children should  
6 not be penalized; however, our  
7 current guidelines do penalize  
8 children. They are called  
9 subsequent children.

10 Our guidelines state -- The  
11 guidelines also do not address the  
12 problem of subsequent children or  
13 families. No deduction may be  
14 made for children born or adopted  
15 after an initial award of support.  
16 This lack of consideration is  
17 wrong. And it's unfair to all the  
18 children that are unlucky enough  
19 to be born after a first child or  
20 adopted after a first child, which  
21 in my opinion, an adopted child  
22 -- to deny that child the same  
23 consideration as a firstborn child  
24 is even worse because of what  
25 that child has already gone

1 through in its life.

2 This is saying to all the  
3 subsequent children, You do not  
4 matter. These children cannot  
5 help their birth order and have  
6 the right to be equally supported  
7 by their father.

8 While another firstborn child  
9 is overcompensated, the man's  
10 other children do without braces,  
11 clothing, movies, birthday, and  
12 Christmas presents. I'm not  
13 saying they do completely  
14 without, but the father cannot  
15 provide for those children the  
16 way that he could because of the  
17 extraordinary percentage of his  
18 income is being paid to an ex-  
19 spouse. And in our case, it's an  
20 ex-spouse that she is the one that  
21 wanted the divorce. My husband  
22 tried to keep the marriage  
23 together, and there was at no  
24 fault of his that the divorce  
25 happened.

1           The man also cannot provide  
2           the same for his other children  
3           because he is ordered to pay to  
4           the ex-wife the extraordinary  
5           percentage of his monthly income,  
6           nor can a man provide the same  
7           for the firstborn in his home as  
8           the mother can in hers because he  
9           is paying such a large amount out  
10          in child support to the mother.  
11          He doesn't have the money to  
12          spend the same kind of money in  
13          his home as she can in hers,  
14          which where -- in a child's eyes,  
15          where does that make the child  
16          want to live? How can we say one  
17          child deserves more than another?  
18          Furthermore, the child support  
19          amount paid for a firstborn child  
20          and alimony paid to an ex-wife is  
21          deducted from a noncustodial  
22          parent's income before child  
23          support for a second child is  
24          calculated. Once again, all of  
25          the children are not treated

1           e q u a l l y   b y   t h e s e   g u i d e l i n e s .

2           S e c t i o n   B ,   P a r a g r a p h   7   o f   R u l e  
3           3 2   g u i d e l i n e s   a d d r e s s e s   h e a l t h  
4           i n s u r a n c e   p r e m i u m s .   I t   r e q u i r e s  
5           t h e   t o t a l   i n s u r a n c e   p r e m i u m   f o r  
6           f a m i l y   o r   d e p e n d a n t   c o v e r a g e   t o  
7           b e   a d d e d   t o   t h e   b a s i c   c h i l d  
8           s u p p o r t   g u i d e l i n e s .   T h i s   t o t a l  
9           i n s u r a n c e   p r e m i u m   m a y   c o v e r  
10          c h i l d r e n   t h a t   a r e   n o t   t h e   m a n ' s  
11          c h i l d   a n d   a   s p o u s e   o f   h i s   e x - w i f e  
12          t h a t   h e   s t i l l   h a s   t o   p a y   a  
13          p e r c e n t a g e   o f   t h a t   t o t a l   i n s u r a n c e  
14          p r e m i u m .   W h y   i s   i t   w e   a r e  
15          m a k i n g   f a t h e r s   p a y   f o r   t h e i r   e x -  
16          w i f e ' s   h u s b a n d   a n d   t h e i r   c h i l d r e n  
17          t o   b e   c o v e r e d   b y   i n s u r a n c e ?

18          T h e   R u l e   3 2   g u i d e l i n e s  
19          c a l c u l a t e   c h i l d   s u p p o r t   b a s e d   o n  
20          g r o s s   i n c o m e .   T h i s   i n   i t s e l f  
21          i n c r e a s e s   t h e   a m o u n t   a  
22          n o n c u s t o d i a l   p a r e n t   h a s   t o   p a y   i n  
23          t h a t   t h e y   d o   n o t   r e c e i v e   t h e  
24          b e n e f i t   o f   t h e   g r o s s   b u t   o n l y   t h e  
25          n e t   t o   l i v e   o n   t h e m s e l v e s .

1           The child support is not tax  
2           deductible for the noncustodial  
3           parent. And the custodial parent  
4           does not have to claim -- a  
5           custodial parent does not have to  
6           claim the income and, at the same  
7           time, receives the tax exemption  
8           for that child. You're hitting the  
9           father three times right there.

10           I'm a firm believer that a  
11           child should be supported by both  
12           parents. While we spend millions  
13           of dollars in this nation tracking  
14           down what the courts call  
15           deadbeat dads, there is nothing  
16           done to insure the mothers are  
17           spending their portion of support  
18           on what they receive from the  
19           father on the children. There is  
20           no accountability for where the  
21           money is spent. We have seen  
22           that mothers go out -- in  
23           Kimberly's case -- and buy a  
24           brand new Dodge Durango the very  
25           month she gets an increase in

1 child support. That happens  
2 every day. It happened in my  
3 case.

4 Women know going into a  
5 divorce that they will walk out of  
6 the courtroom with the children  
7 and a huge child support award  
8 because the courts in this state  
9 are biased towards the mothers.  
10 And me standing her, as a mother,  
11 I can still tell you that, because  
12 I have been through our system  
13 and I have personally seen it. I  
14 didn't -- I tried to deny it until  
15 I went through it. They are  
16 biased towards the mother. And I  
17 spoke to others, and I am  
18 convinced for whatever reason the  
19 judges feel that the mothers need  
20 the children and need an  
21 exorbitant amount of child  
22 support to raise that child.

23 In our case, my husband is  
24 paying six hundred and fifty  
25 dollars a month. That's one -

1           f o u r t h   o f   h i s   i n c o m e   f o r   o n e  
2           c h i l d .   S o   h e r   p o r t i o n   w o u l d   b e  
3           t h r e e   f i f t y .   D o e s   i t   c o s t   a  
4           t h o u s a n d   d o l l a r s   a   m o n t h   t o   r a i s e  
5           a   c h i l d ?   N o .   S o   w h a t   i s   t h a t ?  
6           I n   m y   o p i n i o n ,   i t ' s   e m b e d d e d  
7           a l i m o n y .   A n d   h e   i s   h a v i n g   t o  
8           s u p p o r t   h i s   e x - w i f e   t h a t   w a n t e d   a  
9           d i v o r c e   f r o m   h i m .   T h a t ' s   a n o t h e r  
10          s l a p   i n   t h e   f a c e   t o   t h a t   d a d .

11           O u r   c u r r e n t   g u i d e l i n e s   a r e  
12          b a s e d   o n   a n   i n c o m e - s h a r e s   m o d e l ,  
13          w h i c h   v i o l a t e s   t h e   e q u a l  
14          p r o t e c t i o n   s t a n d a r d   b y   n o t  
15          t r e a t i n g   t h e   n o n c u s t o d i a l   p a r e n t  
16          e q u a l l y .   T h e   i n c o m e - s h a r e s   m o d e l  
17          d o e s   n o t   t a k e   i n t o   a c c o u n t   t h a t  
18          a d d i t i o n a l   c o s t   t o   t h e  
19          n o n c u s t o d i a l   p a r e n t   d u r i n g   t h e i r  
20          p e r i o d s   o f   v i s i t a t i o n   w i t h   t h e  
21          c h i l d ,   c o s t s   s u c h   a s   c l o t h e s ,  
22          f o o d ,   e n t e r t a i n m e n t ,   a n d   h a i r c u t s .  
23          T h e   c h i l d   s u p p o r t   s h o u l d   b e   b a s e d  
24          o n   t h e   a c t u a l   c o s t   o f   r a i s i n g   a  
25          c h i l d   a n d   n o t   h o w   m u c h   m o n e y   d o



1           y o u   m a k e .

2           S i n c e   o u r   g u i d e l i n e s   w e r e   l a s t  
3           a m e n d e d   o v e r   a   d e c a d e   a g o ,   t h e r e  
4           h a s   b e e n   e x t e n s i v e   r e s e a r c h   d o n e  
5           o n   c o s t - b a s e d   g u i d e l i n e s .   I   h a v e  
6           p r o v i d e d   s o m e   o f   t h a t   i n   t h e  
7           h a n d o u t   t h a t   I   g a v e   y o u .   A n d   I  
8           a s k   t h a t   y o u   c o n s i d e r   t h a t .   T h e r e  
9           a r e   b e t t e r   o p t i o n s   f o r   o u r   c h i l d  
10          s u p p o r t   g u i d e l i n e s .

11          T h i s   a p p r o a c h   u s e s   a c t u a l  
12          s p e n d i n g   d a t a   o n   c h i l d r e n   t o  
13          r e f l e c t   o u t - o f - p o c k e t   e x p e n s e s  
14          a n d   m e e t   e q u a l   p r o t e c t i o n  
15          s t a n d a r d s   f o r   t h e   p a r e n t s   a n d   t h e  
16          c h i l d r e n .   I n c o m e   s h a r e s   h a s  
17          b u i l t - i n   b i a s e s   a n d   l e a d s   t o  
18          t y p i c a l   c h i l d   s u p p o r t   a w a r d s   t h a t  
19          a r e   a b o u t   d o u b l e   w h a t   t h e y   s h o u l d  
20          b e   i f   b a s e d   o n   p r o f e s s i o n a l  
21          e c o n o m i c   s t a n d a r d s .

22          I   a m   a s k i n g   t h a t   y o u   s t r o n g l y  
23          r e c o n s i d e r   e v e r y   a s p e c t   o f   o u r  
24          c u r r e n t   g u i d e l i n e s   a n d   l o o k   a t  
25          t h e m   i n   a   l i g h t   o f   h o w   t h e y   a r e

1 really affecting families in  
2 Alabama. These current  
3 guidelines have affected my  
4 family and many others around me  
5 in a negative way. I understand  
6 the motives behind these current  
7 guidelines and that it is to  
8 protect the child, but there are  
9 more children to consider than  
10 just a firstborn child of a man.

11 As we all know, the divorce  
12 rate is high, which means the rate  
13 of second marriages is high. And  
14 in our case, we have been married  
15 for almost nine years, and we  
16 have two children in addition to  
17 our other son. We have always  
18 supported my stepson over and  
19 above the child support as much  
20 as we could, sending him to a  
21 private school so that he could  
22 have a good education. We paid  
23 for half of that. We paid for  
24 half of extracurricular activities.  
25 That was never considered when

1           w e   j u s t   w e n t   b a c k   t o   c o u r t .   I t  
2           w a s   n e v e r   c o n s i d e r e d   t h a t   w e   h a v e  
3           b e e n   w i l l i n g   t o   o v e r   a n d   a b o v e  
4           s u p p o r t   t h i s   c h i l d .

5           A l l   c h i l d r e n   a r e   c r e a t e d   e q u a l  
6           a n d   s h o u l d   b e   t r e a t e d   e q u a l   b y  
7           o u r   c o u r t   s y s t e m .

8           T h a n k   y o u .

9           J U D G E   G O S A :   Q u e s t i o n s ?  
10          T h a n k   y o u ,   m a ' a m .   D e b b y   V a n n ?

11          D E B B Y   V A N N :   H i ,   I ' m   D e b b y  
12          V a n n ,   a n d   I ' m   n o t   a   p u b l i c  
13          s p e a k e r   e i t h e r .   S o   I ' m   g o i n g   t o  
14          r e a d .   I ' m   a   g r a n d m o t h e r .

15          J U D G E   G O S A :   E x c u s e   m e ,   M s .  
16          V a n n .   Y o u   w e r e n ' t   h e r e   e a r l i e r .  
17          W h e n   e i g h t   m i n u t e s   a r e   u p ,   I   w i l l  
18          a l e r t   y o u   - -

19          M S .   V A N N :   I   w o n ' t   t a k e   t h a t  
20          l o n g .   ( U n i n t e l l i g i b l e . )

21          J U D G E   G O S A :   I   w a n t   t o   g i v e  
22          y o u   a n   a l e r t   s o   i f   y o u   h a v e n ' t  
23          c o v e r e d   s o m e t h i n g   y o u   w a n t   t o ,  
24          y o u   c a n .   W h a t   c o u n t y   a r e   y o u  
25          f r o m ?

1 MS. VANN: Montgomery  
2 County.

3 JUDGE GOSA: Thank you.

4 MS. VANN: She already stated  
5 this before and previously that  
6 the children are penalized when,  
7 you know, their families are  
8 dissolved. And when there are  
9 both parents, they do need both  
10 parents, emotionally and  
11 financially.

12 In some cases, when shared  
13 physical custody is requested by  
14 one of the parents and the other  
15 parent will not agree to this,  
16 without legal counsel, the court  
17 in most cases has been known to  
18 grant physical custody to the  
19 parent that has legal counsel. In  
20 certain cases, the noncustodial  
21 parent will not be able to afford  
22 additional counsel to modify a  
23 child support obligation. Due to  
24 the lack of funds, without legal  
25 counsel, they are at the mercy of

1 the court.

2 There are insurance provisions  
3 when divorced. If the former  
4 spouse was covered on the  
5 custodial spouse's insurance,  
6 they must wait to be covered by  
7 his company on his company's  
8 anniversary date before he can be  
9 covered; therefore, he is without  
10 insurance. If he needs to seek  
11 medical attention or an accident  
12 was to happen, he would have to  
13 pay out of his pocket the full  
14 price of the coverage until he  
15 deemed be able to have insurance  
16 through his company. And that  
17 can be quite costly. But still,  
18 the former spouse can get fifty  
19 percent of his income, and that  
20 comes out first.

21 Then he -- He or she is having  
22 to provide the children or child  
23 with the basic needs on  
24 visitation, which is clothing,  
25 entertainment. If a medical need

1           a r i s e s   a n d   t h e   s p o u s e   i s   n o t  
2           t h e r e ,   i f   t h e y   h a v e   t o   g o   t o   t h e  
3           d o c t o r ,   y e s ,   t h e y   p a y   h a l f   o f  
4           t h e i r   m e d i c a l   c o s t s   f o r   t h e  
5           m e d i c a t i o n   t h a t   c h i l d r e n   w i l l   - -  
6           y o u   k n o w ,   a r e   r e q u i r e d   t o   t a k e .  
7           T h e y   h a v e   t o   p a y   h a l f   o f   t h a t   o u t  
8           o f   a n   i n c o m e   t h a t   t h e y   a r e n ' t  
9           d r a w i n g   b u t   f i f t y   p e r c e n t   o f   i t .

10           I t ' s   c o s t l y   f o r   t h e m   t o   f i n d   a  
11           n e w   h o m e   i f   t h e y   r e l i n q u i s h   t h e i r  
12           h o m e   a n d   - -   f o r   t h e   b e n e f i t   o f   t h e  
13           c h i l d r e n   w h e r e   t h e y   w i l l   n o t   b e  
14           d i s r u p t e d   f r o m   t h e i r   h o m e .   B u t  
15           t h e y   a l s o   h a v e   t o   h a v e   a   p l a c e   f o r  
16           t h e i r   c h i l d r e n   t o   c o m e   t o   s l e e p  
17           a n d   b e d s   t o   s l e e p   i n ,   t o   s t a r t   a l l  
18           o v e r .   A n d   t h a t   i s   w i t h   f i f t y  
19           p e r c e n t   o f   t h e i r   t a k e - h o m e .

20           T h e y   - -   A l s o ,   t h e y   h a v e   t o   p a y  
21           t a x e s   o n   a l l   t h i s   - -   a l l   t h e i r  
22           i n c o m e   e v e n   t h o u g h   h a l f   o f   t h e i r  
23           i n c o m e   i s   s e n t   t o   p a y   c h i l d  
24           s u p p o r t .

25           A n d   I   b e l i e v e   t h a t   i s   r e a l l y

1 all that I wanted to discuss and  
2 say. And I just think that the  
3 guidelines maybe could be worked  
4 on a little bit to make it more  
5 fair for the children to see both  
6 parents and spend equal amounts  
7 of time. If there is more joint  
8 physical custody, then the  
9 guidelines maybe would not be so  
10 high. But most of the time, it is  
11 granted to the female parent.

12 Thank you.

13 JUDGE GOSA: Any questions  
14 from the committee? Thank you,  
15 ma'am. Do you have anything in  
16 writing that you want to present  
17 to us?

18 MS. VANN: I did.

19 JUDGE GOSA: Okay. I'm  
20 sorry. All right. James R.  
21 Womack?

22 JAMES R. WOMACK: Do you  
23 want a copy of my remarks now?

24 JUDGE GOSA: Any time. Just  
25 whatever is convenient for you.

1           MR. WOMACK: I'll give it to  
2           you now. I've got a cold, and  
3           I'm nervous. I'll probably forget  
4           it after I speak.

5           JUDGE GOSA: Go ahead. Mr.  
6           Williams will get copies for all  
7           the committee members if you  
8           don't have enough copies.

9           MR. WOMACK: I commend  
10          these two ladies that just stood  
11          up and spoke. They did a good  
12          job. I hope I can do that well.

13          My name is Jim Womack. When  
14          you called James, that's my  
15          formal name. My mother calls me  
16          that when she's mad at me, but I  
17          haven't heard that in a long time.

18          I'm a fifth-year resident of  
19          Montgomery, Alabama. I moved  
20          here five years ago. I'm  
21          currently employed as a librarian  
22          at Faulkner University. My  
23          remarks do not reflect Faulkner's  
24          position on anything, okay? This  
25          is my personal remarks in my



1           e x p e r i e n c e   w i t h   t h e   d i v o r c e  
2           c o u r t s   a n d   t h e   l a w s   i n   t h e   S t a t e  
3           o f   A l a b a m a .

4           T h a t   w a s   a   m i s t a k e   f i v e   y e a r s  
5           a g o   w h e n   I   m o v e d   h e r e   b e c a u s e  
6           t h e y   h a d   n o - f a u l t   d i v o r c e   l a w s .  
7           S o   I   g o t   a   d i v o r c e   I   d i d n ' t   e v e n  
8           w a n t .   B u t   a n y w a y ,   l e t ' s   g e t   o n  
9           w i t h   w h y   I ' m   h e r e .

10           I   w o u l d   l i k e   t o   e n c o u r a g e   t h i s  
11           c o m m i t t e e   t o   c o n s i d e r   c h a n g i n g  
12           t h e   c u r r e n t   c h i l d   s u p p o r t   l a w s  
13           w h e r e   t h e y   e x a m i n e   t h e   s a l a r i e s  
14           o f   t h e   s p o u s e   o r   f o r m e r   s p o u s e   o f  
15           a   d i v o r c e e .   I   d o n ' t   k n o w   i f   I  
16           w i l l   ( u n i n t e l l i g i b l e )   h a v e  
17           e v e r y t h i n g   r e a d .

18           B u t   m y   e x - s p o u s e   o u t e a r n s   m e  
19           f o u r   t h o u s a n d   d o l l a r s   a n n u a l l y .  
20           S h e   c u r r e n t l y   r e c e i v e s   f o r t y - t h r e e  
21           p e r c e n t   o f   m y   p a y c h e c k   f o r ,   a s  
22           I ' v e   n o t e d ,   o v e r   e i g h t   h u n d r e d  
23           a n d   f o r t y   d o l l a r s   a   m o n t h .   I  
24           f a i l e d   t o   w r i t e   d o w n   h e r e   - -   I  
25           t h o u g h t   o f   t h i s   a s   t h e   t w o   l a d i e s

1           w e r e   s p e a k i n g .   B u t   w h e n e v e r   I  
2           p i c k   m y   k i d s   u p   e v e r y   o t h e r  
3           w e e k e n d ,   i f   t h e r e ' s   a   m e d i c a l   b i l l  
4           t h a t   s h e   h a s   h a d ,   I ' m   l i a b l e   f o r  
5           h a l f   o f   i t ,   o k a y ?   P l u s   s h e   g e t s  
6           f o r t y - t h r e e   d o l l a r s   e i g h t y - f o u r  
7           c e n t s   f o r   l i f e   i n s u r a n c e   f o r   t h o s e  
8           c h i l d r e n .   E v e r y t h i n g   s h e   g e t s  
9           f r o m   m e   i s   t a x   f r e e .   I   p a y   t h e  
10          t a x e s   o n   a l l   o f   i t .

11           I   w e n t   t o   c o u r t   l a s t   s u m m e r   t o  
12          g e t   m y   c h i l d   s u p p o r t   p a y m e n t s  
13          r e d u c e d .   T h a t   w a s   a   f a r c e .   R i g h t  
14          n o w   y o u   c a n   s e e   t h a t   I ' m   i n  
15          s e v e r e   f i n a n c i a l   h a r d s h i p .   I   h a v e  
16          a   g o o d   j o b .   I   h a v e   a   g o o d   s a l a r y .  
17          B u t   r i g h t   n o w   I   a m   n o   b e t t e r   o f f  
18          t h a n   w h e n   I   w a s   a   f r e s h m a n  
19          w o r k i n g   m y   w a y   t h r o u g h   l i b r a r y  
20          s c h o o l .

21           A n d   y o u   s e e   f r o m   m y   r e m a r k s   I  
22          h a v e   a   h o u s e   t h a t   w a s   b u i l t   i n   t h e  
23          1 9 3 0 ' s   b e c a u s e ,   a s   y o u   k n o w ,   r e a l  
24          e s t a t e   i n   M o n t g o m e r y   i s  
25          e x p e n s i v e .   ( U n i n t e l l i g i b l e )

1 people pay in rent, you could buy  
2 a house. It's not fancy, but it  
3 works. I drive a 1989 model car.

4 If it wasn't for the church  
5 that I attend -- They bought my  
6 kids' Christmas presents last  
7 year. I have no savings. When  
8 my car breaks down, the church  
9 pays my car repair bill. I have  
10 no back-up plan. I'm not allowed  
11 to work extra because if I do, my  
12 ex-spouse is entitled to those  
13 earnings.

14 What else.

15 Like I said, if it wasn't for a  
16 no-fault divorce law, I wouldn't  
17 be in this position. But right  
18 now, it's really uneven because  
19 my wife -- or former spouse is  
20 driving a brand new four-door  
21 Chevrolet truck. She still has  
22 the house that we purchased  
23 together five years ago here in  
24 Montgomery. I don't know who is  
25 making the payments on that.

1 Plus, she purchased a mobile  
2 home where her kids -- where our  
3 kids and she are living now.  
4 They moved three hours from here  
5 to a town called Chatom,  
6 Alabama. Very rural area.

7 I went to court last year to  
8 get my child support payments  
9 reduced. Found out that the  
10 money I spent on child support  
11 for a year and a half was just  
12 free money for her and her  
13 mother's pleasure. The judge did  
14 give me some relief for two  
15 months. He stopped my child  
16 support, which helped me a little  
17 bit. But then when it resumed, it  
18 went up. Although I had a Wall  
19 Street article claiming that the  
20 economy in this country did not  
21 grow one percent last year, they  
22 got a cost of living raise. I  
23 didn't.

24 I'll be happy to answer any  
25 questions you have. I understand

1           t h a t   k i d s   n e e d   t o   b e   p r o v i d e d   f o r .  
2           T h e   p r o b l e m   w e   h a v e   i n   A m e r i c a  
3           t o d a y   i s   b e c a u s e   o f   a   f e w  
4           d e a d b e a t   d a d s .   T h e   r e s t   o f   u s  
5           h a v e   t o   p a y   t h e   c o s t .   A l l   i t   t a k e s  
6           i s   o n e   A m e r i c a n   t o   r u i n   i t   f o r  
7           e v e r y b o d y .

8           I ' m   g l a d   I   l i v e   h e r e .   W e   l i v e  
9           i n   t h e   b e s t   p l a c e   i n   t h e   w o r l d .  
10          B u t   I   t h i n k   s o m e   l a w s   n e e d   t o   b e  
11          m a d e   f a i r .   Y o u   j u s t   h e a r d   t h e s e  
12          l a d i e s '   t a l e s .

13          Y o u   k n o w ,   I   h a v e   r e a d   a r t i c l e s  
14          i n   t h e   N e w   Y o r k   T i m e s ,   t h e   L .   A .  
15          T i m e s .   C h i l d   s u p p o r t   d r i v e s   m e n  
16          t o   p o v e r t y .   N o w ,   I   b e l i e v e   m y  
17          k i d s   s h o u l d   b e   p r o v i d e d   f o r ,   a n d  
18          I ' m   g o i n g   t o   s e e   t h a t   t h e y ' r e  
19          p r o v i d e d   f o r .   B u t   i t   n e e d s   t o   b e  
20          o n   e q u a l   t e r m s .   T h a t ' s   a l l   I ' m  
21          a s k i n g   i s   f o r   s o m e   e q u a l i t y .

22          D o   y o u   h a v e   a n y   q u e s t i o n s ?  
23          I ' l l   b e   h a p p y   t o   a n s w e r   a n y  
24          q u e s t i o n s .

25                   J U D G E   G O S A :   Q u e s t i o n s ?

1           C O M M I T T E E   M E M B E R :   I   h a v e  
2           a   q u e s t i o n .

3           M R .   W O M A C K :   Y e s ,   s i r .

4           C O M M I T T E E   M E M B E R :   I ' m  
5           J a m e s   B l a c k s t o n   f r o m   B i r m i n g h a m ,  
6           t h e   N o n c u s t o d i a l   P a r e n t  
7           R e p r e s e n t a t i v e .   W a s   y o u r   c h i l d  
8           s u p p o r t   o r i g i n a l l y   s e t   b y   t h e  
9           g u i d e l i n e s   a t   t h e   t i m e   o f   y o u r  
10          d i v o r c e ?

11          M R .   W O M A C K :   Y e a h ,   t h a t ' s  
12          w h a t   t h e   j u d g e   s a i d .   I   h a v e   n o t  
13          s e e n   t h e   g u i d e l i n e s .   T h a t ' s   w h a t  
14          m y   a t t o r n e y   s a i d .   T h a t ' s   w h a t  
15          t h e   j u d g e   s a i d .   A n d   t h e n   t h e  
16          a r t i c l e   I   r e a d   t h a t   a n n o u n c e d   t h i s  
17          m e e t i n g   s a i d   t h a t   f o r   a   p a r e n t   o f  
18          t w o   k i d s   s h o u l d   o n l y   b e   p a y i n g  
19          s i x   h u n d r e d   a n d   s e v e n t y - s e v e n  
20          d o l l a r s   a   m o n t h ,   a n d   y o u   c a n   s e e  
21          I ' m   p a y i n g   w e l l   o v e r   t h a t .

22          C O M M I T T E E   M E M B E R :   D i d  
23          y o u r   a t t o r n e y   i n f o r m   y o u   t h a t  
24          t h e r e   w a s   a   t h i n g   c a l l e d   A l a b a m a  
25          C h i l d   S u p p o r t   G u i d e l i n e s ?

1 MR. WOMACK: Yes.

2 COMMITTEE MEMBER: And  
3 about how much is your child  
4 support in relation to your gross  
5 income?

6 MR. WOMACK: It's forty-  
7 three percent, if I did my math  
8 correctly.

9 COMMITTEE MEMBER: And  
10 then you pay the income taxes on  
11 top of that?

12 MR. WOMACK: And then, like  
13 I said, if there was a medical bill  
14 that she has had while she has  
15 while the kids are in her custody,  
16 when I pick them up every other  
17 weekend, she will give me the  
18 receipt, and I'm responsible for  
19 half of it.

20 I will say, right now I see my  
21 kids the first and third weekend  
22 of every month. I have been told  
23 they've been to the doctor twice  
24 in three weeks. You know, that  
25 happens.

1 I was supposed to see my kids  
2 next weekend. Right now, I don't  
3 have the money to go see them. I  
4 will have to call her and say I  
5 can't see them this weekend. I'm  
6 not able to drive to Evergreen to  
7 pick them up.

8 COMMITTEE MEMBER: So,  
9 basically, what you're saying is  
10 that child support, in one way or  
11 another, has at one time  
12 prevented you from seeing your  
13 children.

14 MR. WOMACK: Yes. I don't  
15 mind paying child support. Can  
16 you understand that? My kids  
17 need to be provided for. I  
18 understand that, and I will see to  
19 it that they are provided for.  
20 But we need some equality here.

21 And as the lady said a couple  
22 of minutes ago, you don't know  
23 what the ex-spouse is doing with  
24 the money that she receives. You  
25 know, like I say, when I went to



1           c o u r t   l a s t   y e a r ,   w e   f o u n d   o u t   t h a t  
2           i t   w a s n ' t   b e i n g   u s e d   f o r   c h i l d   d a y  
3           c a r e .   T h e y   w e r e   j u s t   s p e n d i n g   i t .  
4           S o   t h e r e   n e e d s   t o   b e   s o m e   k i n d   o f  
5           p r o v i s i o n   - -   o f   c o u r s e ,   t h i s   i s  
6           g o i n g   t o   a d d   t o   e v e r y b o d y ' s  
7           w o r k l o a d   - -   m a k i n g   s u r e   t h e y   a r e  
8           s p e n d i n g   t h i s   m o n e y   p r o p e r l y .  
9           Y o u   k n o w ,   a l l   i t   t a k e s   i s   o n e  
10          A m e r i c a n   t o   r u i n   i t   f o r  
11          e v e r y b o d y .

12                 A n y   o t h e r   q u e s t i o n s ?   I ' m   s u r e  
13          I   p r o b a b l y   m i s s e d   s o m e   t h i n g s .  
14          I ' m   n e r v o u s .   I   d o n ' t   f e e l   w e l l .

15                 C O M M I T T E E   M E M B E R :   W h y   i s  
16          t h e   - -

17                 M R .   W O M A C K :   P a r d o n   m e ?

18                 C O M M I T T E E   M E M B E R :   W h e n  
19          t h e   c h i l d   s u p p o r t   w a s   c o m p u t e d ,  
20          w a s   t h e   c h i l d   c a r e   e x p e n s e   b e i n g  
21          c a l c u l a t e d ?   W e r e   y o u   p a y i n g   t h e  
22          c h i l d   c a r e ?

23                 M R .   W O M A C K :   Y e s ,   s h e   - -  
24          W h a t   h a p p e n e d   w a s ,   a c c o r d i n g   t o  
25          t h e   j u d g e ' s   d e c i s i o n ,   s h e

1           overestimated the cost -- See,  
2           they moved to Chatom, Alabama,  
3           three hours from here. I don't  
4           know anything about that part of  
5           the country. But she  
6           overestimated the cost of the day  
7           care. So then when I went back  
8           to court, the judge determined  
9           that she grossly overstated the  
10          cost of day care. And so what he  
11          did, like I said, he stopped my  
12          child support for two months to  
13          help give me some relief. But,  
14          you know, that was nice. It was  
15          needed and it helped. You know,  
16          I'm just like you. I work hard  
17          forty hours a week. I pay my  
18          debts.

19                 I did -- I failed to mention  
20          that I inherited my former  
21          spouse's credit card bill. I got  
22          it down to fifteen hundred  
23          dollars. It was at one point  
24          three thousand.

25                         JUDGE GOSA: Any other

1           q u e s t i o n s ?

2           C O M M I T T E E   M E M B E R :   I   h a v e  
3           o n e .   A r e   y o u   s a y i n g   t h a t   y o u   p a y  
4           m o r e   t h a n   t h e   c h i l d   s u p p o r t  
5           g u i d e l i n e s ?

6           M R .   W O M A C K :   Y e s .   W e l l ,   I  
7           d o n ' t   k n o w   h o w   m u c h   - -   W h e n  
8           t h e y   f i g u r e d   t h e   g u i d e l i n e s ,   a  
9           c e r t a i n   p e r c e n t a g e   g o e s   t o   d a y  
10          c a r e ,   a n d   I   d o n ' t   k n o w   w h a t   t h a t  
11          p e r c e n t a g e   i s .   B u t   s h e  
12          o v e r e s t i m a t e d   t h e   c o s t   o f   d a y  
13          c a r e   i n   t h a t   t o w n .   A n d   t h e   j u d g e  
14          d e t e r m i n e d   t h a t   s h e   g r o s s l y  
15          o v e r s t a t e d   t h e   c o s t ,   a n d   s o ,   l i k e  
16          I   s a y ,   h e   s t o p p e d   t h e   s u p p o r t   f o r  
17          t w o   m o n t h s .

18          C O M M I T T E E   M E M B E R :   J u d g e  
19          G o s a   - -

20          J U D G E   G O S A :   Y e s .

21          C O M M I T T E E   M E M B E R :   - -   I  
22          w o u l d   l i k e   t o   c o m m e n t .   Y o u   s a i d  
23          t h a t   - -   I   t h i n k   t h a t   y o u   h a v e   a n  
24          u n d e r s t a n d i n g   t h a t   p a r t   o f   t h e  
25          c h i l d   s u p p o r t   i s   f i g u r e d   f o r   d a y

1 care in the guidelines?

2 MR. WOMACK: Yes.

3 COMMITTEE MEMBER: Well,  
4 that's not true.

5 MR. WOMACK: That's not  
6 true?

7 COMMITTEE MEMBER: It's  
8 not figured in the provision of  
9 the guidelines. That's an add-on  
10 after your support level should be  
11 figured.

12 MR. WOMACK: Okay. Well --

13 COMMITTEE MEMBER: There's  
14 no provision for --

15 MR. WOMACK: Child support?

16 COMMITTEE MEMBER: You  
17 say that you pay them five  
18 hundred dollars a month. There's  
19 no provision in the guidelines  
20 that attributed that five hundred  
21 dollars as part of it being day  
22 care.

23 COMMITTEE MEMBER: There  
24 is a provision in the guidelines  
25 for day care, but it's not in the

1           t a b l e .   I t ' s   a n   a d d - o n .

2           M R .   W O M A C K :   I   d i d n ' t   k n o w  
3           t h a t .   I   a p o l o g i z e .   I ' m   a  
4           l i b r a r i a n .   I   s h o u l d   h a v e   r e a d   t h e  
5           g u i d e l i n e s .   I   h a v e n ' t   s e e n   t h e m .

6           J U D G E   G O S A :   T h a n k   y o u ,   s i r .

7           M R .   W O M A C K :   A n y   o t h e r  
8           q u e s t i o n s ?

9           C O M M I T T E E   M E M B E R :   O n e  
10          o t h e r   q u e s t i o n .   D i d - -   A f t e r   t h e  
11          t w o - m o n t h   p e r i o d   t h a t   y o u   g o t  
12          s o m e   r e l i e f   t h e r e ,   d i d   t h e   s u p p o r t  
13          c o n t i n u e   o n   t h a t   p r e s e n t   l e v e l ,   o r  
14          w e r e   y o u   a l l o w e d   a   m o d i f i c a t i o n  
15          b a s e d   o n   - -

16          M R .   W O M A C K :   N o .   S h e   g o t  
17          a n   i n c r e a s e   f o r   c o s t   o f   l i v i n g  
18          r a i s e   s o   - -   I   t h i n k   i t ' s   i n   m y  
19          l e t t e r   h e r e .   E i g h t   h u n d r e d   a n d  
20          s e v e n t y - o n e   d o l l a r s   t a x   f r e e   r i g h t  
21          n o w .   T h a t ' s   w h a t   i t   i s   n o w .

22          C O M M I T T E E   M E M B E R :   D i d  
23          y o u   a p p e a l   y o u r   c a s e ?

24          M R .   W O M A C K :   P a r d o n   m e ?

25          C O M M I T T E E   M E M B E R :   D i d

1           y o u   a p p e a l   t h a t   j u d g e ' s   d e c i s i o n ?

2           M R .   W O M A C K :   N o ,   I   d i d n ' t .

3           C O M M I T T E E   M E M B E R :   I ' v e  
4           g o t   a n o t h e r   q u e s t i o n   r e l a t e d   t o  
5           t h a t .   Y o u   d i d   n o t   a p p e a l   i t .   D i d  
6           y o u   f e e l   l i k e   y o u   c o u l d   a f f o r d   t o  
7           a p p e a l ,   o r   w a s   y o u r   a t t o r n e y ' s   f e e  
8           a l r e a d y   e x c e s s i v e ?

9           M R .   W O M A C K :   N o .   A   m o n t h  
10          a f t e r   t h e   j u d g e   m a d e   i t s   d e c i s i o n ,  
11          I   d r o v e   d o w n   t o   t h e   t o w n   w h e r e  
12          t h e y   a r e   l i v i n g ,   a n d   I   w e n t   t o   a l l  
13          t h e   o f   t h e   d a y   c a r e   p l a c e s   t o   f i n d  
14          o u t   i f   m y   c h i l d r e n   h a d   b e e n   t h e r e .  
15          T h i s   i s   p r o b a b l y   s o m e t h i n g   I  
16          s h o u l d   h a v e   d o n e   s o o n e r .   B u t ,  
17          h e y ,   I ' m   a   n i c e   g u y .   I   w o r k   h a r d .  
18          I   a s s u m e   p e o p l e   a r e   t r u s t i n g   a n d  
19          h o n e s t .   W e l l ,   y o u   c a n ' t   d o   t h a t  
20          i n   t o d a y ' s   s o c i e t y .   I   f o u n d   o u t  
21          m y   k i d s   h a d   n o t   b e e n   t o   a n y   d a y  
22          c a r e   i n   t h a t   t o w n .   A n d   s o   I   c a m e  
23          b a c k   t o   t o w n .   I   c a l l e d   m y  
24          a t t o r n e y .   I   f o u n d   o u t   - -   I   s a i d ,  
25          l o o k ,   s h e ' s   n o t   - -   t h o s e   k i d s

1           h a v e n ' t   b e e n   t o   d a y   c a r e   i n   a  
2           y e a r .   A n d   h e   s a i d ,   W e l l ,   w e   c a n  
3           g e t   h e r   i n   c o n t e m p t   o f   c o u r t .   I  
4           s a i d ,   W e l l ,   w h a t ' s   t h a t   g o i n g   t o  
5           c o s t .   W e l l ,   t h a t ' s   g o i n g   t o   c o s t  
6           a n o t h e r   f i v e   h u n d r e d   d o l l a r s  
7           a t t o r n e y ,   c o u r t   c o s t s .

8           A n d   I   c a n ' t   p l a y   t h e   l e g a l  
9           g a m e .   T h e   m o n e y   I   s p e n t   t o   g o   t o  
10          c o u r t   o r i g i n a l l y   I   t o o k   o u t   o f   m y  
11          r e t i r e m e n t   a c c o u n t .   I   c a n ' t  
12          a f f o r d   t o   d o   t h a t .   Y o u   k n o w ,   I ' m  
13          f o r t y - s e v e n   y e a r s   o l d .   I ' v e   g o t  
14          - -   W h a t e v e r   I   h a v e   i n   r e t i r e m e n t ,  
15          I ' v e   g o t   t o   k e e p   t h e r e .   I   c a n ' t  
16          p l a y   t h e   l e g a l   g a m e .   Y o u   k n o w ,  
17          i f   I   h a d   O . J .   S i m p s o n ' s   m o n e y ,   I  
18          w o u l d   s t i l l   b e   m a r r i e d .   B u t   I  
19          c a n ' t   p l a y   t h e   l e g a l   g a m e .

20          Y o u   k n o w ,   I ' m   r e a l l y  
21          d i s s a t i s f i e d   w i t h   t h e   j u d i c i a l  
22          s y s t e m ,   n o t   o n l y   h e r e   b u t   i n   - -  
23          I t ' s   n o t   f a i r .   A n d ,   y o u   k n o w ,  
24          l a w s   a r e   f o r   c r o o k s .   T h e y ' r e   n o t  
25          f o r   h o n e s t ,   h a r d - w o r k i n g   p e o p l e

1           w h o   a r e   t r y i n g   e v e r y   d a y .   Y o u  
2           k n o w ,   C o n g r e s s   d o e s n ' t   r e p r e s e n t  
3           m e .   Y o u   k n o w ,   I   w r i t e   l e t t e r s .   I  
4           s e n d   t h e m   e m a i l .

5           J U D G E   G O S A :   T h a n k   y o u ,   s i r .

6           M R .   W O M A C K :   A m   I   f r e e   t o  
7           g o   b e c a u s e   I   h a v e   t o   g o   b a c k   t o  
8           w o r k ?

9           J U D G E   G O S A :   Y o u ' r e   w e l c o m e  
10          t o   s t a y   o r   w h a t e v e r   y o u r   p l e a s u r e .

11          M R .   W O M A C K :   I   n e e d   t o   b e  
12          b a c k   ( u n i n t e l l i g i b l e ) .

13          J U D G E   G O S A :   J o y c e   G a r d n e r  
14          T h o m a s ?   J o y c e   G a r d n e r   T h o m a s ?  
15          J e r e m y   W e l l s ?   P h i l l i p   L i e n e r t   o r  
16          L i e n e r t .

17          P H I L L I P   L I E N E R T :   Y e s ,   s i r .

18          J U D G E   G O S A :   C o m e   u p ,  
19          p l e a s e .   I   a p o l o g i z e   i f   I  
20          m i s p r o n o u n c e d   y o u r   n a m e .

21          M R .   L I E N E R T :   T h a t ' s   r i g h t .  
22          P h i l l i p   L i e n e r t .

23          J U D G E   G O S A :   A d d r e s s i n g   t h e  
24          c o m m i t t e e .   I f   y o u   h a v e   a n y  
25          h a n d o u t s ,   i f   y o u   w i l l   l e a v e   t h a t



1           w i t h   u s   s o   w e   c a n   l o o k   a t   t h a t .

2           M R .   L I E N E R T :   I   d o .   C a n   I  
3           p a s s   t h e m   o u t   n o w ?

4           J U D G E   G O S A :   Y e s ,   s i r ,   t h a t  
5           w i l l   b e   f i n e .   W e ' l l   g o   a h e a d   a n d  
6           p a s s   t h e m   o u t .   N o w ,   I   d o n ' t  
7           b e l i e v e   y o u   w e r e   h e r e .   W h e n   y o u  
8           h a v e   s p o k e n   e i g h t   m i n u t e s ,   I   w i l l  
9           l e t   y o u   k n o w   s o   t h a t   y o u   h a v e   t w o  
10          m o r e   m i n u t e s   i n   c a s e   t h e r e   i s  
11          s o m e t h i n g   y o u   h a v e n ' t   c o v e r e d  
12          t h a t   y o u   w a n t   t o .

13          M R .   L I E N E R T :   O k a y ,   s i r .

14          J U D G E   G O S A :   G o   a h e a d .

15          M R .   L I E N E R T :   O k a y .   G o o d  
16          m o r n i n g .   M y   n a m e   i s   P h i l l i p  
17          L i e n e r t .   I   l i v e   i n   H o o v e r ,  
18          A l a b a m a .

19          C h i l d   s u p p o r t   p e n a l i z e s  
20          n o n c u s t o d i a l   p a r e n t s .   T h e   c h i l d  
21          s u p p o r t   g u i d e l i n e s   n e e d   t o   b e  
22          r e v i s e d   a n d   d e c r e a s e d .   I m p u t e d  
23          i n c o m e   c a n   a l s o   f i g u r e  
24          p r o m i n e n t l y   i n t o   t h e   c h i l d  
25          s u p p o r t   c a l c u l a t i o n s .   T h i s   o f t e n

1 gets abused and needs to be  
2 changed, also.

3 My ex-wife left our marriage  
4 with half of our savings and her  
5 inheritance. She also has income  
6 from her job. I, on the other  
7 hand, am unemployed, partly  
8 because I'm partially disabled.  
9 My only income is military  
10 retirement pay, which my ex-wife  
11 gets some of, plus I earn a small  
12 amount of interest on my  
13 remaining savings.

14 Nevertheless, my ex-wife  
15 petitioned the court to impute  
16 income to me. She paid an  
17 employment specialist a lot of  
18 money to testify and say how  
19 much he thought I could earn. As  
20 a result, the judge disregarded my  
21 disability. It's a disability  
22 verified by a document by the V.  
23 A., Veteran's Administration.

24 The judge also ignored my  
25 efforts, as I presented in court,

1           t o   s e e k   e m p l o y m e n t .   T h e   j u d g e  
2           c a l l e d   m e   v o l u n t a r i l y   u n e m p l o y e d ,  
3           t o   q u o t e   h i m .   A n d   t h e   j u d g e  
4           i m p u t e d   t o   m e   i n c o m e   o f   t w o  
5           t h o u s a n d   f i v e   h u n d r e d   d o l l a r s   p e r  
6           m o n t h .

7           B y   t h e   w a y ,   t h e s e   f i g u r e s   I ' m  
8           a b o u t   t o   p r e s e n t   a r e   o n   t h e  
9           h a n d o u t   t h a t   I   j u s t   p a s s e d   o u t   f o r  
10          y o u   t o   l o o k   o v e r .

11          T h e   j u d g e   a l s o   i m p u t e d   t o   m e  
12          i n c o m e   o n   m y   a s s e t s   a t   t h e   r a t e  
13          o f   f i v e   p e r c e n t   a n n u a l l y .   T h i s   i s  
14          d e s p i t e   t h e   f a c t   t h a t   m o n e y  
15          m a r k e t   r a t e s   n o w a d a y s   a r e   a b o u t  
16          p o i n t   f i v e   p e r c e n t   o r ,   i n   o t h e r  
17          w o r d s ,   o n e - h a l f   o f   o n e   p e r c e n t .  
18          I n   o t h e r   w o r d s ,   a b o u t   o n e - t e n t h  
19          o f   t h e   f i v e   p e r c e n t   t h a t   h e  
20          i m p u t e d   t o   m e .   T h e   j u d g e   a l s o  
21          d i d   n o t   e v e n   a d j u s t   f o r   t h e   t a x  
22          t h a t   I ' m   g o i n g   t o   h a v e   t o   p a y   o n  
23          t h e   f i v e   p e r c e n t   i n t e r e s t   a s s u m i n g  
24          I   w a s   a c t u a l l y   e a r n i n g   f i v e  
25          p e r c e n t ,   w h i c h   I ' m   n o t .

1           This tallied up to the  
2           staggering sum of six thousand  
3           and eighty-two dollars per month  
4           in total income or about seventy-  
5           three thousand dollars per year,  
6           despite the fact that the actual  
7           amount of my income, the military  
8           retirement pay, is about twenty-  
9           two thousand dollars per year.  
10          The other fifty-one thousand  
11          dollars of the seventy-three  
12          thousand-dollar total that my  
13          child support obligation was  
14          based upon is imaginary money  
15          that I am not earning.

16                 This resulted in a monthly  
17          child support liability for me of  
18          one thousand two hundred and  
19          thirty-four dollars per month.  
20          This is based upon also having  
21          two children. We had two  
22          children.

23                 That's fourteen thousand eight  
24          hundred dollars per year in child  
25          support obligation that I have

1           w h i l e   m y   a c t u a l   i n c o m e   i s   a b o u t  
2           t w e n t y - t w o   t h o u s a n d .   I n   o t h e r  
3           w o r d s ,   I ' m   e x p e c t e d   t o   l i v e   o n  
4           s e v e n   t h o u s a n d   t w o   h u n d r e d  
5           d o l l a r s   p e r   y e a r   a f t e r   I   l o s t   t w o  
6           t h i r d s   o f   m y   i n c o m e   i n   c h i l d  
7           s u p p o r t .

8           N o w ,   l e t   m e   r e p e a t   t h i s .   M y  
9           i n c o m e   i s   a b o u t   t w e n t y - t w o  
10          t h o u s a n d   d o l l a r s .   M y   o b l i g a t i o n  
11          f o r   c h i l d   s u p p o r t   i s   s l i g h t l y   o v e r  
12          t w o   t h i r d s   o f   t h a t .   I ' m   p a y i n g  
13          f o u r t e e n   t h o u s a n d   e i g h t   h u n d r e d  
14          d o l l a r s   p e r   y e a r   i n   c h i l d   s u p p o r t .  
15          I ' m   l e f t   w i t h   a n d   a m   e x p e c t e d   t o  
16          l i v e   o n   s e v e n   t h o u s a n d   t w o  
17          h u n d r e d   d o l l a r s   p e r   y e a r .

18          I n   m y   s i t u a t i o n ,   a n d   i n   m o s t  
19          d i v o r c e   s i t u a t i o n s ,   t h e   c o u r t  
20          m a k e s   t h e   m o t h e r   t h e   b a n k e r .   I n  
21          o t h e r   w o r d s ,   t h e   f o u r t e e n  
22          t h o u s a n d   e i g h t   h u n d r e d   d o l l a r s  
23          t h a t   m y   e x - w i f e   i s   g e t t i n g   f r o m  
24          m e   p e r   y e a r   g o e s   t o   h e r ,   a n d   s h e  
25          d e c i d e s   h o w   t o   s p e n d   i t .   O r   m o r e

1           p r e c i s e l y , s h e d e c i d e s w h o t o  
2           s p e n d i t o n a n d i f i t g e t s s p e n t a t  
3           a l l .

4           I n m y c a s e , I k n o w t h a t m y e x -  
5           w i f e i s s p e n d i n g l e s s p e r y e a r o n  
6           o u r c h i l d r e n t h a n t h e f o u r t e e n  
7           t h o u s a n d e i g h t h u n d r e d d o l l a r s  
8           t h a t s h e ' s g e t t i n g f r o m m e . S o  
9           s h e ' s n o t o n l y c o n t r i b u t i n g n o n e  
10          o f h e r o w n f u n d s o r i n c o m e  
11          t o w a r d s t h e c h i l d r e n , b u t s h e ' s  
12          l i t e r a l l y p o c k e t i n g s o m e o f t h e  
13          c h i l d s u p p o r t t h a t s h e g e t s f r o m  
14          m e . T h a t ' s w h y s h e w a s t h r i l l e d  
15          w h e n I w a s i m p u t e d f i v e p e r c e n t  
16          i n a n n u a l i n t e r e s t o f m y a s s e t s  
17          e v e n t h o u g h s h e w a s a l s o i m p u t e d  
18          f i v e p e r c e n t o n h e r a s s e t s .

19          T h e a m o u n t s h e a l l e g e d l y  
20          c o n t r i b u t e s t o t h e c h i l d s u p p o r t  
21          w e n t u p b e c a u s e o f t h i s , b u t i n  
22          r e a l i t y , t h e a m o u n t t h a t I  
23          a c t u a l l y p a y t o h e r g o e s u p . A n d ,  
24          o n c e a g a i n , s h e i s t h e n f r e e t o  
25          s p e n d a s l i t t l e o f i t a s s h e w a n t s

1           a n d   k e e p   t h e   r e s t   f o r   h e r s e l f   o r  
2           s p e n d   i t   o n   h e r s e l f .

3           S o   i n   s u m m a r y ,   w h e n   c o u r t s  
4           a l l o w   a   s p o u s e   t o   e n d   a   m a r r i a g e  
5           c o n t r a c t   w i t h   n o   q u e s t i o n s   a s k e d  
6           a n d   t h e y   u s u a l l y   a w a r d   t h e   m o t h e r  
7           w i t h   m o s t   o r   a l l   o f   t h e   c u s t o d y   o f  
8           t h e   c h i l d r e n ,   i t ' s   b a d   e n o u g h .

9           B u t   w h e n   a   n o n c u s t o d i a l   p a r e n t  
10          a l s o   h a s   t o   p a y   t o o   m u c h   i n   c h i l d  
11          s u p p o r t ,   i t   h u r t s   c o - p a r e n t i n g .   I t  
12          c o n t r i b u t e s   t o   s o m e   m e n   b e c o m i n g  
13          d e a d b e a t   d a d s .   T h e   c h i l d r e n   a n d  
14          b o t h   p a r e n t s ,   b o t h   c o - p a r e n t s ,   a r e  
15          u l t i m a t e l y   h u r t   i n   t h e   l o n g   r u n .  
16          T h i s   m e a n s   a l s o   t h a t   s o c i e t y   g e t s  
17          h u r t .

18          S o   l a d i e s   a n d   g e n t l e m e n ,   I ' m  
19          a s k i n g   y o u   t o   p l e a s e   t a k e  
20          m e a s u r e s   t o   f i x   t h i s .   I   a s k   a n d  
21          r e c o m m e n d   t h a t   t w o   t h i n g s   b e  
22          d o n e .   N u m b e r   o n e ,   t h e   a b u s e   o f  
23          i m p u t e d   i n c o m e   b e   b r o u g h t   t o   a  
24          c o m p l e t e   a n d   t o t a l   s t o p .   A n d ,  
25          n u m b e r   t w o ,   t h a t   t h e   l e v e l s   o f

1 child support should decrease  
2 considerably by at least twenty-  
3 five percent, in my opinion.

4 That's all I had to present.  
5 Are there any questions for me?

6 JUDGE GOSA: Any questions?  
7 Thank you, sir.

8 MR. LIENERT: Okay. Thank  
9 you very much.

10 JUDGE GOSA: Alan Rusmisel?  
11 Am I pronouncing that anywhere  
12 near correct?

13 ALAN RUSMISEL: That's very  
14 close. That's better than the TV  
15 did, anyway.

16 My name is Alan Rusmisel. I  
17 am an HVAC mechanic for a  
18 living, and I'm the noncustodial  
19 parent for two children.

20 Dr. Robert Williams is the  
21 single-most recognized influence  
22 in developing the income-shares  
23 model of establishing child  
24 support guidelines, which have  
25 been adopted by the State of



1 Alabama and is specifically  
2 referenced in Rule 32 Alabama  
3 Child Support Guidelines.

4 Dr. Williams consulted with  
5 the U. S. Department of Health  
6 and Human Services' Office of  
7 Child Support Enforcement from  
8 1983 to 1990. During this time,  
9 he directed research and provided  
10 technical assistance for the  
11 federally-funded Child Support  
12 Guidelines Project. His  
13 contributions resulted in drastic  
14 changes in legislation between  
15 the years between the years of  
16 1984 and 1988, which resulted in  
17 dramatically higher child support  
18 obligations which, in effect,  
19 creates the likely possibility that  
20 a child support arrearage will  
21 occur.

22 In 1984, Dr. Williams started  
23 Policy Studies Incorporated in  
24 Denver, Colorado. In 1987,  
25 Williams used his influence to

1           introduce a model for the child  
2           support called income shares now  
3           used by the State of Alabama.  
4           PSI's two main sources of revenue  
5           is general guidelines development  
6           consulting with states based upon  
7           Williams' income-shares model  
8           and, number two, is to provide  
9           privatized child support  
10          collections on which its company,  
11          PSI, receives ten to thirty-two  
12          percent of all collections.

13                 PSI also receives large  
14                 consulting fees from states,  
15                 which are reimbursed to the  
16                 states by the federal government.  
17                 In 1996, Williams' company, PSI,  
18                 accounted for more privatized  
19                 state child support enforcement  
20                 contracts than any other private  
21                 company that held state  
22                 contracts.

23                 In mid 1997, PSI had some  
24                 five hundred employees with over  
25                 twenty-one million dollars in

1 revenues. In 2002, Policy  
2 Studies Incorporated employed  
3 some one thousand employees and  
4 reported over one hundred million  
5 dollars in revenue.

6 The conflict of interest  
7 between Williams' influence on  
8 legislation, consulting, and child  
9 support enforcement should be  
10 obvious.

11 Alabama, which is a joint-  
12 custody-preference state by  
13 statute, Article 7, Section 30-3-  
14 150, Code of Alabama 1975, it  
15 only stands to reason that a  
16 decision by a judge to order joint  
17 custody would be based on the  
18 fact that both parents are going  
19 to be involved with the children  
20 after the divorce. The Alabama  
21 Legislature and court are stating  
22 that it is in the best interest of  
23 the children to have both parents  
24 involved after divorce.

25 Yet, the income-shares model

1           a d o p t e d   b y   t h e   S t a t e   o f   A l a b a m a ,  
2           R u l e   3 2 ,   S e c t i o n   3 0 - 3 - 1 5 5 ,   C o d e  
3           o f   A l a b a m a ,   i s   b a s e d   o n   o v a l  
4           e x p e n d i t u r e s   o f   i n t a c t   f a m i l i e s  
5           a c r o s s   t h e   c o u n t r y   w i t h   m i n i m u m  
6           s t a t e   i n p u t .   F e d e r a l   l a w   r e q u i r e s  
7           t h a t   a l l   r e l e v a n t   c o s t s   o f   r a i s i n g  
8           a   c h i l d   i n   t h e   s t a t e   a r e   t o   b e  
9           t a k e n   i n t o   a c c o u n t   b y   t h e   s t a t e  
10          m o d e l   u s e d   t o   d e v e l o p   c h i l d  
11          s u p p o r t   o b l i g a t i o n   t a b l e s   c r e a t i n g  
12          a   r e b u t t a b l e   p r e s u m p t i o n .   T h e  
13          s e c o n d   i n v o l v e d   p a r e n t ' s   c o s t   t o  
14          s u s t a i n   a   s e c o n d   h o u s e h o l d   i s   n o t  
15          b e i n g   c o n s i d e r e d   i n   t h e   c o s t   o f  
16          r a i s i n g   c h i l d r e n   i n   t h i s   s t a t e .

17                 T h e   r e a l i t y   i s   t h a t   e c o n o m i c  
18          s t u d i e s   u s e d   i n   t h e   d e v e l o p m e n t  
19          o f   c h i l d   s u p p o r t   o b l i g a t i o n   t a b l e s  
20          w e r e   n o t   c o n d u c t e d   i n   r e f e r e n c e  
21          t o   c h i l d   s u p p o r t   a n d   w e r e   n e v e r  
22          i n t e n d e d   t o   b e   u s e d   i n   r e l a t i o n   t o  
23          c h i l d   s u p p o r t .   N o n e   o f   t h e s e  
24          s t u d i e s   h a s   a n y   m e a s u r e   t h a t  
25          f e d e r a l   l a w   s a y s   s h o u l d   b e   u s e d

1           in the states, and this is to fully  
2           consider the financial impact of  
3           both parents to continue to  
4           provide for their children in two  
5           entirely separate households.

6           The United States Bureau of  
7           Labor Statistics gathers the base-  
8           expenditure data used in the  
9           income-shares model produced by  
10          Dr. Williams. They actually  
11          cautioned against the use of such  
12          generalized data to apply to any  
13          individual situation. This is  
14          exactly what's occurring in  
15          Alabama.

16          The income-shares model is  
17          currently being used in Alabama.  
18          As stated before, this model was  
19          developed by Dr. Robert Williams  
20          in 1987 and was presented in his  
21          report, Development of Guidelines  
22          for Child Support Orders:  
23          Advisory Panel Recommendations  
24          and Final Report.

25          In 1988, Congress passed the

1           F a m i l y   S u p p o r t   A c t   o f   1 9 8 8 ,  
2           w h i c h   m a n d a t e d   p r e s u m p t i v e  
3           r a t h e r   t h a n   a d v i s o r y   c h i l d   s u p p o r t  
4           g u i d e l i n e s .   T h e   s t a t e s   w e r e   o n l y  
5           g i v e n   a   y e a r   t o   d o   s o .   I t   a p p e a r s  
6           t h a t   A l a b a m a ,   d u e   t o   t h e   s h o r t  
7           d e a d l i n e   r e q u i r e d   t o   c o m p l y   w i t h  
8           t h e   n e w   l a w ,   c o n v e n i e n t l y   o p t e d  
9           f o r   t h e   m o d e l   p r o p o s e d   b y   t h e  
10          a g e n c y   o v e r s e e i n g   t h e   w h o l e  
11          p r o g r a m ,   t h e   i n c o m e - s h a r e s  
12          m o d e l .

13                 I n   1 9 9 4 ,   t h e   U .   S .   D e p a r t m e n t  
14          o f   H e a l t h   a n d   H u m a n   S e r v i c e s  
15          p u b l i s h e d   C h i l d   S u p p o r t  
16          G u i d e l i n e s :   T h e   N e x t   G e n e r a t i o n ,  
17          i n   w h i c h   D r .   W i l l i a m s   d e s c r i b e s  
18          h i s   m o d e l :   T h e   i n c o m e - s h a r e s  
19          m o d e l   i s   b a s e d   o n   t h e   c o n c e p t  
20          t h a t   a   c h i l d   s h o u l d   r e c e i v e   t h e  
21          s a m e   p r o p o r t i o n   o f   p a r e n t a l  
22          i n c o m e   t h a t   h e   o r   s h e   w o u l d  
23          r e c e i v e   i f   t h e   p a r e n t s   l i v e d  
24          t o g e t h e r .   A   b a s i c   c h i l d   s u p p o r t  
25          o b l i g a t i o n   i s   c o m p u t e d   b a s e d   o n

1 combined income of the parents,  
2 replicating total income of an  
3 intact family. The basic  
4 obligation comes from a table,  
5 which is derived from economic  
6 estimates of child-rearing  
7 expenditures minus average  
8 amounts of health insurance,  
9 child care, child's extraordinary  
10 medical expenses. The basic  
11 child support obligation is  
12 divided between the parents in  
13 proportion to their relative  
14 income. Prorated shares of child  
15 care and extraordinary medical  
16 expenses are added to each  
17 parent's obligation. If one  
18 parent has custody, the amount  
19 for that parent is presumed to be  
20 spent directly on the child. For  
21 the noncustodial parent, the  
22 calculated amount establishes the  
23 level of child support.

24 Items for the panel to keep in  
25 mind: The model was based on

1           t h e   c o n c e p t   t h a t   t h e   c h i l d   s h o u l d  
2           r e c e i v e   t h e   s a m e   p r o p o r t i o n   o f  
3           p a r e n t a l   i n c o m e   t h a t   h e   o r   s h e  
4           w o u l d   t h e o r e t i c a l l y   r e c e i v e   i f   t h e  
5           p a r e n t s   l i v e d   t o g e t h e r .   I t   i s  
6           d e s i g n e d   t o   t h e o r e t i c a l l y  
7           r e p l i c a t e   t o t a l   i n c o m e   i n   a n  
8           i n t a c t   h o u s e h o l d .   N o  
9           c o n s i d e r a t i o n   i s   p r o v i d e d   f o r   t h e  
10          r e a l i t y   o f   a d d i t i o n a l   e x p e n s e s  
11          t h a t   o c c u r   i n   a n   i n v o l v e d   s e c o n d  
12          p a r e n t ' s   h o u s e h o l d ,   w h i c h   i s  
13          n e c e s s i t a t e d   b y   t h e   s i m p l e   a n d  
14          o b v i o u s   f a c t   t h a t   t h e   p a r e n t s   n o  
15          l o n g e r   l i v e   t o g e t h e r .   O n l y   o n e  
16          h o u s e h o l d   m a t t e r s .

17                 H e a l t h   i n s u r a n c e ,   c h i l d   c a r e ,  
18          e x t r a o r d i n a r y   m e d i c a l   e x p e n s e s  
19          a r e   t y p i c a l l y   a d d e d   o n   t o   t h e  
20          o b l i g a t i o n   a f t e r   t h e   b a s i c   a m o u n t  
21          i s   c a l c u l a t e d .   T h e   o n e   p a r e n t  
22          w i t h   s o l e   o r   p r i m a r y   c u s t o d y  
23          r e c e i v e s   t h e   c h i l d   s u p p o r t  
24          p a y m e n t ,   a n d   i t   i s   p r e s u m e d   t h a t  
25          t h e   m o n e y   i s   s p e n t   d i r e c t l y   o n   t h e



1           c h i l d .   N o   a c c o u n t a b i l i t y ,  
2           s o m e t h i n g   t h a t   o c c u r s   i n   v i r t u a l l y  
3           a l l   o t h e r   f i n a n c i a l   t r u s t  
4           s i t u a t i o n s ,   w h i c h   c h i l d   s u p p o r t  
5           c e r t a i n l y   i s ,   i s   r e q u i r e d   f r o m   t h e  
6           r e c e i v i n g   p a r e n t .   T h e   f u l l   w e i g h t  
7           o f   l o c a l ,   s t a t e ,   a n d   f e d e r a l   l a w ,  
8           h o w e v e r ,   i n s u r e s   t h e  
9           a c c o u n t a b i l i t y   o f   t h e   o b l i g o r   t o  
10          p a y   t h e   o b l i g e e .

11           F e d e r a l   l a w   r e q u i r e s   t h a t   t h e  
12          a w a r d s   d e t e r m i n e d   b y   t h i s  
13          a p p l i c a t i o n   o f   c h i l d   s u p p o r t  
14          g u i d e l i n e s   b e   r e b u t t a b l e .   I t  
15          s p e c i f i e s   t h a t   a   w r i t t e n   f i n d i n g  
16          o r   s p e c i f i c   f i n d i n g   o n   t h e   r e c o r d  
17          t h a t   t h e   a p p l i c a t i o n   o f   t h e  
18          g u i d e l i n e s   w o u l d   b e   u n j u s t   o r  
19          i n a p p r o p r i a t e   i n   a   p a r t i c u l a r   c a s e  
20          - -

21           J U D G E   G O S A :   T w o   m i n u t e s ,  
22          M r .   R u s m i s e l .   T w o   m i n u t e s .

23           M R .   R U S M I S E L :   - -   d e t e r m i n e d  
24          u n d e r   c r i t e r i a   a s   e s t a b l i s h e d   b y  
25          t h e   s t a t e   s h a l l   b e   s u f f i c i e n t   t o

1           r e b u t   t h e   p r e s u m p t i o n   i n   t h e   c a s e .

2           A n d   i t   f u r t h e r   s p e c i f i e s   t h a t  
3           g u i d e l i n e s   s h a l l   b e   r e v i e w e d  
4           e v e r y   f o u r   y e a r s   t o   i n s u r e   t h a t  
5           t h e i r   a p p l i c a t i o n   r e s u l t s   i n   t h e  
6           d e t e r m i n a t i o n   o f   a p p r o p r i a t e  
7           c h i l d   s u p p o r t   a w a r d   a m o u n t s .   S o  
8           t h e   t a b l e   v a l u e s   e s t a b l i s h e d  
9           w i t h i n   t h e   g u i d e l i n e s   a r e  
10          p r e s u m e d   t o   a c c u r a t e l y   r e f l e c t   t h e  
11          s i t u a t i o n   o f   p a r e n t s   a n d   t h e i r  
12          c h i l d r e n   a t   v a r i o u s   i n c o m e   l e v e l s .  
13          I n   t h e o r y ,   a t   l e a s t ,   f e d e r a l   l a w  
14          e n a b l e s   p a r e n t s   t h e   p o s s i b i l i t y   o f  
15          p o i n t i n g   o u t   t o   t h e   c o u r t   w h y   t h e  
16          g u i d e l i n e   n u m b e r s   s h o u l d   n o t  
17          a p p l y   t o   t h e i r   p a r t i c u l a r   c a s e ,  
18          r e b u t t i n g   t h e   p r e s u m p t i o n .   I n  
19          A l a b a m a ,   p r a c t i c e   a n d   t h e o r y   a r e  
20          v e r y ,   v e r y   d i f f e r e n t .

21          E c o n o m i c   s t u d i e s   u s e d   i n   t h e  
22          i n c o m e - s h a r e s   m o d e l   a r e   b a s e d   o n  
23          t o t a l   f a m i l y   e x p e n d i t u r e s   i n  
24          i n t a c t   f a m i l i e s .   T h e r e   a r e  
25          e s t i m a t e s   o f   s p e n d i n g   t h a t   m i g h t

1 occur if the parents were living  
2 together sharing all the expenses  
3 of a single household. Spending  
4 on children in separate  
5 households has random  
6 relationship to the combined  
7 income of parents. The income of  
8 both parents can be appropriately  
9 considered in the award decision  
10 only if that consideration is  
11 consistent with the fact that the  
12 parents do not live together and,  
13 therefore, do not use their income  
14 jointly. Joint income and table  
15 values related to joint income  
16 have no relationship at all to  
17 family economic circumstances in  
18 the context of child support  
19 award decisions. Without an  
20 explicit and clear conceptual  
21 basis for the award, a parent  
22 attempting to rebut the  
23 presumptive amount on the basis  
24 that it is unjust or inappropriate  
25 must do so without knowing what

1           j u s t   a n d   a p p r o p r i a t e   i s .   T h e   o n l y  
2           w a y   t o   p r o p e r l y   a p p l y  
3           m a t h e m a t i c a l   d e c i s i o n   m o d e l s  
4           w i t h i n   t h e   c o n t e x t   o f  
5           c o n s t i t u t i o n a l   j u s t i c e   i s   t o   f u l l y  
6           d i s c l o s e   t h e   n a t u r e   o f   t h e  
7           m a t h e m a t i c s   - -

8           J U D G E   G O S A :   T i m e .

9           M R .   R U S M I S E L :   - -   t h e  
10          u n d e r l y i n g   r e a s o n i n g ,   a n d   t h e  
11          a s s u m p t i o n   i n   s u c h   a   w a y   a s   t o  
12          m a k e   t h e i r   r e v i e w   p r a c t i c a l   i n  
13          c o m p a r i s o n   w i t h   t h e  
14          c i r c u m s t a n c e s   o f   e a c h   c a s e .

15          J U D G E   G O S A :   Y o u r   t i m e   h a s  
16          e x p i r e d .   D o   y o u   h a v e   a n y t h i n g  
17          e l s e   i n   w r i t i n g   t h a t   y o u   w a n t   t o  
18          s u b m i t   t o   u s   f o r   u s   t o   l o o k   a t ?

19          M R .   R U S M I S E L :   Y e s ,   s i r .

20          J U D G E   G O S A :   O k a y .   W e ' l l  
21          m a k e   c o p i e s   f o r   a l l   t h e   c o m m i t t e e  
22          m e m b e r s .

23          M R .   R U S M I S E L :   I   h a v e  
24          n i n e t e e n   c o p i e s .

25          J U D G E   G O S A :   A n y   q u e s t i o n s

1 for him before he sits down?

2 COMMITTEE MEMBER: What  
3 county are you from?

4 MR. RUSMISEL: Jefferson.

5 JUDGE GOSA: Thank you, sir.  
6 Joyce Gardner-Thomas? Jeremy  
7 Wells?

8 Mr. Wells, I'm not sure you  
9 were here. When you've taken  
10 eight minutes, I will give you a  
11 two-minute alert so you will know  
12 to cover anything you want to  
13 cover.

14 JEREMY WELLS: Yes, sir.  
15 Thank you for having me here  
16 today. I hope you can hear me.  
17 I'm kind of out of breath. The  
18 (inaudible) are down and it took  
19 us a while to find a parking spot.

20 I didn't know this was going  
21 to be as formal as it is, and I  
22 only had a couple of hours to  
23 prepare for it.

24 And I'm here today because,  
25 you know, I have -- Really, I

1           h a v e   t h r e e   c o n c e r n s ,   a n d   I ' m  
2           s p e a k i n g   f r o m   p e r s o n a l  
3           e x p e r i e n c e .   Y o u   k n o w ,   I   j u s t  
4           t h i n k   i t ' s   - -   M o s t   o f   t h e   t i m e ,  
5           w h e n   c h i l d r e n   a r e   a w a r d e d  
6           c u s t o d y   t o   e i t h e r   p a r e n t ,   m o s t   o f  
7           t h e   t i m e ,   i t ' s   t h e   m o t h e r .   S o  
8           m o s t   o f t e n   s h e ' s   g o i n g   t o   b e   t h e  
9           c u s t o d i a l   p a r e n t ,   a n d   t h e   f a t h e r  
10          i s   g o i n g   t o   b e   t h e   n o n c u s t o d i a l  
11          p a r e n t .

12           I t ' s   m y   b e l i e f   - -   a n d   l i k e   I  
13          s a i d ,   t h i s   i s   f r o m   m y   o w n  
14          p e r s o n a l   e x p e r i e n c e   - -   t h e   o n e  
15          p a r e n t   o r   t h e   c u s t o d i a l   p a r e n t   c a n  
16          o f t e n   c l a i m   t h a t   t h e   n o n c u s t o d i a l  
17          p a r e n t   h a s   n o t   o r   d o e s n ' t   p r o v i d e  
18          s u p p o r t   f o r   t h e   c h i l d r e n .   T h e y  
19          o f t e n   u n d e r s t a t e   i n c o m e   t o   g a i n  
20          m o r e   i n c o m e   - -   e x c u s e   m e ,   m o r e  
21          c h i l d   s u p p o r t   f o r   t h e m s e l v e s .  
22          A n d   I   h a v e   i s s u e s   o f   h o w   t h e  
23          g u i d e l i n e s   a r e   a d m i n i s t e r e d .

24                   F r o m   m y   o w n   p e r s o n a l  
25          e x p e r i e n c e   i n   2 0 0 2 ,   I   f i l e d   a

1           petition for custody of my  
2           children. And, you know, I'm not  
3           a lawyer, and I don't know all the  
4           legal terminology that you use  
5           throughout the process. But in  
6           essence, I guess I sued her for  
7           custody of my children, and she  
8           counter-sued me.

9           And when she did that, she  
10          claimed that I never provided  
11          support for my children. Also,  
12          she asked for two years' back  
13          child support like I had never  
14          been there, I had never done  
15          anything for my children. And if  
16          I hadn't documented everything  
17          the way I had done, which I kept  
18          copies of my records and receipts  
19          and everything that I had done  
20          for my children, she probably  
21          would have gotten two years' back  
22          child support and, you know, cast  
23          a bad light on me like I'm a bad  
24          father.

25                 During that time, my children

1           w e r e   i n   p r i v a t e   s c h o o l ,   a n d   a l l  
2           t h e   d a y   c a r e   m o n e y ,   a l l   t h e  
3           c l o t h e s ,   m e d i c a l   b i l l s ,   h e a l t h  
4           i n s u r a n c e ,   e v e r y t h i n g ,   I ' m   d o i n g .  
5           P r e t t y   m u c h ,   t h e   o n l y   t h i n g   t h a t  
6           s h e   w a s   d o i n g   f o r   m e   w a s  
7           b a b y s i t t i n g   f o r   t h e   k i d s .   I   w o r k  
8           f u l l   t i m e .   I   g o   t o   s c h o o l   f u l l  
9           t i m e .   I ' m   g r a d u a t i n g   t h i s  
10          D e c e m b e r .   B u t   w h e n   w e   g o   t o  
11          c o u r t ,   I ' m   m a d e   o u t   t o   b e   t h e   b a d  
12          g u y .

13                 L i k e   I   s a i d ,   y o u   h a v e   c o p i e s  
14                 o f   e v e r y t h i n g   t h a t   I ' v e   d o n e   f o r  
15                 m y   c h i l d r e n ,   a n d   i f   I   h a d n ' t   k e p t  
16                 t h e s e   r e c e i p t s   a n d   t h e   d o c u m e n t s  
17                 a n d   t h i n g s   t h e   w a y   t h a t   I   h a v e   - -  
18                 t h a t   I   d i d ,   s h e   w o u l d   g o t t e n   t w o  
19                 y e a r s '   b a c k   c h i l d   s u p p o r t .   A l s o ,  
20                 y o u   h a v e   a   c o p y   o f   t h e   f o r m   u s e d  
21                 t o   d e t e r m i n e   w h o   p a y s   c h i l d  
22                 s u p p o r t   a n d   h o w   m u c h   i s   p a i d ,   t h e  
23                 c h i l d   s u p p o r t   g u i d e l i n e s .

24                 A n d   I   h a v e   n o   p r o b l e m   w i t h  
25                 p a y i n g   c h i l d   s u p p o r t .   I   b e l i e v e



1           that any man or parent is  
2           obligated to pay, to take care of  
3           their children to the best of their  
4           ability. But, you know, it kind  
5           of adds insult to injury that once  
6           they calculate how much I'm  
7           supposed to pay in child support,  
8           they can't even do the math. I'm  
9           paying eighteen dollars more a  
10          month than I should have to be  
11          paying. And I'm not going to  
12          complain or cry over eighteen  
13          dollars because I would give it to  
14          my children anyway. But the  
15          attitude of the court is, you  
16          know, in a sense, you know,  
17          you're kind of a -- you're a  
18          deadbeat dad anyway from even  
19          being down here.

20                 So those are my complaints.  
21                 Those are my concerns, and that's  
22                 why I came here. Again, I  
23                 appreciate you giving me the time  
24                 to voice my opinion and my  
25                 concerns. And, again, I

1           a p o l o g i z e .   I d i d n ' t k n o w t h i s  
2           w a s g o i n g t o b e a s f o r m a l a s i t  
3           i s .   B u t , y o u k n o w , t h a t ' s w h a t I  
4           h a d t o s a y t o d a y .

5           J U D G E G O S A :   A n y q u e s t i o n s ?  
6           T h a n k y o u , s i r .

7           M R . W E L L S :   T h a n k y o u .

8           J U D G E G O S A :   M i c h e l l e J o n e s ?  
9           M i c h e l l e J o n e s ?   E d w a r d P i c k e t t ?

10          C O M M I T T E E M E M B E R :   M s .  
11          J o n e s i s h e r e .

12          J U D G E G O S A :   O h , I ' m s o r r y .  
13          C o m e o n u p .   I d i d n ' t s e e y o u .

14          M I C H E L L E J O N E S :   I ' m s o  
15          s h o r t .

16          G o o d m o r n i n g .   M y n a m e i s  
17          M i c h e l l e J o n e s , a n d I ' m a t h i r t y -  
18          o n e - y e a r - o l d m o t h e r o f a f i v e -  
19          y e a r - o l d l i t t l e g i r l .

20          I ' m c o l l e g e - e d u c a t e d , m o r a l ,  
21          a n d l a w a b i d i n g .   I h a v e a  
22          s u c c e s s f u l c a r e e r i n j o u r n a l i s m .  
23          I h a v e n e v e r d o n e d r u g s o r  
24          s m o k e d a c i g a r e t t e .   I h a v e n o  
25          m e n t a l i l l n e s s , a n d I a m a g o o d

1           m o t h e r .   B u t   I   a m   a l s o   a  
2           n o n c u s t o d i a l   p a r e n t .

3           I n   1 9 9 9 ,   I   m a d e   t h e   s i n g l e -  
4           m o s t   i m p o r t a n t   a n d   n o w   t h e  
5           s i n g l e - w o r s t   d e c i s i o n   o f   m y   l i f e .  
6           I   d i v o r c e d   a   d i v o r c e   a t t o r n e y   i n  
7           C o v i n g t o n   C o u n t y   a n d   a g r e e d   t o  
8           g i v e   m y   e x - h u s b a n d   p h y s i c a l  
9           c u s t o d y   o f   m y   d a u g h t e r .   A n d   i f  
10          y o u   t h i n k   t h e   s y s t e m   i s   w e i g h t e d  
11          t o w a r d   t h e   w o m a n ,   w a i t   u n t i l   y o u  
12          g o   a g a i n s t   a   w e l l - c o n n e c t e d   m a n  
13          w i t h   d e e p   p o c k e t s .

14          E v e r y   m o n t h   I   p a y   m o r e   t h a n  
15          f i v e   h u n d r e d   d o l l a r s   i n   c h i l d  
16          s u p p o r t   t o   a n   e x - h u s b a n d   w h o s e  
17          h o u s e h o l d   i n c o m e   I   k n o w   e x c e e d s  
18          a   h u n d r e d   a n d   f i f t y   t h o u s a n d  
19          d o l l a r s   a   y e a r .   E v e r y   y e a r ,   I  
20          h a v e   w a t c h e d   h i m   b u y   f o r t y -  
21          t h o u s a n d - d o l l a r   c a r s ,   e x p e n s i v e  
22          j e w e l r y ,   a n d   t a k e   v a c a t i o n s   i n  
23          H a w a i i   a n d   t h e   C a r i b b e a n .

24          I n   e x c h a n g e   f o r   t h a t ,   I   a m  
25          a l l o t t e d   a b o u t   f i f t y - s i x   d a y s   p e r

1           year with my only child, and  
2           that's if I'm very, very lucky and  
3           very, very good. That is if I  
4           don't anger my ex-husband within  
5           my shared joint custody.

6           Just last night, my ex-husband  
7           told me he was going to refuse my  
8           visitation if I could not pick up  
9           my child within a thirty-minute  
10          window on Friday night or if I  
11          would not give up part of my  
12          upcoming weekend so that he  
13          could leave for vacation early.

14          After being divorced for five  
15          years, I got remarried in  
16          November. But if I hadn't, I  
17          probably would have had to have  
18          declared bankruptcy and move  
19          back in with my mother because I  
20          could no longer afford to pay for  
21          the two-bedroom apartment I  
22          needed for me and my child and  
23          still meet my child support  
24          obligation.

25          And now my new husband and I

1           p a y   m o r e   t h a n   e l e v e n   h u n d r e d  
2           d o l l a r s   p e r   m o n t h   i n   c h i l d  
3           s u p p o r t ,   e a c h   o f   u s   t o   s u p p o r t   o n e  
4           c h i l d .   I t   i s   s u c h   a   b u r d e n   t h a t  
5           w e   c a n n o t   a f f o r d   t o   h a v e   o u r   o w n  
6           c h i l d   a n d   c o n t i n u e   t o   p a y   t h e  
7           a t t o r n e y ' s   f e e s   t h a t   I   h a v e   t o   p a y  
8           t o   f i g h t   m y   e x - h u s b a n d .   W h a t   y o u  
9           a r e   l o o k i n g   a t   i s   a   m o t h e r   w i t h o u t  
10          a   c h i l d .

11           W h i l e   m y   h u s b a n d   a n d   I   b o t h  
12          a g r e e   t h a t   c h i l d   s u p p o r t   i s  
13          n e c e s s a r y   a n d   s h o u l d   b e   e n f o r c e d ,  
14          w e   b o t h   q u e s t i o n   a   s y s t e m   t h a t  
15          c a n   r a i s e   c h i l d   s u p p o r t   p a y m e n t s  
16          t o   t h o s e   w h o   n e e d   i t   a s   t h e   s t a t e  
17          c h i l d   s u p p o r t   s y s t e m   o f t e n   d o e s .  
18          A n d   w e   q u e s t i o n   t h e   b u r d e n   i t  
19          p l a c e s   u p o n   s e c o n d   f a m i l i e s   w h o  
20          s u f f e r   f o r   t h e   s a k e   o f   t h e  
21          o r i g i n a l   f a m i l y .

22           I n   t h e   p a s t   f i v e   y e a r s ,   m y  
23          m o t h e r   a n d   I   h a v e   s p e n t   a l m o s t  
24          t e n   t h o u s a n d   d o l l a r s   t o   d e f e n d   t h e  
25          m i n i s c u l e   r i g h t s   t h e   S t a t e   o f

1           Alabama assigns noncustodial  
2           parents, and that doesn't include  
3           the six thousand dollars plus  
4           twelve percent interest I was  
5           ordered to pay in back child  
6           support for a period of time that  
7           I was under no official child  
8           support order but during which I  
9           supported my child financially. I  
10          believe this was assessed by the  
11          judge angry at me for fighting my  
12          ex-husband. And, incidentally,  
13          this judge and my ex-husband  
14          attend the same country club and  
15          the same church.

16                 In 2002, I filed contempt  
17          charges against my ex-husband for  
18          interfering with visitation and  
19          asked the judge for more time  
20          with my daughter. Witnesses  
21          testified that my ex-husband had  
22          done everything from refusing to  
23          answer the phone when I called to  
24          refusing to allow me to pick her  
25          up for visits whenever he felt

1           l i k e   i t .

2           I   h a v e   n e v e r   b e e n   c o n s u l t e d  
3           a b o u t   h e r   m e d i c a l   c a r e ,   a n d   I   a m  
4           b a r r e d   f r o m   c o m m u n i c a t i n g   w i t h  
5           h e r   s c h o o l   b y   h i m .   A n d   j u s t  
6           b e f o r e   h e r   f i f t h   b i r t h d a y   l a s t  
7           y e a r ,   m y   e x - h u s b a n d   c a n c e l l e d   t h e  
8           b i r t h d a y   p a r t y   I   h a d   p l a n n e d   t o  
9           g i v e   h e r   b y   t e l l i n g   h e r   t e a c h e r s  
10          n o t   t o   p a s s   o u t   t h e   i n v i t a t i o n s  
11          t h a t   I   h a d   s e n t .

12          T h e   j u d g e   i g n o r e d   a l l   o f   t h i s  
13          a n d   s a i d   t h a t   m y   j o b ,   w h i c h   I   a m  
14          a n   e d i t o r   a t   t h e   M o n t g o m e r y  
15          A d v e r t i s e r ,   a n d   a   h a n d f u l   o f  
16          s p e e d i n g   t i c k e t s   I   g o t   t h r e e   y e a r s  
17          a g o   w e r e   r e a s o n   e n o u g h   t o   d e n y  
18          m e   a n y   a d d i t i o n a l   v i s i t a t i o n .   H e  
19          g a v e   m e   j u s t   t h r e e   d a y s   e x t r a   i n  
20          J u n e ,   a n d   h e   n e v e r   e v e n   a d d r e s s e d  
21          t h e   c o n t e m p t   c h a r g e s .   A n d   I   h a v e  
22          n o   m o r e   m o n e y   t o   a p p e a l   t h e  
23          r u l i n g .   I t   w o u l d   h a v e   c o s t   m e   t e n  
24          t h o u s a n d   d o l l a r s   j u s t   t o   a p p e a l .

25          T h e   s t a t e   c e r t a i n l y   d o e s n ' t

1           m i n d   c o l l e c t i n g   c h i l d   s u p p o r t  
2           f r o m   t h a t   j o b   b u t   h o l d s   i t   a g a i n s t  
3           m e   f o r   v i s i t a t i o n .   I   c a n ' t   k e e p  
4           m y   o w n   c h i l d   b e c a u s e   I   h a v e   a  
5           f u l l - t i m e   j o b ,   b u t   I   c a n ' t   r e d u c e  
6           m y   h o u r s   b e c a u s e   I   m u s t   s u p p o r t  
7           m y   c h i l d   i n   t h e   w a y   t h e   s t a t e  
8           d e c l a r e s   f i t .   M e a n w h i l e ,   i f   I   a m  
9           e v e n   l a t e   w i t h   a   c h i l d   s u p p o r t  
10          p a y m e n t ,   m y   e x - h u s b a n d   c a n   p u t  
11          m e   i n   j a i l .

12           C o u r t   h e a r i n g s ,   p h o n e   c a l l s  
13          f r o m   l a w y e r s ,   a n d   p l e a d i n g   w i t h  
14          s h e r i f f   d e p u t i e s   t o   h e l p   m e   p i c k  
15          u p   m y   d a u g h t e r   h a v e   d o n e   n o t h i n g  
16          t o   s t o p   m y   e x - h u s b a n d   f r o m   u s i n g  
17          t h e   l a w s   o f   t h e   s t a t e   a g a i n s t   m e .  
18          A n d   s t i l l   h e   d o e s n ' t   s t o p .

19           M o r e   r e c e n t l y ,   I   w i l l   h a v e  
20          p a i d   t w o   t h o u s a n d   d o l l a r s   i n  
21          a t t o r n e y ' s   f e e s   t o   d e f e n d   a g a i n s t  
22          f a l s e   a l l e g a t i o n s   o f   s e x u a l   a b u s e  
23          m a d e   b y   m y   e x - h u s b a n d   a g a i n s t   m y  
24          c u r r e n t   h u s b a n d .   H e   s i m p l y   d i d  
25          n o t   w a n t   m y   d a u g h t e r   t o   h a v e   a



1           s t e p f a t h e r .

2           W h y   d o e s   m y   e x - h u s b a n d   d o   a l l  
3           t h i s ?   B e c a u s e   h e   c a n ,   a n d  
4           b e c a u s e   t h e   S t a t e   o f   A l a b a m a  
5           w o n ' t   s t o p   h i m .   I n   o t h e r   s t a t e s ,  
6           t h e   f a l s e   a l l e g a t i o n   o f   s e x u a l  
7           a b u s e   i s   g r o u n d s   f o r   a   c h a n g e   i n  
8           c u s t o d y ,   b u t   n o t   i n   A l a b a m a .

9           T h i s   i s   a   p i c t u r e   o f   m y   c h i l d  
10          o n   h e r   f i r s t   d a y   o f   b a l l e t .   I   w a s  
11          t h e r e   o n l y   b e c a u s e   t h e   b a l l e t  
12          s c h o o l   t i p p e d   m e   o f f   t o   h e r   b e i n g  
13          t h e r e .   I t ' s   o n e   o f   t h e   f e w  
14          o c c a s i o n s   w h e r e   I   h a v e   b e e n  
15          p r e s e n t   f o r   a n   i m p o r t a n t   d a y   i n  
16          m y   c h i l d ' s   l i f e .   I n   t h e   f i v e   y e a r s  
17          s i n c e   I   w a s   d i v o r c e d ,   I   h a v e  
18          m i s s e d   f o u r   b i r t h d a y   p a r t i e s ,   h e r  
19          f i r s t   s t e p s ,   h e r   f i r s t   d a y   o f  
20          k i n d e r g a r t e n ,   e v e r y   h a i r c u t   s h e ' s  
21          e v e r   h a d   e x c e p t   h e r   f i r s t   o n e ,   h e r  
22          f i r s t   l o o s e   t o o t h ,   a n d   h e r   f i r s t  
23          s o c c e r   g a m e .

24          I s   i t   b e c a u s e   I   d o n ' t   w a n t   t o  
25          b e   t h e r e ,   b e c a u s e   I   h a v e n ' t   f o u g h t

1           t o   b e   t h e r e ?   N o .   I t ' s   b e c a u s e  
2           t h e   s t a t e   p a y s   l i p   s e r v i c e   t o  
3           g i v i n g   n o n c u s t o d i a l   p a r e n t s   e q u a l  
4           r i g h t s   b u t   d o e s   n o t   e n f o r c e   i t .  
5           A p p a r e n t l y ,   I   c o u l d   s p e n d   t e n  
6           t h o u s a n d   m o r e   d o l l a r s   t o   f i l e  
7           c o n t e m p t   c h a r g e s ,   b u t   t h a t   w o u l d  
8           d o   n o   g o o d .

9           T h i s   i s s u e   i s   n o t   a b o u t  
10          f a t h e r ' s   r i g h t s ,   a n d   i t   i s n ' t   a b o u t  
11          m o t h e r ' s   r i g h t s .   I t ' s   a b o u t   t h e  
12          r i g h t s   o f   n o n c u s t o d i a l   p a r e n t s   t o  
13          a c t u a l l y   p a r e n t   t h e i r   c h i l d r e n ,  
14          a n d   i t ' s   a b o u t   t h e   r i g h t   o f   t h e  
15          c h i l d   t o   b e   l o v e d   b y   t h e   b o t h  
16          p a r e n t s .   T h e   b a l a n c e   o f   p o w e r  
17          b e t w e e n   c u s t o d i a l   a n d  
18          n o n c u s t o d i a l   p a r e n t s   m u s t   b e  
19          e q u a l ,   a n d   i t   m u s t   b e   s h a r e d .  
20          J o i n t   c u s t o d y   m u s t   b e   t h e   d e f a u l t  
21          c u s t o d y   a r r a n g e m e n t ,   a n d   i t   m u s t  
22          b e   s h a r e d   a s   c l o s e   t o   f i f t y - f i f t y  
23          a s   p o s s i b l e .   N o n c u s t o d i a l  
24          p a r e n t s   n e e d   a   s i m p l e r   r i g h t   t o  
25          e n f o r c e   t h e i r   r i g h t s ,   o n e   t h a t

1 will not break them financially.

2 In 1999, when I divorced my  
3 ex-husband, I was an eight-  
4 dollar-an-hour newspaper reporter  
5 with a ten-month-old daughter and  
6 no money. I signed papers  
7 agreeing to joint custody with my  
8 husband being the primary  
9 physical custodian. I did it to  
10 protect two families from an ugly  
11 legal battle I couldn't pay for  
12 and to protect my daughter from  
13 two warring parents. I did not do  
14 it to relinquish my rights. I had  
15 lost my own father in my parents'  
16 divorce, and I couldn't bear to  
17 watch it happen to my own  
18 daughter. And the irony is that  
19 now she has a father, but she  
20 doesn't have her mother.

21 In three days, my daughter  
22 will turn six, and I will not be  
23 there again. How many more  
24 birthdays will I have to miss  
25 before the state makes the rights

1 of noncustodial parents just as  
2 important as collecting child  
3 support? The only rights that I  
4 have and that other noncustodial  
5 parents have are those that are  
6 explicitly defined by the state.  
7 We cannot count on our ex-  
8 spouses to do the right thing, and  
9 we cannot bear any longer to be a  
10 paycheck instead of a parent.

11 And I think I speak for all  
12 noncustodial parents when I ask:  
13 Is this the message the state  
14 intends to send to noncustodial  
15 parents and our families? We  
16 want your money, but we don't  
17 want you.

18 JUDGE GOSA: Any questions  
19 from the committee?

20 COMMITTEE MEMBER: I have  
21 a question. Would you say that  
22 because of your situation, being a  
23 noncustodial mother, that child  
24 support at that level that you  
25 have to pay or whatever has

1           p r e v e n t e d   y o u   f r o m   b e i n g   a  
2           m o t h e r   t o   y o u r   c h i l d ?

3           M S .   J O N E S :   I   d o n ' t   t h i n k   t h e  
4           l e v e l   h a s   p r e v e n t e d   m e   f r o m   b e i n g  
5           a   m o t h e r   t o   m y   c h i l d .   I ' l l   p a y  
6           w h a t e v e r   t h e   s t a t e   a s k s   m e   t o  
7           p a y .   I   d o n ' t   t h i n k   t h e   a m o u n t  
8           t h a t   I   p a y   i s   f a i r .   I   b e l i e v e   m y  
9           e x - h u s b a n d   m a k e s   m o r e   t h a n   h e  
10          h a s   b e e n   c o m p e l l e d   t o   p r o v e   t h a t  
11          h e   m a k e s .   I   c a n   s t i l l   b e   a   m o t h e r  
12          t o   m y   c h i l d .   I   j u s t   c a n ' t   p a r e n t  
13          h e r ,   a n d   I   c a n ' t   h a v e   m y   o w n  
14          c h i l d   b e c a u s e   o f   t h i s .

15          C O M M I T T E E   M E M B E R :   D i d  
16          y o u   - -   W a s   t h e   c h i l d   s u p p o r t  
17          g u i d e l i n e s   w o r k e d   o u t   i n   y o u r  
18          c a s e ?

19          M S .   J O N E S :   A l l e g e d l y .   B u t  
20          w h a t   I   j u s t   f o u n d   o u t   i n   h e r e   i s  
21          t h a t   d a y   c a r e   i s   n o t   s u p p o s e d   t o  
22          b e   c o n s i d e r e d ,   w h i c h   i t   w a s   i n   m y  
23          c a s e .   A n d   m y   c h i l d   d o e s n ' t   e v e n  
24          c o n s i d e r - -   d o e s n ' t   e v e n   a t t e n d  
25          d a y   c a r e .

1           C O M M I T T E E   M E M B E R :   T h a t ' s  
2           n o t   c o r r e c t .   T h a t ' s   n o t   t r u e .

3           C O M M I T T E E   M E M B E R :   T h e  
4           g u i d e l i n e   t a b l e s   d o   n o t   c o n s i d e r  
5           t h a t   a t   a l l   s p e c i f i c a l l y .   I t ' s   i n   a  
6           d i f f e r e n t   p o r t i o n   o f   t h e   - -

7           M S .   J O N E S :   T h e   g u i d e l i n e s  
8           u s e d   - -

9           C O M M I T T E E   M E M B E R :   I   d o n ' t  
10          k n o w   w h a t   w a s   u s e d   i n   y o u r   c a s e .

11          C O M M I T T E E   M E M B E R :   W e l l ,  
12          t h a t   w a s   m y   q u e s t i o n .   A t   t h e  
13          t i m e   y o u   m a d e   m o r e   t h a n   y o u r  
14          h u s b a n d ?

15          M S .   J O N E S :   N o .   M y   h u s b a n d  
16          m a k e s   c o n s i d e r a b l y   m o r e   t h a n   I  
17          d o .   H e ' s   a   p r a c t i c i n g   a t t o r n e y  
18          w i t h   a   p r i v a t e   p r a c t i c e   i n  
19          C o v i n g t o n   C o u n t y .

20          C O M M I T T E E   M E M B E R :   B u t  
21          y o u ' r e   s a y i n g   t h e   g u i d e l i n e s   w e r e  
22          u s e d   t o   c o m e   u p   w i t h   y o u r   s h a r e  
23          - -

24          M S .   J O N E S :   R i g h t .

25          C O M M I T T E E   M E M B E R :   - -   f o r

1 the support of the children. The  
2 other question I had was you said  
3 that the false allegations of  
4 sexual abuse against a parent  
5 usually gives custody to the other  
6 parent. When you say false, was  
7 there a report? Was there some  
8 - -

9 MS. JONES: My case - -

10 COMMITTEE MEMBER: - -  
11 court determination that the  
12 allegations were false?

13 MS. JONES: Well, my case  
14 was investigated by two separate  
15 agencies. My husband has been  
16 completely cleared. He has never  
17 even been alone with my child.  
18 And there is still a restraining  
19 order against my current husband  
20 because my ex-husband will not  
21 drop the restraining order. So  
22 we're still before the court on  
23 that.

24 JUDGE GOSA: Okay. Thank  
25 you, ma'am.

1           W e d i d n ' t s c h e d u l e a b r e a k  
2           t h i s m o r n i n g b e c a u s e w e h a d s o  
3           m a n y p r e s e n t e r s . W e ' r e r u n n i n g a  
4           l i t t l e a h e a d o f t i m e . W e ' l l t a k e  
5           a t e n - m i n u t e b r e a k . L e t ' s b e  
6           b a c k i n t o p o s i t i o n i n t e n m i n u t e s .

7                     ( W h e r e u p o n , a b r i e f r e c e s s  
8                     w a s h a d , a f t e r w h i c h  
9                     V i d e o t a p e O n e w a s  
10                    r e s t a r t e d w i t h a s p e a k e r  
11                    a l r e a d y i n p r o g r e s s a s  
12                    f o l l o w s : )

13           E D W A R D A . P I C K E T T : - -  
14           r e c o g n i t i o n i n t h e f o r m o f  
15           f i n a n c i a l r e l i e f . I w o u l d l i k e t o  
16           e n c o u r a g e y o u t o s u p p o r t a  
17           p r o g r a m t h a t w o u l d a l l o w p a r e n t s  
18           p a y i n g c h i l d s u p p o r t t o p a y i t o n  
19           a p r e - t a x e d b a s i s ; t h a t i s , p a y t h e  
20           m o n e y f o r c h i l d s u p p o r t o u t o f  
21           o u r g r o s s i n c o m e b e f o r e w e p a y  
22           t a x e s .

23                    I n a l o t o f c a s e s , t h e r e a r e  
24                    c o m p a n i e s t h a t h a v e p r e - t a x e d o r  
25                    f l e x i b l e s a v i n g s t y p e a c c o u n t s



1           t h a t   t h e y   s e t   u p   f o r   t h i n g s   l i k e  
2           a n t i c i p a t e d   m e d i c a l   e x p e n s e s   o r  
3           c h i l d   c a r e .   A n d   i n   a   l o t   o f  
4           c a s e s ,   t h e s e   c o u l d   b e   u t i l i z e d .

5           N o w ,   c h i l d   s u p p o r t ,   a s   y o u  
6           k n o w ,   i s   c a l c u l a t e d   b a s e d   o n  
7           p a r e n t s '   g r o s s   i n c o m e .   W e  
8           c u r r e n t l y   p a y   t a x e s   o n   t h i s   g r o s s  
9           i n c o m e   a n d   t h e n   p a y   c h i l d   s u p p o r t  
10          o u t   o f   o u r   n e t   i n c o m e s   w h e n   t h e  
11          c h i l d   s u p p o r t   g o e s   t o   t h e  
12          r e c i p i e n t   w h o   d o e s   n o t   c l a i m   i t   a s  
13          i n c o m e   o r   p a y   t a x e s .

14          A n d   a t   t h i s   p o i n t ,   I   a s k   y o u  
15          n o t   t o   j u s t   d i s m i s s   m e   a s   s i m p l y  
16          a n o t h e r   e m b i t t e r e d   d e a d b e a t .   B u t  
17          n o t   t a x i n g   t h e   a m o u n t   t h a t   w e   p a y  
18          f o r   c h i l d   s u p p o r t ,   i t   w o u l d   n o t  
19          t a k e   a n y   m o n e y   a w a y .   I t   w o u l d  
20          n o t   r e d u c e   t h e   a m o u n t   o f   m o n e y  
21          g o i n g   t o   t h e   c u s t o d i a l   p a r e n t   f o r  
22          t h e   s u p p o r t   o f   t h e   c h i l d .   I t  
23          w o u l d ,   h o w e v e r ,   p r o v i d e   s o m e  
24          f i n a n c i a l   b e n e f i t .   N o w ,   t h i s   i s   a t  
25          t h e   s t a t e   l e v e l   I ' m   t a l k i n g   a b o u t .

1           This savings would allow the  
2           noncustodial parent to better  
3           provide for the children while  
4           they're in their care.

5           And I've done a little  
6           elementary attachment there on  
7           the back. And forgive -- Like I  
8           say, forgive my elementary  
9           presentation there. But the  
10          noncustodial parent making a  
11          gross income of fifty thousand  
12          pays two thousand four hundred  
13          and sixty-three dollars in income  
14          tax. Over there on the right you  
15          see if you do not tax the amount  
16          that -- They are paying nine  
17          hundred -- The custodial parent  
18          paying nine hundred dollars a  
19          month, that's ten thousand eight  
20          hundred a year. If you do not tax  
21          that part, that leave a taxable  
22          gross income of thirty-nine  
23          thousand two hundred dollars.  
24          And the tax on that, the Alabama  
25          state taxes -- income tax is one

1           t h o u s a n d   n i n e   h u n d r e d   t w e n t y -  
2           t h r e e .   T h a t ' s   a n   a n n u a l   s a v i n g s  
3           o f   f i v e   h u n d r e d   f o r t y - d o l l a r s ,  
4           w h i c h   i s ,   I   m e a n ,   n o t   g r e a t ,   b u t  
5           i t ' s   a   l i t t l e   b i t .   A n d  
6           n o n c u s t o d i a l   p a r e n t s   c o u l d   u s e  
7           t h a t ,   p u t   i t   i n   a   c o l l e g e   f u n d   o r  
8           t a k e   a   f a m i l y   t r i p ,   s o m e t h i n g   t o  
9           j u s t   - -   a   l i t t l e   s o m e t h i n g .

10           T h i s   w o u l d   a l s o   h e l p   t o   e a s e  
11           t h e   b i t t e r n e s s   o f  
12           d i s e n f r a n c h i s e m e n t   a n d   p r o m o t e   a  
13           b e t t e r   r e l a t i o n s h i p   b e t w e e n  
14           c u s t o d i a l   a n d   n o n c u s t o d i a l  
15           p a r e n t s .

16           A n d   I   a p o l o g i z e .   O n   s o m e   o f  
17           t h i s   o t h e r ,   I   d o n ' t   h a v e   a n y  
18           d o c u m e n t a t i o n   o r   d a t a   t o   s u p p o r t  
19           i t .   I ' d   j u s t   l i k e   f o r   y o u   t o   h e a r  
20           m e .

21           I   w o u l d   a l s o   l i k e   t o   e n c o u r a g e  
22           y o u   t o   s u p p o r t   a   p l a n   o f  
23           a c c o u n t a b i l i t y   f o r   c h i l d   s u p p o r t  
24           r e c i p i e n t s .   R e c i p i e n t s   a r e  
25           c u r r e n t l y   n o t   r e q u i r e d   t o   a c c o u n t

1           for how they spend the money.  
2           Such a plan might require  
3           quarterly reports to the  
4           noncustodial parent about how the  
5           recipient spends the money and  
6           documented by appropriate  
7           receipts. Such a plan would do  
8           much to ease feelings of  
9           bitterness and may perhaps  
10          curtail incidents of domestic  
11          abuse brought on by frustration.

12                 And, finally, I would like to  
13          encourage you to consider an  
14          incentive plan for delinquent  
15          payers, a back payment amnesty  
16          program for so-called deadbeat  
17          parents. Under this proposal,  
18          parents that are excessively  
19          behind in their support payments  
20          who qualify to have their  
21          delinquent amounts forgiven and  
22          names cleared -- and this is  
23          excessive amounts that in many  
24          cases the excessive amounts are  
25          unreasonable to ever expect to

1           e v e r   c o l l e c t .   B u t   i n   o r d e r   t o   g e t  
2           t h e m   t o   s t a r t   p a y i n g ,   y o u   c o u l d  
3           o f f e r   t h i s   a m n e s t y   p r o g r a m .   A n d  
4           t o   q u a l i f y ,   t h e   d e l i n q u e n t   p a y e r s  
5           w o u l d   h a v e   t o   s t a r t   p a y i n g ,   n o t  
6           m i s s   a   p a y m e n t ,   r e m a i n   e m p l o y e d ,  
7           a n d   h a v e   n o   b a d   d e a l i n g s   w i t h   t h e  
8           l a w .   A n d   I   a n t i c i p a t e   t h i s   w o u l d  
9           b e   a   m o r e   p r o d u c t i v e   i n c e n t i v e  
10          a n d   m o r e   p o s i t i v e   a l t e r n a t i v e  
11          t h a n   s o m e   o f   t h e   e m b a r r a s s i n g  
12          a p p r o a c h e s   t h a t   h a v e   b e e n   t a k e n  
13          i n   t h e   p a s t .   I   w o u l d   u r g e   y o u   t o  
14          c o n s i d e r   i t .

15                 T h a n k   y o u   o n c e   a g a i n ,   l a d i e s  
16          a n d   g e n t l e m e n .   A n d   y o u ' r e  
17          c h a r g e d   w i t h   a   v e r y   i m p o r t a n t  
18          d u t y .   Y o u   h a v e   t h e   p o w e r   t o  
19          f a s h i o n   t h e   g u i d e l i n e s   i n t o   a   f a i r  
20          a n d   e q u i t a b l e   a r r a n g e m e n t   t h a t   i s  
21          m a n a g e a b l e   b y   a l l   o r ,   t o   b o r r o w  
22          f r o m   W i n s t o n   C h u r c h i l l ,   a  
23          m o n s t r o u s   t y r a n n y   u n s u r p a s s e d   i n  
24          t h e   d a r k   a n d   l a m e n t a b l e   c a t a l o g u e  
25          o f   h u m a n   c r i m e .   I   e n c o u r a g e   y o u

1 to do the former.

2 Thank you very much.

3 COMMITTEE MEMBER: I have  
4 one question, kind of just for  
5 clarification of your first  
6 proposal.

7 MR. PICKETT: Yes.

8 COMMITTEE MEMBER: Are  
9 you proposing to have the  
10 Department of Revenue collect the  
11 child support? How was that to  
12 work?

13 MR. PICKETT: Well, now,  
14 once again, I've -- I'm afraid I'm  
15 just a -- I just came up with the  
16 idea, and I'm still working on the  
17 other part.

18 COMMITTEE MEMBER: Well, I  
19 say that because there was a  
20 proposal several years ago when  
21 the child support program came  
22 about, rather than having the  
23 (inaudible) of the courts, once  
24 the child support is decided, that  
25 it be collected by the Internal

1           R e v e n u e   S e r v i c e   b e c a u s e   t h e y  
2           ( i n a u d i b l e ) .   B u t   i t   a p p e a r s   f r o m  
3           y o u r   f i r s t   p r o p o s a l   t h a t   t h e  
4           D e p a r t m e n t   o f   R e v e n u e   w o u l d  
5           c o l l e c t   t h e   s u p p o r t   a n d   t h e n   a p p l y  
6           t h e   t a x a b l e   a m o u n t s   a f t e r   t h a t  
7           s u p p o r t   h a s   b e e n   d e d u c t e d   f r o m  
8           t h e   g r o s s   i n c o m e .   I s   t h a t  
9           c o r r e c t ?

10           M R .   P I C K E T T :   Y e s .   I ' m   n o t  
11           s u r e   i f   t h e   D e p a r t m e n t   o f   R e v e n u e  
12           c o u l d   c o l l e c t   i t   o r   n o t .   I   k n o w  
13           t h e r e   a r e   c u r r e n t l y   p r o g r a m s   t o  
14           d e f e r   t a x e s   o n   i t e m s   s u c h   a s   c h i l d  
15           c a r e .   W e   h a v e   a n   a c c o u n t   w h e r e   I  
16           w o r k ,   i f   y o u   a n t i c i p a t e   a   c e r t a i n  
17           a m o u n t   f o r   t h e   y e a r   i n   c h i l d  
18           d a y c a r e ,   y o u   c a n   r e m o v e   t h a t  
19           a m o u n t   f r o m   y o u r   g r o s s   p a y   a n d  
20           p u t   i t   i n t o   a   n o n t a x a b l e   a c c o u n t  
21           a n d   p a y   - -   a n d   I   d o n ' t   k n o w   w h o  
22           a d m i n i s t e r s   o r   m a n a g e s   t h a t .   I ' m  
23           a f r a i d   I ' m   l a c k i n g   o n   s o m e   o f   m y  
24           r e s e a r c h .

25           C O M M I T T E E   M E M B E R :   I   m a y

1           h a v e m i s u n d e r s t o o d y o u . I  
2           t h o u g h t y o u w e r e a b d i c a t i n g a  
3           d e d u c t i o n f o r c h i l d s u p p o r t  
4           p a y m e n t s o n y o u r s t a t e i n c o m e  
5           t a x e s .

6           C O M M I T T E E M E M B E R : N o ,  
7           p r e - t a x e d .

8           C O M M I T T E E M E M B E R : I  
9           b e l i e v e h e ' s m a k i n g t h e  
10          p r e s e n t a t i o n .

11          M R . P I C K E T T : A n d w e w o u l d  
12          l i k e t h a t , t o o .

13          C O M M I T T E E M E M B E R : W e  
14          h a v e n o a u t h o r i t y o n t h a t . T h e  
15          l e g i s l a t u r e h a s t o p a s s t h o s e  
16          l a w s . Y o u m a y w a n t t o t a l k t o  
17          y o u r l e g i s l a t o r o r s t a t e s e n a t o r  
18          a b o u t t h a t . I u n d e r s t o o d y o u t o  
19          b e s a y i n g t h a t y o u t h o u g h t c h i l d  
20          s u p p o r t s h o u l d b e a d e d u c t i b l e  
21          i t e m f o r i n c o m e t a x p u r p o s e s .

22          M R . P I C K E T T : W e l l , I ' m  
23          s o r r y I d i d n ' t m a k e t h a t c l e a r .

24          J U D G E G O S A : A n y o t h e r  
25          q u e s t i o n s ?



1           C O M M I T T E E   M E M B E R :

2           B a s i c a l l y , I t h i n k I ' m i n t h e s a m e  
3           s i t u a t i o n h e i s i n t h a t m y  
4           e m p l o y e r d e d u c t s h e a l t h i n s u r a n c e  
5           p r e m i u m s a n d a l l , a n d y o u p a y f o r  
6           i t p r e - t a x e d . S o i t c o m e s o f f t h e  
7           t o p o f y o u r g r o s s i n c o m e , a n d  
8           t h a t ' s w h a t h e ' s s u g g e s t i n g h e r e  
9           i n t h a t i t g i v e s y o u , y o u k n o w , a  
10          l i t t l e b r e a k o n y o u r p r e m i u m - - I  
11          m e a n y o u r h e a l t h i n s u r a n c e  
12          p r e m i u m o r y o u r c h i l d c a r e  
13          p r e m i u m ( i n a u d i b l e ) . A n d I t h i n k  
14          t h e w a y - - I t b a s i c a l l y w o u l d b e  
15          u p t o t h e - - I ' m n o t s u r e i f t h e  
16          t a x - - w h a t i t w o u l d t a k e t o s e t i t  
17          u p w i t h t h e s t a t e .

18          B u t y o u r e m p l o y e r w o u l d s t i l l  
19          c o n t i n u e t o s e n d y o u r c h i l d  
20          s u p p o r t p a y m e n t t o t h e s t a t e t h e  
21          w a y i t d o e s n o w . T h e o n l y t h i n g  
22          i t w o u l d a f f e c t w o u l d b e i f i t  
23          c o m e s o u t p r e - t a x e d , w h i c h i n  
24          e s s e n c e w o u l d b e a n o f f s e t  
25          t o w a r d s u s i n g n e t i n c o m e r a t h e r

1           t h a n   g r o s s   i n c o m e .

2           C O M M I T T E E   M E M B E R :   W h i c h  
3           i s   a n o t h e r   w a y   o f   s a y i n g   i t   w o u l d  
4           b e   a   t a x   e x e m p t i o n ,   a n d   w e   d o n ' t  
5           h a v e   a n y   a u t h o r i t y   o v e r   t h a t .  
6           E i t h e r   t h e   S t a t e   L e g i s l a t u r e   o r  
7           t h e   F e d e r a l   C o n g r e s s   w o u l d   h a v e  
8           t o   c r a n k   t h a t   i n t o   t h e   I n t e r n a l  
9           R e v e n u e   C o d e   o r   t h e   S t a t e  
10          R e v e n u e   C o d e .

11          C O M M I T T E E   M E M B E R :   W h e n  
12          y o u   s a y   p r e - t a x e d ,   i s   t h a t   t a x  
13          d e f e r r e d ?

14          C O M M I T T E E   M E M B E R :   N o ,  
15          s i r ,   i t ' s   n o t .   Y o u   d o n ' t   p a y  
16          i n c o m e   - -   y o u   d o n ' t   p a y   t a x e s   o n  
17          t h e   - -   J u s t   l i k e   m y   h o s p i t a l  
18          i n s u r a n c e ,   t h a t   c o m e s   o f f   t h e   t o p  
19          o f   t h e   l i n e .   T h e n   a f t e r   - -   S a y  
20          y o u ' v e   g o t   a   t h o u s a n d   d o l l a r s   a  
21          m o n t h   i n c o m e   a n d   y o u r   h o s p i t a l  
22          i n s u r a n c e   i s   a   h u n d r e d   d o l l a r s   a  
23          m o n t h ,   t h e y   t a k e   t h a t   a n d   t h e  
24          c o m p a n y   p a y s   - -   I   m e a n ,   i t   c o m e s  
25          o u t   b e i n g   u n t a x e d   f e d e r a l l y   a n d

1 state on nine hundred dollars a  
2 month. You know, so you pay --  
3 And there may be some guidelines  
4 that are set up where the federal  
5 government or the state or  
6 whoever has said these things are  
7 eligible.

8 (Whereupon, several people  
9 began talking  
10 simultaneously.)

11 COMMITTEE MEMBER: And  
12 that's what you're saying is that  
13 we would have to get that  
14 approved through the legislature  
15 to do that.

16 COMMITTEE MEMBER: Or  
17 Congress if you want to do it at  
18 the federal level, which you get  
19 more relief there than you would  
20 at the state level.

21 JUDGE GOSA: Thank you, sir.

22 MR. PICKETT: Well, thank  
23 you very much. And, again, I  
24 understand it's outside of your  
25 control, but if you hear of it

1           s o m e w h e r e   d o w n   t h e   r o a d   - -   A n d  
2           u n d e r s t a n d   t h a t   i t ' s   n o t   - -   i t  
3           d o e s n ' t   t a k e   m o n e y   a w a y   f r o m  
4           a n y b o d y   e x c e p t   m a y b e   t h e   s t a t e  
5           a n d   f e d e r a l .   I t   d o e s n ' t   t a k e   a n y  
6           m o n e y   a w a y   f r o m   t h e   c u s t o d i a l  
7           p a r e n t   o r   t h e   c h i l d .   A n d   i f   y o u  
8           h e a r   a b o u t   i t   s o m e w h e r e   d o w n   t h e  
9           r o a d ,   I   a s k   y o u   t o   s u p p o r t   i t .  
10          T h a n k   y o u .

11           J U D G E   G O S A :   L e t   m e   s e e   i f  
12          t h i s   o t h e r   p a r t y   i s   h e r e ,   i f   y o u  
13          d o n ' t   m i n d .   J o y c e   G a r d n e r -  
14          T h o m a s ?   M r .   B l a c k s t o n ,   I   b e l i e v e  
15          y o u ' r e   n e x t .

16           J A M E S   R .   B L A C K S T O N :   T h a n k  
17          y o u ,   l a d i e s   a n d   g e n t l e m e n ,   f o r  
18          b e i n g   h e r e .   I ' m   a   n o n c u s t o d i a l  
19          p a r e n t   a s   w e l l   a s   a   m e m b e r   o f  
20          t h i s   c o m m i t t e e .   A n d   I   w a n t   t h e  
21          n o n c u s t o d i a l   p a r e n t s   i n   t h i s   r o o m  
22          t o   u n d e r s t a n d   t h a t   I   r e p r e s e n t  
23          t h e i r   i n t e r e s t s .

24           I   h o p e   t h i s   c o m m i t t e e   h e a r s  
25          t h e   p a i n   e x p r e s s e d   b y   t h e s e

1 noncustodial parents here today  
2 by an unreasonable child support  
3 system. Clearly, some relief  
4 must be given to the noncustodial  
5 parents. Sanctions alone will not  
6 work. A new strategy is due for  
7 Alabama's noncustodial parents.

8 Not all dads and moms who do  
9 not pay child support are  
10 deadbeats. Some lack the  
11 financial resources to pay  
12 mandated child support. Low  
13 income fathers face as many  
14 failures as welfare mothers do.  
15 They're just low income poor  
16 (unintelligible).

17 I want to talk about the PSI  
18 because that's the proposal that  
19 seems to be paramount in  
20 everybody's mind. That's the  
21 only proposal we have to discuss,  
22 the one that's more or less being  
23 shoved down our throats.

24 Rather than base Alabama  
25 Child Support Guidelines on

1        e s t a b l i s h e d   l e g a l   a n d   m o r a l  
2        p r i n c i p l e s ,   P o l i c y   S t u d i e s   u s e s   a n  
3        o u t d a t e d   c l i c h é   t o   o v e r e s t i m a t e  
4        t h e   c h i l d   s u p p o r t   s c h e d u l e   t h a t   i s  
5        t h e   b a s i s   o f   A l a b a m a ' s   c h i l d  
6        s u p p o r t   g u i d e l i n e s .   T h e   o l d  
7        c l i c h é   t h a t   c h i l d r e n   o f   d i v o r c e  
8        s h o u l d   e n j o y   t h e   s a m e   s t a n d a r d   o f  
9        l i v i n g   a s   c h i l d r e n   i n   i n t a c t  
10       f a m i l i e s   h a s   n o   b a s i s   i n   t h e  
11       f e d e r a l   l a w   c h i l d   s u p p o r t  
12       g u i d e l i n e   r e v i e w   p r o c e s s .

13            P o l i c y   S t u d i e s   c o m p a r e s  
14        a p p l e s   a n d   o r a n g e s   i n   t h e i r   s t u d y  
15        a n d   a c t u a l l y   a d m i t s   i t   i s   a   w e l l -  
16        k n o w n   f a c t   t h a t   s i n g l e   p a r e n t s  
17        h a v e   l e s s   m o n e y   t h a n   i n t a c t  
18        f a m i l i e s .   P o l i c y   S t u d i e s   k n o w s  
19        t h a t   s i n g l e - p a r e n t   h o u s e h o l d s  
20        h a v e   l e s s   m o n e y   t o   s p e n d   t h a n  
21        i n t a c t   f a m i l i e s ,   y e t   i n s i s t s   o n  
22        b a s i n g   t h e i r   s t u d y   o n   i n t a c t  
23        f a m i l i e s .

24            T h e   A d v i s o r y   C o m m i t t e e   m u s t  
25        e s t a b l i s h   g u i d e l i n e s   t o   t a k e   l o w

1 income fathers and mothers and  
2 unemployed obligators into  
3 consideration. The committee  
4 must ensure the guidelines allow  
5 parents with a low income to meet  
6 their needs after their child  
7 support is paid.

8 Policy Studies' latest  
9 proposal seeks to increase the  
10 table by as much as thirty-two  
11 percent. How many of you in here  
12 could withstand a thirty-two  
13 percent decrease in your net  
14 income? I don't believe a one of  
15 you. I certainly couldn't.

16 For a family earning fifteen  
17 thousand dollars, the increase  
18 equals twenty-four percent. For a  
19 family earning thirty-six  
20 thousand, the increase equals  
21 thirty-two percent. For a worker  
22 that is earning minimum wage,  
23 five dollars and fifteen cents an  
24 hour, his increase under this PSI  
25 proposal will be twenty-seven

1 point three percent on top of what  
2 he is already paying.

3 Policy Studies uses data from  
4 the Consumer Expenditure Survey  
5 to establish and update the  
6 Alabama Child Support  
7 Guidelines. I wrote to the  
8 Bureau of Labor Statistics to find  
9 out just where this data comes  
10 from, and I found out something  
11 that was very shocking. I asked  
12 the question how this survey was  
13 conducted and where the survey  
14 was conducted. Mr. Mike Wald, a  
15 Regional Economist from the  
16 Bureau of Labor Statistics,  
17 answered that, and he explained  
18 how the survey was collected from  
19 different families and where this  
20 data came from. And I  
21 specifically asked him was any of  
22 this data coming from Alabama.

23 His answer was: Regarding  
24 your question about Alabama, CEX  
25 collects data from certainty and



1 non-certainty areas to target --  
2 Survey targets twenty-nine  
3 certainty areas, metropolitan  
4 statistical areas with a  
5 population of more than one point  
6 two million. As it happens, none  
7 of this data came from Alabama.

8 Do you hear me? Alabama is  
9 -- PSI is attempting to establish  
10 guidelines for Alabama's  
11 noncustodial parents from data  
12 that does not even come from  
13 Alabama. The data actually comes  
14 from states like Georgia and  
15 Florida and the big metropolitan  
16 areas of Atlanta and larger cities  
17 of Florida. No consideration is  
18 given to the number of sampled  
19 areas in any one given state. Any  
20 data on non-certainty areas would  
21 be insufficient to provide  
22 information to base child support  
23 guidelines on.

24 Policy Studies' proposal is  
25 based upon false assumptions,

1 incorrect and inadequate CEX data  
2 from states other than Alabama  
3 and results in an arbitrary and  
4 capricious gauge that fails in  
5 every respect to comply with the  
6 federal child support guidelines  
7 laws, Federal Title 45, Code of  
8 Federal Regulations, Section  
9 302.56, specifically Paragraph H.

10 There are three categories of  
11 noncustodial fathers in this  
12 state: Those that can pay on time  
13 and do, and those that cannot  
14 pay, and simply others that just  
15 can't afford to pay. What should  
16 be done about noncustodial  
17 parents who have a limited  
18 ability to pay? A new child  
19 support strategy -- enforcement  
20 strategy is long overdue in  
21 Alabama. We know that most  
22 parents are non -- are low  
23 income. The ones that are  
24 subject to paying child support  
25 just simply cannot pay.

1           The child support guidelines,  
2           including Policy Studies  
3           Incorporated's latest proposal,  
4           would drive a wedge between  
5           noncustodial parents and their  
6           children by not recognizing the  
7           non-cash support that  
8           noncustodial parents provide  
9           every time that the child is in his  
10          or her home. This policy runs  
11          counter to the practice of most  
12          low-income communities of  
13          accepting in-kind contributions  
14          of food, clothing, toys, et cetera,  
15          in lieu of financial  
16          contributions. Policy Studies'  
17          guidelines proposal makes no  
18          provision for in-kind  
19          contributions by the noncustodial  
20          parent.

21           Alabama's child support  
22          guidelines, including PSI's latest  
23          proposal, does not account for  
24          parenting-time adjustment. We  
25          must include a parenting-time

1 adjustment in our new guidelines .

2 Alabama's child support  
3 guidelines, including Policy  
4 Studies' latest proposal, would  
5 drive a wedge between the  
6 noncustodial parents because it  
7 does not consider situations of  
8 joint physical custody and  
9 actually is in conflict with  
10 Alabama's new joint custody law .  
11 We need a new child support  
12 worksheet that involves figuring  
13 child support on those cases of  
14 joint and shared physical  
15 custody .

16 Presently, Alabama's child  
17 support guidelines do not take  
18 into consideration income  
19 withholding nor child support  
20 overpayments nor the termination  
21 of income withholding. That is  
22 something that is mandated by the  
23 federal government. For Alabama  
24 being -- complying with federal  
25 law, we must consider income

1           withholding and termination of  
2           income withholding.

3           Alabama Child Support  
4           Guidelines, including Policy  
5           Studies' latest proposal, does not  
6           define what child support is. We  
7           need a system, similar to what  
8           the State of Georgia recently  
9           passed that became effective in  
10          January of this year, of issuing  
11          debit cards to the custodial  
12          parent. Debit cards would serve  
13          two purposes. It will give the  
14          noncustodial parent an accounting  
15          of how his child support is being  
16          used and, also, it will save the  
17          state money in the disbursement  
18          unit.

19          Alabama's child support  
20          guidelines, including Policy  
21          Studies' proposal, will drive  
22          another wedge between  
23          noncustodial parents and their  
24          children by failing to calculate  
25          child support in third-party cases

1 as well as children of second  
2 families. You've heard a lot of  
3 testimony here today about  
4 children of second families.  
5 They are totally not considered.  
6 They are evidently as non-  
7 citizens of Alabama. To do their  
8 job properly as this Child  
9 Support Committee, we must  
10 consider children of second  
11 families.

12 Alabama's child support  
13 guidelines presently drive a  
14 wedge between noncustodial  
15 parents and their children and  
16 Policy Studies Incorporated  
17 proposal will further drive that  
18 wedge because of overestimation  
19 of income based on default orders  
20 for one reason or another. And  
21 you've heard testimony on that  
22 issue here today.

23 Unfortunately, we have case  
24 law in this state that says you  
25 cannot forgive arrearages in child

1 support. But, regardless,  
2 arrearages, retroactive  
3 assignment of child support to  
4 the date that the divorce was  
5 filed, is discriminatory against  
6 the noncustodial parent and is  
7 immorally wrong.

8 Alabama's child support  
9 guidelines and PSI's latest  
10 proposal will drive a wedge  
11 between noncustodial parents by  
12 making modifications difficult.  
13 For the noncustodial parents in  
14 here, I want them to realize that  
15 if they do not get help from DHR  
16 in adjusting their child support  
17 modifications, they can file a  
18 complaint with the federal people  
19 in Atlanta, and I'll give you the  
20 information on how to file that  
21 report. The State of Alabama has  
22 already been reported to the state  
23 -- to the Federal Administration  
24 for Children and Families because  
25 the Department of Human

1 Resources refuses to help  
2 noncustodial parents when it  
3 comes to child support  
4 modification.

5 JUDGE GOSA: Time's up.

6 MR. BLACKSTON: Is that it?  
7 Thank you, ladies and gentlemen.

8 JUDGE GOSA: Bridges D.  
9 Anderson? Come on up, please,  
10 sir.

11 COMMITTEE MEMBER: Mr.  
12 Blackston, what county are you  
13 from?

14 MR. BLACKSTON: I got a  
15 divorce in Walker County. I'm  
16 presently living with my  
17 beautiful second wife in Jefferson  
18 County. It took me fourteen  
19 years to find her after I went  
20 through the divorce.

21 By the way, I no longer pay  
22 child support. I'm over that.  
23 All my children are grown. And  
24 the state owes me twenty-two  
25 hundred dollars in overpayment,



1           w h i c h   t h e y   r e f u s e   t o   p a y .   S o   w h o  
2           i s   t h e   r e a l   d e a d b e a t   h e r e ?   T h e  
3           S t a t e   o f   A l a b a m a .

4           J U D G E   G O S A :   A l l   r i g h t ,   s i r .

5           B R I D G E S   D .   A N D E R S O N :   G o o d  
6           m o r n i n g .   I ' m   B r i d g e s   A n d e r s o n .  
7           I ' m   j u s t   h e r e   t o   p r e s e n t   s o m e  
8           e v i d e n c e   c o n c e r n i n g   m y   s i t u a t i o n  
9           i n   r e f e r e n c e   t o   c h i l d   s u p p o r t .

10           S e v e r a l   y e a r s   a g o ,   I   s t e p p e d  
11           o u t   o f   m y   m a r r i a g e   a n d   h a d   a n  
12           a f f a i r   w i t h   a   m a r r i e d   w o m a n   a s  
13           w e l l .   A n d   w h a t   h a p p e n e d   i n   t h a t  
14           s i t u a t i o n ,   i t   w e n t   t o   c o u r t ,   a n d  
15           s h e   c h a r g e d   m e   w i t h   c h i l d  
16           s u p p o r t .

17           I n   r e f e r e n c e   t o   t h a t ,   I   w a s  
18           p a y i n g   t h e   l a r g e s t   a m o u n t   f o r  
19           c h i l d   s u p p o r t ,   s i x t y - o n e   p e r c e n t  
20           o f   t h a t .   A n d   i t   g o e s   t o   s h o w   t h a t  
21           d e a l i n g   w i t h   t h e   c o u r t   - -   E a c h  
22           t i m e   I   t r i e d   t o   a d d r e s s   t h e  
23           s i t u a t i o n   w h e r e   I   h a v e   t h e   r i g h t s ,  
24           t h e   v i s i t a t i o n   r i g h t s ,   t h e   c o u r t  
25           a l w a y s   t e l l s   m e   t o   g o   b a c k   a n d

1       s e e k   a   l a w y e r .   E a c h   t i m e   I   s e e k   a  
2       l a w y e r ,   I   a l w a y s   l o s e .   S o   w h y   d o  
3       I   h a v e   t o   g o   b a c k   a n d   s e e k   a  
4       l a w y e r   w h e n   i t ' s   a l r e a d y   w r i t t e n  
5       i n   t h e   s i t u a t i o n   t h a t   I   m u s t   h a v e  
6       v i s i t a t i o n   r i g h t s   e v e r y   o t h e r  
7       w e e k e n d ?

8             A n d   i n   a   s e n s e ,   I   t h i n k   I ' m  
9       l o o k i n g   a t   t h e   i n t e r e s t   o f   t h e  
10       c h i l d   f o r   b o t h   p e r s o n s   i n v o l v e d .  
11       T h i s   p e r s o n   a t   t h e   t i m e   a n d   s t i l l  
12       i s   m a r r i e d .   A t   t h e   t i m e ,   I   w a s  
13       m a r r i e d ,   s t i l l   i s   m a r r i e d .   T h a t  
14       w o u l d   b r i n g   o n   h o s t i l e   s i t u a t i o n s  
15       t o w a r d s   b o t h   f a m i l i e s .   A n d   I ' m  
16       j u s t   l o o k i n g   a t   t h e   s i t u a t i o n   t h a t  
17       - -   I ' m   n o t   t r y i n g   t o   n o t   d o   m y  
18       r e s p o n s i b i l i t y ,   b u t   I   f e e l   l i k e   I ' m  
19       n o t   g e t t i n g   t h e   j u s t i c e   o f   t h e  
20       c o u r t ,   t h a t   I ' m   n o t   g e t t i n g   m y  
21       l e g a l   r i g h t s   t o   v i s i t   w i t h   t h e  
22       c h i l d   o r   t h e   c h i l d   t o   v i s i t   w i t h  
23       m e .

24             T h e   c h i l d   i s   a t   t h e   a g e   o f   s i x  
25       n o w .   T h e   c h i l d   d o e s n ' t   k n o w   m e .

1 I don't know the child. But as I  
2 indicated earlier, that once I go  
3 back to court, they always tell  
4 me, Go get a lawyer. After I  
5 have spent several monies on a  
6 lawyer, there still is not any  
7 custody.

8 And I think the child support  
9 guidelines need to look at certain  
10 situations based on need, based  
11 on the need plus best interest of  
12 the child. And that's why I'm  
13 here today to actually speak my  
14 interest of it.

15 And it's actually bringing  
16 mental anguish to both parties,  
17 you know, when you're dealing  
18 with a situation like this when  
19 you're involved with a child in  
20 the center of it. Both families  
21 are married, and here is your  
22 child calling the other parent  
23 daddy while I'm the daddy and he  
24 doesn't know.

25 So I do want a relationship,

1 but I keep using the word hostile  
2 when situations occur like this  
3 and the court didn't look at it.  
4 The court didn't look at the  
5 situation where this could cause  
6 damage.

7 And I passed out some forms  
8 there, and those three documents  
9 indicate the first time I went to  
10 court where I had to pay out a  
11 certain amount of money. And at  
12 the time, I really didn't know  
13 that that was my child, and after  
14 a year had passed, of course, I  
15 had to pay all back pay with  
16 interest on it. And it took me  
17 about seven years to do that.

18 And as of now, I did go back  
19 to court. On the second page --  
20 On the second document, I did get  
21 the payment reduced down to a  
22 lower amount, and presently  
23 that's what I'm paying now.

24 And as you can see on the last  
25 page where I made communication

1           to the other family, and the  
2           family did write back and say,  
3           Well, you have to comply with the  
4           court order or we're going to  
5           have to do certain things.

6           I've been willing to work with  
7           the other family, but the other  
8           family is not working with me.  
9           And I do have proof here. I know  
10          a story has two sides, but in this  
11          case here, I'm paying out that  
12          much money and not seeing the  
13          child. And each time I want to  
14          see the child, they always say,  
15          Seek a lawyer. So I think my  
16          rights are being violated.

17          And I'm just here to give my  
18          side of the story. Any questions?

19          COMMITTEE MEMBER: You're  
20          saying you had not established  
21          visitation rights?

22          MR. ANDERSON: Well, I do  
23          have established visitation  
24          rights. It did start off by  
25          meeting the child at a certain

1           a r e a   a t   a   H a r d e e ' s .   A n d   a f t e r  
2           t h a t ,   y o u   k n o w ,   e a c h   t i m e   - -  
3           E v e r y w h e r e   w e   g o ,   t h e   o t h e r  
4           f a m i l y   w o u l d   f o l l o w   u s .   S o   i t   h a s  
5           c e a s e d   n o w .   I   h a v e n ' t   s e e n   t h e  
6           c h i l d   s i n c e   ' 9 8 ,   a n d   t h e   c o u r t   h a s  
7           g i v e n   m e   t h e   r i g h t   t o   s e e   t h e  
8           c h i l d   e v e r y   o t h e r   w e e k e n d .   B u t  
9           e a c h   t i m e   I   g o   a n d   t r y   t o   m a k e  
10          t h i s   a t t e m p t ,   t h e y   s a y ,   W e l l ,   s e e k  
11          a   l a w y e r .   W h y   s h o u l d   I   s e e k   a  
12          l a w y e r ?   I t ' s   a l r e a d y   w r i t t e n  
13          d o w n   t h a t   I   h a v e   v i s i t a t i o n  
14          r i g h t s .   A n d   I ' m   s t i l l   p a y i n g   t h i s  
15          l u c r a t i v e   a m o u n t   o f   m o n e y   e v e r y  
16          m o n t h .

17                 Y e s ,   m a ' a m ?

18                 C O M M I T T E E   M E M B E R :   M r .  
19                 A n d e r s o n ,   w h o   i s   t e l l i n g   y o u   t o  
20                 g o   a n d   s e e k   a   l a w y e r ?

21                 M R .   A N D E R S O N :   C h i l d  
22                 s u p p o r t .

23                 C O M M I T T E E   M E M B E R :   W i t h  
24                 D H R ?

25                 M R .   A N D E R S O N :   D H R ,   y e s .

1           C O M M I T T E E   M E M B E R :   D o   y o u  
2           u n d e r s t a n d   t h a t   i s   p r o b a b l y   i n  
3           c o n c u r r e n c e   w i t h   t h e   l a w ?

4           M R .   A N D E R S O N :   E x c u s e   m e ?

5           C O M M I T T E E   M E M B E R :  
6           T h e y ' r e   p r o b a b l y   r e q u i r e d   t o   d o  
7           t h a t   b y   l a w .

8           M R .   A N D E R S O N :   O k a y .

9           C O M M I T T E E   M E M B E R :   M r .  
10          A n d e r s o n .

11          M R .   A N D E R S O N :   Y e s .

12          C O M M I T T E E   M E M B E R :   Y o u  
13          s t a t e d   y o u ' v e   h a d   d i f f i c u l t y   w i t h  
14          D H R   r e p r e s e n t i n g   y o u   i n   c h i l d  
15          s u p p o r t   m a t t e r s ;   i s   t h a t   t r u e ?

16          M R .   A N D E R S O N :   W e l l ,   a t  
17          f i r s t   D H R   d i d   r e p r e s e n t   m e .   T h e  
18          l a w y e r   i n   t h e   f i r s t   c a s e ,   I   d i d n ' t  
19          e v e n   r e a l i z e   s h e   w a s   a   l a w y e r   f o r  
20          D H R   u n t i l   a f t e r   t h e   f a c t .   Y o u  
21          k n o w ,   o n c e   t h e y   n o t i f i e d   m e   - -  
22          O n c e   t h e   d e p u t y   b r o u g h t   m e   t h e  
23          s u b p o e n a   t o   a p p e a r   i n   c o u r t ,   y o u  
24          k n o w ,   I   h a d   t o   r e a c t   p r e t t y   f a s t .  
25          S o   I   j u s t   g o t   a   l a w y e r   t h a t   I

1           c o u l d   a f f o r d   a t   t h e   t i m e .

2           C O M M I T T E E   M E M B E R :   W o u l d  
3           y o u   s a y   t h a t   c h i l d   s u p p o r t   h a s  
4           p r e v e n t e d   y o u   f r o m   b e i n g   a   f a t h e r  
5           t o   y o u r   c h i l d   a t   s o m e   t i m e   o r  
6           o t h e r ?

7           M R .   A N D E R S O N :   Y e s ,   s i r .  
8           A n d   e v e n   w i t h   t h e   b a c k   p a y ,   t h e y  
9           s a y   i t   d o e s n ' t   a f f e c t   y o u r   c r e d i t ,  
10          b u t   i t   d o e s .   I t   g o e s   o n   y o u r  
11          c r e d i t   r e p o r t ,   a n d   t h e y   l o o k   a t  
12          t h a t .   T h e y   h o l d   i t   a g a i n s t   y o u ,  
13          t o o .

14          C O M M I T T E E   M E M B E R :   W e l l ,  
15          l e t   m e   e n c o u r a g e   y o u ,   a s   a  
16          m e m b e r   o f   t h i s   C h i l d   S u p p o r t  
17          C o m m i t t e e ,   t h a t   y o u   d o   h a v e   t h e  
18          r i g h t ,   t h a t   D H R   i s   s u p p o s e d   t o  
19          a s s i s t   y o u   i n   t h e   c h i l d   s u p p o r t  
20          m o d i f i c a t i o n   p r o c e s s .   A n d   t h e  
21          c o m m i t t e e   h a s   m y   p r e s e n t a t i o n ,  
22          a n d   a s   E x h i b i t   O n e ,   i t   s h o w s   a  
23          l e t t e r   f r o m   t h e   D e p a r t m e n t   o f  
24          H u m a n   R e s o u r c e s   t h a t   s a y s  
25          A l a b a m a   h a s   b e e n   o u t   o f



1 compliance in this particular  
2 area. Let me repeat: DHR is  
3 supposed to help noncustodial  
4 parents with modifications of  
5 their child support. I have a  
6 copy of this memorandum. I'll  
7 get you a copy of it if you need  
8 it. They're also out of  
9 compliance in a number of areas.

10 Thank you, Mr. Anderson.

11 MR. ANDERSON: Thank you.

12 JUDGE GOSA: Thank you, sir.  
13 Eric Poole Ashford?

14 ERIC POOLE ASHFORD: I  
15 made some copies, if you need a  
16 copy.

17 JUDGE GOSA: If you will  
18 furnish copies if you have copies.  
19 If you don't, we'll make sure you  
20 have copies for all the committee  
21 members.

22 MR. ASHFORD: I'm here, and  
23 my name is Eric Ashford. I'm  
24 from Warrior, Alabama. And I'm  
25 here to address the laws and

1 guidelines in the child support  
2 system.

3 You are being handed out a  
4 copy of what I have here. And  
5 I'm not a writer, so please excuse  
6 all the errors that you will find.

7 But I have been in child  
8 support since 1982. And my son  
9 is now twenty-one years old, and  
10 he has a child of his own. Now, I  
11 am here to point out the -- in my  
12 opinion and in the opinions of  
13 many others, how the court is  
14 biased and prejudiced. It is  
15 biased and prejudiced because  
16 there are an overwhelming number  
17 of men versus women paying child  
18 support.

19 For example, the court bylaws  
20 are biased in using the phrase  
21 deadbeat dad. This phrase has  
22 cast a shadow over every man that  
23 comes into a courtroom. He is  
24 viewed as a hardened criminal.  
25 Because of this, many of the

1 fathers in situations that keep  
2 them from meeting their parental  
3 obligations are treated as common  
4 criminals.

5 Child support is a moral issue  
6 and not a criminal issue. But  
7 because there are laws against  
8 nonsupport, it is the court's  
9 obligation to review these laws  
10 and make every effort to assure  
11 equality to everyone who is  
12 involved. Nonsupport is  
13 punishable by law with jail time,  
14 bad credit, loss of driver's  
15 license, as well as other  
16 privileges.

17 Since being placed in child  
18 support, I am faced with all of  
19 the above. Even though I am  
20 current with my payment,  
21 deductions being taken from my  
22 paycheck every two weeks, I still  
23 face all of these if I was to lose  
24 my job, something were to happen  
25 to cause -- I had to go to

1 bankruptcy just to pay this  
2 amount.

3 I was told by a D. A. when I  
4 first went into court that if I  
5 didn't come up with X-amount of  
6 dollars when I came back to  
7 court, then I was going to go to  
8 jail. I had no option. I didn't  
9 have no way of getting the money.  
10 I didn't have any assets or  
11 anything to sell. I had no way of  
12 raising this money. I couldn't go  
13 get a loan because I could not --  
14 I could not go get a loan because  
15 of my credit. And I had no other  
16 choice but to go into bankruptcy.  
17 I didn't want to go into  
18 bankruptcy, but when the D. A.  
19 tells me that, I'm going to make  
20 sure the judge puts you in jail, I  
21 don't have any choice. I don't  
22 want to go to jail.

23 And at the time that this was  
24 told to me, they was cutting my  
25 check. They was cutting it out of

1           my check, payroll deduction, but  
2           they wanted me to still come up  
3           with this X-amount of dollars  
4           that I couldn't come up with. So  
5           I said, you know, I'll go to  
6           bankruptcy. I went to  
7           bankruptcy, and that's something  
8           that really bothered me because  
9           the judge told me that, If  
10          anything ever happens to your  
11          job, I'm going to make sure you  
12          go to jail. You know, and here I  
13          am paying child support as best I  
14          can, and still I'm threatened with  
15          going to jail if something were to  
16          happen to my job.

17                 And she proved it to me. On  
18          one occasion, I was sent a letter  
19          for a court date. That letter was  
20          sent to the wrong address. I had  
21          given them my correct address.  
22          And when I went to court on the  
23          day when I called -- I didn't get  
24          a letter, so I called. And once I  
25          called to find out when my court

1           date was, they told me it was on  
2           the 27<sup>th</sup>.

3           I went on the 27<sup>th</sup>. After  
4           waiting about three hours there, I  
5           went and asked what was going  
6           on. They said, Well, your court  
7           date was on the 24<sup>th</sup>. I went  
8           downstairs to find out why I was  
9           not notified of that date. They  
10          told me a letter was sent to my  
11          house, but it was returned wrong  
12          address. So she looked on the  
13          file and saw I had given them the  
14          correct address. It was just  
15          inadvertently wrote wrong.

16          And because of that, the judge  
17          had put an attachment out for my  
18          arrest. I tried to get another  
19          court date. And when I finally  
20          did get another court date, she --  
21          I sat up there in court another  
22          three hours, and the judge told  
23          me at that time that she didn't  
24          have time to see me, she was  
25          busy, and I was taken into

1           c u s t o d y .

2           A t t h i s t i m e , t h e y w e r e s t i l l  
3           t a k i n g m o n e y o u t o f m y c h e c k . I  
4           w a s t a k e n i n t o c u s t o d y , h a u l e d  
5           o f f t o j a i l w i t h t h e t h r e a t o f  
6           l o s i n g m y j o b . I t h i n k t h a t i s  
7           t o t a l l y u n f a i r .

8           I a m n o w n i n e t e e n t h o u s a n d  
9           s e v e n h u n d r e d a n d s i x t y - o n e  
10          d o l l a r s a n d t w e l v e c e n t s i n d e b t .  
11          T h r e e t h o u s a n d n i n e h u n d r e d a n d  
12          f o r t y - t w o d o l l a r s a n d s i x t y - f o u r  
13          c e n t s i n a c t u a l c h i l d s u p p o r t  
14          o w e d , a n d f i f t e e n t h o u s a n d e i g h t  
15          h u n d r e d a n d e i g h t e e n a n d f o r t y -  
16          e i g h t c e n t s i s i n t e r e s t . I n t e r e s t  
17          a l o n e . I n t e r e s t o n m o n e y t h a t I  
18          c a n ' t h a r d l y p a y n o w i s b e i n g  
19          t a x e d o n e v e r y y e a r t h a t I d o n ' t  
20          h a v e i t .

21          I ' m p a y i n g i n b a n k r u p t c y r i g h t  
22          n o w , b u t a t t h e e n d o f e a c h y e a r ,  
23          e v e r y t i m e t h a t i t i s n o t p a i d ,  
24          i n t e r e s t i s t a x e d o n t o t h a t ,  
25          p u t t i n g m e f a r t h e r i n d e b t .

1 I take child support very  
2 seriously. Whenever you bring a  
3 child into this world, you should  
4 take care of that child. I  
5 (unintelligible) that the court  
6 uses are not fair. When it comes  
7 to custodial parents and  
8 noncustodial parents, the  
9 difference is overwhelming.

10 Noncustodial parents must have a  
11 job in order to pay child support.

12 Not with the custodial parent.

13 When a noncustodial parent gets  
14 behind, they are punished by a  
15 late fee, arrest, high interest,  
16 and privileges that could result  
17 in loss of gainful employment.

18 However, this is not so for  
19 the custodial parent. They are  
20 not required to maintain  
21 employment or supply the court  
22 with this information. The  
23 custodial parent can do exactly  
24 what they want to do.

25 I have to have a job because I



1           w a s   i n   c h i l d   s u p p o r t .   I   b e l i e v e  
2           i f   e v e r y   - -   i f   a   w o m a n   o r   m a n  
3           w a n t s   t o   t a k e   s o m e o n e   t o   c o u r t  
4           f o r   c h i l d   s u p p o r t ,   t h e n   w e   o u g h t  
5           t o   a l l   b e   a b i d i n g   b y   t h e   s a m e  
6           r u l e s .

7           A n d   t h i s   i s   - -   b u t   i t ' s   n o t   j u s t  
8           a b o u t   t h e   m e n   a n d   w o m e n .   B u t   i t  
9           s a y s   h e r e ,   i f   a   w o m a n   g e t s  
10          p r e g n a n t ,   s h e   h a s   a n   o p t i o n   t o  
11          h a v e   a n   a b o r t i o n ,   w h i c h   I   d o n ' t  
12          s u p p o r t   t h a t   b u t   t h a t   i s   h e r   r i g h t  
13          b y   t h e   l a w .   I f   s h e   h a s   t h e   c h i l d  
14          a n d   e l e c t s   t o   k e e p   i t ,   s h e   c a n  
15          c a r r y   i t   t o   t h e   n e a r e s t   h o s p i t a l ,  
16          n o   q u e s t i o n s   a s k e d .   O r   s h e   h a s  
17          t h e   o p p o r t u n i t y   t o   u s e   a n  
18          a d o p t i o n   a g e n c y .   T h e s e   o p t i o n s  
19          a r e   n o t   g i v e n   t o   t h e   m a n   i f   h e  
20          d e c i d e s   a f t e r   p r e g n a n c y   h e   i s   n o t  
21          r e a d y   f o r   p a r e n t h o o d .

22          T h i s   a g a i n   s h o w s   t h e  
23          o v e r w h e l m i n g   b i a s   a n d   p r e j u d i c e  
24          t h a t   t h e   c o u r t   h a s   t o w a r d s   m e n .  
25          A n d   I   s a y   t h a t ,   y o u   k n o w ,   s o m e   o f

1           t h e s e   t h i n g s   y o u   m i g h t   t h i n k   a r e  
2           t e r r i b l e ,   b u t   I   d o n ' t   h a v e   t h a t  
3           o p t i o n .   I f   I   g o   o u t   a n d   h a v e   a n  
4           a f f a i r   w i t h   a   w o m a n   a n d   t h e n   b o t h  
5           o f   u s   a g r e e   t h a t   w e   d o n ' t   w a n t   t o  
6           h a v e   c h i l d r e n   a t   t h i s   t i m e ,   w e  
7           j u s t   w a n t   t o   l i v e   i n   t h a t  
8           l i f e s t y l e ,   n e i t h e r   o f   u s   w a n t s   a  
9           c h i l d ,   i f   s h e   g e t s   p r e g n a n t ,   s h e  
10          h a s   t h e   o p t i o n   t o   g o   d o w n   a n d  
11          a b o r t   t h i s   c h i l d .   O r   i f   s h e   d o n ' t  
12          w a n t   i t ,   s h e   c a n   t a k e   i t   t o   t h e  
13          h o s p i t a l   o r   s h e   c a n   u s e   a n  
14          a d o p t i o n   a g e n c y .

15                 J U D G E   G O S A :   T w o   m i n u t e s .

16                 M R .   A S H F O R D :   T h a n k   y o u .  
17           W h e n   a   m a n   i s   t a k e n   t o   c h i l d  
18           s u p p o r t ,   t h e   w o m a n   h a s   a   D . A .  
19           a n d   a   c a s e   w o r k e r   o n   h e r   s i d e  
20           i n f o r m i n g   h e r   o f   a l l   h e r   r i g h t s  
21           a n d   o p t i o n s .   A n d   t h e   m a n   h a s   t o  
22           a f f o r d   h i s   o w n   a t t o r n e y   o r   u s e   a  
23           p u b l i c   d e f e n d e r   w h o s e   q u e s t i o n  
24           i s ,   H o w   m u c h   m o n e y   c a n   y o u   p a y  
25           a n d   h o w   m u c h   m o n e y   d o   y o u   m a k e .

1           In closing, I would like to  
2           suggest to the court that the law  
3           be reviewed to place more  
4           emphasis on our custodial parents  
5           and their intentions concerning  
6           the welfare of the child.

7           Children are often neglected by  
8           this parent who is not liable to  
9           the court for their finances even  
10          though the noncustodial parent is  
11          expected to live up to the  
12          responsibilities that the court  
13          has ordered by its court order.

14          I think that if the custodial  
15          parent had to report what they  
16          were doing with the money -- I  
17          heard him say, you know, like a  
18          debit card -- and show that that  
19          parent is taking care of that  
20          child, then the noncustodial  
21          parent might be more willing to  
22          continue to pay.

23          I had an instance in my case  
24          where I had temporary custody of  
25          my child. I went to court, asked

1 the judge not to suspend my child  
2 support but let it go toward my  
3 arrearage. He (inaudible) went in  
4 one ear and out the other, and  
5 that didn't make sense. I had  
6 temporary custody of my son at  
7 that time, which made me the  
8 custodial parent. And I felt like  
9 I was mistreated in that case.

10 I'm finished.

11 COMMITTEE MEMBER: I have  
12 a question not directly with this  
13 case, but it came up with some  
14 conversations I had with several  
15 attorneys before coming down  
16 here. And I don't think the  
17 committee here will address the  
18 twelve percent interest of  
19 arrearages.

20 COMMITTEE MEMBER: I was  
21 going to ask, have you talked to  
22 your legislator about that?  
23 That's set by state law. All  
24 judgments draw interest at twelve  
25 percent, but in this economy,

1 (unintelligible) excessive to me.  
2 I'm not speaking for the  
3 committee because we don't have  
4 anything to do with that. But  
5 that has to be addressed through  
6 your legislator. That's state  
7 law. The judges don't have any  
8 choice but to follow it whether  
9 we agree with it or not. So you  
10 have to talk to your legislator  
11 about those type things. We  
12 don't have any control over that.

13 COMMITTEE MEMBER: When  
14 you say that your son is twenty-  
15 one and he has a son, are you  
16 paying on arrearage? You're not  
17 paying child support.

18 MR. ASHFORD: I'm paying my  
19 arrearage.

20 COMMITTEE MEMBER: I think  
21 you said something about at some  
22 point in time being the custodial  
23 parent; is that right?

24 MR. ASHFORD: Yes.

25 COMMITTEE MEMBER: And

1           y o u   d i d n ' t   s e e k   c h i l d   s u p p o r t ?

2           M R .   A S H F O R D :   I   d i d n ' t .   A l l  
3           I   a s k e d   f o r   w a s   t h e m   t o   t a k e   w h a t  
4           I   o w e d   f r o m   m y   r e g u l a r   p a y m e n t ,  
5           j u s t   g o   t o w a r d s   m y   a r r e a r a g e  
6           b e c a u s e   I   w a n t e d   t o   g e t   i t   o u t   o f  
7           t h e   w a y   b e c a u s e   I ' m   a l w a y s  
8           t h r e a t e n e d   w i t h   g o i n g   t o   j a i l   i f   I  
9           d o n ' t .   T h a t   t h r e a t   j u s t   h a n g s  
10          o v e r   m y   h e a d .

11          C O M M I T T E E   M E M B E R :   S o   i s  
12          t h a t   w h a t   w a s   d o n e ?

13          M R .   A S H F O R D :   N o .   I t  
14          w a s n ' t .   H e   s a i d   ( u n i n t e l l i g i b l e )  
15          t h a t   d i d n ' t   m a k e   s e n s e .   I t   w e n t  
16          i n   o n e   e a r   a n d   o t h e r   t h e   o t h e r .

17          C O M M I T T E E   M E M B E R :   W h a t  
18          t h e   J u s t i c e   i s   a s k i n g   y o u ,   d i d   y o u  
19          a s k   f o r   c h i l d   s u p p o r t   f r o m   t h e  
20          m o t h e r   w h e n   y o u   h a d   c u s t o d y ?

21          M R .   A S H F O R D :   I   d i d n ' t   a s k  
22          f o r   c h i l d   s u p p o r t .   I   d i d n ' t   w a n t  
23          h e r   t o   p a y   m e   n o t h i n g .   A l l   I  
24          w a n t e d   w a s   m y   c h i l d   s u p p o r t   t o   g o  
25          t o w a r d   p a y i n g   ( i n a u d i b l e ) .

1           C O M M I T T E E   M E M B E R :   Y o u  
2           s h o u l d   h a v e   a s k e d   f o r   c h i l d  
3           s u p p o r t .

4           J U D G E   G O S A :   A n y   o t h e r  
5           q u e s t i o n s ?   T h a n k   y o u ,   s i r .

6           A r t r e c a   T h o m a s   a n d   C y n t h i a  
7           T o w n s e n d ?

8           A r e   y o u   M s .   T h o m a s ?

9           A R T R E C A   T H O M A S :   I ' m   M s .  
10          T h o m a s .   C y n t h i a   i s   b a c k   t h e r e .

11          J U D G E   G O S A :   O k a y .   I s   s h e  
12          g o i n g   t o   m a k e   a   p r e s e n t a t i o n ?

13          M S .   T H O M A S :   S h e   i s   n o t .

14          J U D G E   G O S A :   O k a y .   T h a n k  
15          y o u .

16          M S .   T H O M A S :   G o o d   m o r n i n g .  
17          I   f e e l   l i k e   a n   e n d a n g e r e d   s p e c i e s  
18          a s   a   c u s t o d i a l   p a r e n t   i n   h e r e   t h i s  
19          m o r n i n g .   B u t   o b v i o u s l y ,   n o   o n e  
20          e l s e   i n   h e r e   h a s   b e e n   t o   P i k e  
21          C o u n t y   b e c a u s e   t h e y ' r e  
22          ( u n i n t e l l i g i b l e )   o n   c u s t o d i a l  
23          p a r e n t s .

24          D u e   t o   c o n f l i c t   o f   i n t e r e s t ,   I  
25          h a v e   c h a n g e d   c a s e   w o r k e r s   f o u r

1           t i m e s .   O n e   w a s   d a t i n g   m y  
2           c h i l d r e n ' s   f a t h e r .   O n e   w a s  
3           r e l a t e d   t o   m y   c h i l d r e n ' s   f a t h e r .  
4           A n d   t h e   o t h e r   w a s   s e n t   t o   I r a q .  
5           S o   n o w   m y   c a s e   w o r k e r   i s   t h e  
6           s u p e r v i s o r   o f   c a s e   w o r k e r s .   S o  
7           t h a t ' s   a   p r o b l e m   w e   h a v e   i n   P i k e  
8           C o u n t y .

9           B u t   a s   f a r   a s   t h e   g e n t l e m a n  
10          w a s   s a y i n g   a b o u t   t h e   d e b i t   c a r d s ,  
11          w e ' r e   h a v i n g   e n o u g h   t r o u b l e   w i t h  
12          t e x t b o o k s   a n d   s c h o o l s ,   s o   w o u l d  
13          t h a t   a l s o   m e a n   t h e y   w o u l d   i n s t a l l  
14          d e b i t   m a c h i n e s   i n   s c h o o l s  
15          b e c a u s e ,   a s   y o u   c a n   s e e ,   I   a m   a  
16          s i n g l e   m o t h e r   o f   t h r e e   c h i l d r e n .  
17          A n d   I   a t t e n d   T r o y   S t a t e  
18          U n i v e r s i t y ,   a n d   I   w o r k ,   a l s o .

19          B u t   i t ' s   n o t   f a i r   t h a t   m y  
20          c h i l d r e n   c a n ' t   t a k e   b a n d   o r   t h e y  
21          c a n ' t   t a k e   - -   o r   g e t   i n v o l v e d   i n  
22          o t h e r   a c t i v i t i e s   b e c a u s e   D a d  
23          d o e s n ' t   w a n t   t o   p a y   t h i s   w e e k .   I f  
24          t h e   j u d g e   o r d e r s   f o r   h i m   t o   m a k e  
25          a   p a y m e n t   o f   w h a t e v e r   a m o u n t   o f



1        dollars per week or per month,  
2        then he should be made to pay  
3        that money. And if I call my  
4        case worker and ask why isn't he  
5        paying it, I'm told that I should  
6        be glad I'm receiving something.

7                If the guidelines also are  
8        saying where documentation  
9        should be shown as to their  
10       income, that also does not happen  
11       in Pike County. He can hire an  
12       attorney and give whatever  
13       amount he wants to give. They  
14       sign the affidavit, and that is  
15       what their payments are based on,  
16       because my children's father  
17       drives a truck. He owns his own  
18       truck, but he subleases through  
19       Wal-Mart. They don't include the  
20       shares that he may get through  
21       Wal-Mart. So that's really not  
22       benefiting -- I am -- Cynthia and  
23       I are (unintelligible) few mothers  
24       who are willing to go without so  
25       that our children will have. And

1           t h a t ' s   w h y   w e ' r e   h e r e   t o d a y .

2           T h e   g u i d e l i n e s   a r e   o k a y ,   b u t  
3           w h e n   y o u   h a v e   a   j u d i c i a l   s y s t e m  
4           l i k e   o u r s   i n   P i k e   C o u n t y   w h o   a r e  
5           n o t   c o m p l y i n g   w i t h   t h e  
6           g u i d e l i n e s ,   t h e n   i t ' s   r e a l l y   n o t  
7           b e n e f i t i n g   u s .

8           I f   m y   c h i l d r e n ' s   f a t h e r   a n d  
9           C y n t h i a ' s   c h i l d r e n ' s   f a t h e r ,   i f  
10          t h e y   a l r e a d y   h a v e   a   f a m i l y   a f t e r  
11          t h e y   h a v e   g o t   c h i l d r e n ,   i t   i s n ' t  
12          o u r   f a u l t   t h a t   t h e y   a r e   a l r e a d y  
13          p a y i n g   f a m i l y   c o v e r a g e   f o r   t h e m .  
14          S o   t h e y ' r e   - -   t h a t ' s   n o t   h e l p i n g  
15          u s   w h e n   w e ' r e   g e t t i n g   t h e   m o n e y  
16          d e d u c t e d   f r o m   c h i l d   s u p p o r t   t o  
17          b e n e f i t   t h e m   f o r   i n s u r a n c e .  
18          T h e y ' r e   a l r e a d y   p a y i n g   f a m i l y  
19          c o v e r a g e .   S o   b y   t h e m   a d d i n g   o u r  
20          c h i l d r e n   t o   t h e i r   c o v e r a g e ,   t h a t  
21          i s   n o t   h e l p i n g   m e .   B u t   w h e n   t h e  
22          j u d g e   s a y s   t h a t   h e   i s   r e s p o n s i b l e  
23          o r   t h e y ' r e   r e s p o n s i b l e   f o r   h a l f   o f  
24          u n r e i m b u r s a b l e   i n s u r a n c e  
25          e x p e n s e s ,   t h e n   w e   s e n d   t h e m

1 certified letters and copies of  
2 documentation, we don't receive  
3 anything.

4 The thing also says about the  
5 entire income. And I was looking  
6 that up, and it was saying about  
7 other expenses that take away  
8 from expenses that the  
9 noncustodial parent would pay.  
10 Well, my children's father went  
11 out and bought a racecar, but he  
12 couldn't pay child support that  
13 month. My children's father went  
14 out and bought some cows because  
15 his buddy was buying cows, so my  
16 children didn't get child support  
17 that week.

18 So it's not fair to us who are  
19 working, who are using the money  
20 wisely for our children to have  
21 this taken from us. And since  
22 child support is not money to  
23 play with, the person paying  
24 child support does not finance the  
25 custodial parent's dates,

1           v a c a t i o n , o r o t h e r w i s e . C h i l d  
2           s u p p o r t i s e x a c t l y w h a t i t i s  
3           c a l l e d , s u p p o r t f o r t h e c h i l d r e n .  
4           T h e r e a r e s o m e o f u s t h a t d o  
5           s u p p o r t o u r c h i l d r e n w i t h c h i l d  
6           s u p p o r t .

7           O n e o f t h e d u m b e s t a t t i t u d e s  
8           a r o u n d i s p e o p l e w h o w i t h h o l d  
9           c h i l d s u p p o r t j u s t t o g e t b a c k a t  
10          o t h e r p a r e n t s o r t o s i m p l y r e t a i n  
11          w h a t c o n t r o l o f a f a i l e d  
12          r e l a t i o n s h i p . T h e o n l y o n e s  
13          s u f f e r i n g i n t h e l o n g r u n a r e t h e  
14          c h i l d r e n . N o n p a y m e n t o f c h i l d  
15          s u p p o r t c a n l e a d t o s u b s t a n d a r d  
16          c o n d i t i o n s f o r o u r c h i l d r e n .

17          W h e n a c h i l d g e t s o l d e n o u g h t o  
18          u n d e r s t a n d w h a t h a s b e e n d o n e ,  
19          t h e y w i l l e n d u p r e s e n t f u l o f t h e  
20          p a r e n t w h o n e g l e c t e d t h e i r  
21          f i n a n c i a l r e s p o n s i b i l i t y .

22          M y c h i l d r e n ' s f a t h e r h a s  
23          v i s i t a t i o n , a l s o , a n d I d o n o t t r y  
24          t o h o l d m y c h i l d r e n f r o m h i m . H e  
25          c a n c o m e g e t t h e m e v e r y o t h e r

1           w e e k e n d , b u t s i n c e h e h a s a n e w  
2           s i x - m o n t h - o l d b a b y , h e c h o o s e s  
3           n o t t o c o m e g e t t h e m .

4           B e c a u s e o n e o f m y c h i l d r e n i s  
5           - - I h a v e a s e t o f t w i n s w h o a r e  
6           s i x y e a r s o l d . W e g o t o  
7           B i r m i n g h a m e v e r y s i x m o n t h s t o  
8           t h e D i a b e t e s C l i n i c . C y n t h i a h a s  
9           a d a u g h t e r w h o ' s s i c k o f t e n , a l s o ,  
10          w h i c h s h e h a s m a d e m a n y t r i p s t o  
11          M o n t g o m e r y t o d e r m a t o l o g i s t s  
12          w i t h h e r d a u g h t e r . T h e d o c t o r  
13          m a y p r e s c r i b e s o m e t h i n g t h i s  
14          w e e k . S h e m a y b e a l l e r g i c t o i t ,  
15          s o t h a t m e a n s s h e c o m e s b a c k n e x t  
16          w e e k t o g e t s o m e t h i n g t o  
17          c o u n t e r a c t f o r w h a t h a p p e n e d l a s t  
18          w e e k .

19          W e l l , w e ' r e n o t r e i m b u r s e d f o r  
20          a n y t r a v e l . W h e n M i a g o e s t o  
21          B i r m i n g h a m , h e r d a d n e v e r c a l l s  
22          t o s a y , W e l l , i s M i a g o i n g t o  
23          B i r m i n g h a m , W h a t h a s t h e d o c t o r  
24          s a i d , D o e s s h e n e e d a n y t h i n g .  
25          N o . I a m t h e o n l y o n e t h a t ' s

1           t h e r e .

2           H i s   m o t h e r   u s e d   t o   c o m e   a n d  
3           g e t   t h e   c h i l d r e n   e v e r y   o t h e r  
4           w e e k e n d ,   b u t   s i n c e   h e ' s   g o t t e n  
5           m a r r i e d ,   h i s   m o m   s a i d   t h a t ' s   n o t  
6           h e r   r e s p o n s i b i l i t y .   T h a t ' s   h i s .  
7           H e   d o e s n ' t   c a l l   t h e   c h i l d r e n .

8           I   h a v e   K a y l a ,   w h o ' s   b e e n  
9           t a k i n g   c l o g g i n g   f o r   t h r e e   y e a r s .  
10          I   h a v e   N i a ,   o n e   o f   t h e   t w i n s ,  
11          s i n c e   k i n d e r g a r t e n   h a s   b e e n  
12          t a k i n g   b a l l e t .   I   h a v e   M i a ,   t h e  
13          o t h e r   t w i n ,   w h o   i s   n o w   t a k i n g  
14          t a p .   I   f e e l   m y   c h i l d r e n   n e e d   t o  
15          b e   i n v o l v e d   w i t h   o t h e r   t h i n g s ,   a s  
16          t h e i r   c l a s s m a t e s   a r e .   T h i s  
17          s u m m e r ,   a l l   t h r e e   o f   m y   g i r l s   w i l l  
18          b e   t a k i n g   g o l f   b e c a u s e   I   w a n t  
19          t h e m   t o   b e   w e l l - r o u n d e d   p e o p l e .  
20          I   w a n t   t h e m   t o   e x p e r i e n c e   o t h e r  
21          t h i n g s ,   t h e   t h i n g s   t h a t   I   d i d n ' t  
22          e x p e r i e n c e .   B u t   i n   o r d e r   f o r  
23          t h e m   t o   e x p e r i e n c e   a l l   t h e s e  
24          t h i n g s ,   t h e   c h i l d   s u p p o r t   n e e d s   t o  
25          b e   p a i d .

1           I am an employee of Troy City  
2           Schools. So, of course, as I'm  
3           paid by the Board of Education,  
4           of course, I don't make any  
5           money. But that's why I am back  
6           in school, and Cynthia also is  
7           about to start back at Troy State.  
8           We are the single mothers who are  
9           out there trying to do all that we  
10          can for our children.

11          So we're not here asking for  
12          daddies to pay more money.  
13          We're asking for daddies to pay  
14          what is told for them to pay now.  
15          That is the only thing we are  
16          asking for. The guidelines are  
17          there, but they are not being  
18          implemented in Pike County.

19          And, like I said, as far as the  
20          case workers, that doesn't even  
21          apply in Troy because everyone in  
22          Troy knows everyone in Troy.  
23          And if she doesn't like me --  
24          Okay. Friends -- My latest case  
25          worker is the best friend of my

1 children's father. And the  
2 director of DHR in Troy made the  
3 comment to me that --

4 (Whereupon, Videotape One  
5 ended, after which  
6 Videotape Two began with  
7 a speaker already in  
8 progress as follows:)

9 BRADLEY BARBER: -- through  
10 his brother with the lead attorney  
11 in town. And so it started. And  
12 so I have been to the Appellate  
13 Court now nine times just to see  
14 my children. Finally they said, I  
15 want to be adopted. So after  
16 sixteen years of not seeing them  
17 and paying child support, they're  
18 now adopted.

19 Guess what, ladies and  
20 gentlemen. Just so you'll know  
21 how bad this system is, she went  
22 to DHR's attorney and got, for  
23 thirty-five dollars, a contempt  
24 petition against me for failure to  
25 pay current support. And I have



1           an adoption effective May 22  
2           (inaudible). How can she do  
3           that? How can she do that? It  
4           upsets me beyond belief.

5           Well, yeah, it's brought upon  
6           (unintelligible), but will the  
7           judicial branch step forward?  
8           No. I don't expect that. But  
9           they ought to because I assure  
10          you, there are five hundred  
11          thousand plus who would like to  
12          be here today. You would be here  
13          for weeks hearing story after  
14          story that this child support  
15          guidelines must be modified to  
16          reflect our current method of  
17          living.

18          Thank you.

19          JUDGE GOSA: All right.

20          We'll be in recess until 1:30.

21                 (Whereupon, a lunch recess  
22                 was had, after which the  
23                 videotape was restarted  
24                 with a speaker already in  
25                 progress as follows:)

1           M I C H A E L   A .   P O L E M E N I :   - -   a n  
2           a s s u m p t i o n   i s   m a d e   t h a t   a l l   c h i l d  
3           s u p p o r t   i s   s p e n t   f o r   t h e   b e n e f i t  
4           o f   t h e   c h i l d r e n .   N o   c o n s i d e r a t i o n  
5           i s   g i v e n   f o r   s u p p l e m e n t a l   c o s t s  
6           b y   t h e   n o n c u s t o d i a l   p a r e n t .   T h e  
7           c o u r t s   a n d   D H R   m u s t   e s t a b l i s h  
8           a c c o u n t a b i l i t y   o f   f u n d s   s p e n t   f o r  
9           t h e   c h i l d .

10           I   c a n   o n l y   g o   i n t o   m y   p e r s o n a l  
11           a n e c d o t e s .   A n d   t h a t ' s   m y   c h i l d  
12           a s k e d   m e ,   y o u   k n o w ,   t h a t   s h e  
13           n e e d e d   a d d i t i o n a l   f u n d s   t o   d o  
14           s o m e t h i n g   d u r i n g   t h e   m o n t h .   A n d  
15           I   a s k e d   h e r   w h a t   h e r   m o t h e r   w a s  
16           d o i n g   w i t h   t h e   m o n e y .   S h e   s a i d  
17           t h a t   t h e   m o n e y   - -   s a y s   t h a t   i t ' s  
18           g o i n g   f o r   r e n t .   I   f i n d   t h a t  
19           u n a c c e p t a b l e .   M y   e x   o w n s   t h e  
20           h o u s e   t h a t   w e   w e r e   l i v i n g   i n ;   i s  
21           m a k i n g   m o r t g a g e   p a y m e n t s .   S h e  
22           f o r   a   d o l l a r   s o l d   h e r   i n t e r e s t   i n t o  
23           h e r   n e w   h u s b a n d   f o r   a   d o l l a r ;  
24           r e f i n a n c e d   f o r   t h i r t y   t h o u s a n d  
25           d o l l a r s   p r o f i t .   A n d   n o n e   o f   t h a t

1 money goes to my children. In my  
2 original decree, which was  
3 rejected, I requested that fifty  
4 percent of the house profits go to  
5 my children. So that's all null  
6 and void.

7 So there's really no  
8 accountability in the system that  
9 what's being given to the  
10 children is being spent on the  
11 children.

12 I did a very poor job of  
13 presenting this, but there is a  
14 brief by Mark Rogers out of  
15 Georgia that is attached. And it  
16 goes into more detail of all the  
17 legal issues and so forth on that.  
18 And that's really all I have to  
19 say. I appreciate your time.

20 JUDGE GOSA: Any questions?

21 COMMITTEE MEMBER: Do you  
22 know the format or the process  
23 that Mr. Rogers refers to  
24 (inaudible)?

25 MR. POLEMENI: I don't know.

1 I think Georgia has, yes.

2 JUDGE GOSA: Thank you.

3 Kelley Christian?

4 KELLEY CHRISTIAN: My name  
5 is Kelley Christian. I'm from  
6 Molton, Alabama. I am both a  
7 custodial and a noncustodial  
8 parent. I really didn't know what  
9 to talk about here. I had some,  
10 you know, some questions. But I  
11 appreciate you hearing, I mean,  
12 about personal situations. I  
13 think it gives us the opportunity  
14 to really get -- allows you to see  
15 the affect that some of the  
16 decisions that are made on the  
17 people out in the general  
18 populous of the state.

19 I mean, I really feel in here  
20 that when you've got Ms. Thomas  
21 and Ms. Townsend, they're doing  
22 everything they can to spend the  
23 money that they get, when they  
24 can get some money, for the  
25 benefit of the children.

1           Unfortunately, that's not always  
2           the case. Just like statistics  
3           will show that eighty to eighty-  
4           five percent of the fathers are  
5           paying child support as asked to.  
6           But it's the other fifteen percent  
7           that puts a bad light on the  
8           fathers who are trying. So the  
9           system is really messed up. It  
10          works both ways.

11                 So in trying to decide on what  
12           to talk about and what to say, I  
13           recall a circuit judge's  
14           instructions to the jury whenever  
15           they were going out on a case.  
16           And he cautioned the jurors, he  
17           said, Folks, let me explain  
18           something to you. Right and  
19           wrong have nothing to do with the  
20           law. It's sad, but the law is the  
21           law.

22                 And that's -- that drove me to  
23           think about what I wanted to talk  
24           about and things here. And it's  
25           just, what is the law? And the

1 federal government gives us a  
2 mandate that we are to follow.  
3 Some of the information that was  
4 passed out to you -- and I'm not  
5 going to go into it in detail. All  
6 of you are -- I know are more  
7 familiar with the law than I am.

8 But I have a memorandum  
9 from, I think, John Remington  
10 Graham. He was asked to do a  
11 study or this paper for the state  
12 and look at what Alabama's doing.  
13 When you look in the paper on the  
14 last couple of pages and all, it  
15 tells that because Alabama's  
16 guidelines are not based on  
17 authentic economic data that  
18 estimates the actual cost of  
19 raising children and do not  
20 apportion the board fairly  
21 between both parents according to  
22 their resources, they are not  
23 valid under the Federal Family  
24 Support Act. Consequently, these  
25 guidelines, if not properly

1        r e v i s e d , m a y b e s t r u c k d o w n i n  
2        l i t i g a t i o n b e f o r e t h e C o u r t o f t h e  
3        U n i t e d S t a t e s . T h e S t a t e o f  
4        A l a b a m a n e e d s p r o p e r g u i d a n c e i n  
5        r e v i e w i n g a n d r e w r i t i n g  
6        g u i d e l i n e s t o m e e t f e d e r a l  
7        s t a n d a r d s .

8            A l s o , M r . G r a h a m g o e s o n t o  
9        c o m m e n t t h a t - - I a l s o p r o v i d e d  
10       e a c h o f y o u w i t h a c r i t i q u e o f  
11       A l a b a m a ' s g u i d e l i n e s p r o v i d e d b y  
12       M a r k R o g e r s . I t h i n k , M r . F o r d ,  
13       y o u a s k e d i f t h e r e w e r e a n y s t a t e s  
14       t h a t h a d a d o p t e d M r . R o g e r s '   
15       f o r m u l a s . I t h i n k G e o r g i a . M r .  
16       R o g e r s w a s i n s t r u m e n t a l i n  
17       r e w r i t i n g a n d b r i n g i n g G e o r g i a  
18       i n t o g u i d e l i n e c o m p l i a n c e . T h e  
19       s a m e w i t h T e n n e s s e e . A l s o , I  
20       b e l i e v e h e w a s i n v o l v e d i n  
21       M i n n e s o t a . I n c o n t a c t i n g - - I n  
22       c o n t a c t s t h a t I ' v e h a d w i t h M r .  
23       R o g e r s b a c k a n d f o r t h a b o u t t h i s  
24       p o s i t i o n p a p e r o r t h i s  
25       m e m o r a n d u m p a p e r , I k n o w h e h a s

1 provided testimony before  
2 Congress in Washington. One of  
3 the times I couldn't get him  
4 because he was in Washington and  
5 all. So Mark Rogers is an  
6 economist. His numbers come  
7 from actual economic studies.

8 And we've heard a lot of talk  
9 today about the PSI reports.  
10 Actually, PSI, their initial  
11 numbers came from a guy that was  
12 doing an immigration study, only  
13 it had nothing to do with child  
14 support or the cost of raising  
15 children and economics involved.  
16 So I won't carry on  
17 (unintelligible). We have the  
18 information there that says that  
19 right now, we are not in  
20 compliance with federal  
21 guidelines.

22 So I want to move on to -- I  
23 have another paper here that I  
24 would like one of the gentlemen  
25 to make some copies for me. This



1 is something that I got off the  
2 web, and it's by another -- he's  
3 another child support economist.  
4 He does a lot of work with child  
5 support. His name is Roger Gay,  
6 and this is a quote out of one of  
7 his papers. And he heads up a  
8 project for improvement of child  
9 support litigation.

10 It says: While surfing the  
11 web today, I ran across a rather  
12 disconcerting commentary at the  
13 Alabama Office of the Courts  
14 site. The page is titled Child  
15 Support Information. Before  
16 revealing the details, I should  
17 note that Alabama is presenting  
18 the same misinformation as do  
19 many other states. The quote you  
20 find below is quite similar to a  
21 statement made in, for example,  
22 the Indiana statutes. One would  
23 think that the Alabama Office of  
24 the Courts would do its best to  
25 provide the public with accurate

1 information. Yet I immediately  
2 found obvious misinformation and  
3 wrote to AOC to tell them about  
4 it.

5 Okay. It says: The State of  
6 Alabama Basic Child Support  
7 Obligations were developed  
8 through research sponsored by the  
9 National Center for State Courts  
10 and is based on extensive  
11 economic research on the cost of  
12 supporting children at various  
13 income levels.

14 The fact of the matter is that  
15 the National Center for State  
16 Courts has never sponsored the  
17 development of a Schedule of  
18 Basic Child Support Guidelines  
19 based on economic factors. So  
20 this paper has a lot of interesting  
21 information. I would like a copy  
22 of it made and distributed to each  
23 member.

24 And that's about all I have  
25 other than one thing that I did do

1           before I came down this week is I  
2           got out, and I talked with several  
3           attorneys in the little town that I  
4           live in. And believe me, I saw  
5           more traffic down here trying to  
6           get here from six miles down the  
7           road today than I see in a week in  
8           town and everything, you know.

9           So, but anyway, there seemed  
10          to be a lot of question as to  
11          whether we ought to use -- Some  
12          people said, you know, We ought  
13          to be using net pay rather than  
14          gross pay because the fact of the  
15          matter is, you don't bring home  
16          gross pay. You do not have it  
17          available to use and all whenever  
18          -- after you get your paycheck.

19          Another thing was overtime. I  
20          -- And I don't want to get into  
21          war stories. But a particular  
22          situation, suffice it to say that I  
23          was working a great deal of  
24          overtime before I divorced. This  
25          was used -- Actually what you do

1 is you put a person into -- you  
2 make them a slave to overtime if  
3 you use it in the initial  
4 computation because you've got to  
5 work it to sustain your child  
6 support order. If it's based on a  
7 figure that includes overtime and  
8 you quit working overtime, then  
9 you're not going to be able to  
10 live. So there's a consensus  
11 among the people that I talked to  
12 that would like to see the child  
13 support based on forty hours a  
14 week -- a week's work.

15 Also, you have heard  
16 accountability, which that's  
17 tough to tackle, and I don't  
18 really know just the  
19 (unintelligible) to find a method  
20 of accountability on here.

21 Another area of concern by  
22 one attorney was the interest on  
23 the arrearage, and we've done  
24 discussed this today, that that  
25 would be where there's a

1 legislative action. But it's just  
2 like income tax and all. What  
3 you do is you pay the arrearage  
4 first before you even start  
5 knocking a dent in the back  
6 support owed and everything.  
7 And so if it's accumulating on  
8 the guy that's paying on his  
9 arrearage, he's not ever reducing  
10 the principal and everything most  
11 likely because my understanding  
12 is that the interest is paid first  
13 and everything.

14 COMMITTEE MEMBER: That's  
15 incorrect. Your principal is paid  
16 first. Your interest is paid last.

17 MR. CHRISTIAN: Okay. Well,  
18 that was - -

19 COMMITTEE MEMBER: The  
20 law was amended about five years  
21 ago on that.

22 COMMITTEE MEMBER: Only in  
23 child support, not other types of  
24 judgments. But there was an  
25 amendment to the law. That's

1           c o r r e c t .

2           MR. CHRISTIAN: Well, my  
3           c a s e   w a s   o v e r   f i v e   y e a r s   s o   t h a t ' s  
4           - -   a t   t h e   t i m e   i t   w a s .

5           O k a y .   I ' v e   g o t   a n o t h e r   g u y  
6           w h o s e   c o n c e r n   w a s   o v e r t i m e ,  
7           g r o s s   p a y   v e r s u s   n e t   p a y ,   s e c o n d  
8           f a m i l i e s .   I   m e a n ,   w h a t   w e   a r e  
9           s a y i n g   i s   t h a t ,   y o u   k n o w ,   o n e  
10          c h i l d   i s   n o t   a s   i m p o r t a n t   a s   t h e  
11          o t h e r   c h i l d .   A n d   I ' v e   h e a r d   a n d  
12          w e ' v e   h e a r d   s t o r i e s ,   a n d   i t   j u s t  
13          t e a r s   y o u r   h e a r t .   I   m e a n ,   I   d o n ' t  
14          k n o w ,   a n d   I   p r a y   t o   G o d   t h a t   e a c h  
15          o n e   o f   y o u   d o n ' t   k n o w   w h a t   I ' m  
16          t a l k i n g   a b o u t .   B u t   i t   i s   s a d  
17          w h e n e v e r   y o u   h a v e   t o   m a k e   a  
18          c h o i c e   o n ,   D o   I   p a y   t h e   l i g h t   b i l l  
19          o r   d o   I   b u y   C h r i s t m a s   p r e s e n t s .  
20          M a y b e   I   c a n   p a y   m y   l i g h t   b i l l ,  
21          h a l f   o f   i t   t h i s   t i m e   a n d   h a l f   o f   i t  
22          n e x t   t i m e ,   a n d   I   h a v e   t o   m a k e  
23          C h r i s t m a s   p r e s e n t s .   I   k n o w ,   I  
24          m e a n ,   b e c a u s e   I ' v e   h a d   t o   f a c e  
25          t h a t   d e c i s i o n ,   y o u   k n o w .

1           S o i t ' s e a s y f o r u s t o s i t h e r e  
2           a n d s a y - - T h e m e d i a l i k e s t o t a l k  
3           a b o u t p a r e n t s , n o n c u s t o d i a l s t h a t  
4           w o n ' t p a y , l i k e t o p u t t h e i r  
5           p i c t u r e i n t h e p a p e r b e c a u s e i t  
6           m a k e s u s t h i n k w e ' r e d o i n g  
7           s o m e t h i n g . A n d a c t u a l l y , w h a t  
8           w e ' r e d o i n g i s s u p e r f i c i a l . I  
9           m e a n , i t ' s t o f e e l g o o d a n d a l l ,  
10          a n d t h a t ' s w h a t i t ' s a b o u t .

11           A n d a n o t h e r a t t o r n e y , s h e  
12          m e n t i o n e d t h a t s h e w a s c o n c e r n e d  
13          t h a t s e c o n d f a m i l i e s , c h i l d r e n o f  
14          s e c o n d m a r r i a g e s w a s n ' t g e t t i n g  
15          t h e s a m e t r e a t m e n t , t h e s a m e  
16          p r o t e c t i o n u n d e r t h e F o u r t e e n t h  
17          A m e n d m e n t t h a t c h i l d r e n o f f i r s t  
18          m a r r i a g e s w e r e a n d c r e d i t f o r  
19          v i s i t a t i o n .

20           A n d i r r e g a r d l e s s o f w h a t w e  
21          h a v e d e c i d e d o r w h a t ' s b e e n - -  
22          t h e b e s t e f f o r t s h a v e b e e n m a d e  
23          t o d o t h e r i g h t t h i n g , t h e f a c t i s  
24          I h a v e t h r e e c h i l d r e n . O n e o f m y  
25          c h i l d r e n l i v e s w i t h m e . H e

1       elected to live with me. And I  
2       provide a bedroom for each one of  
3       them. So I add bedroom furniture  
4       to that because whenever the  
5       divorce was taken into account,  
6       he says, Whatever you  
7       (unintelligible) the furniture  
8       goes with the children, which is  
9       okay. I mean, I knew that they  
10      needed it. But it didn't change  
11      the fact that I had to provide for  
12      them when they came to my house.

13           And so it doesn't matter with  
14      me if you're not getting your kids  
15      but one day a month, you should  
16      have one-thirtieth credit for the  
17      time that they're there because  
18      you have the same factors  
19      involved as the custodial parent  
20      does with light bills, extra food,  
21      extra shelter. And so I really  
22      would like to see a formula  
23      gathered.

24           And I do have another piece of  
25      information because I seen that



1           s o m e b o d y ' s   i n f o r m a t i o n   t h a t   t h e y  
2           g a v e   o u t   - -   I   b e l i e v e   i t   w a s   M r .  
3           B l a c k s t o n ' s   t o d a y   - -   t h a t   s a i d ,  
4           W e l l ,   h o w   d o   w e   a c c o u n t   f o r   t h a t .  
5           A n d   i n   t h e   s t u d y   b y   M a r k   R o g e r s  
6           - -   A n d   I   u n d e r s t a n d   M r .   R o g e r s   i s  
7           s u p p o s e d   t o   b e   h e r e   t o m o r r o w ,  
8           a n d   I   w o u l d   r e a l l y   l i k e   t o   h e a r  
9           f r o m   M r .   R o g e r s .   H e   c a n   t e l l   y o u  
10          h i s   n u m b e r s   b e t t e r   t h a n   I   c a n .  
11          B u t   I   h a v e   a   w o r k s h e e t   p r e p a r e d  
12          o v e r   h e r e   t h a t   w a s   t a k e n   f r o m   h i s  
13          w o r k   t h a t   w i l l   g o   d o w n ,   a n d   i t  
14          w i l l   s h o w   y o u   h o w   i t ' s   n o t   a b o u t  
15          w e ' r e   g o i n g   t o   h a v e   t o   s i t   d o w n  
16          h e r e   a n d   d e v e l o p   a   w h o l e   n e w  
17          w o r k s h e e t   f o r   t h i s   i n f o r m a t i o n   o r  
18          w h a t   y o u   t h i n k .   S o   i t   t a k e s   i n t o  
19          a c c o u n t   t h e   t a x   b e n e f i t .   I t   t a k e s  
20          i n t o   a c c o u n t   t h e   p e r c e n t a g e   o f  
21          t i m e   t h a t   t h e   c h i l d r e n   a r e   i n   t h e  
22          n o n c u s t o d i a l ' s   h o m e .   I t   t a k e s  
23          i n t o   a c c o u n t   t h e   t a x   b e n e f i t   t h a t  
24          t h e   c u s t o d i a l   p a r e n t   g e t s   o f f   o f  
25          h a v i n g   c u s t o d y   o f   t h e   c h i l d r e n .

1           S o I ' m g o i n g t o g e t t h a t a n d  
2           p a s s i t o u t t o y o u , a n d t h a t ' s a l l  
3           I ' v e g o t .

4           C O M M I T T E E M E M B E R :   W h a t  
5           c o u n t y a r e y o u f r o m ?

6           M R . C H R I S T I A N :   L a w r e n c e  
7           C o u n t y , A l a b a m a .

8           J U D G E G O S A :   J a m e s N o b l e  
9           A n d e r s o n ?

10          J A M E S N O B L E A N D E R S O N :   M y  
11          n a m e i s J a m e s N o b l e A n d e r s o n .  
12          I ' m f r o m h e r e i n M o n t g o m e r y . I  
13          t h a n k y o u f o r t h e o p p o r t u n i t y t o  
14          t a l k i n t h e p r e s e n c e o f t h e  
15          c o m m i t t e e . I ' m m a k i n g t h i s  
16          r e l a t i v e l y s h o r t a n d j u s t t o t h e  
17          p o i n t .

18          I ' m a c u s t o d i a l p a r e n t t h a t  
19          s h a r e s j o i n t l e g a l a n d p h y s i c a l  
20          c u s t o d y o f o u r s i x - y e a r - o l d s o n  
21          w i t h h i s m o t h e r . A n d I w o u l d  
22          j u s t l i k e t o - - F r o m w h a t I  
23          u n d e r s t a n d , t h e p r e s e n t  
24          g u i d e l i n e s d o n o t s p e c i f i c a l l y  
25          a d d r e s s c h i l d s u p p o r t c o n s i d e r i n g

1 joint custody situations and take  
2 into account the child's time with  
3 each parent and the expenses that  
4 are involved with caring for the  
5 child in each of his or her homes.

6 I would like to please  
7 consider -- the committee please  
8 consider factoring in the  
9 parenting time that's required  
10 with that and expenses to both  
11 parents in regard to the children  
12 in determining a fair, equitable,  
13 and reasonable support order.

14 Also, please consider allowing  
15 for the parent paying child  
16 support to be allowed the  
17 opportunity of declaring the child  
18 or children as a dependant on  
19 state and federal income tax law.  
20 I don't know if that's anything  
21 this committee could possibly do.  
22 But I think that's something that  
23 would be equitable as well.

24 Thank you.

25 COMMITTEE MEMBER: Could I

1 ask a question? You mentioned  
2 about joint custody.

3 MR. ANDERSON: I share joint  
4 legal and physical custody with  
5 our son.

6 COMMITTEE MEMBER: Does  
7 your divorce decree delineate  
8 what parenting time each has?

9 MR. ANDERSON: Yes, sir, it  
10 does. Roughly, he is with me  
11 about -- if you look at the total  
12 number of days per year, he's  
13 with me thirty-seven percent of  
14 the time of the days.

15 COMMITTEE MEMBER: That's  
16 addressed in the guidelines for  
17 shared custody. I address that in  
18 my court. I mean, I don't know  
19 what happened in your case, but  
20 it is addressed.

21 MR. ANDERSON: But  
22 apparently it's not factored in as  
23 much --

24 COMMITTEE MEMBER: Was  
25 your case tried or was it settled?

1 MR. ANDERSON: Yes, sir.

2 COMMITTEE MEMBER: It was  
3 tried?

4 MR. ANDERSON: Yes, sir.

5 JUDGE GOSA: Any other  
6 questions? Thank you.

7 MR. ANDERSON: Thank you.

8 JUDGE GOSA: Tim Smith?

9 TIM SMITH: If you will give  
10 me a moment to set the podium up  
11 for a tall guy.

12 Good afternoon. My name is  
13 Tim Smith. I reside in Morgan  
14 County at 145 Hamaker Street in  
15 Decatur. I am the President of  
16 the Alabama Family Rights  
17 Association, a nonprofit group of  
18 people concerned about the affect  
19 divorce is having on families,  
20 children, and parents. Thank you  
21 for allowing ALFRA members to  
22 address this committee today.

23 Divorce now occurs in over  
24 half of marriages, and this fact  
25 holds true in marriages that

1           involve children. The members of  
2           this committee are in a position  
3           to directly affect how divorce  
4           impacts the members of divorced  
5           families. As the strict roles of  
6           mothers and fathers have changed,  
7           so have the divorce decrees  
8           handed down by judges in this  
9           state. This erosion of the  
10          customary family that has placed  
11          us with the role of parent is  
12          gender neutral. Willing parents  
13          of either sex can and must be  
14          both a provider and a nurturer.

15                 My understanding of Rule 32  
16          is that it assures judges see to  
17          the equitable financial support of  
18          children after a marriage has  
19          been dissolved. The formula  
20          result is held as the proper  
21          amount to be awarded and can  
22          only be deviated from with an  
23          agreement between the parties or  
24          a finding by the court.

25                         Prior to the Rule, judges

1           c o u l d   s e t   a n y   a m o u n t   o f   s u p p o r t  
2           a c c o r d i n g   t o   h i s   o r   h e r   s o l e  
3           d i s c r e t i o n .   T h e   R u l e   i s   u s e d   t o  
4           s e t   a   c e r t a i n   a m o u n t   f o r   t h e  
5           e v e r y d a y   w e l f a r e   o f   c h i l d r e n   o f  
6           d i v o r c e d   f a m i l i e s .

7           N o w ,   t o   t h e   p o i n t   I   w i s h   t o  
8           a d d r e s s .   U n d e r   t h e   c o m m e n t s  
9           s e c t i o n   o f   R u l e   3 2   a v a i l a b l e   f o r  
10          d o w n l o a d   o n   t h e   w e b s i t e   o f   t h e  
11          A d m i n i s t r a t i v e   O f f i c e   o f   t h e  
12          C o u r t ,   t h e   f o l l o w i n g   i s   f o u n d :  
13          T h e   S c h e d u l e   o f   B a s i c   C h i l d  
14          S u p p o r t   O b l i g a t i o n   i s   p r e m i s e d   o n  
15          t h e   a s s u m p t i o n   t h a t   t h e  
16          n o n c u s t o d i a l   p a r e n t   w i l l   e x e r c i s e  
17          c u s t o m a r y   v i s i t a t i o n   r i g h t s ,  
18          i n c l u d i n g   s u m m e r   v i s i t a t i o n .   A n y  
19          a b a t e m e n t   o f   c h i l d   s u p p o r t  
20          b e c a u s e   o f   e x t r a o r d i n a r y  
21          v i s i t a t i o n   s h o u l d   b e   b a s e d   o n  
22          v i s i t a t i o n   i n   e x c e s s   o f   c u s t o m a r y  
23          v i s i t a t i o n .

24                 T h a t   s t a t e m e n t   i n   t h e  
25          c o m m e n t :   T h e   S c h e d u l e   o f   B a s i c

1           C h i l d   S u p p o r t   O b l i g a t i o n   i s  
2           p r e m i s e d   o n   t h e   e x e r c i s i n g   o f  
3           c u s t o m a r y   v i s i t a t i o n ,   i n c l u d i n g  
4           s u m m e r   v i s i t a t i o n .   M y   q u e s t i o n  
5           i s :   W h a t   i s   c u s t o m a r y   v i s i t a t i o n ?  
6           W h a t   i s   s u m m e r   v i s i t a t i o n ?   W h a t  
7           i s   e x t r a o r d i n a r y ?

8           T h e   S t a t e   o f   A l a b a m a   d o e s   n o t  
9           h a v e   a   c u s t o m a r y   v i s i t a t i o n  
10          g u i d e l i n e s   t h a t   j u d g e s   m u s t  
11          a d h e r e   t o .   A s   t h e   i s s u e   o f  
12          c u s t o m a r y   v i s i t a t i o n   i s   r e f e r e n c e d  
13          i n   t h e   R u l e ,   i t   m u s t   b e  
14          q u a n t i f i e d .   I n   t h e   A m e r i c a n  
15          H e r i t a g e   D i c t i o n a r y ,   S e c o n d  
16          C o l l e g e   E d i t i o n ,   c u s t o m a r y   i s  
17          d e f i n e d   a s :   c o m m o n l y   p r a c t i c e d  
18          o r   u s e d   a s   a   m a t t e r   o f   c o u r s e .

19          A s   e a c h   c i r c u i t   c o u r t   i s  
20          a l l o w e d   t o   f o r m   i t s   o w n   v i s i t a t i o n  
21          o r d e r s ,   h o w   i s   t h i s   a d d r e s s e d   i n  
22          t h e   R u l e ?   I t   i s   n o t .   M o s t   j u d g e s  
23          r u l e   o n   d i v o r c e   a n d ,   l a c k i n g   a n  
24          a g r e e m e n t   b y   t h e   p a r t i e s ,  
25          a r b i t r a r i l y   p l a c e   t h e i r   o w n



1           v i s i t a t i o n   s c h e d u l e   i n t o   t h e  
2           o r d e r .   I s   t h i s   j u d g e ' s   o r d e r  
3           c u s t o m a r y   o r   e x t r a o r d i n a r y ?   E v e n  
4           w i t h   a n   a g r e e m e n t   o f   t h e   p a r t i e s ,  
5           h o w   i s   a   j u d g e   t o   k n o w   w h a t  
6           e x c e s s   i s   o r   i f   u n d e r - v i s i t a t i o n   i s  
7           o c c u r r i n g ?

8           I f   c u s t o m a r y   i s   n o t   d e f i n e d ,  
9           h o w   c a n   a n y o n e ,   e v e n   t h e   m o s t  
10          l e a r n e d   j u d g e ,   o r d e r   o r   m o d i f y   a  
11          s u p p o r t   a m o u n t   u n d e r   t h e   R u l e ?  
12          T h i s   i s   a   g r e a t   d i s s e r v i c e   t o   t h e  
13          p a r e n t s ,   t h e   c h i l d r e n ,   a n d   t h e  
14          p r e s i d i n g   j u d g e .

15          A t   o n e   t i m e ,   v i s i t a t i o n   w a s  
16          e v e r y   o t h e r   w e e k e n d   a n d   t w o  
17          w e e k s   i n   t h e   s u m m e r .   T h i s   m a y  
18          s t i l l   b e   t h e   c a s e   i n   s o m e  
19          c o u n t i e s .   H a v e   a l l   c o u n t i e s   b e e n  
20          p o l l e d   t o   f i n d   t h e   a v e r a g e   t o t a l  
21          d a y s   p e r   y e a r   w i t h   t h e  
22          n o n c u s t o d i a l   p a r e n t ?   I   w o u l d  
23          h o p e   s o .   H o w   e l s e   c a n   w e   k n o w  
24          t h e   d e f i n i t i o n   o f   c u s t o m a r y  
25          v i s i t a t i o n   i n   A l a b a m a ?

1           N o t i c e   t h i s   c o m p a r i s o n  
2           i n v o l v i n g   t h e   o n e - t i m e   c u s t o m a r y  
3           v i s i t a t i o n   a n d   t h e   s t a n d a r d  
4           v i s i t a t i o n   n o w   i n   p l a c e   i n   M o r g a n  
5           C o u n t y   f o r   j u s t   l e g a l   c u s t o d y .   A s  
6           y o u   c a n   s e e ,   t h e   c u s t o m a r y  
7           v i s i t a t i o n   h a s   c h a n g e d   t o   m o r e  
8           r e f l e c t   t h e   r e l a t i o n s h i p   t h a t  
9           p a r e n t s   h a v e   w i t h   t h e i r   c h i l d r e n  
10          t o d a y .

11           U n d e r   t h e   v i s i t a t i o n   s c h e d u l e  
12          i n   M o r g a n   C o u n t y ,   t h e   c h i l d   i s  
13          n o w   w i t h   t h e   n o n c u s t o d i a l   p a r e n t  
14          f o r t y - t w o   p e r c e n t   o f   t h e   t i m e .  
15          T h i s   i s   i n   a n d   o f   i t s e l f   s h a r e d  
16          p h y s i c a l   c u s t o d y .   Y e t ,   n o  
17          a l l o w a n c e s   a r e   m a d e   u n d e r   t h e  
18          R u l e   f o r   t h i s   l a r g e   i n c r e a s e   i n  
19          c u s t o m a r y   v i s i t a t i o n .   T h e   n e w  
20          g u i d e l i n e s   a n d   t h e   s c h e d u l e   m u s t  
21          r e f l e c t   t h e   t i m e   s p e n t   w i t h   b o t h  
22          p a r e n t s   o r   i t   i s   n o t   v a l i d .

23           H e r e   i s   a   s t a t e m e n t   d i r e c t l y  
24          f r o m   t h e   R u l e :   R e a s o n s   f o r  
25          d e v i a t i n g   f r o m   t h e   g u i d e l i n e s .

1           R e a s o n s   f o r   d e v i a t i n g   f r o m   t h e  
2           g u i d e l i n e s   m a y   i n c l u d e ,   b u t   a r e  
3           n o t   l i m i t e d   t o ,   t h e   f o l l o w i n g :  
4           S h a r e d   p h y s i c a l   c u s t o d y   o r  
5           v i s i t a t i o n   r i g h t s   p r o v i d i n g   f o r  
6           p e r i o d s   o f   p h y s i c a l   c u s t o d y   o r  
7           c a r e   o f   c h i l d r e n   b y   t h e   o b l i g o r  
8           p a r e n t   s u b s t a n t i a l l y   i n   e x c e s s   o f  
9           t h o s e   c u s t o m a r i l y   a p p r o v e d   o r  
10          o r d e r e d   b y   t h e   c o u r t .

11           T h i s   s t a t e m e n t   i s   i n   i t s  
12          e n t i r e t y   v a g u e   a n d   u n d e f i n e d .  
13          N o w h e r e   i n   t h e   R u l e   i s   s h a r e d  
14          p h y s i c a l   c u s t o d y   o r   e x c e s s  
15          d e f i n e d   o r   q u a n t i f i e d .   I f   y o u   a n d  
16          I   s h a r e   t h e   c o s t   o f   d i n n e r ,   d o e s  
17          t h i s   m e a n   w e   e a c h   p a y   h a l f   t h e  
18          t o t a l   c o s t   o r   c a n   w e   s h a r e   o n  
19          p e r c e n t a g e ?   I s   s h a r e d   c u s t o d y   a  
20          f i f t y - f i f t y   s p l i t   o f   p a r e n t i n g   t i m e  
21          o r   a n y   a m o u n t   o v e r   a   m i n i m u m ?  
22          W h a t   i s   s u b s t a n t i a l ?   H o w   m u c h   i s  
23          e x c e s s ?   I f   t h e   g u i d e l i n e s   d o   n o t  
24          c l a r i f y ,   t h e   g u i d e l i n e s   c r e a t e  
25          c o n f u s i o n .

1           Here is the definition of a  
2 rule, also from the American  
3 Heritage Dictionary: Rule, a  
4 usual or customary course of  
5 action or behavior. Rule 32 was  
6 intended to be used as customary  
7 in application. Therefore, it  
8 must have definite parameters so  
9 those applying the Rule know  
10 when deviation is called for.

11           Visitation orders of courts  
12 may differ widely under the Rule.  
13 Likewise, the definition of  
14 substantial and excess will differ  
15 under the opinion of every judge  
16 in this state. Unless there is  
17 definition, I see lots of problems  
18 with Rule 32.

19           This committee has received a  
20 study from a contracted source.  
21 In Chapter Four page two of this  
22 study, the statement is made that  
23 visitation costs are not factored  
24 into the schedule. This is in  
25 direct conflict with Rule 32 as

1           t h e   c u s t o m a r y   i s   p r e s u m e d  
2           e x e r c i s e d   a n d   t h e   s c h e d u l e   i s  
3           p r e m i s e d   o n   t h a t   a s s u m p t i o n .  
4           E i t h e r   t h e   g u i d e l i n e s   m u s t   f a c t o r  
5           i n   v i s i t a t i o n ,   o r   t h e   s c h e d u l e  
6           m u s t   b e   r e d o n e   t o   r e f l e c t   t i m e  
7           w i t h   t h e   n o n c u s t o d i a l   p a r e n t .

8           I   u r g e   y o u   a s   a   c o m m i t t e e  
9           c h a r g e d   w i t h   p r o v i d i n g   t h e  
10          S u p r e m e   C o u r t   ( u n i n t e l l i g i b l e )   t o  
11          l o o k   c l o s e l y   a t   t h e   d a t a   u s e d   t o  
12          o b t a i n   t h e   s c h e d u l e .   U s i n g  
13          a s s u m p t i o n s   o r   e x t r a p o l a t i n g   a n  
14          e s t i m a t e   f o r   t h e   S t a t e   o f   A l a b a m a  
15          f r o m   n a t i o n w i d e   d a t a   d o e s   n o t  
16          r e f l e c t   r e a l   s i t u a t i o n s   o r   c o s t s .  
17          U s i n g   e s t i m a t e s   i s   n o t   v a l i d   d a t a .  
18          I n v a l i d   d a t a   - -   U s i n g   i n v a l i d   d a t a  
19          p r o d u c e s   i n v a l i d   r e s u l t s .

20          F a i l i n g   t o   f a c t o r   i n   t h e   c o s t  
21          o f   v i s i t a t i o n   w h i l e   s a v i n g   t i m e  
22          a n d   e f f o r t   p e n a l i z e s   p a r e n t s   f o r  
23          e x e r c i s i n g   t h e i r   r i g h t s .   T h i r t y -  
24          f o u r   s t a t e s   h a v e   s e e n   t h e   p r o b l e m  
25          c a u s e d   b y   n o t   f a c t o r i n g   i n

1           v i s i t a t i o n   i n t o   t h e   c a l c u l a t i o n   o f  
2           s u p p o r t .   T h i r t y - f o u r   s t a t e s   n o w  
3           a l l o w   f o r   d e v i a t i o n   f r o m   t h e   c h i l d  
4           s u p p o r t   s c h e d u l e   e i t h e r   b y   u s i n g  
5           a   f o r m u l a   w i t h   b u i l t - i n  
6           a l l o w a n c e s   o r   a   d e v i a t i o n   f a c t o r .  
7           T h e   m a j o r i t y   o f   t h e s e   s t a t e s   a l l o w  
8           a d j u s t m e n t s   u s i n g   a   t h r e s h o l d   o f  
9           t w e n t y   t o   t h i r t y   p e r c e n t .   T h e s e  
10          s t a t e s   h a v e   c l e a r ,   c o n c i s e  
11          g u i d e l i n e s   f o r   c o u r t s   t o   f o l l o w  
12          t h e r e b y   a s s u r i n g   t h a t   e a c h  
13          s u p p o r t   r u l i n g   i s   e q u i t a b l e .

14           A t   p r e s e n t ,   f o u r t e e n   s t a t e s ,  
15          i n c l u d i n g   A l a b a m a ,   a l l o w   f o r  
16          d e v i a t i o n   b u t   d o   n o t   s p e c i f y   a  
17          f o r m u l a   o r   p e r c e n t a g e   t h r e s h o l d .  
18          G i v i n g   A l a b a m a   c o u r t s   v e r y  
19          r e f i n e d   f o r m u l a s   w i t h   d e v i a t i o n s  
20          t i e d   t o   p r e s e n t   v i s i t a t i o n  
21          s c h e d u l e s   w i l l   a s s u r e   t h e   c h i l d r e n  
22          r e c e i v e   e q u a l   s u p p o r t   a t   b o t h  
23          r e s i d e n c e s .

24           I   c h a r g e   y o u   a s   a   n o n c u s t o d i a l  
25          p a r e n t   a n d   r e s i d e n t   o f   t h i s   s t a t e

1 to do your utmost to assure the  
2 child support guidelines and  
3 schedule allow for equitable  
4 treatment of parents. There are  
5 guidelines and schedules in other  
6 states that meet the criteria for  
7 shared parenting and joint legal  
8 custody and are referenced in the  
9 contracted study.

10 Other solutions? Other  
11 solutions have also been  
12 presented here today. Leaving  
13 the Rule as it is or just allowing  
14 for a wholesale change to the  
15 support schedule is not  
16 acceptable. Both of these options  
17 fail the children and parents of  
18 this state. Divorced parents are  
19 looking to you to put forth the  
20 best guideline schedule that can  
21 be formed. We cannot advise the  
22 Supreme Court. This committee  
23 can.

24 Please know that there are  
25 resources available to this

1           c o m m i t t e e   t h a t   w o u l d   n o t   r e q u i r e  
2           t h e   e x p e n d i t u r e   o f   p u b l i c   f u n d s .  
3           A L F R A   h a s   m e m b e r s   r e a d y   a n d  
4           w i l l i n g   t o   a s s i s t   i n   t h e   f o r m i n g  
5           o f   t h e   n e w   s c h e d u l e   a l o n g   w i t h  
6           n e w   g u i d e l i n e s .   T h e s e   p a r e n t s  
7           r e s i d e   i n   t h i s   s t a t e ,   k n o w  
8           f i r s t h a n d   t h e   c o s t   o f   r a i s i n g  
9           c h i l d r e n   i n   A l a b a m a   a n d   a r e   a w a r e  
10          o f   t h e   i s s u e s   f a c i n g   f a m i l i e s   o f  
11          d i v o r c e .

12                 F i n a l l y ,   I ' d   a d d r e s s   t h e  
13          p r o b l e m s   w i t h   t h e   g u i d e l i n e s ,   t h e  
14          p r e s e n t   a n d   p r o p o s e d   s c h e d u l e .  
15          Y o u   a r e   n o w   a w a r e   o f   t h e s e  
16          p r o b l e m s .   Y o u   m e m b e r s   o f   t h e  
17          A d v i s o r y   C o m m i t t e e   m u s t   n o w   a c t  
18          a n d   s o   m u s t   t h e   S u p r e m e   C o u r t   t o  
19          a d d r e s s   t h e s e   i s s u e s .   T h e s e  
20          p r o b l e m s   d i r e c t l y   a f f e c t   t h e  
21          a b i l i t y   o f   d i v o r c e d   p a r e n t s   t o  
22          s u p p o r t   o u r   c h i l d r e n   d u r i n g   t h e  
23          t i m e   t h e y   a r e   w i t h   u s .   W e ' r e  
24          w a t c h i n g   a n d   w a i t i n g   f o r   t h e  
25          r e s u l t s   o f   t h i s   c o m m i t t e e   a n d   t h e



1           a c t i o n s   o f   t h e   c o u r t .

2           T h a n k   y o u .

3           J U D G E   G O S A :   A n y   q u e s t i o n s ?

4           C O M M I T T E E   M E M B E R S :   D o  
5           y o u   h a v e   a n y   r e s o u r c e s   o r   c a n   y o u  
6           t e l l   t h e   c o m m i t t e e   o f   a n y  
7           r e s o u r c e s   a v a i l a b l e   t h a t   w o u l d   - -  
8           t o   s h o w   u s   w h a t   t h e s e   g u i d e l i n e s  
9           a r e   t h a t   i m p a c t   t h e   v i s i t a t i o n ?

10          M R .   S M I T H :   I n   t h e   P S I   s t u d y ,  
11          a s   I ' v e   s e e n   i t ,   o t h e r   s t a t e s '  
12          g u i d e l i n e s   a r e   r e f e r e n c e d ,   a n d  
13          t h e r e   a r e   c e r t a i n   t h r e s h o l d s .

14          M o s t   o f   t h e   t i m e ,   t h e r e ' s   a  
15          m i n i m u m .   F r o m   w h a t   I ' v e   r e a d   i n  
16          t h e   s t u d y ,   t h e r e ' s   a   b a s i c  
17          t h r e s h o l d   o f   s u p p o r t ,   a n d   t h e n  
18          o n c e   y o u   h a v e   t i m e   w i t h   t h e  
19          n o n c u s t o d i a l   p a r e n t   o v e r   a n d  
20          a b o v e   t h a t ,   t h e   s u p p o r t   l e v e l   i s  
21          f a c t o r e d   d o w n .   I ' m   n o t   a n  
22          e c o n o m i s t .   I ' m   n o t   a  
23          s t a t i s t i c i a n .   I ' m   n o t   a   p u b l i c  
24          s p e a k e r   e i t h e r .

25          B u t   t h e r e ' s   r e s o u r c e s

1           a v a i l a b l e .   O t h e r   s t a t e s   h a v e   s e e n  
2           t h e   n e e d   t o   a l l o w   f o r   t h i s   r i g h t  
3           h e r e .   A n d   a s   a   m a t t e r   o f   c a s e   i n  
4           p o i n t ,   t h i s   i s   m y   v i s i t a t i o n .  
5           T h a t ' s   t h e   o n l y   c o u n t y   I   c a n  
6           s p e a k   o f .   T h a t ' s   m y   v i s i t a t i o n ,  
7           a n d   I   d o   p a y   t h e   f u l l   a m o u n t  
8           o r d e r e d   b y   R u l e   3 2 .   N o   f a c t o r   i s  
9           m a d e   f o r   e x c e s s   t i m e   s p e n t   w i t h  
10          t h e m .

11                 Y e s ,   m a ' a m ?

12                 C O M M I T T E E   M E M B E R :   S o  
13           y o u ' r e   s a y i n g   t h a t   y o u   h a v e   t h e  
14           c h i l d   f o r t y - t w o   p e r c e n t   o f   t h e  
15           t i m e ,   b u t   y o u   p a y   t h e   f u l l   a m o u n t  
16           o f   w h a t   y o u   a r e   - -   w e r e   s c h e d u l e d  
17           t o   - -

18                 M R .   S M I T H :   Y e s ,   m a ' a m .   I ' m  
19           p a y i n g   t h e   f u l l   o b l i g a t i o n   a s   i f   I  
20           r e c e i v e d   a   c u s t o m a r y   v i s i t a t i o n .  
21           I   h a v e   h i m   f o r t y - t w o   p e r c e n t   o f  
22           t h e   t i m e ,   a n d   i n   e x c e s s   o f   t h a t   i n  
23           r e a l i t y   b e c a u s e   I   g e t   h i m   w h e n  
24           h i s   m o t h e r   i s   u n a v a i l a b l e ,   w h e n  
25           s h e ' s   o u t   o f   t o w n .   T h i s   i s   w h a t

1           i t   s a y s   i n   t h e   o r d e r ,   a n d   t h i s   i s  
2           w h a t   t w o   w e e k s   i n   t h e   - -   o r   e v e r y  
3           o t h e r   w e e k e n d   a n d   t w o   w e e k s   i n  
4           t h e   s u m m e r   r e p r e s e n t   a n d   t i m e   a t  
5           C h r i s t m a s .   A n d   t h a t ' s   t h e   o n l y  
6           t h i n g   I   c a n   s p e a k   t o   o f   w h a t   I  
7           k n o w   f i r s t h a n d .

8           C O M M I T T E E   M E M B E R :   D i d  
9           y o u   s e t t l e   y o u r   c a s e   o r   w a s   i t  
10          t r i e d ?

11          M R .   S M I T H :   N o ,   s i r .   M y   c a s e  
12          w a s   t r i e d .

13          C O M M I T T E E   M E M B E R :   D i d  
14          y o u   a p p e a l   i t ?

15          M R .   S M I T H :   I   d i d   n o t   h a v e  
16          t h e   f u n d s   t o   a p p e a l   i t .   I   t a l k e d  
17          t o   a   c o u p l e   o f   a t t o r n e y s ,   a n d   i t  
18          w o u l d   h a v e   b e e n   a n y w h e r e   f r o m  
19          t e n   t o   f i f t e e n   t h o u s a n d   d o l l a r s .  
20          A f t e r   t h e   i n i t i a l   d e c r e e ,   I   d i d   n o t  
21          h a v e   t h e   f u n d s   t o   d o   t h a t ,   s i r .   I  
22          w a s   a w a r d e d   a   s u b s t a n t i a l   a m o u n t  
23          o f   m y   t i m e .   I ' m   h e r e   t o   a s s u r e  
24          y o u   t h a t   m o s t   a l l   p a r e n t s   l o o k   a t  
25          t h i s   f a c t o r   f i r s t ,   h o w   m u c h   t i m e

1           w e h a v e w i t h o u r c h i l d r e n . T h e  
2           m o n e t a r y i s s u e s , I c a n b e q u i t e  
3           f r a n k w i t h y o u a n d s a y I ' m n o t  
4           s t a r v i n g . B u t i t h a s d i r e c t l y  
5           a f f e c t e d t h e r e l a t i o n s h i p t h a t I  
6           h a v e w i t h m y s o n a t m y h o u s e a s  
7           c o m p a r e d t o h i s m o t h e r . H e c a n  
8           d e f i n i t e l y s e e t h e d i f f e r e n c e i n  
9           i n c o m e , a n d w e m a k e e x a c t l y - -  
10          y o u m a y a s w e l l s a y e x a c t l y t h e  
11          s a m e a m o u n t o f m o n e y . B u t t h e  
12          l i f e s t y l e c h a n g e i s c o m p l e t e l y  
13          d i f f e r e n t i n m y h o u s e t h a n i t i s  
14          a t h i s m o t h e r ' s . B u t I ' m j u s t - - I  
15          c o n s i d e r e d a p p e a l i n g , b u t i t w a s  
16          f i n a n c i a l l y i m p o s s i b l e .

17                 T h a n k y o u . I h a v e a c o p y o f  
18                 m y p r e s e n t a t i o n . U n f o r t u n a t e l y ,  
19                 I c o u l d n ' t m a k e a w h o l e l o t o f  
20                 c o p i e s . I f y ' a l l w o u l d , j u s t r u n  
21                 c o p i e s o u t a n d p a s s i t o u t .

22                 J U D G E G O S A : P a u l B i v e n s ?

23                 C O M M I T T E E M E M B E R : W h a t  
24                 c o u n t y a r e y o u f r o m ?

25                 P A U L B I V E N S : I ' m f r o m

1 Elmore County.

2 I, too, thank you for the  
3 opportunity to speak before the  
4 committee. I am here as an  
5 individual, but I am also a  
6 member of Alabama Family Rights  
7 Association. I belong to that  
8 organization because it is a  
9 positive organization that  
10 stresses parents' relationships  
11 with their children, both mother  
12 and father.

13 As I was hooking my way up  
14 here from Crampton Bowl, I  
15 passed the Capitol and noticed a  
16 group of children on their way  
17 for a tour. And I have to tell  
18 you that it is heartening to see  
19 that kind of thing. Parents like  
20 to see their children involved in  
21 those kinds of educational  
22 activities, especially knowing  
23 that one day they're going to be  
24 lawmakers.

25 One of the reasons I belong to

1           t h i s   o r g a n i z a t i o n ,   t o o ,   i s   n o t   s o  
2           m u c h   t h a t   I   t r u l y   e x p e c t   d e c i s i o n s  
3           t o   a f f e c t   m e .   I   d o   n o t   w a n t   t h i s  
4           e x p e r i e n c e   t o   b e   s h a r e d   b y   t h e m .

5           M y   n a m e   i s   P a u l   B i v e n s .   I   a m  
6           o n e   o f   t h e   p r o u d   p a r e n t s   o f  
7           B r i t t a n y   a n d   A u s t i n   B i v e n s .   I ' m  
8           o r i g i n a l l y   f r o m   t h e   S t a t e   o f  
9           T e x a s ,   g r a d u a t e   o f   t h e   U n i v e r s i t y  
10          o f   T e x a s .   M y   w i f e   a g r e e d   t o   n a m e  
11          o u r   s o n   A u s t i n .   I   h a d   s u g g e s t e d  
12          w e   n a m e   o u r   d a u g h t e r   D a l l a s ,   b u t  
13          s h e   r e s i s t e d   s a y i n g   s h e   c o u l d n ' t  
14          s t a n d   a t   t h e   b a c k d o o r   a n d   y e l l ,  
15          A u s t i n ,   D a l l a s ,   t h i n k i n g   t h a t  
16          s o u n d e d   t o o   m u c h   l i k e   a   b u s   o r  
17          t r a i n   s t a t i o n .   I   m i g h t   h a v e   a  
18          p r o b l e m   w i t h   s o m e   o f   h e r   o t h e r  
19          d e c i s i o n s ,   b u t   s h e   m a y   h a v e   b e e n  
20          r i g h t   a b o u t   t h a t .

21          T h e   h a p p i e s t   d a y s   o f   m y   l i f e  
22          w e r e   O c t o b e r   8 <sup>t h</sup> ,   1 9 8 3 ,   t h e   d a t e  
23          o f   o u r   m a r r i a g e ,   J u n e   1 5 <sup>t h</sup> ,   1 9 8 8 ,  
24          a n d   M a r c h   1 5 <sup>t h</sup> ,   1 9 9 0 ,   t h e  
25          b i r t h d a y s   o f   o u r   c h i l d r e n .   A m o n g

1 the saddest is June 2<sup>n</sup>d, 1992, the  
2 date of our divorce.

3 I am not here to complain  
4 about excessive child support  
5 levels, although that is a  
6 problem. Others will address that  
7 issue. I'm here to encourage you  
8 to see child support in a broader  
9 context.

10 Please consider that it means  
11 far more than simple financial  
12 support. While it's no longer  
13 necessary for me to carry them,  
14 my children still need me to lean  
15 on. At fourteen and sixteen, they  
16 don't need me to read to them any  
17 longer, but they do need me to  
18 discuss what they've read. They  
19 don't need me to change them, but  
20 they do need me to help them deal  
21 with changes they're having.

22 I am here as an individual but  
23 a proud member of Alabama  
24 Family Rights. It includes both  
25 mothers and fathers, children,

1       g r a n d p a r e n t s , a n d o t h e r e x t e n d e d  
2       f a m i l y . O u r m o t t o i s : C h i l d r e n  
3       n e e d b o t h p a r e n t s e v e n a f t e r a  
4       d i v o r c e .

5             I h o p e t o d i s p e l a f e w o f t h e  
6       m o r e p o p u l a r m y t h s . F i r s t , t h a t  
7       t h i s p r o c e s s i s f u n d a m e n t a l l y  
8       f a i r . O n e q u i c k l y f i n d s o n e s e l f  
9       u n a b l e t o d e f e n d o n e s e l f b o t h  
10      f i n a n c i a l l y , g i v e n e x t r e m e l e g a l  
11      c o s t s i n v o l v e d , a n d o f c o u r s e i t ' s  
12      c o m p l e t e l y u n f a i r t o t h e c h i l d r e n  
13      w h o w a n t a n d n e e d b o t h m o t h e r  
14      a n d f a t h e r .

15            S e c o n d l y , i t ' s a m y t h t h a t  
16      m o s t o f u s a r e l e a v i n g o u r  
17      m a r r i a g e s f o r a n o t h e r w o m a n o r  
18      o u r s e c r e t a r i e s . I n f a c t , m o s t  
19      d i v o r c e s a r e s o u g h t b y t h e  
20      c u s t o d i a l p a r e n t s , w h a t e v e r  
21      g r o u n d s t h e y w i s h .

22            T h i r d l y , i t ' s a m y t h t h a t w e ,  
23      q u o t e , d o n ' t c a r e , t h a t o u r o n l y  
24      c o n c e r n i s t h e a m o u n t o f s u p p o r t  
25      w e p a y . I n f a c t , a g r e a t



1 percentage of our time at the  
2 meetings deal with the amount of  
3 time that we're able to maintain  
4 with our children. Too many  
5 noncustodial parents simply give  
6 up given a clear message that  
7 only their money matters.

8 Next, I ask that you consider  
9 some important terms involved.  
10 For example, defendant.  
11 Defendant comes to replace  
12 husband or best friend.

13 Noncustodial. With respect, I  
14 am not a noncustodial parent.  
15 I'm a father. Neither is my  
16 former wife custodial parent.  
17 She's a mother.

18 Deadbeat. No one supports  
19 those who do not care for their  
20 children. Unfortunately,  
21 however, perception has been  
22 falsely fostered that most  
23 divorced men are deadbeats. Only  
24 due to political correctness says  
25 that term would now become

1        d e a d b e a t   p a r e n t s .   O u r   f o r m e r  
2        g o v e r n o r   u s e d   t h e   t e r m   l o s t   d o g s .  
3        P l e a s e   c o n s i d e r   t h a t   t h e r e   a r e   f a r  
4        m o r e   d e a d b o l t   d a d s ,   t h o s e   s h u t  
5        o u t   o f   t h e   l i v e s   w i t h   t h e i r  
6        c h i l d r e n   t h a n   d e a d b e a t   d a d s .

7            V i s i t a t i o n .   A g a i n ,   w i t h  
8        r e s p e c t ,   I   d o   n o t   v i s i t   m y  
9        c h i l d r e n .   I ' m   t h e i r   f a t h e r .   I  
10       i n s t r u c t ,   l o v e ,   a n d   p a r e n t   t h e m .

11            N o - f a u l t   d i v o r c e .   I f   t h e r e  
12        e v e r   w a s   a n   o x y m o r o n ,   i t ' s   n o -  
13        f a u l t   d i v o r c e .   T h e r e ' s   p l e n t y   o f  
14        f a u l t   t o   g o   a r o u n d .

15            B e s t   i n t e r e s t   o f   t h e   c h i l d .  
16        U n f o r t u n a t e l y ,   t h i s   t e r m  
17        ( u n i n t e l l i g i b l e )   c o m e s   t o   m e a n  
18        w h a t e v e r   t h o s e   i n   a u t h o r i t y   s a y s  
19        i t   m e a n s .   I t ' s   l i k e   b e a u t y   i n   t h e  
20        e y e s   o f   t h e   b e h o l d e r .

21            A c c o u n t a b i l i t y .   T h i s  
22        c u r r e n t l y   p o p u l a r   b u z z   w o r d   c o u l d  
23        s c a r c e l y   b e   m o r e   o n e - s i d e d   t h a n  
24        w h e n   c o n s i d e r i n g   c h i l d   s u p p o r t .

25            F i n a l l y   a n d   i r o n i c a l l y ,   R u l e

1           3 2   r e f e r s   t o   c h i l d   s u p p o r t  
2           g u i d e l i n e s   f o r   t h o s e   o f   u s   h e r e  
3           t o d a y .   T h a t   m e a n s   g r o u n d s   f o r  
4           r e v e r s a l   w h e n   a p p l i e d   t o   c r i m i n a l  
5           c a s e s .

6           N e x t ,   i n   t e r m s   o f   p u r e l y  
7           f i n a n c i a l   s u p p o r t .   Y o u   w i l l   h e a r  
8           b e t t e r   e x p l a n a t i o n s   o f   t h e  
9           c o n c e r n s   - -   o f   t h e s e   c o n c e r n s   o n  
10          t h e   p a r t   o f   o t h e r s .   S t i l l ,   l e t   m e  
11          a s k   t h a t   y o u   c o n s i d e r   t h e  
12          f u n d a m e n t a l   i n a d e q u a c y   o f   t h e  
13          p r e s e n t   p o l i c y ,   w h i c h   f o r c e s  
14          f i n a n c i a l   s u p p o r t   o r   t h e   p a i n   o f  
15          i n c a r c e r a t i o n   o n   t h e   p a r t   o f   t h e  
16          n o n c u s t o d i a l   p a r e n t   w h i l e  
17          r e q u i r i n g   n o   a c c o u n t a b i l i t y   o r  
18          a n y   p r o o f   o f   f i n a n c i a l   s u p p o r t   b y  
19          t h e   c u s t o d i a l   p a r e n t .

20          F u r t h e r ,   m a n y   e x t r a s   a r e  
21          r e q u i r e d   i n   c h i l d - r e a r i n g ,  
22          h o u s i n g ,   c l o t h i n g .   I   a n d   o t h e r  
23          n o n c u s t o d i a l   p a r e n t s   p r o v i d e  
24          f u l l y   f u r n i s h e d   r o o m s   a n d   a l l   n e w  
25          c l o t h i n g .   N o   a d j u s t m e n t   i s   m a d e

1 here for those lucky enough to  
2 have extended time beyond the  
3 typical.

4 Further, many have second  
5 families which also require  
6 support. Sometimes it's  
7 especially difficult providing for  
8 the needs of second spouses and  
9 children.

10 Personally, I have remained  
11 single for the past twelve years,  
12 knowing that in both terms of  
13 time and money, I must set  
14 priority on my children rather  
15 than having this (unintelligible)  
16 normal family life.

17 In closing, thank you for this  
18 opportunity. Very soon we must  
19 all file our income tax returns.  
20 As added insult, no matter how  
21 much I pay or how hard I try, the  
22 federal government refuses to  
23 allow me deductions or even  
24 consider me head of household.

25 In recently speaking with a

1 group of co-workers, I stressed  
2 my belief that parents should  
3 strongly support the education of  
4 their children. She voiced her  
5 agreement but stated she didn't  
6 mean divorced parents but, quote,  
7 real parents.

8 With respect, we are real  
9 parents. Think what you may be  
10 doing each Friday afternoon in  
11 the months to come. Those of us  
12 in this process know exactly what  
13 we'll be doing. We cross our  
14 fingers that important events will  
15 fall on those every other  
16 weekends that are ours in order to  
17 be with our children.

18 Finally, please recall the  
19 words of a country and western  
20 song. Country music has a  
21 special way of telling the truth.  
22 Fathers, and one could add  
23 mothers, don't love their children  
24 every now and then. It's a love  
25 without end. And if I were in

1           c h u r c h , I w o u l d a s k c a n I g e t a n  
2           a m e n .

3           J U D G E G O S A : A n y q u e s t i o n ?  
4           I d o n ' t b e l i e v e w e h a v e a n y .  
5           T h a n k y o u , s i r .

6           F r a n k H i c k s ?

7           F R A N K H I C K S : L a d i e s a n d  
8           g e n t l e m e n o f t h e A d v i s o r y  
9           C o m m i t t e e f o r C h i l d S u p p o r t a n d  
10          E n f o r c e m e n t , t h a n k y o u f o r h a v i n g  
11          m e t o d a y . M y n a m e i s F r a n k  
12          H i c k s , a n d I ' m a n o n c u s t o d i a l  
13          p a r e n t , r e s i d e n t o f t h e S t a t e o f  
14          A l a b a m a . I ' m a l s o a m e m b e r o f  
15          t h e A l a b a m a F a m i l y R i g h t s  
16          A s s o c i a t i o n . I d o n o t w o r k i n  
17          a n y c a p a c i t y o f c h i l d s u p p o r t  
18          c o l l e c t i o n s o r e n f o r c i n g a g e n c y .  
19          I j u s t w a n t e d t o s t a t e t h a t u p  
20          f r o n t .

21          I ' m h e r e t o s p e a k t o t h i s  
22          d i s t i n g u i s h e d c o m m i t t e e t o d a y  
23          r e g a r d i n g t h e g u i d e l i n e s a s i s s u e d  
24          b y t h i s c o m m i t t e e f o r p u b l i c  
25          c o m m e n t . H o w e v e r , a s i m p o r t a n t

1           a s   t h i s   i s s u e   o f   f i n a n c i a l   s u p p o r t  
2           f o r   o u r   c h i l d r e n   i s ,   t h e   p u r p o s e  
3           o f   t h e   c o m m i t t e e   a n d   t h e   i n t e r e s t  
4           o f   t h e   g e n e r a l   p u b l i c   w o u l d   b e  
5           b e t t e r   s e r v e d   i f   t h i s   c o m m i t t e e  
6           w o u l d   h a v e   a n   o n g o i n g   d i a l o g u e  
7           w i t h   t h e   i n t e r e s t e d   m e m b e r s   o f  
8           t h e   p u b l i c   a n d   a c a d e m i a .   T h i s  
9           a p p r o a c h   w o u l d   b e   f a r   b e t t e r   t h a n  
10          l i s t e n i n g   t o   a   s e r i e s   o f   t e n -  
11          m i n u t e   m o n o l o g u e s   o r i g i n a l l y  
12          ( u n i n t e l l i g i b l e )   c o m m i t t e e  
13          h e a r i n g s .

14                 T h e   i s s u e   o f   c e r t i f y i n g   t h e  
15          v a l i d i t y   o f   A l a b a m a   R u l e   3 2   h a s  
16          s e t   ( u n i n t e l l i g i b l e )   c o m m i t t e e  
17          h e r e ,   a n d   n o w   w e   s e e m   t o   b e   i n   a  
18          h u r r y   t o   d o   s o m e t h i n g ,   a n y t h i n g ,  
19          t o   m e e t   a n   a r b i t r a r y ,   a r t i f i c i a l  
20          d e a d l i n e .

21                 A l a b a m a   R u l e   3 2   h a s   n u m e r o u s  
22          f l a w e d   a s s u m p t i o n s   a n d   o t h e r  
23          p r o b l e m s ,   m a n y   o f   w h i c h   o t h e r  
24          p e o p l e   h a v e   a d d r e s s e d   h e r e   t o d a y  
25          a n d   w i l l   a d d r e s s .   A l a b a m a   R u l e

1           32 politely ignores reality in a  
2           number of key assumptions in the  
3           interest of simplicity. However,  
4           this oversimplification can lead  
5           to some serious issues and  
6           problems with validity of the  
7           amount of child support set by  
8           Rule 32.

9           Since I have only ten minutes  
10          to speak, I will focus on one key  
11          deficiency with Alabama Rule 32  
12          that should be and can be  
13          corrected by this committee. As  
14          I'm sure that everyone on this  
15          committee and everyone in the  
16          audience here today realizes, our  
17          children are our future. We owe  
18          it to them to do the right thing.  
19          Every child is important and  
20          every child should count.

21          One of the key problems with  
22          Rule 32 is that it ignores the  
23          existence of real needs of  
24          hundreds of thousands of children  
25          born subsequent to the



1 noncustodial parent's initial  
2 divorce. The way Rule 32 is  
3 constructed, it fails to take into  
4 consideration the real needs of  
5 all children that a noncustodial  
6 parent is financially responsible  
7 for taking care of. The State of  
8 Alabama, using Rule 32, in effect  
9 tells these children that their  
10 needs do not matter simply  
11 because they had the misfortune  
12 of being born after the breakup of  
13 the noncustodial parent's  
14 previous marriage.

15 Ladies and gentlemen of the  
16 committee, if you will bear with  
17 me, I would like to tell you a  
18 little bit about my personal  
19 situation not -- only because my  
20 situation is so representative of  
21 what thousands -- hundreds of  
22 thousands of noncustodial parents  
23 deal with.

24 I have three children. I have  
25 Angela and Brian, and I have

1           Dillon. Angela and Brian were  
2           born to me in my first marriage  
3           in 1982 and 1985 respectively.  
4           Dillon Hicks was born in 1997.  
5           Rule 32 in the State of Alabama  
6           says this child's needs do not  
7           count. They have not been  
8           considered in determining what  
9           my child support is going to be.  
10          Their needs are paramount.  
11          Theirs come first. He doesn't  
12          count. I have to make -- take  
13          care of his needs with whatever is  
14          left over after I take care of  
15          Angela and Brian's needs. This  
16          is wrong.

17                I have developed a -- Rather  
18                than just come here to explain  
19                today, I've developed a potential  
20                solution to this problem that  
21                could be incorporated into  
22                whatever guidelines, whatever  
23                numbers this esteemed committee  
24                chooses to use for the revision of  
25                Alabama Rule 32. I apologize for

1           not having a presentation graphic  
2           like Mr. Smith did there. He did  
3           a very good job. I think it would  
4           help. But I'm going to just try  
5           to tell you, and I've got a  
6           written copy here I'll leave with  
7           the committee and you can read  
8           it. I won't go into too much  
9           detail.

10                 But basically, the way this  
11           would work is if you have -- for  
12           example, if you have three  
13           children, two of them by a  
14           previous marriage -- again, I'm  
15           just using my particular  
16           situation, but this would work  
17           just as well as if you had four or  
18           five. It doesn't matter. When  
19           you remarry and have another  
20           child, you should be able to go  
21           back to the court and ask for  
22           consideration and a re-  
23           computation of your child  
24           support. People do that every  
25           day, and it's based on a material

1       c h a n g e   i n   c i r c u m s t a n c e .   T h a t  
2       c h i l d   s u p p o r t   w o u l d   b e   r e -  
3       c o m p u t e d   b a s e d   o n   y o u r   c u r r e n t  
4       i n c o m e .   T h a t   h a p p e n s   e v e r y   d a y .  
5       N o t h i n g   i s   d i f f e r e n t   t h a n   w h a t  
6       w e ' r e   d o i n g   n o w .

7             A f t e r   t h a t ,   y o u   l o o k   a t   h o w  
8       m a n y   c h i l d r e n   y o u ' r e   c u r r e n t l y  
9       a c t u a l l y   s u p p o r t i n g ,   n o t   j u s t   t h e  
10      c h i l d r e n   f r o m   t h e   f i r s t   m a r r i a g e .  
11      S o   i f   I   h a v e   a   c h i l d   s u p p o r t   o r d e r  
12      b a s e d   o n   i n c o m e   t h a t   g i v e s   m e   a  
13      p a r t i c u l a r   a m o u n t   f o r   t w o  
14      c h i l d r e n ,   I   t h e n   g o   b a c k   a n d   l o o k  
15      a t   t h e   s a m e   t a b l e   f o r   t h a t   i n c o m e  
16      a n d   l o o k   a t   w h a t   t h r e e   c h i l d r e n  
17      w o u l d   b e .   T h e   d i f f e r e n c e   b e t w e e n  
18      t h e   a m o u n t   f o r   t w o   c h i l d r e n   a n d  
19      t h e   g r e a t e r   a m o u n t   f o r   t h r e e  
20      c h i l d r e n ,   t h e   d i f f e r e n c e   b e t w e e n  
21      t h o s e   t w o   c o u l d   t h e n   b e   p r o r a t e d  
22      b a c k   o r   s u b t r a c t e d   b a c k   f r o m   t h e  
23      c h i l d   s u p p o r t   o r d e r   f o r   t h e   f i r s t  
24      t w o   c h i l d r e n .

25             I   h o p e   y o u ' r e   w i t h   m e .   A g a i n ,

1 if you don't, I've got all this  
2 written out for you, and it will  
3 be a little easier to follow in  
4 writing.

5 So that would in effect at  
6 least allow for consideration for  
7 that third or fourth child. If it  
8 was four children, again, you  
9 would look at the table for four  
10 children, take the delta between  
11 -- the difference between the  
12 amount for four children and the  
13 amount for two children and  
14 subtract that back out of the  
15 order for two children.

16 This simple methodology could  
17 be very easily incorporated into  
18 whatever guideline number this  
19 committee chooses to use and  
20 would indeed at least allow for  
21 some consideration for children  
22 born in this state to parents who  
23 have been divorced and in second  
24 marriages.

25 Yes, ma'am?

1           C O M M I T T E E   M E M B E R :   M r .  
2           H i c k s , I ' v e   r e a l l y   b e e n   l i s t e n i n g  
3           v e r y   c a r e f u l l y   t o d a y ,   a n d   t h e  
4           m o r e   I ' v e   h e a r d   i t ,   t h e   m o r e  
5           c o n c e r n e d   I ' v e   b e c o m e   a b o u t   t h e  
6           f a c t   t h a t   - -   t h e   s e c o n d   f a m i l y ,  
7           t h e   a f t e r - b o r n   c h i l d r e n   s i t u a t i o n .  
8           D o e s   y o u r   f o r m e r   w i f e   h a v e  
9           a d d i t i o n a l   c h i l d r e n ?

10           M R .   H I C K S :   M y   f o r m e r   w i f e ?  
11           N o .

12           C O M M I T T E E   M E M B E R :   A l l  
13           r i g h t .   W e l l ,   l e t ' s   a s s u m e   t h a t  
14           s i t u a t i o n .   L e t ' s   a s s u m e   y o u   d o n ' t  
15           h a v e   y o u r   t h i r d   c h i l d .   Y o u   j u s t  
16           h a v e   t h e   t w o   f r o m   t h e   m a r r i a g e .  
17           L e t ' s   a s s u m e   s h e   h a s   h a d   t w o  
18           m o r e   c h i l d r e n   b y   a   s u b s e q u e n t  
19           m a r r i a g e .   W o u l d   i t   t h e n   b e   f a i r  
20           f o r   h e r   t o   c o m e   i n   a n d   a s k   t h a t  
21           y o u   p a y   m o r e   c h i l d   s u p p o r t   - -

22           M R .   H I C K S :   W e l l ,   I   a s s u m e  
23           t h a t   s h e   - -

24           C O M M I T T E E   M E M B E R :   - -  
25           b e c a u s e   s h e ' s   h a d   a d d i t i o n a l

1           c h i l d r e n ?

2           M R . H I C K S : I a s s u m e s h e h a s  
3           r e m a r r i e d . A n d I k n o w t h a t ' s n o t  
4           a l w a y s t h e c a s e .

5           C O M M I T T E E M E M B E R : D o y o u  
6           n o t s e e h o w i t w o r k s b o t h w a y s ,  
7           h o w t h e R u l e h a s t o a p p l y i n b o t h  
8           s i t u a t i o n s ?

9           ( W h e r e u p o n , s e v e r a l p e o p l e  
10           b e g a n s p e a k i n g  
11           s i m u l t a n e o u s l y . )

12           J U D G E G O S A : C a n w e h a v e  
13           o r d e r , p l e a s e ?

14           M R . H I C K S : I a s s u m e s h e h a d  
15           t h o s e c h i l d r e n w i t h h e r h u s b a n d ,  
16           a n d t h e y a r e r e s p o n s i b l e f o r t h o s e  
17           c h i l d r e n .

18           C O M M I T T E E M E M B E R : B u t  
19           d o n ' t y o u s e e t h a t y o u ' r e m a k i n g  
20           h e r r e s p o n s i b l e f o r y o u r  
21           a d d i t i o n a l c h i l d ?

22           M R . H I C K S : S h e ' s n o t t h e o n e  
23           p a y i n g c h i l d s u p p o r t . I ' m p a y i n g  
24           h e r .

25           C O M M I T T E E M E M B E R : W e l l , I

1           j u s t   w a n t   t o   s a y   t h a t   y o u ' r e  
2           m i s u n d e r s t a n d i n g   t h e   w a y   t h e  
3           c h i l d   s u p p o r t   g u i d e l i n e s   w o r k .  
4           I ' l l   l e a v e   i t   o n   t h a t   n o t e .

5           C O M M I T T E E   M E M B E R :   A l s o ,  
6           a b o u t   s e v e n   y e a r s   a g o   ( i n a u d i b l e )  
7           t h e   C o u r t   o f   C i v i l   A p p e a l s  
8           ( i n a u d i b l e )   t h e   c o u r t   c a n   g o  
9           o u t s i d e   o f   t h e   g u i d e l i n e s   t o   t a k e  
10          c a r e   o f   a f t e r - b o r n   c h i l d r e n .  
11          ( I n a u d i b l e . )

12          M R .   H I C K S :   W e l l ,   s i r ,   I - -  
13                ( W h e r e u p o n ,   s e v e r a l   p e o p l e  
14                b e g a n   s p e a k i n g  
15                s i m u l t a n e o u s l y . )

16          M R .   H I C K S :   S i r ,   I   a g r e e   w i t h  
17          y o u ,   s i r .   Y o u   c a n n o t ,   a n d   I   f e e l  
18          v e r y   c o n f i d e n t   i n   s a y i n g   w h a t  
19          h a p p e n s   i n   o n e   c o u r t r o o m   d o e s   n o t  
20          h a p p e n   i n   m o s t   o f   t h e   c o u r t r o o m s .

21          C O M M I T T E E   M E M B E R :   T h a t ' s  
22          t h e   l a w   i n   t h i s   s t a t e .   T h a t   i s   a  
23          g r o u n d s   f o r   v a r i a t i o n   f r o m   t h e  
24          g u i d e l i n e s .

25          M R .   H I C K S :   I ' v e   t a l k e d   t o



1           h u n d r e d s   o f   n o n c u s t o d i a l   p a r e n t s ,  
2           a n d   I   h a v e   y e t   t o   t a l k   t o   a   o n e  
3           t h a t   h a d   a n y   c o n s i d e r a t i o n   f o r  
4           s u b s e q u e n t   c h i l d r e n .

5           C O M M I T T E E   M E M B E R S :   W e ' v e  
6           g o t   t h o u s a n d s   o f   s a t i s f i e d  
7           c u s t o m e r s   o u t   t h e r e .   A l l   I   c a n  
8           t e l l   y o u   i s   w h a t   I   d o   a n d   w h a t   t h e  
9           l a w   i s ,   a n d   I   t r y   t o   f o l l o w   t h e  
10          l a w .

11          M R .   H I C K S :   Y e s ,   s i r ,   I  
12          u n d e r s t a n d .   I   a p p r e c i a t e   y o u r   - -

13          C O M M I T T E E   M E M B E R :   A n d   I  
14          ( u n i n t e l l i g i b l e )   J u s t i c e   S t u a r t .  
15          I ' v e   h e a r d   t h i s   s o   m a n y   t i m e s  
16          t o d a y .   A p p a r e n t l y ,   t h e r e ' s   a  
17          m i s c o n c e p t i o n   t h a t   w e   c a n ' t  
18          c o n s i d e r   s u b s e q u e n t   c h i l d r e n .  
19          T h a t ' s   n o t   t h e   l a w .

20          M R .   H I C K S :   I   r e a l i z e   t h e r e ' s  
21          a   l o t   o f   v a g a r i e s   i n   R u l e   3 2   a b o u t  
22          w h a t   t h e   j u d g e   i s   a b l e   t o   d o ,   b u t  
23          i n   p r a c t i c e ,   t h i s   i s   n o t   t r u e .

24          C O M M I T T E E   M E M B E R :   I t   i s   i n  
25          m y   c o u r t .

1           MR. HICKS: In your court, it  
2           may be, sir, and I commend you  
3           for that. But in most of the  
4           courts in this state, I don't  
5           believe it is.

6           COMMITTEE MEMBER: Well, I  
7           haven't polled all the courts, and  
8           I can't speak to that. But I --

9                   (Whereupon, several people  
10                   began speaking  
11                   simultaneously.)

12           MR. HICKS: I've talked to  
13           hundreds of parents. I am yet to  
14           find one where that's happened.

15           COMMITTEE MEMBER: Well,  
16           that's not what's happening in my  
17           courtroom.

18           MR. HICKS: Maybe not, sir.  
19           But I'm asking that this be  
20           explicitly addressed in Rule 32.

21           COMMITTEE MEMBER: I  
22           understand.

23           MR. HICKS: That's all I'm  
24           asking. And I have a formula  
25           here I'm presenting to the

1           c o m m i t t e e   f o r   y o u r   c o n s i d e r a t i o n .  
2           Y o u   m a y   a c t   o n   i t   a s   y o u   w i l l ,  
3           s i r ,   b u t   t h i s   i s   a   s e r i o u s   i s s u e  
4           f o r   - -

5           C O M M I T T E E   M E M B E R :   I  
6           a g r e e .

7           M R .   H I C K S :   - -   t h e   c h i l d r e n  
8           i n   t h i s   s t a t e   a n d   t h e   n o n c u s t o d i a l  
9           p a r e n t s   i n   t h i s   s t a t e .

10           T h a n k   y o u .

11           Y e s ,   m a ' a m ?

12           C O M M I T T E E   M E M B E R :   U n d e r  
13           t h e   s o l u t i o n   t h a t   y o u   w e r e  
14           o f f e r i n g   w h e r e   y o u   w e r e   t a l k i n g  
15           a b o u t   t h e   t w o   k i d s   ( i n a u d i b l e )  
16           w h e n   y o u   w e r e   t a l k i n g   a b o u t  
17           g o i n g   b a c k   t o   c o u r t   a n d   h a v i n g   i t  
18           r e - e v a l u a t e d ,   I   t h i n k   y o u   h a d   t h i s  
19           - -

20           M R .   H I C K S :   T h i r d   c h i l d .

21           C O M M I T T E E   M E M B E R :   - -   t h e  
22           t h i r d   c h i l d .   U n d e r   y o u r   p r o p o s a l ,  
23           w h e n   y o u   w e n t   b a c k   t o   h a v e   i t   r e -  
24           e v a l u a t e d ,   d i d   y o u   t a k e   i n t o  
25           c o n s i d e r a t i o n   ( i n a u d i b l e )   y o u r

1 new wife's salary (inaudible)  
2 since you've got a child with her  
3 and you've got two children with  
4 the other -- your former wife.  
5 I'm trying to understand --

6 MR. HICKS: Well, my  
7 personal situation is my current  
8 wife has zero income. She stays  
9 home and takes care of my son  
10 and my elderly mother, or she did  
11 until my mother went to a nursing  
12 home in January. But I realize  
13 most women work outside the home  
14 these days.

15 This is -- This formula I have  
16 does not consider third parties;  
17 i.e. husbands of the custodial  
18 parent, assuming that the  
19 custodial parent is the mother, or  
20 wives of the noncustodial parent  
21 in subsequent marriages. It looks  
22 at how many children the  
23 noncustodial parent that's paying  
24 child support must support.  
25 That's what it's looking at, pure

1           a n d   s i m p l e .   S o   I ' l l   p r e s e n t   t h i s  
2           t o   y o u   - -

3           C O M M I T T E E   M E M B E R :   L e t   m e  
4           a s k   y o u   t h i s :   W h a t   w o u l d   y o u  
5           t h i n k   a b o u t   t h i s   a p p r o a c h   i f   t h e  
6           C o u r t   o f   A p p e a l s   s a i d ,   W e   c a n ' t  
7           d o   t h i s ;   t h e   l a w   w o u l d   h a v e   t o   b e  
8           c h a n g e d .   I n   y o u r   c a s e ,   y o u   c a m e  
9           b a c k   o n   a   m o d i f i c a t i o n   a n d   w e  
10          c a l c u l a t e d   w h a t   y o u   w o u l d   b e  
11          p a y i n g   f o r   c h i l d   s u p p o r t   f o r   y o u r  
12          t h i r d   c h i l d   t h a t   y o u   a n d   y o u r  
13          p r e s e n t   w i f e   s u p p o r t   a n d   t h e n   l e t  
14          y o u   c o u n t   t h a t   a s   a   d e d u c t i o n   l i k e  
15          y o u   c a n   o n   c o u r t - o r d e r e d   p r i o r  
16          c h i l d   s u p p o r t .   W h a t   d o   y o u   t h i n k  
17          a b o u t   t h a t   a p p r o a c h ?   T h e r e ' s   a  
18          c a s e   t h a t   s a y s   w e   c a n ' t   d o   t h a t  
19          n o w ,   b u t   p e r h a p s   w e   c o u l d  
20          c o n v i n c e   t h e   a p p e l l a t e   c o u r t s   t h a t  
21          t h a t ' s   a   f a i r   a p p r o a c h .

22          M R .   H I C K S :   I ' m   s o r r y ,   s i r .  
23          C a n   y o u   s t e p   t h r o u g h   t h a t   o n e  
24          m o r e   t i m e ?

25          C O M M I T T E E   M E M B E R :   O k a y .

1           Now, if you have a prior support  
2           order, you can deduct that from  
3           your gross (video malfunction).  
4           For example, if you and your  
5           present wife went and got a  
6           divorce, then what you're paying  
7           for your first two children can be  
8           deducted from your gross income.

9           In these subsequent children  
10          cases, what if the law allowed  
11          you to calculate what you would  
12          be paying for child support for  
13          you and your present (video  
14          malfunction) even though there's  
15          not a prior court order? What  
16          would you think about that  
17          approach? I'm just asking - -

18          MR. HICKS: Sir, that would  
19          be preferable to the situation we  
20          have now where there's  
21          (unintelligible). I have no  
22          problem with that. And I will say  
23          this: My youngest child will  
24          soon be nineteen in May. I'm not  
25          here for my personal situation.

1           C O M M I T T E E   M E M B E R :   B u t  
2           y o u   b r i n g   a   v a l i d   p o i n t   a b o u t  
3           t h e s e   s u b s e q u e n t   c h i l d   i s s u e s .   I  
4           t h i n k   i t   n e e d s   t o   b e   a d d r e s s e d .  
5           I ' m   n o t   s u r e   w e   c a n   d o   i t .

6                   ( W h e r e u p o n ,   s e v e r a l   p e o p l e  
7                   b e g a n   s p e a k i n g  
8                   s i m u l t a n e o u s l y . )

9           M R .   H I C K S :   A s   y o u   k n o w ,   s i r ,  
10          t h e   m a j o r i t y   o f   t h e   p e o p l e   t h a t  
11          s u f f e r e d   a   d i v o r c e   e v e n t u a l l y  
12          r e m a r r y .   M a n y   o f   t h o s e   d o   h a v e  
13          c h i l d r e n .   T h e y   m a r r y   - -  
14          S o m e t i m e s   t h e y   m a r r y   m o t h e r s  
15          t h a t   h a v e   c h i l d r e n .

16          C O M M I T T E E   M E M B E R :   W e l l ,  
17          w e   h a v e   t h e   s a m e   p r o b l e m s   w h e r e  
18          p e o p l e   h a v e   i l l e g i t i m a t e   c h i l d r e n  
19          a n d   t h e y   g e t   m a r r i e d .   I   m e a n ,  
20          t h a t ' s   a   p r o b l e m .

21          M R .   H I C K S :   I t   i s   a  
22          c o m p l i c a t e d   i s s u e ,   s i r .   A n d   I ' m  
23          j u s t   s u g g e s t i n g   - -   I   k n o w   t h e  
24          c o u r t   p r e f e r s   s i m p l i s t i c   f o r m u l a s ,  
25          a n d   I ' m   j u s t   s a y i n g   w e   c a n

1           oversimplify. And if we can come  
2           up with something that at least  
3           takes those other children into  
4           consideration, it's preferable to  
5           just totally ignoring their needs.

6           COMMITTEE MEMBER: No,  
7           they shouldn't be penalized  
8           because you had a prior divorce.  
9           It's always been my judgment if  
10          we could calculate what you  
11          would pay for that child were you  
12          and the present wife divorced and  
13          deduct that from your gross  
14          income, that would help protect  
15          that subsequent child.

16          MR. HICKS: Yes, sir, that  
17          would be preferable than where  
18          we are today. And I appreciate  
19          your -- In fact, I appreciate the  
20          entire committee listening to me.  
21          I know there may be some of you  
22          that disagree with what I'm  
23          saying, and that's okay. It's  
24          fine to disagree. And I would be  
25          happy to work with anybody if



1           y o u   n e e d   m e .

2           I   k n o w   t h i s   e x a m p l e   I ' m  
3           p u t t i n g   h e r e   i s   s o m e w h a t  
4           m a t h e m a t i c a l l y   o r i e n t e d .   B u t   i f  
5           y o u   n e e d   a n y   h e l p ,   l e t   m e   k n o w ,  
6           a n d   I ' l l   b e   g l a d   t o   h e l p .

7           J U D G E   G O S A :   W e   h a v e  
8           a n o t h e r   q u e s t i o n ,   I   b e l i e v e .

9           C O M M I T T E E   M E M B E R :   N o ,  
10          s i r .   I   a c t u a l l y   h a v e   a   c o m m e n t   o n  
11          t h i s .   T h e   - -   A s   M r .   H i c k s   h a s  
12          p o i n t e d   o u t ,   y o u ' v e   g o t   a  
13          p r o b l e m .   Y o u ' r e   l o o k i n g   f o r   t h e  
14          s o l u t i o n .   A n d ,   Y o u r   H o n o r ,  
15          y o u ' r e   m a k i n g   a l l o w a n c e s   f o r   t h i s  
16          i n   y o u r   c o u r t ,   a n d   t h a t ' s   w h e r e  
17          w e   g e t   i n t o   a   g r e y   a r e a   o f   w h e r e  
18          y o u   m a y   b e ,   s o m e o n e   e l s e   m a y   n o t  
19          b e .

20          A n d   s o   o n e   o f   t h e   f o r m s   t h a t   I  
21          g a v e   y o u   o n   a   g u i d e l i n e  
22          w o r k s h e e t ,   i t   h a s   a   l i n e   - -   I  
23          m e a n ,   i t   i s   t a k i n g   i n t o  
24          c o n s i d e r a t i o n   a b o u t ,   y o u   k n o w   - -  
25          t o   h a n d l e   t h i s   p r o b l e m ,   y o u   k n o w .

1           A n d t h e n a t t h i s p o i n t , i f y o u g o  
2           o n o v e r i n t o M r . R o g e r s ' w o r k ,  
3           t h e n i t t e l l s y o u h o w t o a r r i v e ,  
4           y o u k n o w , a t a f i g u r e . A n d i t  
5           m a y b e b a s e d o f f b a s i c a l l y l i k e  
6           s o m e t h i n g l i k e w h a t y o u ' r e s a y i n g  
7           a b o u t h o w m u c h s u p p o r t w o u l d y o u  
8           b e p a y i n g o n t h a t . B u t w h a t y o u  
9           d o i s y o u t a k e t h a t i n t o a c c o u n t  
10          a n d a l l i n t h e g u i d e l i n e w o r k s h e e t  
11          a n d a l l . S o t h e n y o u h a v e a m o r e  
12          u n i f o r m p r o c e s s a c r o s s t h e s t a t e  
13          i f i t ' s i n c l u d e d i n w h a t t h e  
14          S u p r e m e C o u r t h a n d s d o w n f o r t h e  
15          c o u r t t o u s e .

16                 C O M M I T T E E M E M B E R : C a n I  
17                 c o m m e n t o n t h a t ?  
18                 ( U n i n t e l l i g i b l e ) s a y s w e ' r e  
19                 s u p p o s e d t o e l i m i n a t e d e v i a t i o n s  
20                 a s m u c h a s p o s s i b l e . A t t h e  
21                 p r e s e n t t i m e , t h e j o i n t c u s t o d y  
22                 a n d s h a r e d c u s t o d y a n d c h i l d r e n  
23                 o f s e c o n d f a m i l i e s a r e a l l  
24                 d e v i a t i o n s . W e n e e d t o f i n d a  
25                 w a y , a s M r . H i c k s h a s s a i d , t o

1           i n c o r p o r a t e   t h o s e   i n t o   t h e   t a b l e s  
2           t h e m s e l v e s   o r   i n t o   t h e   f o r m s   t h a t  
3           w e   u s e   a s   w e   c a l c u l a t e   c h i l d  
4           s u p p o r t .

5           M R .   H I C K S :   N o b o d y   a s k e d   m e  
6           w h a t   c o u n t y   I ' m   f r o m .   I ' m   f r o m  
7           M a d i s o n   C o u n t y   b y   t h e   w a y .

8           C O M M I T T E E   M E M B E R :   I   h a d  
9           t h a t   q u e s t i o n .   I   j u s t   d i d n ' t   g e t  
10          t o   i t .

11          J U D G E   G O S A :   T h a n k   y o u ,   s i r .  
12          E d   M a s s e y ?

13          E D   M A S S E Y :   I   a p o l o g i z e .   I  
14          o n l y   h a v e   t e n   c o p i e s   w i t h   m e .

15          M y   n a m e   i s   E d   M a s s e y ,   a n d  
16          I ' m   f r o m   H u n t s v i l l e ,   A l a b a m a ,  
17          M a d i s o n   C o u n t y .   A n d   I ' v e   t a k e n  
18          s o m e   t i m e   a n d   g o t t e n   a   c o p y   o f  
19          P S I ' s   r e p o r t s   a n d   w o u l d   l i k e   t o  
20          s h a r e   s o m e   c o n c e r n s   w i t h   y o u  
21          a b o u t   t h e m .

22          M y   f i r s t   c o n c e r n   r e l a t e s   t o  
23          t h e   c h i l d   s u p p o r t   s c h e d u l e   a n d  
24          t h e   p r o j e c t i o n s   a n d   t h e   w a y   i t  
25          c o m e s   a b o u t   d e t e r m i n i n g   c h i l d -

1       r e a r i n g   c o s t s   i n   t h e   s t a t e .   T h e  
2       s e c o n d   i s   u p d a t e d   c h i l d   s u p p o r t  
3       d o e s   n o t   e f f e c t i v e l y   d e a l   w i t h  
4       r e c e n t   c h a n g e s   i n   t h e   f e d e r a l   t a x  
5       c o d e   a n d   i t s   r e l i a n c e   o n   g r o s s  
6       i n c o m e .

7               T h i s   s c h e d u l e   i s   n o t   b a s e d   o n  
8       t h e   c o s t   o f   r a i s i n g   a   c h i l d   i n   t h e  
9       S t a t e   o f   A l a b a m a .   T r u e  
10       s t a t e m e n t .   I t ' s   b e e n   s i x t e e n  
11       y e a r s .   N i n e t e e n   e i g h t y - e i g h t   i s  
12       w h e n   w e   w e r e   a s k e d   t o   s t a r t  
13       f i g u r i n g   t h i s   o u t .   W e ' r e   i n   2 0 0 4 .  
14       W e ' r e   a   s m a r t   s t a t e .   W e ' r e   a  
15       c a p a b l e   s t a t e .   W e   s h o u l d   k n o w  
16       t h o s e   n u m b e r s .   W e   s h o u l d   b e   a b l e  
17       t o   d o   t h a t .

18               I   q u e s t i o n ,   g i v e n   t h e   w a y   t h i s  
19       s t u d y   h a s   b e e n   d o n e   f o r   t h e  
20       e c o n o m i c s   a n d   t h e   s t a t i s t i c s   i n  
21       i t ,   w h e t h e r   i t   i s   b a l a n c e d   o r   n o t .  
22       I f   y o u   l o o k   a t   i t ,   i t   i s   b a s e d   o n  
23       a v e r a g e   d a t a ,   b a s e d   o n   B e t s o n -  
24       R o t h b a r t h ,   w h i c h   i s   ' 9 6   t o   ' 9 9  
25       d a t a .   T h a t   i s   b a s i c a l l y   a d j u s t e d

1 net income, adjusted to two  
2 thousand three dollars based on  
3 the Consumer Price Index. This  
4 data has been statistically  
5 adjusted based on census data in  
6 the year 2000, which was 1999  
7 data, to allow for a lower income  
8 level in the State of Alabama.  
9 We then take that and somehow,  
10 which is not completely explained  
11 here in their theory, and move  
12 from net income numbers to gross  
13 numbers.

14 Now, I'm an engineer by  
15 background. I'm a program  
16 manager and a space physicist.  
17 Statistically, this is very dicey.  
18 I mean, you're taking averages of  
19 numbers and you're moving them  
20 all around and hopefully coming  
21 out with a good number. And they  
22 may very well have, but the  
23 problem is we don't know.

24 Based on that, I urge you to  
25 have academics in this state, both

1           i n s t a t i s t i c s   a n d   e c o n o m i c s ,   t o  
2           t a k e   a   l o o k   a t   t h i s .   S e e   i f   t h e y  
3           a g r e e   w i t h   t h e m .   I f   a n   e n g i n e e r  
4           h a s   q u e s t i o n s   a b o u t   i t ,   p e r h a p s  
5           t h e y   w o u l d ,   t o o .

6           S e c o n d   o f   a l l ,   f e d e r a l   t a x  
7           c o d e   c h a n g e s .   P S I ' s   r e p o r t   d o e s  
8           n o t   t a k e   i n t o   a c c o u n t   c h a n g e s   i n  
9           h e a d   o f   h o u s e h o l d ,   d e p e n d a n t  
10          d e d u c t i o n   i n c r e a s e s   t h a t   h a v e  
11          o c c u r r e d   r e c e n t l y ,   a s   w e l l   a s  
12          c h i l d   t a x   c r e d i t .   T h e   p r e m i s e  
13          h e r e   i s   t h a t   t h e   P S I   n u m b e r s  
14          d e f i n e   t h e   a m o u n t   o f   c h i l d  
15          s u p p o r t   r e q u i r e d   f o r   a   c h i l d   i n   a  
16          y e a r ,   w h i c h   t h a t   i s   t h e   c a s e ,   a n d  
17          i t   c o m e s   u p   w i t h   t h e i r   n u m b e r s .

18          W e   c a n   t a k e   a n   e x a m p l e   h e r e .  
19          I f   t h e   c u s t o d i a l   p a r e n t s ,   b o t h   o f  
20          t h e m ,   h a v e   a   c h i l d   s u p p o r t  
21          o b l i g a t i o n   o f   a   t h o u s a n d   d o l l a r s   a  
22          m o n t h   c o m b i n e d ,   a n d   y o u   s p l i t  
23          t h o s e   s e v e n t y - t h i r t y   f o r   t w e l v e  
24          t h o u s a n d   d o l l a r s   p e r   y e a r ,   o k a y ?  
25          E v e r y b o d y   w i t h   m e   h e r e ?   I f   y o u

1 do that, the custodial -- Say the  
2 noncustodial has the seventy  
3 percent burden and the custodial  
4 parent has the thirty percent  
5 burden, which is somewhat  
6 reasonable, not far off the  
7 ballpark. You must then take  
8 into account the two thousand  
9 dollars worth of federal tax  
10 credit. That is just a pure  
11 windfall for the mother. You go  
12 to the bottom line of your tax  
13 form and subtract two thousand  
14 dollars. After you've figured out  
15 your taxes, you can scratch two  
16 thousand dollars off if you have  
17 two children, one thousand for  
18 one child. Next year it will be  
19 twelve hundred per child. Okay?  
20 And I'm not even talking in this  
21 example head of household or  
22 dependant deductions, which are  
23 figured inside the body of the tax  
24 form.

25 If you took the twelve

1           t h o u s a n d   d o l l a r s ,   w h i c h   i s   t h e  
2           o b l i g a t i o n ,   a n d   s u b t r a c t e d   t w o  
3           t h o u s a n d   t h a t   y o u   g e t   b a c k   i n  
4           c h i l d   t a x   c r e d i t ,   y o u   h a v e   a   t o t a l  
5           o b l i g a t i o n   o f   t e n   t h o u s a n d  
6           d o l l a r s ,   w h i c h   i s   p r e c i s e l y ,   y o u  
7           k n o w ,   w h a t   t h e   g u i d e l i n e   s a y s .  
8           T h a t ' s   t h e   a m o u n t   t h a t   e a c h  
9           p a r e n t   o w e s ,   w o u l d   o w e   w i t h   t h i s  
10          o b l i g a t i o n .   A n d   s o   t h a t  
11          d r a s t i c a l l y   r e d u c e s   t h a t   p r o   r a t a  
12          s h a r e ,   t h e i r   b u r d e n   o f   t a x ,   t h e i r  
13          b u r d e n   o f   c h i l d   s u p p o r t .   N o   o n e  
14          i s   t a k i n g   a n y   m o n e y   a w a y   f r o m  
15          t h e   c h i l d r e n .   I t ' s   a l l   t h e   s a m e .  
16          I t ' s   a   z e r o   s u m   g a i n .

17                 I f   y o u   d o n ' t   l i k e   t h a t   o p t i o n ,  
18                 t h e n   c h a n g e   i t   e v e r y   o t h e r   y e a r  
19                 a n d   a l t e r n a t e   i t .   B u t   s o m e h o w   o r  
20                 a n o t h e r ,   t h i s   s t a t e   a n d   t h e s e  
21                 g u i d e l i n e s   n e e d   t o   t a k e   t h i s   i n t o  
22                 a c c o u n t .   A   s i m p l i s t i c   v i e w   o f  
23                 t h i s ,   i g n o r i n g   t h e s e   c h a n g e s   i s  
24                 n o t   f a i r   a n d   e q u i t a b l e .

25                         L a s t l y ,   g r o s s   i n c o m e .   T h i s



1 study related back -- PSI's study  
2 is related back to gross income,  
3 even though the basis data for  
4 this is net income data. The  
5 people who do these studies  
6 probably knew something about  
7 why they wanted to use net  
8 income data, but nonetheless, this  
9 study is on gross. If you do that  
10 and you use that -- and I'll give  
11 you an example here of someone  
12 in the room. People like Mr.  
13 Smith who have already testified.  
14 You're making it to a point where  
15 they cannot contribute to things  
16 like 401(k) plans, which are sixty  
17 to seventy percent of Alabama  
18 retirement plans nowadays.  
19 Okay? They don't have the  
20 income to put in before-tax  
21 dollars to do this because they  
22 get no credit for it. We are  
23 basically penalizing them in  
24 keeping them off of that. And  
25 that's true for custodial and

1 noncustodial parents. It goes  
2 both ways.

3 Based on these concerns, you  
4 know, I think it's worth looking  
5 at going to a net income. I don't  
6 have all the answers on how to  
7 make that fair and right, but I  
8 think it makes sense. We don't  
9 want people who don't have money  
10 for retirement simply because  
11 they've been divorced and have  
12 children. That's not a reasonable  
13 way to proceed. Yet, that is  
14 where we are, particularly for  
15 middle and low income people.

16 Certification of this support  
17 schedule has significant  
18 responsibility, and you have a  
19 very difficult job. And I  
20 appreciate your time for listening  
21 to us. However, I want you to  
22 consider your responsibilities  
23 very carefully. The guidelines  
24 that come out of here need to  
25 adequately support our children

1 first and foremost. But they must  
2 be fair and equitable, and that's  
3 not an unreasonable request. And  
4 I think that's your goal. You're  
5 good people, and you mean well  
6 or you wouldn't be here, just like  
7 we are. But we also must promote  
8 equitable, fair financial help for  
9 both noncustodial and custodial  
10 parents.

11 Our state has funding  
12 problems as it is. We don't want  
13 to add to the welfare rolls now,  
14 do we? But that's part of what  
15 the scope is of what you're  
16 considering.

17 Now, if you have any  
18 questions, I'll be happy to answer  
19 them.

20 COMMITTEE MEMBER: What is  
21 your definition of net income?

22 MR. MASSEY: I didn't hear  
23 you.

24 COMMITTEE MEMBER: What is  
25 your definition of net income?

1 MR. MASSEY: Net income.  
2 There are different definitions of  
3 it. You can use -- And I'm not  
4 pretending to give you that  
5 answer. Net income is what I  
6 have, what comes in my paycheck.

7 COMMITTEE MEMBER: I  
8 understand. I mean, you can see  
9 what we have to wrestle with.  
10 Because say you're just a  
11 (inaudible) where you have to pay  
12 union dues, yet compared to  
13 someone else in an open shop  
14 where you don't have to pay union  
15 dues. Therefore, there's a  
16 distinction there where you can  
17 say those in a closed shop pay --  
18 their net income --

19 MR. MASSEY: Well, I don't  
20 mean to evade your answer. I'm  
21 not trying to be evasive. Betson-  
22 Rothbarth is based on -- the  
23 foundation of this study is based  
24 on net income numbers, yet this  
25 study didn't tell me what they did

1           t h e r e .   O k a y ?   Y o u   k n o w ,   I   d o n ' t  
2           h a v e   t h a t   k i n d   o f   d a t a .   I   d o n ' t  
3           h a v e   t h a t   t i m e   t o   r e s e a r c h   i t .   I  
4           c o u l d   g e t   i t   f o r   y o u .   H o w e v e r ,   I  
5           t h i n k   t h e r e   a r e   p o r t i o n s ,   j u s t   l i k e  
6           c h i l d   s u p p o r t   - -   D a y   c a r e   c o s t s  
7           w e r e   f a c t o r e d   i n t o   t h i s   s t u d y .  
8           O k a y ?   I   m e a n ,   t h a t ' s   s o m e t h i n g  
9           t h a t   i s   f a c t o r e d   i n   t h e   P S I   s t u d y .  
10          Y o u   c a n   f a c t o r   i n   t h i n g s   l i k e  
11          c o r p o r a t e   r e t i r e m e n t   p l a n s   a n d  
12          o t h e r   t h i n g s   t h a t   y o u   d e e m  
13          i m p o r t a n t .   U n i o n   d u e s ?   I   d o n ' t  
14          - -   I   c a n ' t   a n s w e r   t h a t   q u e s t i o n  
15          f o r   y o u .   H e a l t h   c a r e   c o s t s   a r e  
16          a l s o   f a c t o r e d   i n t o   t h i s   s t u d y .  
17          B u t ,   l i k e   I   s a y ,   r e t i r e m e n t  
18          c h a n g e s ,   w h i c h   m a k e s   u p   t h e   v a s t  
19          m a j o r i t y   o f   t h e   r e t i r e m e n t   p l a n s  
20          i n   t h i s   s t a t e ,   a r e   n o t   f a c t o r e d  
21          i n t o   t h i s   s t u d y .   M e d i c a l  
22          a c c o u n t s ,   b e f o r e - t a x - d o l l a r  
23          m e d i c a l   a c c o u n t s ,   f l e x   m e d s ,   n o t  
24          f a c t o r e d   i n t o   t h i s .   O k a y ?   W e   - -  
25          I ' m   s u r e   y o u   u s e   t h o s e .   U s e   t h e m

1 to good advantage. We need to  
2 make it where everybody can.  
3 And if people are operating on  
4 the margins of their income to  
5 meet their financial obligations  
6 to meet Rule 32, that's not the  
7 best for this state. It's not the  
8 best for those children. It's not  
9 what you intend either.

10 If you want, I can research it  
11 further and get back to you. I  
12 apologize. I didn't come --

13 COMMITTEE MEMBER: Some  
14 people consider net income to be  
15 (inaudible) state and local tax.  
16 Others consider whether it's  
17 union dues which are compulsory  
18 (inaudible).

19 MR. MASSEY: From my  
20 perspective, that's -- you know,  
21 that's fine, and you can include  
22 it. I don't have a problem with  
23 that because that's what it costs  
24 that person to work. I mean, if  
25 that's what it costs for you to

1           e a r n   a   l i v i n g   w a g e ,   o k a y ?   I  
2           m e a n ,   w e   h a v e   t o   p a y   o u r   t a x e s .  
3           W e   h a v e   t o   p a y   f o r   m e d i c a l  
4           i n s u r a n c e ,   a t   a n   i n c r e a s i n g   r a t e   I  
5           m i g h t   a d d .   A l l   o f   u s   a r e   b e i n g  
6           h i t   b y   t h a t .

7           C O M M I T T E E   M E M B E R :   W h a t  
8           y o u ' r e   s a y i n g   i s   n e t   i n c o m e   i s  
9           t a k e - h o m e   p a y .

10           M R .   M A S S E Y :   T h a t ' s   w h a t   I  
11           - -   T h a t ' s   t h e   e a s i e s t   w a y .   A n d   I  
12           b e l i e v e   b a s e d   o n   w h a t   I ' v e   r e a d  
13           i n   h e r e ,   g i v e n   I   o n l y   g o t   t h e  
14           r e p o r t   o n   F r i d a y ,   t h a t ' s   p r e t t y  
15           c l o s e   t o   w h a t   B e t s o n - R o t h b a r t h  
16           l o o k e d   a t .   B u t   I   d o n ' t   h a v e   t h a t  
17           r e p o r t   i n   a l l   i t s   d e t a i l s   t o   t e l l  
18           y o u .

19           C O M M I T T E E   M E M B E R :   A n d  
20           t h i s   m i g h t   n o t   b e   t h e   t i m e   t o   g e t  
21           i n t o   i t ,   b u t   b a s i c a l l y   o n   - -   J u d g e  
22           F o r d ,   o n   o n e   s t u d y   o r   o n e   p l a n  
23           t h a t   I   s e e n   t a k e s   i n t o   a c c o u n t   - -  
24           F i r s t   o f f ,   y o u   d o n ' t   - -   E v e n   i f  
25           o n e   o f   t h e   p a r e n t s   i s   r e m a r r i e d   o r

1       both parents are remarried,  
2       whatever, what you do to  
3       establish is you don't take take-  
4       home pay because I personally --  
5       I claim a lot of dependants so  
6       they don't take as much out on me  
7       because I would rather get mine  
8       every two weeks as I had filing,  
9       you know, and letting the  
10       government use it for free for  
11       twelve months. So all that really  
12       matters is what you claim when it  
13       comes time to file your taxes on  
14       that. But the study that I'm  
15       referring to, you take both  
16       parents. You consider them as  
17       individuals. Then you take their  
18       incomes. You figure out what the  
19       federal -- and I'm just -- the  
20       study just uses federal taxes --  
21       what your federal tax level for a  
22       single individual at that income  
23       level would be, figure out what  
24       his taxes is. You can either  
25       deduct it then and divide by



1           t w e l v e , o r f i g u r e o u t w h a t t h e  
2           t a x e s a r e a n d d i v i d e i t b y t w e l v e  
3           a n d t h e n t a k e - - w h e t h e r y o u t a k e  
4           i t f r o m a m o n t h l y b a s i s o r a n  
5           a n n u a l b a s i s i s i r r e l e v a n t . B u t  
6           y o u ' l l e v e n t u a l l y e n d u p w h a t ,  
7           a c c o r d i n g t o t h e f e d e r a l l a w , t h e  
8           f e d e r a l t a x l a w , t h i s p e r s o n w o u l d  
9           e n d u p w i t h a f t e r t a x e s o n i n c o m e  
10          t h a t t h e y a r e u s i n g b e c a u s e w h a t  
11          y o u - - I u n d e r s t a n d w h e r e t h e  
12          c o n c e r n i s . A r e w e l o o k i n g a t  
13          u n i o n d u e s o r a r e w e - - Y o u k n o w ,  
14          y o u m a y h a v e s o m e b o d y - - W e ' v e  
15          g o t p e o p l e j o i n i n g - - y o u k n o w ,  
16          p u t t i n g e x t r a m o n e y i n r e t i r e m e n t  
17          o r g o t p e o p l e j o i n i n g t h e u n i o n t o  
18          l o w e r t h e i r n e t i n c o m e a n d a l l  
19          l i k e t h a t . S o w h a t y o u d o i s y o u  
20          t a k e a w a y a n y t h i n g o t h e r t h a n  
21          w h a t t h e f e d e r a l t a x c o d e c a l l s  
22          f o r y o u t o p a y . A n d a c t u a l l y  
23          y o u ' r e c r e d i t i n g w h a t t h e t a x e s  
24          a r e . N e t i n c o m e i s i n c o m e l e s s  
25          t a x e s t h a t y o u , y o u k n o w , t h a t

1           y o u   w o u l d   p a y .

2           M R .   M A S S E Y :   J u s t   f o r   p o i n t  
3           o f   c l a r i f i c a t i o n ,   i f   y o u   l o o k   a t  
4           t h e   f o u r t h   s h e e t   I   p u l l e d   d i r e c t l y  
5           o u t   o f   t h e   r e p o r t ,   i t   s a y s :  
6           S c h e d u l e   d e r i v a t i o n s   s t a t i s t i c a l  
7           c o n c e r n s   c o n t i n u e d .   W h a t   t h i s  
8           r e p o r t   l o o k s   a t ,   a l l   t h e   i n c o m e   i s  
9           t r e a t e d   a s   e a r n e d   i n c o m e .   O k a y ?  
10          I t   d o e s n ' t   m a t t e r   w h e r e   i t   c o m e s  
11          f r o m .

12          N o w ,   w h a t   i t   d o e s n ' t   d o ,   a l s o ,  
13          i s   h a n d l e   a n y   k i n d   o f   c a p i t a l  
14          l o s s e s .   T h a t   h a p p e n s   n o w a d a y s .  
15          T h e   s t o c k   m a r k e t   h u r t   a   l o t   o f  
16          p e o p l e .   B u t   y o u   d o n ' t   g e t   a n y  
17          r e d u c t i o n s   f o r   l o s s .   O k a y .   I t ' s  
18          i n c o m e ,   b a s e d   o n   i n c o m e ,   w h a t  
19          c o m e s   i n .   N o t   y o u r   l o s s e s .   V e r y  
20          s i m p l i s t i c .

21          A l l   i n c o m e   a s s u m e d   t o   b e  
22          e a r n e d   b y   t h e   n o n c u s t o d i a l   p a r e n t  
23          w i t h   n o   d e p e n d a n t   c h i l d r e n ,  
24          t h a t ' s   w h a t ' s   i n   t h i s   P S I   s t u d y .  
25          T h e s e   a r e   t h e i r   a s s u m p t i o n s ,   n o t

1 mine. Only adjustments for  
2 federal and state taxes and FICA  
3 are considered. For federal  
4 taxes, it's -- two withholdings  
5 are assumed. That's for -- I  
6 should have put it in there.  
7 That's for the custodial parent.  
8 For state taxes, one personal and  
9 one standard deduction are  
10 assumed. That's what this data is  
11 based on. Gives you a pretty  
12 good gross income with no  
13 allowances for reductions or  
14 changes.

15 We talked about overtime a  
16 few minutes ago. That's earned  
17 income, okay? When you don't  
18 earn that bonus, when you don't  
19 earn that, you have to go back  
20 into court and ask for an  
21 adjustment because that's not  
22 something that you got. But in  
23 the year that you had your child  
24 support readjusted or the time  
25 when the divorce actually

1           o c c u r r e d , t h a t w a s y o u r i n c o m e .

2           U n f o r t u n a t e l y , i n t h i s e c o n o m y  
3           i n t h i s d a y , i t ' s h a r d t o s u s t a i n  
4           t h o s e k i n d s o f o v e r t i m e h o u r s .  
5           I t ' s h a r d t o s u s t a i n t h o s e k i n d s  
6           o f b o n u s e s t h a t m a y h a v e  
7           h a p p e n e d f i v e y e a r s a g o .

8           Y e s , m a ' a m ?

9           C O M M I T T E E M E M B E R : I f I  
10          u n d e r s t a n d i t , y o u w o u l d l i k e t o  
11          r e d u c e t h e c h i l d s u p p o r t b y  
12          w h a t e v e r a m o u n t t h e p a r e n t  
13          c h o o s e s t o p u t i n t o a 4 0 1 ( k ) o r - -

14          M R . M A S S E Y : N o , m a ' a m , I  
15          d o n ' t - - I ' m n o t h e r e s u g g e s t i n g  
16          t h a t y o u r e d u c e c h i l d s u p p o r t a t  
17          a l l . W h a t I a m s u g g e s t i n g i s t h a t  
18          h a s t o b e a f a c t o r i n c o n s i d e r i n g  
19          t h e g u i d e l i n e s t a b l e .

20          C O M M I T T E E M E M B E R : B u t i f  
21          y o u u s e - - I n s t e a d o f u s i n g a  
22          g r o s s a m o u n t , l e t ' s s a y t h e p e r s o n  
23          m a k e s a h u n d r e d t h o u s a n d d o l l a r s  
24          a y e a r . A n d b e c a u s e t h e y d e d u c t  
25          t h e s e ( i n a u d i b l e ) d e d u c t t h e i r

1 health insurance (inaudible) their  
2 401(k), then they're not paying  
3 what is not considered the taxes  
4 but just those two things, they  
5 wind up having a hundred dollars  
6 less (inaudible) so ten percent  
7 less. So you would -- Your  
8 suggestion would be that the  
9 consideration of the (inaudible)  
10 would be ten percent less than it  
11 is today.

12 MR. MASSEY: I would say --  
13 Let me try it this way --

14 COMMITTEE MEMBER: Well,  
15 is that correct or incorrect?

16 MR. MASSEY: It's not  
17 correct. It's not precisely  
18 correct, and let me explain why.  
19 And it's not just the noncustodial  
20 parent.

21 COMMITTEE MEMBER: Well, I  
22 know, either way.

23 MR. MASSEY: It's the  
24 custodial parent's and  
25 noncustodial parent's income

1           c o m b i n e d .   O k a y ?   T h a t ' s   w h a t   w e  
2           w o u l d   b e   l o o k i n g   a t .   A n d   t h e  
3           r e a s o n   I   c a n ' t   a g r e e   o r   d i s a g r e e  
4           w i t h   w h a t   y o u   s a y   i s   t h a t   t h e  
5           b a s i s   o f   t h i s   s t u d y ,   t h e   n e t  
6           i n c o m e   s t u d y   t h a t   w a s   - -   t h a t   a l l  
7           t h i s   d a t a   i s   b a s e d   o n ,  
8           t h e o r e t i c a l l y   w h a t   t h e y ' v e   d o n e   i s  
9           t h e y   t o o k   t h e   n e t   i n c o m e   l e v e l .  
10          T h e y   d e c r e a s e d   i t   b y   t w e n t y  
11          p e r c e n t   b e c a u s e   o f   A l a b a m a ' s   l o w  
12          i n c o m e   c o m p a r e d   t o   t h e   n a t i o n a l  
13          a v e r a g e ,   o k a y ?   T h e n   t h e y   m a d e  
14          t h a t   e q u i v a l e n t   t o   s o m e   g r o s s  
15          i n c o m e   l e v e l .   Y o u   s e e ?   I   d o n ' t  
16          k n o w   h o w   t h e y   w e n t   f r o m   n e t   d o w n  
17          a n d   t h e n   b a c k   t o   g r o s s   t o   b e   a b l e  
18          t o   t e l l   y o u   w h e t h e r   t h i s   i s   a  
19          d e d u c t i o n   o r   r e d u c t i o n   o r  
20          a n y t h i n g   e l s e   b e c a u s e   t h a t   c o u l d  
21          h a v e   e a s i l y   b e e n   f a c t o r e d   i n t o   t h e  
22          o r i g i n a l   n e t   i n c o m e   s t u d y   t h a t  
23          w a s   d o n e .

24                   C O M M I T T E E   M E M B E R :   W e l l ,  
25                   w h a t   I ' m   t r y i n g   t o   u n d e r s t a n d

1 from you is are you using the  
2 example of a retirement system.  
3 So I think what some of the other  
4 judges are suggesting that using  
5 net income and then just take  
6 away paying taxes, state and  
7 federal, that that's one way to  
8 look at that. But as I understand  
9 (inaudible) also include  
10 consideration as to retirement and  
11 cafeteria plans taken off the top.

12 MR. MASSEY: Yes. I think  
13 you have to if you're going for a  
14 net number.

15 COMMITTEE MEMBER: How  
16 would that not then reduce the --  
17 Why would you not argue that the  
18 child is then having to help  
19 subsidize the retirement plan of  
20 the --

21 (Whereupon, several people  
22 began speaking  
23 simultaneously.)

24 MR. MASSEY: Well, they're  
25 going to anyway whether we like

1           i t   o r   n o t .   I   m e a n ,   w e   a l l   h a v e  
2           e l d e r l y   p a r e n t s   a n d   - -

3           C O M M I T T E E   M E M B E R :   I ' m  
4           t a l k i n g   a b o u t   t h e   m i n o r   c h i l d .

5           M R .   M A S S E Y :   I   u n d e r s t a n d .  
6           B u t   t h i s   i s   a   l i f e - l o n g   t h i n g .  
7           A n d   t h e   r e a s o n   I   c a n n o t   t e l l   y o u  
8           o r   a g r e e   y e s   o r   n o   w i t h   y o u   i s  
9           w h a t ' s   f u n d a m e n t a l   i s   w h a t ' s   i n  
10          t h e   B e t s o n - R o t h b a r t h   s t u d y .   I f  
11          t h a t   n e t   i n c o m e   s t u d y   t o o k   i n t o  
12          a c c o u n t   t h i n g s   l i k e   t h e   c a f e t e r i a  
13          p l a n s ,   t o o k   i n t o   a c c o u n t   f l e x  
14          m e d ,   4 0 1 ( k ) ,   i t ' s   a l l   l e g a l .  
15          T h e r e ' s   n o   c h a n g e .   O k a y .   I f   i t  
16          d i d   n o t ,   t h e n   w h a t   y o u ' r e  
17          s u p p o s i n g   c o u l d   b e   e x a c t l y  
18          c o r r e c t .   T h e   p r o b l e m   i s   t h e r e ' s  
19          n o t   e n o u g h   d a t a   h e r e   f o r   a n y   o f  
20          u s   t o   k n o w .   T h a t ' s   w h y   I   s a y  
21          p l e a s e   h a v e   t h i s   t h i n g   r e v i e w e d  
22          b y   p e o p l e   w h o   c a n   u n d e r s t a n d   i t  
23          a n d   g i v e   y o u   p r o f e s s i o n a l  
24          a c a d e m i c   o p i n i o n s   a b o u t   i t s  
25          v a l i d i t y .



1           C O M M I T T E E   M E M B E R :   W h o  
2           w o u l d   t h a t   b e   i n   t h e   S t a t e   o f  
3           A l a b a m a ?

4           M R .   M A S S E Y :   W e l l ,   s i r ,   I  
5           t h i n k   w e   h a v e   U n i v e r s i t y   o f  
6           A l a b a m a ,   H u n t s v i l l e ,   T u s c a l o o s a ,  
7           A u b u r n .   W e   h a v e   w o n d e r f u l  
8           s c h o o l s   o f   e c o n o m i c s .   W e   h a v e  
9           P h . D .   p r o f e s s o r s   t h e r e .   I   t h i n k  
10          w e   c a n   r e v i e w   t h i s   v e r y   e a s i l y .   I  
11          k n o w   A u b u r n   h a s   a   w o n d e r f u l  
12          s t a t i s t i c s   d e p a r t m e n t .   T h e y   c a n  
13          g u i d e   y o u   v e r y   e a s i l y .

14          C O M M I T T E E   M E M B E R :   I  
15          b e l i e v e   a l l   o f   t h e   m a j o r  
16          u n i v e r s i t i e s   w e r e   a s k e d   t o  
17          p r o p o s e   t o   d o   t h i s   v e r y   s t u d y .  
18          N o n e   o f   t h e m   - -

19          M R .   M A S S E Y :   A n d   I  
20          a p p r e c i a t e   t h a t .   I ' v e   h e a r d   t h a t .  
21          T h a t ' s   w h y   I ' m   s u g g e s t i n g   h e r e  
22          i n s t e a d   o f   g o i n g   b a c k   a n d   t r y i n g  
23          t o   g e t   t h e m   t o   d o   s o m e t h i n g   t h e y  
24          r e f u s e d   t o   d o   t h e   f i r s t   t i m e ,   h a v e  
25          t h e m   r e v i e w   w h a t ' s   b e e n   d o n e   f o r

1           y o u .   H a v e   t h e m   r e v i e w   i t   a n d   s a y  
2           i s   t h i s   m a t h e m a t i c a l l y   s o u n d ,   i s  
3           t h i s   e c o n o m i c a l l y   s o u n d   f o r   t h i s  
4           s t a t e .   N o w ,   t h a t ' s   a   l i t t l e  
5           d i f f e r e n t   q u e s t i o n ,   I   t h i n k ,   t h a n  
6           a s k i n g   t h e m   t o   g o   d o   t h e   s t u d y .

7           J U D G E   G O S A :   T h a n k   y o u ,   s i r .

8           M R .   M A S S E Y :   T h a n k   y o u   v e r y  
9           m u c h .

10           J U D G E   G O S A :   M o l l i a n n e  
11           M a s s e y ?

12           M O L L I A N N E   M A S S E Y :   M y  
13           n a m e   i s   M o l l i a n n e   M a s s e y .   I ' m  
14           m a r r i e d   t o   E d .   I ' m   h i s   s e c o n d  
15           w i f e ,   a n d   h e ' s   m y   s e c o n d   h u s b a n d .  
16           W e   l i v e   i n   M a d i s o n   C o u n t y .   I ' m  
17           t h e   m o t h e r   o f   t w o   c h i l d r e n   w h o  
18           h a v e   r e a c h e d   t h e i r   m a j o r i t y .   I  
19           w a s   t h e   c u s t o d i a l   p a r e n t .   I ' m   t h e  
20           s t e p m o t h e r   o f   A n d y   a n d   A s h l e y ,  
21           w h o   a r e   E d ' s   c h i l d r e n   b y   h i s   f i r s t  
22           m a r r i a g e .   I ' m   a   g r a n d m o t h e r   v e r y  
23           p r o u d l y   o f   M a l c o l m   a n d   S e a n .

24           I   h a v e   l o o k e d   a t   c h i l d   s u p p o r t  
25           a s   a   p a r e n t   w h o   h a s   r e c e i v e d   i t

1 and as a parent who is helping to  
2 provide it and as a grandmother  
3 of one who has not received child  
4 support for over three years.

5 My first comments are  
6 prepared, and I would like to read  
7 them. They concern Judge  
8 Crawley's suggestions regarding  
9 the revision of Rule 32, and a  
10 number of things come to concern.  
11 His comments here relate only the  
12 financial penalties of failure to  
13 comply with disclosure of income  
14 and providing documentation of  
15 income required by Rule 32 and  
16 not to the requirement (inaudible)  
17 of information itself.

18 First, it puts a financial  
19 strain on an already tense  
20 situation. In many cases,  
21 financial problems within the  
22 marriage led to or significantly  
23 contributed to the divorce. Then  
24 comes the added financial strain  
25 caused by physical relocation of

1       one or both spouses and the added  
2       burden of new power bills, gas,  
3       rent, telephone bills, and similar  
4       expenses, which must be  
5       duplicated when one household  
6       becomes two. Add to that the  
7       cost of attorney's fees, court  
8       costs, and the expenses relating  
9       to obtaining the divorce itself,  
10      adding on two people struggling  
11      to readjust their lifestyles while  
12      still providing for their  
13      children's needs.

14             Judge Crawley's proposal,  
15      while having an understandable  
16      basis, ends up being punitive and  
17      can only add further unnecessary  
18      stress and strain to the process.  
19      To add Judge Crawley's language  
20      to Rule 32 makes Rule 32 punitive  
21      in nature, and that never was and  
22      is not now the intent of Rule 32.  
23      The Rule is designed to  
24      reasonably apportion financial  
25      responsibility for children

1           b e t w e e n   t h e i r   p a r e n t s .

2           T h e   t r i a l   c o u r t s   a l r e a d y   h a v e  
3           t h e   a b i l i t y   t o   e n t e r   o r d e r s   r e l a t e d  
4           t o   d i s c o v e r y   a n d   t o   e n t e r  
5           s a n c t i o n s   u n d e r   t h e   A l a b a m a  
6           R u l e s   o f   C i v i l   P r o c e d u r e   f o r  
7           f a i l u r e   t o   c o m p l y   w i t h   d i s c o v e r y .  
8           T h i s   i s   a   m a t t e r   b e s t   l e f t   t o   t h e  
9           d i s c r e t i o n   o f   t h e   t r i a l   j u d g e   t o  
10          h a n d l e   u n d e r   t h e   r u l e s   o f  
11          p r o c e d u r e   w h i c h   a l r e a d y   e x i s t .

12          S e c o n d ,   J u d g e   C r a w l e y ' s  
13          s u g g e s t e d   r e v i s i o n   m a k e s   n o   r o o m  
14          f o r   d e l a y s   c a u s e d   b y   b u s y  
15          a t t o r n e y s   w h o   s i m p l y   d o n ' t   g e t  
16          t h e i r   c l i e n t ' s   d o c u m e n t a t i o n   f i l e d  
17          t i m e l y .   I t   i s   p o s s i b l e   t h a t   a  
18          t h i r t y - d a y   d e l a y   c o u l d   c o s t   a n  
19          a d d i t i o n a l   f o u r   h u n d r e d   t o   e i g h t  
20          h u n d r e d   d o l l a r s ,   m o n e y   w h i c h  
21          c o u l d   a n d   s h o u l d   b e   s p e n t   t o  
22          s a t i s f y   t h e   n e e d s   o f   c h i l d r e n   o f  
23          d i v o r c e d   p a r e n t s .

24          I   m i g h t   a d d   t h a t   i n   M a d i s o n  
25          C o u n t y ,   t h e   d i s c l o s u r e   w a s

1 required on us at one point in  
2 January of 1998. Our court case  
3 didn't happen until July of 1999.  
4 Thirty days to disclose that  
5 information. We did it in a  
6 timely manner. And our courts  
7 are so backed up that it was  
8 eighteen months before we went to  
9 court, and the documentation was  
10 irrelevant at that point.  
11 Everyone's income had changed.

12 In financially penalizing  
13 parents, the Rule could also  
14 penalize the children. How could  
15 a parent who's being required by  
16 the trial court to pay money  
17 (inaudible) continue to take their  
18 children to the zoo or to  
19 McDonald's, or to a movie, or  
20 shopping to buy new cleats for  
21 baseball or an Easter dress or  
22 even for school supplies?

23 In closing, Rule 32 was not  
24 meant to be punitive and should  
25 not have punitive measures in it.

1 Rule 32 is a rule of judicial  
2 administration. It creates  
3 guidelines for trial courts to use,  
4 standardizing child support  
5 obligations throughout the state.  
6 Judge Crawley's suggestion, at  
7 least as far as the punitive  
8 aspect of failure to comply with  
9 the same, is a rule of civil  
10 procedure and not appropriate for  
11 consideration by this body or  
12 inclusion of Rule 32.

13 I urge that while you may  
14 support the documentation  
15 requirements that Judge Crawley  
16 has proposed, please do not  
17 support the punitive measures  
18 included in this proposal.

19 On a personal note, I would  
20 like to say that I have been in  
21 the trenches. My ex-husband left  
22 me. I met -- after some time and  
23 some healing, met Ed Massey, and  
24 we eventually married. He was  
25 custodial parent of his two

1 children at that point in time. I  
2 took on a new family along with  
3 mine, which was almost  
4 (inaudible). And when that  
5 happened, his ex-wife took him to  
6 court, and after seven years, got  
7 a reversal of custody. I saw what  
8 a travesty our -- and I'm going to  
9 put it into quotes -- our justice  
10 system is. That may not happen  
11 in any of your courtrooms, but in  
12 Madison County, it does.

13 I grew up in a very patriotic  
14 family. I pay my taxes. I go to  
15 church. I sing in the choir. I  
16 play the piano for the children's  
17 choir. I used to believe in the  
18 system, but after being in the  
19 trenches of family court for now,  
20 I guess, going on nine years with  
21 myself, with my dear husband, and  
22 watching my daughter trying to  
23 receive child support -- she lives  
24 in public housing and after three  
25 years, she still has not gotten



1           a n y .   A n d   D H R ' s   a n s w e r   t o   h e r   i s ,  
2           I t ' s   n o t   e n o u g h   m o n e y   f o r   u s   t o  
3           g o   a f t e r .   I   h e l p   s u p p l y   a   l o t   o f  
4           t h i n g s   f o r   m y   g r a n d c h i l d r e n   a s  
5           w e l l   a s   h e l p i n g   s u p p o r t   m y  
6           s t e p c h i l d r e n   a n d   t r y i n g   t o   h e l p  
7           m y   o w n   c h i l d r e n   a s   I   c a n .

8           I   d o n ' t   b e l i e v e   i n   t h e   j u s t i c e  
9           s y s t e m   a n y m o r e .   T h e r e ' s   b e e n   a  
10          l o t   o f   p u b l i c i t y   a b o u t   t r y i n g   t o  
11          t a k e   t h e   w o r d s   u n d e r   G o d   o u t   o f  
12          t h e   P l e d g e   o f   A l l e g i a n c e .   I   d o n ' t  
13          s a y   t h e   P l e d g e   o f   A l l e g i a n c e  
14          a n y m o r e .   I   h a v e   a   s o n   w h o ' s   i n  
15          t h e   a i r   f o r c e   a n d   w o u l d   w i l l i n g l y  
16          g i v e   h i s   l i f e   f o r   t h i s   c o u n t r y ,   a n d  
17          I   c a n n o t   m a k e   m y s e l f   s a y   t h e  
18          p l e d g e   t o   o u r   f l a g   b e c a u s e   i t  
19          s a y s ,   W i t h   j u s t i c e   f o r   a l l .

20          L a d i e s   a n d   g e n t l e m e n ,   t h e r e   i s  
21          n o t   j u s t i c e   f o r   a l l ,   a t   l e a s t   n o t  
22          i n   t h e   S t a t e   o f   A l a b a m a   a n d   a t  
23          l e a s t   n o t   i n   M a d i s o n   C o u n t y .

24          W h e n   p e o p l e   l i k e   m e   a n d   E d   a n d  
25          t h e   o t h e r   m e m b e r s   o f   A L F R A

1           b e c o m e   s o   s e p a r a t e d   f r o m   w h a t   w e  
2           t h o u g h t   o u r   f u n d a m e n t a l   r i g h t s  
3           w e r e   a s   c i t i z e n s   o f   t h e   s t a t e   a n d  
4           o f   t h i s   c o u n t r y ,   w h e n   j u s t i c e  
5           b e c o m e s   s o   f a r   r e m o v e d   f r o m   u s  
6           a n d   w e   d o n ' t   b e l i e v e   i n   t h e  
7           s y s t e m   a n y m o r e ,   a t   s o m e   p o i n t ,  
8           t h e   s y s t e m   i s   g o i n g   t o   c o m e  
9           c r u m b l i n g   d o w n .   A n d   w e   h a v e   n o  
10          o n e   t o   b l a m e   b u t   o u r s e l v e s  
11          b e c a u s e   o f   t h e   n u m e r o u s   i n j u s t i c e  
12          o n   t o p   o f   i n j u s t i c e   t h a t   o u r   c o u r t  
13          s y s t e m   a n d   w e   o u r s e l v e s   h a v e  
14          a l l o w e d   t o   b e   l a i d   u p o n   u s .

15                 T h a n k   y o u .

16                 J U D G E   G O S A :   T h a n k   y o u ,  
17          m a ' a m .

18                 C O M M I T T E E   M E M B E R :   I   h a v e  
19          a   q u e s t i o n .   C a n   w e   g e t   a   c o p y   o f  
20          y o u   - -   y o u r   p r e s e n t a t i o n ?

21                 M R S .   M A S S E Y :   S o m e   o f   i t   w a s  
22          j u s t   f r o m   m y   h e a r t .   I ' m   s o r r y .

23                 C O M M I T T E E   M E M B E R :   T h a n k  
24          y o u .   I t   w i l l   b e   o n   f i l m .

25                 J U D G E   G O S A :   W o o d r o w   S i m s ?

1           W O O D R O W   S I M S :   E x c u s e   m e ,  
2           s i r .   I   a m   h e r e   a n d   p r e p a r e d   t o  
3           s p e a k ,   b u t   i t ' s   c o m e   t o   m y  
4           a t t e n t i o n   t h a t   s o m e o n e   w h o ' s  
5           s p e a k i n g   a f t e r   m e   n e e d s   t o   l e a v e  
6           a s   s o o n   a s   p o s s i b l e .   I   w a s  
7           w o n d e r i n g   i f   p o s s i b l y   w e   c o u l d  
8           s w i t c h .

9           J U D G E   G O S A :   S u r e .   W h o   i s  
10          t h a t ?

11          M R .   S I M S :   M s .   J o n e s .

12          J U D G E   G O S A :   C o m e   a h e a d ,  
13          m a ' a m .   K r i s t e n   J o n e s ?

14          K R I S T E N   J O N E S :   W o u l d   y ' a l l  
15          l i k e   a   c o p y ?   A l s o ,   I   h a v e   s o m e  
16          c o m p a r a t i v e   s h e e t s   h e r e   w h e r e   i t  
17          h a s   a   s c h e d u l e ,   a   g u i d e l i n e ,  
18          w h a t e v e r   y o u   w a n t   t o   c a l l   i t ,   o f  
19          g r o s s   i n c o m e   a n d   o f   n e t   i n c o m e .  
20          T h e   n a m e s   a r e   f a k e ,   b u t   t h e  
21          i n c o m e   i s   r e a l .   I   h a d   t o   c h a n g e  
22          t h e   n a m e s ,   o f   c o u r s e .   T h e  
23          u n i v e r s i t y   h a s   t h a t   p o l i c y .

24          A n d   j u s t   t o   d e f i n e   n e t   i n c o m e ,  
25          b e c a u s e   I ' v e   h e a r d   s e v e r a l   p e o p l e

1           w h o   h a v e   s e v e r a l   d i f f e r e n t  
2           d e f i n i t i o n s ,   a t   t h e   u n i v e r s i t y   w e  
3           d e f i n e   n e t   i n c o m e   a s   f e d e r a l ,  
4           s t a t e ,   l o c a l ,   a n d   F I C A   t a x e s .   T h e  
5           4 0 1 ( k ) ,   u n i o n   d u e s ,   w e   d o   n o t  
6           c o n s i d e r   t h a t .   S o   w h e n   y o u   s e e  
7           t h o s e   n u m b e r s ,   t h o s e   w e r e   t h e  
8           t h i n g s   t h a t   w e r e   s u b t r a c t e d   o u t .  
9           A n d   t h a t ' s   j u s t   t o   k i n d   o f   s h o w  
10          y o u   t h e   d i f f e r e n c e   b e t w e e n   i f  
11          s o m e o n e   w e r e   t o   p a y   c h i l d   s u p p o r t  
12          b a s e d   o n   t h e i r   n e t   i n c o m e   v e r s u s  
13          p a y i n g   c h i l d   s u p p o r t   b a s e d   u p o n  
14          t h e i r   g r o s s   i n c o m e .

15                C O M M I T T E E   M E M B E R :   W h a t  
16          d i d   y o u   s a y   t h e   f a c t o r s   y o u  
17          c o n s i d e r e d   w e r e ?   D i d   y o u   s a y  
18          f e d e r a l   i s   o n e ?

19                M S .   J O N E S :   F e d e r a l   t a x e s ,  
20          s t a t e   a n d   l o c a l   t a x e s ,   a n d   F I C A  
21          t a x e s .

22                C O M M I T T E E   M E M B E R :   Y o u  
23          s a i d   t h a t ,   b u t   e v e r y b o d y ' s   t a x  
24          s i t u a t i o n   i s   d i f f e r e n t   d e p e n d i n g  
25          o n   c h a r i t a b l e   c o n t r i b u t i o n s   a n d

1 all the other things. It's never  
2 the same even from year to year.

3 MS. JONES: Yes, I understand  
4 that. And, of course, we have to  
5 take that into consideration. We  
6 just used one couple that had  
7 divorced, their W-2 forms, and  
8 then, of course, from that point  
9 we split it, you know, into twelve  
10 months.

11 COMMITTEE MEMBER: But  
12 that would apply only for that  
13 year, that tax year, also. It  
14 wouldn't be valid as to any other  
15 year, even as to that couple.  
16 That's the problem I see with  
17 that. We don't know what a  
18 person's taxes are going to be  
19 until the year is over.

20 MS. JONES: Yes, sir.

21 COMMITTEE MEMBER: You  
22 said there were two. I think I  
23 only count one.

24 COMMITTEE MEMBER: I've  
25 got the other one.

1           C O M M I T T E E   M E M B E R :   I ' m  
2           s o r r y .   T h a t ' s   f i n e .   B u t   w h e n   y o u  
3           d i d   t h i s ,   d i d   y o u   a p p l y   t h e   s a m e  
4           s c h e d u l e   t o   b o t h ?   D i d   y o u   a p p l y  
5           t h e   s a m e   s c h e d u l e   t o   b o t h ?

6           M S .   J O N E S :   D i d   I   a p p l y   t h e  
7           s a m e   s c h e d u l e   - -

8           C O M M I T T E E   M E M B E R :  
9           S c h e d u l e ,   t a b l e .

10          M S .   J O N E S :   Y e s ,   m a ' a m .

11          C O M M I T T E E   M E M B E R :   Y o u  
12          u n d e r s t a n d   t h a t   t h e   t a b l e   a s s u m e s  
13          o n e   o r   t h e   o t h e r   ( i n a u d i b l e )   - -

14          M S .   J O N E S :   Y e s ,   m a ' a m .   I  
15          d i d n ' t   h a v e   a n o t h e r   - -   O f   c o u r s e ,  
16          s i n c e   w e ' r e   n o t   u s i n g   t h e   n e t  
17          i n c o m e   a t   t h i s   p o i n t ,   I   d i d n ' t  
18          h a v e   a n o t h e r   s c h e d u l e   t o   u s e .   S o  
19          I ' m   j u s t   k i n d   o f   u s i n g   t h a t   a s   a  
20          b a s i c   g u i d e l i n e .   I ' m   s o r r y .   W e  
21          t a k e   a l l   t h o s e   t h i n g s   i n t o  
22          c o n s i d e r a t i o n .   I   w a s   j u s t   t r y i n g  
23          t o   m a y b e   n u m e r i c a l l y   g i v e   y o u   a n  
24          i d e a   o f   w h a t   t h e   d i f f e r e n c e   i s .  
25          T h a t   w a s   t h e   b a s i c   p o i n t   o f   m e

1           d o i n g   t h e   c o m p a r a t i v e   s h e e t s .

2           C O M M I T T E E   M E M B E R :   Y o u  
3           m e n t i o n e d   t h e   u n i v e r s i t y .   W h e r e  
4           a r e   y o u   f r o m ?

5           M S .   J O N E S :   I   a c t u a l l y   l i v e   i n  
6           G a d s d e n ,   A l a b a m a ,   b u t   I ' m   a  
7           s e n i o r   a t   t h e   U n i v e r s i t y   o f  
8           A l a b a m a   i n   H u n t s v i l l e .

9           C O M M I T T E E   M E M B E R :   O k a y .  
10          T h a t ' s   E t o w a h   C o u n t y .

11          C O M M I T T E E   M E M B E R :   I   h a v e  
12          a   q u e s t i o n .   D o   y o u   r e p r e s e n t   a  
13          n o n c u s t o d i a l   p a r e n t   o r   a   c u s t o d i a l  
14          p a r e n t ?

15          M S .   J O N E S :   W e l l ,   i n   m y  
16          p r e s e n t a t i o n ,   I   w a s   g o i n g   t o   s a y  
17          t h a t .   I   d o n ' t .   I ' v e   j u s t   - -   I ' v e  
18          b e e n   d o i n g   r e s e a r c h   f o r   t h e   p a s t  
19          t h r e e   y e a r s .   I   d o n ' t   h a v e  
20          c h i l d r e n .   I   d o n ' t   r e c e i v e   c h i l d  
21          s u p p o r t ,   n o r   d o   I   p a y   c h i l d  
22          s u p p o r t .   I   s i t   o n   t h e   A l a b a m a  
23          F a t h e r h o o d   I n i t i a t i v e   S t e e r i n g  
24          C o m m i t t e e   i n   E t o w a h   C o u n t y .   S o  
25          I   h a v e   d o n e   a   l o t   o f   r e s e a r c h .

1           B u t l i k e I s a i d , f o r t h e l a s t t h r e e  
2           o r f o u r y e a r s , I h a v e b e e n t o  
3           c h i l d s u p p o r t c o u r t w e e k l y , a n d  
4           I ' v e s e e n w h a t g o e s o n a n d w h a t  
5           h a p p e n s . S o t h a t ' s ( i n a u d i b l e ) .

6           C O M M I T T E E M E M B E R : L e t m e  
7           a s k i f - - A c c o r d i n g t o H e r  
8           H o n o r ' s q u e s t i o n o v e r t h e r e , I  
9           t h i n k A l a b a m a a s s u m e s a g r o s s  
10          i n c o m e . S o t h e t a b l e w o u l d a p p l y  
11          t o b o t h a c c o u n t s b e c a u s e w h a t s h e  
12          i s d o i n g i s s h e i s r e d u c i n g t h e  
13          a m o u n t o f i n c o m e t h a t ' s b e i n g  
14          u s e d t o a n e t i n c o m e l e v e l .

15          T h e r e f o r e , y o u w o u l d u s e t h e  
16          s a m e t a b l e t o g o a n d r e c e i v e t h i s  
17          b e n e f i t . W h a t y o u ' r e d o i n g i s - -  
18          B e f o r e y o u ' r e s a y i n g l e t ' s u s e  
19          t h i r t y t h o u s a n d d o l l a r s a n d t h e  
20          t a b l e s a y s y o u o w e t h i s m u c h .  
21          T h i s t i m e y o u ' r e s a y i n g w e ' l l u s e  
22          t w e n t y - s e v e n t h o u s a n d d o l l a r s a n d  
23          w e ' l l u s e t h i s m u c h a n d a l l s o - -

24          C O M M I T T E E M E M B E R : I  
25          u n d e r s t a n d . I t ' s j u s t n o t v a l i d .



1           M S . J O N E S : I u n d e r s t a n d . I  
2           w a s j u s t t r y i n g t o g i v e y o u  
3           n u m e r i c a l l y a n i d e a o f w h a t t h e  
4           d i f f e r e n c e w o u l d b e m o n t h l y , y o u  
5           k n o w , w h e n h e w o u l d p a y t h i s  
6           m u c h . E i t h e r t h e n o n c u s t o d i a l  
7           p a r e n t w o u l d p a y t h i s m u c h o r  
8           t h e n t h e n o n c u s t o d i a l p a r e n t  
9           w o u l d p a y t h i s m u c h b a s e d o n  
10          g r o s s o r n e t . I w a s j u s t - - I  
11          k n o w i t ' s n o t v a l i d . I w a s j u s t  
12          t r y i n g t o n u m e r i c a l l y m a y b e g i v e  
13          y o u a n i d e a o f w h a t i t w o u l d l o o k  
14          l i k e i f t h a t w a s i m p l e m e n t e d i n t o  
15          t h e p o l i c y .

16                 M y p o l i c y c o n c e r n , o f c o u r s e ,  
17                 i s t h a t c h i l d s u p p o r t g u i d e l i n e s  
18                 r e f l e c t g r o s s i n c o m e o r s h o u l d i t  
19                 r e f l e c t n e t i n c o m e a s t h e b a s i s t o  
20                 s e t t h e a m o u n t o f c h i l d s u p p o r t  
21                 t h a t a n o n c u s t o d i a l p a r e n t i s t o  
22                 p a y . F o r c l a r i f i c a t i o n , a g a i n , I  
23                 v i e w n e t i n c o m e a s f e d e r a l , s t a t e  
24                 a n d l o c a l , a n d F I C A t a x e s  
25                 w i t h h e l d f r o m t h e p a y c h e c k .

1           L i k e I s a i d b e f o r e , I ' m  
2           c o m p l e t e l y n o n b i a s e d . I ' m h e r e  
3           t o p r e s e n t m y r e s e a r c h  
4           o b s e r v a t i o n s t h a t I ' v e m a d e f o r  
5           t h e p a s t t h r e e y e a r s a s a p o l i t i c a l  
6           s c i e n c e s t u d e n t a t t h e U n i v e r s i t y  
7           o f A l a b a m a i n H u n t s v i l l e .

8           M y f i r s t q u e s t i o n i s , s h o u l d  
9           c h i l d s u p p o r t g u i d e l i n e s r e f l e c t  
10          n e t i n c o m e a s t h e b a s i s t o s e t t h e  
11          a m o u n t o f c h i l d s u p p o r t t h a t  
12          n o n c u s t o d i a l p a r e n t s h o u l d p a y . I  
13          b e l i e v e y e s , t h a t t h i s s h o u l d b e  
14          b a s e d u p o n n e t i n c o m e . T h e  
15          c o n c e p t b e h i n d t h e g u i d e l i n e s i s  
16          w h a t w o u l d t h e c h i l d h a v e  
17          r e c e i v e d i f t h e p a r e n t s w e r e n o t  
18          d i v o r c e d . I f t h e y h a d s t a y e d  
19          t o g e t h e r , w h a t w o u l d t h a t c h i l d  
20          r e c e i v e . A n d i n s a y i n g t h a t , a  
21          p a r e n t i n s i d e a m a r r i a g e c a n o n l y  
22          s u p p o r t t h e i r c h i l d r e n w i t h w h a t  
23          t h e y b r i n g h o m e . O b v i o u s l y , a  
24          p a r e n t c a n n o t s u p p o r t t h e i r c h i l d  
25          w i t h w h a t i s w i t h h e l d f r o m t h e i r

1       p a y c h e c k .   A n d   t h e r e   a g a i n ,   I ' m  
2       n o t   t a l k i n g   a b o u t   u n i o n   d u e s   o r  
3       4 0 1 ( k ) .   A   c h i l d   s h o u l d   n o t   h a v e  
4       t o   s u p p o r t   t h a t .   B u t   t h e  
5       g o v e r n m e n t   d o e s   o w n   t h o s e   t a x e s .  
6       Y o u   d o n ' t   o w n   t h o s e   t a x e s .

7               T h i s   s a m e   c o n c e p t   s h o u l d  
8       a p p l y   t o   d i v o r c e d   p a r e n t s   a s   w e l l .  
9       A   n o n c u s t o d i a l   p a r e n t   c a n n o t  
10      s u p p o r t   h i s   o r   h e r   c h i l d r e n   w i t h  
11      w h a t   t h e y   d o n ' t   h a v e ,   w i t h   w h a t  
12      t h e y   d o n ' t   b r i n g   h o m e .   T h e  
13      a m o u n t   o f   c h i l d   s u p p o r t   a  
14      n o n c u s t o d i a l   p a r e n t   s h o u l d   p a y  
15      s h o u l d   b e   b a s e d   o n   n e t   i n c o m e .

16              U s i n g   n e t   i n c o m e   a s   a   b a s i s   t o  
17      s e t   t h e   a m o u n t   o f   c h i l d   s u p p o r t  
18      m a y   n o t   m a k e   a   l a r g e   d i f f e r e n c e  
19      n u m e r i c a l l y .   I t   m a y   n o t   e v e n  
20      a n s w e r   t h e   o v e r w h e l m i n g   p r o b l e m  
21      w i t h   c h i l d   s u p p o r t   c o l l e c t i o n .  
22      A n d   I   d e a l   w i t h   t h a t .   I   k n o w   t h a t  
23      i t ' s   a   h u g e   p r o b l e m   i n   t h i s   s t a t e ,  
24      a n d   I   k n o w   i t ' s   n o t   g o i n g   t o  
25      a n s w e r   t h a t   p r o b l e m .   B u t   i t ' s   t h e

1 most plausible, the most common  
2 sense, and the most fair means of  
3 collecting this -- of calculating  
4 child support as opposed to using  
5 gross income.

6 The flipside of that, someone  
7 could ask, Well, should we use  
8 gross income to base child  
9 support. Some argue that this  
10 proposal is the most fair. Some  
11 argue that it's the most  
12 uncomplicated. Maybe it is the  
13 most uncomplicated, but I've  
14 never heard through my research  
15 and observations -- maybe y'all  
16 can tell me something else -- I've  
17 never heard anything in doing  
18 this any arguments that are  
19 legitimate to base child support  
20 on gross income.

21 In closing, I would just like  
22 to say that for the sake of a more  
23 legitimate government that  
24 reflects policy making that is  
25 fair, for the sake of the people

1 of Alabama, I beg this committee  
2 to take my policy concerns into  
3 consideration.

4 Anybody have any questions?

5 JUDGE GOSA: Any questions?

6 Thank you, ma'am.

7 We have a twenty-minute break  
8 scheduled. With your permission,  
9 we'll limit that to ten minutes  
10 unless somebody needs longer.  
11 Let's just take a break for about  
12 ten minutes.

13 (Whereupon, a brief recess  
14 was had, after which the  
15 proceedings continued as  
16 follows:)

17 WOODROW SIMS: My name is  
18 Woodrow Sims. I live in  
19 Florence, Alabama, which is  
20 Lauderdale County. I'm a small  
21 businessman and a member of the  
22 Alabama Family Rights  
23 Association.

24 I would first like to thank  
25 everyone on this committee for

1 the opportunity to come and  
2 speak. I understand the  
3 importance of continually  
4 reviewing Rule 32, and I believe  
5 that together we can conceive  
6 some creative ideas that will  
7 benefit everyone.

8 I heard Mr. Harbin speak -- I  
9 mean, not Mr. Harbin -- Mr.  
10 Massey speak on the intricacies  
11 of the PSI report as well as Mr.  
12 Hicks on some very interesting  
13 details of the child support  
14 rules. I will be honest. While  
15 I'm here to speak, I  
16 (unintelligible). I don't fully  
17 understand everything they are  
18 talking about. So I'm going to  
19 stick to what I understand and  
20 what I can conceive as to what  
21 some problems might be as far as  
22 collecting the data and some  
23 other issues, the two major  
24 points.

25 I'm going to start out by

1 asking a few questions for you  
2 just to ponder over. How many of  
3 you can accurately tell me what  
4 your auto expense will be for the  
5 next month, that includes gas,  
6 windshield wipers, washing the  
7 car, any of those such things?  
8 How many of you can tell me what  
9 your auto expense will be the  
10 entire year? How many of you  
11 can tell me how much food  
12 expense you will have with your  
13 husband or wife for the entire  
14 next year?

15 It's safe to say that most  
16 people in this room are probably  
17 well prepared for those type of  
18 questions and might be able to  
19 actually provide some answers. I  
20 know for myself personally, I  
21 know how many quarters I give my  
22 daughter for the (unintelligible)  
23 machine every month. But not  
24 everybody -- and I assume that  
25 the average American will not be

1           a b l e   t o   d o   t h a t .

2           H o w e v e r ,   t h i s   i s   h o w   t h e   d a t a  
3           i s   c o l l e c t e d   f o r   c r e a t i n g   t h e  
4           f o r m u l a .   I t   i s   n o t h i n g   m o r e   t h a n  
5           g u e s s e s ,   e s t i m a t i o n s ,   i d e a s   o f  
6           w h a t   p e o p l e   t h i n k   t h e y   s p e n d   o n  
7           t h e i r   c h i l d r e n   e v e r y   y e a r ,   n o t  
8           a c t u a l   d a t a .

9           N o w ,   i n   m y   b u s i n e s s ,   I  
10          a c t u a l l y   g o   t h r o u g h   t h e   p r o c e s s  
11          o f   c h a n g i n g   b u s i n e s s e s   f r o m   u s i n g  
12          e s t i m a t i o n s   t o   a c t u a l l y   u s i n g  
13          r e a l - t i m e   d a t a .   I   c a n   t e l l   y o u  
14          t h a t   t h e y   a r e   a m a z e d   e v e r y   t i m e  
15          y o u   d o   i t   t o   s e e   e x a c t l y   h o w  
16          w r o n g   t h e y   w e r e .   A n d   I   w o u l d n ' t  
17          b e   v e r y   s u r p r i s e d   t h a t   i f   w e   d i d  
18          t h e   s a m e   t h i n g   h e r e ,   w e   w o u l d n ' t  
19          s e e   t h e   e x a c t   s a m e   r e s u l t ,   t h e  
20          a m a z e m e n t   o f   a c t u a l l y   t h e  
21          d i f f e r e n c e   b e t w e e n   t h e   p r o p o s e d  
22          i d e a   a n d   t h e   a c t u a l i t y   o f   t h e  
23          d a t a .

24          S o   o n e   m o r e   q u e s t i o n .   H o w   d o  
25          w e   g e t   r e a l   d a t a   o n   w h a t   i t   t a k e s



1           to support a child? I think that  
2           the most accurate way to do this  
3           is to institute the EBT card.  
4           That would be using an Electronic  
5           Benefit Transfer using a debit  
6           card to give to all noncustodial  
7           parents for the ability for them  
8           to access their child support.

9           For proof of success of this  
10          system, one just has to go look at  
11          the food stamp department. They  
12          boast about how successful it's  
13          been, how easily it was deployed,  
14          and the low cost of  
15          implementation that it took.

16          They also say that the amount of  
17          fraudulent activities associated  
18          with food stamps has declined by  
19          two thirds.

20          The EBT is a viable solution  
21          to our problem of having accurate  
22          data to create the child support  
23          formula. We can guarantee that  
24          every child that depends on child  
25          support for survival will see the

1 most appropriate amount to aid in  
2 the cost of daily upbringing of  
3 the child.

4 I'm going to move on to point  
5 two. Over the recent past, there  
6 has been several attempts to  
7 increase the percent of  
8 noncustodial parents that are  
9 paying child support. I agree  
10 with this initiative  
11 wholeheartedly. I disagree with  
12 some of the methods to do this.  
13 But every noncustodial parent  
14 that refuses to pay child support  
15 or every noncustodial parent that  
16 flees to another country to avoid  
17 being prosecuted for such is a --  
18 allows the stigma to be placed in  
19 the minds of Americans that every  
20 noncustodial parent, including  
21 myself, have to overcome in daily  
22 life, parents that want to have an  
23 ongoing relationship with his or  
24 her children and that want to  
25 create a stable financial

1 environment for them to grow up  
2 in healthy homes.

3 All right. Back to the  
4 budgets. Governor Siegelman  
5 recently tried a lost dogs  
6 campaign. This campaign spent  
7 ten times the amount of money  
8 that -- and actually was credited  
9 for receiving child support. DHR  
10 released a report from our county  
11 in Lauderdale saying that it spent  
12 one dollar thirty-four cents for  
13 every one dollar child support  
14 that it collected. Now, you don't  
15 have to be Bill Gates to figure  
16 out that this is just not  
17 productive endeavors.

18 Here I have a cost-effective  
19 idea that will increase the  
20 percentage of child support  
21 collected creating incentives for  
22 paying child support. Incentives  
23 are generally a better way to get  
24 the most unlikely candidates to  
25 participate.

1           I would suggest that we split  
2           the child tax credit. I want to  
3           emphasize split, not shift, not  
4           change, but split. I understand  
5           the custodial parents have a  
6           burden of taking care of the  
7           child, and I do not want to take  
8           away from their benefit.  
9           However, the noncustodial parent  
10          is given the same burden of  
11          trying to raise the child  
12          financially. And as such, if they  
13          do that successfully, they should  
14          have the tax benefit just as the  
15          custodial parent does.

16          My proposal suggests that  
17          giving a tax credit up to fifty  
18          percent of the total credit to the  
19          noncustodial parent if they are up  
20          to date with their child support  
21          payments, if they can prove  
22          either money order receipts, if  
23          they can prove child check stubs  
24          where it's taken out of their  
25          paycheck, either one of those two

1 things, have it attached, then  
2 they can receive up to fifty  
3 percent of the child tax credit.  
4 If he or she only paid fifty  
5 percent of the child support that  
6 year, then they would only be  
7 eligible for a twenty-five percent  
8 tax credit.

9 I know this is a big idea, and  
10 it's not going to be easily  
11 implemented. Considering the  
12 cost compared to other child  
13 support collection efforts, this is  
14 one that would be miniscule and  
15 might still yield the best results.

16 In conclusion, I think both  
17 these issues are positive, healthy  
18 changes to Rule 32 that benefit  
19 children involved. It's well  
20 worth any effort or cost to insure  
21 the well-being of our future  
22 generations because they are  
23 America's best resource.

24 I once again would like to  
25 thank you for your time in

1           p r e s e n t i n g   t h e s e   i d e a s .   I   l o o k  
2           f o r w a r d   t o   w o r k i n g   w i t h   y o u   i n  
3           t h e   i m p l a n t a t i o n   p r o c e s s .

4           I s   t h e r e   a n y   q u e s t i o n s ?

5           C O M M I T T E E   M E M B E R :

6           ( I n a u d i b l e )   f e d e r a l   t a x   l a w s  
7           ( i n a u d i b l e ) .

8           M R .   S I M S :   I   w o u l d n ' t   t h i n k  
9           s o   b e c a u s e   - -   O n c e   a g a i n ,   I ' m  
10          j u s t   a   g u y   t r y i n g   t o   b r a i n s t o r m  
11          h e r e .   A n d   i t ' s   a   g o o d   p o i n t .

12          C O M M I T T E E   M E M B E R :

13          ( I n a u d i b l e . )

14          M R .   S I M S :   B u t   R u l e   3 2   d o e s  
15          d e t e r m i n e   w h o   g e t s   t h e   c r e d i t ,   i f  
16          I ' m   n o t   m i s t a k e n .   I t   d o e s   m a k e   a  
17          d e t e r m i n a t i o n   a s   s u c h .

18          C O M M I T T E E   M E M B E R :   T h a t  
19          c a n   b e   d o n e   i n   t h e   d e c r e e ,  
20          D i v o r c e   D e c r e e   b e c a u s e   - -

21          C O M M I T T E E   M E M B E R :   I   d o n ' t  
22          d e a l   w i t h   t h a t   i n   D i v o r c e  
23          D e c r e e s .

24          C O M M I T T E E   M E M B E R :   E v e n   i f  
25          y o u   d o   t h a t ,   t h e   p a r e n t   w h o

1           c l a i m s   t h a t   c h i l d ,   i f   t h e y   a r e  
2           a u d i t e d ,   t h e y   h a v e   t o   p r o v e   t o   t h e  
3           I R S   t h a t   t h e y   p r o v i d e d   m o r e   t h a n  
4           f i f t y   p e r c e n t   o f   t h e   s u p p o r t .   S o  
5           w e   c a n ' t   c h a n g e   t h e   r u l e   h e r e   t h a t  
6           w o u l d   f o r c e   s o m e b o d y   t o   v i o l a t e  
7           f e d e r a l   l a w .

8           C O M M I T T E E   M E M B E R :   N o ,  
9           s i r ,   b u t   w h a t   I ' m   s a y i n g   i s   i f   i t  
10          w a s   m a n d a t e d   i n   t h e   d i v o r c e   t h a t  
11          I   r e c e i v e   t h e   t a x   c r e d i t   f o r   t h e  
12          c h i l d r e n   d u e   t o   t h e   f a c t   t h a t   t h e  
13          m o t h e r   d i d   n o t   w o r k   a n d   i t  
14          w o u l d n ' t   b e n e f i t   h e r   a n d   a l l   t o  
15          h a v e   i t   a n d   a l l   s o   - -

16          C O M M I T T E E   M E M B E R :   W e l l ,  
17          t h e   p r o b l e m   y o u   h a v e   w i t h  
18          ( i n a u d i b l e )   i f   s o m e o n e   v i o l a t e s  
19          t h e   d e c r e e ,   t h e   I n t e r n a l   R e v e n u e  
20          S e r v i c e   i s   n o t   b o u n d   b y   i t .  
21          T h e y ' l l   p e n a l i z e   y o u   ( i n a u d i b l e )  
22          t h e   I n t e r n a l   R e v e n u e   S e r v i c e  
23          ( i n a u d i b l e )   a l t e r n a t i v e   t h e y   h a v e  
24          i s   c o n t e m p t   i n   c i r c u i t   c o u r t  
25          ( i n a u d i b l e )   n o t   o n l y   a   p e n a l t y   b u t

1 a (inaudible).

2 COMMITTEE MEMBER: I have  
3 done that and also ordered the  
4 custodial parent to sign the  
5 necessary forms. There's an IRS  
6 form -- I don't recall the number  
7 -- that allows that. And I have  
8 done that, but that still doesn't  
9 change the federal law. Also, on  
10 the debit card argument, you're  
11 comparing trucks and wagons  
12 there.

13 MR. SIMS: How so?

14 COMMITTEE MEMBER: Food  
15 stamps are for food only, and it's  
16 been misstated here several times  
17 today that child support has to be  
18 used directly for the child when  
19 that's never been the law. It can  
20 be used indirectly for electricity,  
21 for other heating and cooling,  
22 water, for house payments, all  
23 these things because the child has  
24 to live, too. So it's not just a  
25 direct payment.



1 MR. SIMS: I would agree with  
2 that.

3 COMMITTEE MEMBER: A debit  
4 card would not satisfy that  
5 because you can't make a  
6 mortgage payment with a child  
7 support debit card and a thousand  
8 other things that mamas and  
9 daddies have to do.

10 MR. SIMS: I would agree with  
11 that, and that's a good point.  
12 And I think we could actually  
13 give them something that would  
14 allow them to withdraw out of an  
15 ATM machine up to twenty-five,  
16 maybe thirty percent of the debit  
17 card to handle those types of  
18 expenses. I understand that  
19 things do come up that they will  
20 not be able to pay with the debit  
21 card.

22 COMMITTEE MEMBER: That  
23 would still put it on a cash basis,  
24 the twenty-five percent --

25 MR. SIMS: But at least that

1           w o u l d   g e t   i t   o n   t h e   t r a c k ,   u p   t o  
2           s e v e n t y   p e r c e n t   o f   w h a t ' s   g o i n g  
3           o n .   I   m e a n ,   i t ' s   a   l o t   b e t t e r   t h a n  
4           w h a t   w e   h a v e   n o w .

5           C O M M I T T E E   M E M B E R :   I n  
6           d e f e n s e   o f   y o u r   p o s i t i o n   t h e r e ,  
7           a l l   I   h a v e   t o   s a y   i s   t h e   S t a t e   o f  
8           G e o r g i a   i s   a l r e a d y   u s i n g   d e b i t  
9           c a r d s .   I t   b e c a m e   e f f e c t i v e  
10          J a n u a r y   o f   t h i s   y e a r .   S o   I   t h i n k  
11          i f   t h e   S t a t e   o f   G e o r g i a   c a n   d o   i t ,  
12          s u r e l y   w e   c a n   f i n d   a   w a y   t o   d o   i t ,  
13          a l s o .   S o   i t ' s   n o t   a n   i m p o s s i b l e  
14          t h i n g .

15          C O M M I T T E E   M E M B E R :   I   t h i n k  
16          y o u   w o u l d   n e e d   t o   l o o k   a t   w h a t  
17          t h e   e x p e r i e n c e   i s   a f t e r   a   y e a r   o r  
18          t w o   t o   s e e   i f   i t ' s   r e a l l y   m e e t i n g  
19          t h e   o b j e c t i v e .

20          C O M M I T T E E   M E M B E R :   I   a g r e e  
21          w i t h   y o u   b u t   w i t h   o n e   e x c e p t i o n .  
22          W e   d o n ' t   h a v e   a n o t h e r   y e a r   o r   t w o  
23          t o   s t u d y   t h e s e   g u i d e l i n e s .   I  
24          t h i n k   t h e s e   t h i n g s   a r e   g o i n g   t o   b e  
25          d e c i d e d   v e r y   s h o r t l y ,   a n d   w e   h a v e

1 to make a decision within that  
2 time or we'll lose another window  
3 of opportunity. It could be  
4 another eighteen years.

5 COMMITTEE MEMBER: It's up  
6 to the Supreme Court. The  
7 Supreme Court will decide. We  
8 don't know what they're going to  
9 do. We're just advisory. The  
10 Supreme Court has to decide  
11 (inaudible).

12 COMMITTEE MEMBER: I hope  
13 you're right, and I hope they give  
14 us time to do a good job on this.

15 MR. SIMS: I want to say  
16 something else, too. Things like  
17 utility bills, phone bills, cable  
18 bills, car payments, all those  
19 things now generated with the  
20 wonderful moving forward of  
21 technology usually are being able  
22 to be paid for by the debit card.  
23 I actually pay all my -- The only  
24 thing I can't pay myself  
25 personally is my car.

1           C O M M I T T E E   M E M B E R :

2           U n f o r t u n a t e l y ,   w e ' r e   n o t   t h a t  
3           a d v a n c e d   i n   t h e   ( i n a u d i b l e ) .   W e  
4           h a v e   o n e   e l e v a t o r   i n   t h e   c a p i t o l .  
5           ( I n a u d i b l e ) .

6           J U D G E   G O S A :   A n y t h i n g   e l s e ?

7           T h a n k   y o u ,   s i r .

8           M i c h a e l   H a r b i n ?

9           M I C H A E L   H A R B I N :   H e l l o .

10          I ' m   M i c h a e l   H a r b i n ,   a n d   t h a n k  
11          y o u   f o r   a l l o w i n g   m e   t o   c o m e   h e r e  
12          f o r   a   f e w   m o m e n t s   a n d   s p e a k   t o  
13          t h e   c o m m i t t e e .

14          I   d o   n o t   a g r e e   w i t h   t h e   w a y  
15          t h e   c h i l d   s u p p o r t   i s   d u e   b a s e d   o n  
16          a   g r o s s   i n c o m e .   I ' v e   b e e n  
17          d i v o r c e d   a   l i t t l e   o v e r   a   y e a r   a n d  
18          a   h a l f .   L a s t   y e a r   I   p a i d   r o u g h l y  
19          t w e n t y - e i g h t   t h o u s a n d   i n   c h i l d  
20          s u p p o r t ,   a n o t h e r   t h i r t y - t h r e e  
21          t h o u s a n d   i n   a l i m o n y ,   a b o u t  
22          a n o t h e r   t e n   t h o u s a n d   i n  
23          m i s c e l l a n e o u s   e x p e n d i t u r e s .

24          T h e   w a y   t h e   c h i l d   s u p p o r t   w a s  
25          f i g u r e d   i n   m y   c a s e   w a s   b a s e d   o n

1           my previous income several years  
2           back. We were showing evidence  
3           to the court, based on the current  
4           economic environment which we  
5           operated in my business because  
6           I'm self-employed, that my  
7           income had dropped substantially.  
8           But I was still taxed based on my  
9           old income levels.

10           I think the guidelines need to  
11           be changed. I think it's in the  
12           best interest of the children that  
13           they are changed. And in my  
14           case, I'm not here to say I'm a  
15           mad dad or I don't want to pay. I  
16           do want to pay. I do want to  
17           support my children.

18           I have to drive to Atlanta to  
19           see my children. My former wife  
20           lives with her fiancé in his house  
21           without having a job. Her --  
22           She's not working while I'm  
23           funding this large amount of  
24           money every month.

25           Last year, my gross income

1           w a s   o n l y   s i x t y - t h r e e   t h o u s a n d  
2           d o l l a r s .   T o   m a k e   u p   t h a t  
3           d i f f e r e n c e ,   I   l i q u i d a t e d   m y  
4           r e t i r e m e n t   a n d   m y   4 0 1 ( k )   f o r   f e a r  
5           o f   g o i n g   t o   j a i l   t h a t   m y   f o r m e r  
6           w i f e   i s   c o n s t a n t l y   t h r e a t e n i n g  
7           t h r o u g h   h e r   a t t o r n e y .

8           I   c o n t i n u e   t o   p a y   m y   c h i l d  
9           s u p p o r t ,   c o n t i n u e   t o   p a y   t h e  
10          m e d i c a l   e x p e n s e s ,   a n d   I ' l l  
11          c o n t i n u e   t o   d o   s o .   H o w ?   I   d o n ' t  
12          k n o w ,   b u t   I   w i l l   b e c a u s e   I   l o v e  
13          m y   c h i l d r e n .   B u t   t a k i n g   g r o s s  
14          i n c o m e   a n d   n o t   s u b t r a c t i n g   y o u r  
15          t a x e s   a n d   c o m i n g   u p   w i t h   a n  
16          a v e r a g e   o n   t h e   t a b l e ,   s a y   X ,   Y  
17          a n d   y o u   i n t e r s e c t ,   w e l l ,   m i n e   w a s  
18          u p   h e r e .   B u t   u p   h e r e   w a s   f i v e  
19          a n d   s i x   y e a r s   a g o .   T h i s   i s   w h a t   I  
20          m a k e   t o d a y .   T h i s   i s   w h a t   I   c a n  
21          p a y ,   a n d   t h i s   i s   w h a t   I ' l l  
22          c o n t i n u e   t o   p a y .   A n d   i f   I   c a n  
23          m a k e   m o r e ,   I ' l l   p a y   m o r e   b e c a u s e  
24          I   l o v e   m y   c h i l d r e n   a n d   I   w a n t   t h e  
25          v e r y   b e s t   f o r   t h e m .

1           B u t r i g h t n o w , t h e r u l e s i n  
2           A l a b a m a a r e w r o n g . T h e s y s t e m  
3           i s b r o k e n . I t n e e d s t o b e  
4           r e p a i r e d . I ' l l h e l p t h e  
5           c o m m i t t e e , a n d I ' l l h e l p t h e  
6           A l a b a m a F a m i l y R i g h t s  
7           A s s o c i a t i o n . I ' l l d o w h a t e v e r I  
8           c a n t o h e l p w h a t ' s i n t h e b e s t  
9           i n t e r e s t o f t h e c h i l d r e n a n d f o r  
10          t h e n o n c u s t o d i a l p a r e n t s u c h a s  
11          m y s e l f b e c a u s e I h a v e t o e a t , t o o ,  
12          a n d t h e c u s t o d i a l p a r e n t .

13           T h i s i s a g o o d c o m m i t t e e .  
14          S o m e s m a r t f o l k s o n h e r e . I k n o w  
15          y ' a l l c a n m a k e a c h a n g e t h a t w i l l  
16          b e p o s i t i v e a n d g o o d f o r t h e  
17          p e o p l e o f A l a b a m a , b u t m o s t  
18          i m p o r t a n t l y f o r t h e c h i l d r e n . B u t  
19          I p e r s o n a l l y c a n n o t m a i n t a i n a  
20          l i f e s t y l e f o r m y s e l f w h i c h i s v e r y  
21          m e a g e r u n d e r t h e s e o l d  
22          g u i d e l i n e s .

23           S o t h a t ' s a l l I h a v e t o s a y . I  
24          d o n ' t h a v e a n y t h i n g p r e p a r e d .  
25          Y o u m a y a s k q u e s t i o n s .

1           C O M M I T T E E   M E M B E R :   W h a t  
2           c o u n t y   a r e   y o u   f r o m ?

3           M R .   H A R B I N :   M o n t g o m e r y .

4           C O M M I T T E E   M E M B E R :   H a v e  
5           y o u   t r i e d   t o   m o d i f y   y o u r   c h i l d  
6           s u p p o r t ?

7           M R .   H A R B I N :   W e   a r e   i n   t h e  
8           p r o c e s s   o f   t r y i n g   t o   m o d i f y   t h a t  
9           n o w .   T h e   c o u r t s   - -   T h e   c o u r t  
10          c a m e   b a c k   a n d   s a i d   t h a t   I   h a d   f a r  
11          g r e a t e r   c a p a b i l i t y   g i v e n   m y  
12          i n c o m e   b a c k   t o   i t s   p r e v i o u s  
13          l e v e l s   t h a n   i t   i s   r i g h t   n o w .   I  
14          d o n ' t   k n o w   h o w   I ' m   g o i n g   t o   d o  
15          t h a t .   I f   y o u ' r e   f a m i l i a r   w i t h   m y  
16          c o m p a n y   H a r b i n ' s ,   I n c o r p o r a t e d  
17          o v e r   h e r e   o n   P e r r y   S t r e e t ,   I  
18          f i n a l l y   p u l l e d   t h e   p l u g ,   a n d   y o u  
19          c a n   s e e   w e ' r e   h a v i n g   a  
20          l i q u i d a t i o n   s a l e .   W e ' r e   l o s i n g  
21          m o n e y   l e f t   a n d   r i g h t .   B u t ,   y e s ,  
22          w e ' r e   t r y i n g   t o   m o d i f y   t h e   c h i l d  
23          s u p p o r t .

24          C O M M I T T E E   M E M B E R :   D o   y o u  
25          f a v o r   a   s y s t e m   t h a t   a d j u s t e d   y o u r



1 child support based upon the  
2 income set on a quarterly or  
3 semi-annual basis? (Inaudible.)

4 MR. HARBIN: I certainly  
5 would. In my case, you know, I  
6 was an open book. I know a lot  
7 of people, suddenly your income  
8 starts to dry up, a doctor not  
9 seeing many patients, a lawyer's  
10 billable hours start to drop.  
11 Mine is based on sales, and I  
12 can't hide sales. And, again, it  
13 was based upon the court's  
14 determination that I can get my  
15 income back to its previous  
16 levels. I can show the court  
17 today, which we are doing, but I  
18 don't know if it's going to  
19 modify it or not. If it's not, I'll  
20 just have to make due.

21 COMMITTEE MEMBER: You  
22 said you paid approximately over  
23 maybe seventy thousand dollars  
24 out in child support and alimony  
25 and miscellaneous last year.

1           MR. HARBIN:   S e v e n t y - f o u r  
2           t h o u s a n d .

3           C O M M I T T E E   M E M B E R :   W h a t  
4           w a s   y o u r   n e t   a f t e r   t h e   l e g i t i m a t e  
5           t a x e s ?

6           MR. HARBIN:   M y   n e t   a d j u s t e d  
7           g r o s s   i n c o m e   o n   m y   t a x   r e t u r n   w a s  
8           a b o u t   t h i r t y - e i g h t   t h o u s a n d .

9           C O M M I T T E E   M E M B E R :   N o ,   n o .  
10          A f t e r   d e d u c t i n g   F I C A ,   f e d e r a l ,  
11          s t a t e ,   a n d   l o c a l   t a x e s .

12          MR. HARBIN:   I t   w a s   a r o u n d  
13          f o r t y - t h r e e   t h o u s a n d .

14          C O M M I T T E E   M E M B E R :   O k a y .  
15          S o   y o u   w e n t   i n   t h e   h o l e   t w e n t y  
16          t h o u s a n d   d o l l a r s ?   D o   y o u   h a v e  
17          a n y   r e a s o n   t o   q u e s t i o n   t h e   w i s d o m  
18          o f   y o u r   w i f e   w h o   w a n t s   y o u  
19          d e a l i n g   w i t h   t h e   s t y l e  
20          ( i n a u d i b l e ) ?

21          MR. HARBIN:   D o   I   h a v e   - -   I  
22          h a v e   n o   i d e a   a b o u t   a n y   o f   i t .   I t  
23          t o t a l l y   b l o w s   m y   m i n d .   T h e   w h o l e  
24          d o g g o n e   d e a l   c o s t   m e   a   h u n d r e d  
25          a n d   f i f t y   t h o u s a n d   i n   l e g a l   f e e s .

1 I have to pay her attorney's fees  
2 and mine.

3 COMMITTEE MEMBER: A  
4 hundred and fifty thousand?

5 MR. HARBIN: Yes.

6 COMMITTEE MEMBER: I  
7 should go back to practicing law.

8 (Whereupon, several people  
9 began speaking  
10 simultaneously.)

11 MR. HARBIN: Then about  
12 another half a million in assets.

13 COMMITTEE MEMBER: Was  
14 that a settled case or did you try  
15 it?

16 MR. HARBIN: No. She wanted  
17 to go to court. The main thing  
18 she wanted was sole custody, and  
19 she got it. She has taken me to  
20 court several times.

21 COMMITTEE MEMBER: Over  
22 how -- what period of time?

23 MR. HARBIN: Three years.  
24 Actually my case was the first  
25 case to test a new law where the

1           c u s t o d i a l   p a r e n t   - -   M y   w i f e  
2           ( i n a u d i b l e )   t r i e d   t o   b r i n g   h e r  
3           b a c k   i n ,   a n d   t h e   j u d g e   s a i d   n o .

4           C O M M I T T E E   M E M B E R :   Y o u  
5           s a i d   a   c o u r t   i n d i c a t e d   t h a t   y o u  
6           c o u l d   i n c r e a s e   y o u r   i n c o m e   o r  
7           t h a t   y o u   w e r e   v o l u n t a r i l y   - -   o r  
8           t h a t   y o u   h a d   v o l u n t a r i l y  
9           a t t e m p t e d   t o   d e c r e a s e   y o u r  
10          i n c o m e .   W a s   t h e r e   s o m e   o b j e c t i v e  
11          d a t a   p r e s e n t e d   t o   t h e   c o u r t   t o  
12          s a y ,   W e l l ,   l o o k   w h a t   t h e  
13          c o m p e t i t i o n   d i d   i n   M o n t g o m e r y  
14          C o u n t y ,   Y o u   c o u l d   h a v e   m a d e   X -  
15          a m o u n t   o f   s a l e s   f o r   t h i s  
16          p a r t i c u l a r   y e a r ?   O r   I ' m   j u s t   - -

17          C O M M I T T E E   M E M B E R :   B e f o r e  
18          y o u   a n s w e r   t h a t ,   J u s t i c e   S t e w a r t  
19          a n d   J u d g e   C r a w l e y   o u g h t   t o   - -

20          C O M M I T T E E   M E M B E R :   L e a v e  
21          t h e   r o o m ?

22          C O M M I T T E E   M E M B E R :   W e l l ,  
23          i f   t h i s   c a s e   i s   o n g o i n g ,   t h i s  
24          c o u l d   e n d   u p   i n   t h e i r   c o u r t .

25          M R .   H A R B I N :   W e l l ,   t h i s   - -

1           C O M M I T T E E   M E M B E R :   I f   t h i s  
2           i s   a n   o n g o i n g   l i t i g a t i o n ,   t h e y  
3           w o u l d n ' t   b e   a b l e   t o   h e a r   t h a t .   S o  
4           e x c u s e   m e   f o r   i n t e r r u p t i n g   t h e r e .

5           J U D G E   G O S A :   T h a n k   y o u   s o  
6           m u c h .   T h a n k   y o u ,   s i r .

7           M R .   H A R B I N :   T o   h e l p   p a y   f o r  
8           t h i s   c h i l d   s u p p o r t ,   i f   y o u   w a n t   t o  
9           c o m e   u p   f o r   t h i s   l i q u i d a t i o n   s a l e  
10          - -

11          C O M M I T T E E   M E M B E R :   M r .  
12          H a r b i n ,   w h a t   d o   y o u   s e l l ?

13          M R .   H A R B I N :   O f f i c e  
14          f u r n i t u r e .

15          C O M M I T T E E   M E M B E R :   O h ,  
16          o k a y .

17          M R .   H A R B I N :   O f f i c e   f u r n i t u r e  
18          a n d   s u p p l i e s .

19          C O M M I T T E E   M E M B E R :  
20          ( I n a u d i b l e . )

21          J U D G E   G O S A :   M r .   S m i t h ?  
22          J a m e s   O .   S m i t h ?   S i r ,   I   d o n ' t  
23          b e l i e v e   y o u   w e r e   h e r e   t h i s  
24          m o r n i n g .   W e   h a v e   t h e s e   i n   t e n -  
25          m i n u t e   i n c r e m e n t s .   A n d   w h e n   y o u

1           h a v e c o n s u m e d e i g h t m i n u t e s , I ' l l  
2           g i v e y o u a s i g n s o y o u ' l l k n o w  
3           y o u h a v e o n l y g o t t w o m o r e i n  
4           c a s e y o u h a v e s o m e t h i n g y o u w a n t  
5           t o c o v e r t h a t y o u h a v e n ' t c o v e r e d  
6           y e t .

7           J A M E S O . S M I T H : T h a n k y o u  
8           v e r y m u c h .

9           T h e b u l k o f m y c o m m e n t s  
10          a p p l y t o m y u n d e r s t a n d i n g o f t h e  
11          p r o p o s e d c h a n g e s t o R u l e s 3 2 ( e )  
12          a n d 3 2 ( f ) o f t h e A l a b a m a R u l e s o f  
13          J u d i c i a l A d m i n i s t r a t i o n , w h i c h  
14          a p p e a r i n t e n d e d t o  
15          ( u n i n t e l l i g i b l e ) p r o b l e m  
16          p e r s i s t e n t i n c h i l d s u p p o r t c a s e s  
17          b a s i c a l l y s i n c e t h e g u i d e l i n e s  
18          w e r e e s t a b l i s h e d i n 1 9 8 7 .

19          W h i l e p r e s e n t r u l e s r e q u i r e  
20          t h a t p a r t i e s p r o v i d e t h e t r i a l  
21          c o u r t w i t h i n f o r m a t i o n ,  
22          d o c u m e n t a t i o n c o n c e r n i n g  
23          c o m p l i a n c e w i t h t h e g u i d e l i n e s ,  
24          i t ' s n o r e a l s u r p r i s e t o a n y o n e  
25          w h o p r a c t i c e s l a w i n t h i s s t a t e

1           t h a t   i n   a   l a r g e   n u m b e r   o f   c a s e s ,  
2           c o m p l i a n c e   w i t h   R u l e   3 2   i n   t h a t  
3           r e s p e c t   i s   p r o b l e m a t i c   t o   p u t   i t  
4           m i l d l y .   T h e   f a i l u r e   - -

5           C O M M I T T E E   M E M B E R :   I ' m  
6           s o r r y .   B u t   m a y   I   a s k   w h e r e  
7           y o u ' r e   f r o m ?

8           M R .   S M I T H :   H e r e   i n  
9           M o n t g o m e r y .   I ' m   s o r r y .  
10          A c t u a l l y ,   i n   M o n t g o m e r y ,   t h e y   d o  
11          a   g o o d   j o b .   T h e y   d o   r e q u i r e   i t .  
12          T h e   j u d g e s   a r e   v e r y   - -   I   w a n t   t o  
13          m a k e   t h a t   p o i n t   h e r e .   J u d g e s  
14          h e r e   i n   M o n t g o m e r y   a r e   v e r y  
15          s c r u p u l o u s   a b o u t   m a k i n g   s u r e   t h a t  
16          t h o s e   f o r m s   a r e   i n   t h e   f i l e s .  
17          H o w e v e r ,   a s   I   t r a v e l   a r o u n d   t h e  
18          s t a t e ,   I   f i n d   i t   s o m e w h a t   m o r e  
19          p r o b l e m a t i c   i n   s o m e  
20          j u r i s d i c t i o n s .

21          T h e   f a i l u r e s   t o   c o m p l y   w i t h  
22          t h e   r u l e s   m a k e s   i t   - -   d o e s   m a k e   i t  
23          n e a r l y   i m p o s s i b l e   f o r   t h e  
24          a p p e l l a t e   c o u r t s   t o   r e v i e w   t h e  
25          c o m p l i a n c e   o f   t h e   g u i d e l i n e s .

1           A n d t h e r e h a v e b e e n a f a i r n u m b e r  
2           o f c a s e s t h a t t h e C o u r t o f C i v i l  
3           A p p e a l s h a d t o r e m a n d i n s i m p l y  
4           b e c a u s e t h e r e w a s n ' t t h e a d e q u a t e  
5           r e c o r d o f t h e f o r m s i n t h e c o u r t  
6           f i l e , w h i c h o f c o u r s e i s a w a s t e  
7           o f n o t o n l y t h e a p p e l l a t e c o u r t ' s  
8           t i m e b u t i t ' s a w a s t e o f t h e t r i a l  
9           c o u r t ' s t i m e t o h a v e t o g o b a c k  
10          a n d r e v i s i t t h e i s s u e .

11           B u t e v e n w o r s e t h a n t h a t ,  
12          s i n c e m o s t c h i l d s u p p o r t c a s e s  
13          a r e n ' t a p p e a l e d , t h e r e i s l i t t l e  
14          d o c u m e n t a t i o n i n t h e f i l e , a n d  
15          o n e c a n o n l y s u r m i s e t h a t t h e  
16          f a i l u r e t o p r o v i d e t h a t  
17          d o c u m e n t a t i o n m e a n s t h a t c h i l d  
18          s u p p o r t o r d e r m a y v e r y w e l l n o t  
19          b e a c c u r a t e l y c o m p u t e d . T h i s , o f  
20          c o u r s e , m e a n s t h a t e i t h e r c h i l d r e n  
21          a r e b e i n g s h o r t - c h a n g e d o f t h e  
22          c h i l d s u p p o r t t h e y a r e d u e o r t h e  
23          n o n c u s t o d i a l p a r e n t i s b e i n g  
24          o v e r b u r d e n e d b e y o n d h i s o r h e r  
25          a b i l i t y t o p a y s u p p o r t . A n d , o f



1 course, when parents are over-  
2 obligated to pay support, one  
3 recourse they have is to be driven  
4 into underground economy and  
5 basically become invisible, which  
6 serves no particular public  
7 purpose and is ultimately, I  
8 think, detrimental to the best  
9 interest of the child.

10 While the proposed changes to  
11 Rule 32 I think are laudable,  
12 there are a couple of things I  
13 think would be advisable if they  
14 were improved or changed or  
15 taken into account.

16 One is that in cases where you  
17 have pro se representation -- and  
18 I'm particularly thinking of cases  
19 pursuant to the Protection from  
20 Abuse Act where child support is  
21 sought under the statute. In  
22 these cases, as I read the statute  
23 -- I mean, read the proposed rule,  
24 certainly it would require the  
25 filing of these -- of the forms

1           a n d t h e a d d e d d o c u m e n t a t i o n w i t h  
2           p o t e n t i a l f o r p e n a l t i e s t h a t a r e  
3           s u g g e s t e d . I t h i n k t h a t w o u l d b e  
4           i n a p p r o p r i a t e . T h e - - I t h i n k o n e  
5           r e q u i r i n g t h e d o m e s t i c v i o l e n c e  
6           v i c t i m w h o ' s f l e e i n g f o r s a f e t y t o  
7           h a v e t h a t d o c u m e n t a t i o n a t t h e  
8           t i m e o f f i l i n g i s p r o b a b l y  
9           u n r e a l i s t i c a n d i f i t d e l a y s f i l i n g  
10          a n e e d e d p r o t e c t i o n o r d e r , s a f e t y  
11          c a n c e r t a i n l y b e c o m p r o m i s e d .

12                 F u r t h e r m o r e , s i n c e t h e  
13          d e f e n d a n t i n t h e c a s e h a s a f i n a l  
14          h e a r i n g w i t h i n f o u r t e e n d a y s , t h e  
15          d e f e n d a n t w o u l d n e v e r h a v e t o  
16          f i l e t h e f o r m s b e c a u s e , o n e , n o  
17          a n s w e r i s r e q u i r e d a n d , t w o , t h e  
18          f i n a l h e a r i n g w o u l d c o m e b e f o r e  
19          a n y f o r m s w o u l d h a v e t o b e f i l e d .

20                 I t h i n k - - I n a d d i t i o n t o t h a t ,  
21          I t h i n k f o r t h e v i c t i m o f d o m e s t i c  
22          v i o l e n c e t o h a v e t o d i s c l o s e t h e  
23          - - a t a v e r y g r u e l i n g p o i n t i n t h e  
24          p r o c e e d i n g s , t h e i d e n t i t y o f t h e  
25          e m p l o y e r a l s o p o s e s p o t e n t i a l

1 safety problems. While in most  
2 cases, the perpetrator of domestic  
3 violence may well know where the  
4 victim is working, there are  
5 certainly cases where that is not  
6 true. And I think that would pose  
7 a danger for that kind of  
8 disclosure to take place before  
9 adequate safeguards can be taken  
10 by the court. I think at the very  
11 least, the court ought to be  
12 allowed to waive this requirement  
13 upon the plaintiff showing cause  
14 or, you know, certainly seal the  
15 file, keep it for an in-camera  
16 inspection.

17 And beyond the cases of  
18 protection from abuse, I think  
19 that while -- Again, these  
20 requirements are great, and I  
21 think they work -- I think the  
22 proposed change will work very  
23 well where folks are represented  
24 by counsel. I think when you  
25 have pro se representing -- folks

1           p r o c e e d i n g   p r o   s e   b e f o r e   t h e  
2           c o u r t ,   i t   b e c o m e s   a   t r a p   f o r   t h e  
3           u n w a r y ,   p a r t i c u l a r l y   w h e n   y o u  
4           b r i n g   i n t o   p l a y   t h e   p e n a l t y  
5           p r o v i s i o n s .   I   t h i n k   t h a t   w h i l e  
6           e v e r y o n e   - -   I   m e a n ,   I ' m   a n  
7           a t t o r n e y .   I   b e l i e v e   f o l k s   a r e  
8           b e t t e r   o f f   i f   t h e y ' r e   r e p r e s e n t e d  
9           b y   c o u n s e l .   P r o   s e   r e p r e s e n t a t i o n  
10          i s   h e r e ,   a n d   i t ' s   h e r e   t o   s t a y .  
11          Y o u   k n o w ,   w e   c a n ' t   m a k e   i t   g o  
12          a w a y .   I   t h i n k   t o   p l a c e   t h a t   k i n d  
13          o f   a   b u r d e n   w i t h   t h o s e   p o t e n t i a l  
14          p e n a l t i e s   o n   s o m e o n e   w h o ' s   j u s t  
15          t r y i n g   t o   r e p r e s e n t   t h e m s e l v e s   i s  
16          n o t   a p p r o p r i a t e .   I   b e l i e v e   t h a t  
17          t h i s   c o u l d   p o t e n t i a l l y   - -   t h i s  
18          p r o c e d u r e   - -   p r o p o s e d   p r o c e d u r e  
19          c o u l d   p o t e n t i a l l y   w o r k   t o  
20          e v e r y b o d y ' s   a d v a n t a g e s   i f   i t   w e r e  
21          s o r t   o f ,   w e l l ,   l i k e n e d   t o   R u l e   1 1 ,  
22          y o u   k n o w ,   a p p l i e d   t o   c a s e s   w h e r e  
23          t h e r e   i s   c o u n s e l   s o   c o u n s e l   w o u l d  
24          u l t i m a t e l y   b e   r e s p o n s i b l e .

25                   C O M M I T T E E   M E M B E R :   A r e

1           y o u   t a l k i n g   a b o u t   J u d g e   C r a w l e y ' s  
2           p r o p o s a l   n o w ?

3           M R .   S M I T H :   Y e a h ,   t h a t   i s  
4           w h e r e   t h i s   w a s   h e a d e d .   I   m e a n ,   I  
5           t h i n k   t h i s   i s   a p p r o p r i a t e   - -   I  
6           t h i n k   t h e   s a n c t i o n s   a r e  
7           a p p r o p r i a t e   w h e r e   f o l k s   a r e  
8           r e p r e s e n t e d   b y   c o u n s e l .   I   t h i n k  
9           w h e r e   p e o p l e   a r e   p r o c e e d i n g   p r o  
10          s e ,   I   t h i n k   i t   i s   - -

11                       ( W h e r e u p o n ,   V i d e o t a p e   3  
12                       e n d e d   a n d   V i d e o t a p e   4  
13                       b e g a n   w i t h   M r .   S m i t h  
14                       c o n t i n u i n g   a s   f o l l o w s : )

15          M R .   S M I T H :   - -   s t a n d a r d   t h a t  
16          s o c i a l   s e c u r i t y   u s e s   i s   t h a t  
17          s o m e b o d y   h a s   t o   b e   p e r m a n e n t l y  
18          a n d   t o t a l l y   d i s a b l e d .   T h e r e ' s   n o  
19          f i f t y   p e r c e n t   d i s a b l e d .   E i t h e r  
20          y o u   a r e   o r   y o u   a r e n ' t   a   h u n d r e d  
21          p e r c e n t   t o t a l l y   d i s a b l e d   a n d  
22          i n c a p a b l e   o f   p e r f o r m i n g   w o r k   i n  
23          t h e   n a t i o n a l   e c o n o m y .   F o r   a  
24          d i s a b l e d   p e r s o n   t o   n e v e r t h e l e s s  
25          h a v e   t o   c o m e   b a c k   b e f o r e   t h e

1           c o u r t   a n d   r e p r o v e ,   p r o v i d e  
2           m e d i c a l   e v i d e n c e   t o   p r o v e   h i s  
3           d i s a b i l i t y ,   s e e m s   t o   b e ,   a g a i n ,   a  
4           b i t   m u c h .   I   t h i n k   t h a t   f o l k s   w h o  
5           a r e   d i s a b l e d   - -   t h a t   t h e  
6           d e t e r m i n a t i o n   f r o m   s o c i a l  
7           s e c u r i t y   o u g h t   t o   b e   d i s p o s i t i v e  
8           o f   t h e i r   d i s a b i l i t y .   I f   t h e y   c a n  
9           p r o v e   t o   t h e   c o u r t   t h a t   t h e y   a r e ,  
10          i n   f a c t ,   r e c e i v i n g   o n g o i n g  
11          d i s a b i l i t y   b e n e f i t s   f r o m   t h e  
12          S o c i a l   S e c u r i t y   A d m i n i s t r a t i o n ,  
13          t h a t   o u g h t   t o   b e   t h e   e n d   o f   t h e  
14          a n a l y s i s   c o n c e r n i n g   t h e i r  
15          d i s a b i l i t y   b e c a u s e   b e y o n d   t h a t ,  
16          t h e r e   r e a l l y   a r e   n o   s t a n d a r d s   f o r  
17          d i s a b i l i t y   o t h e r   t h a n   t h e  
18          s u b j e c t i v e   v i e w   o f   e a c h  
19          i n d i v i d u a l   t r i a l   c o u r t   j u d g e .

20                 T h a t ' s   a l l   I   h a v e .   T h a n k   y o u .

21                 C O M M I T T E E   M E M B E R :   J i m ,  
22                 a r e   y o u   s a y i n g   t h e   s t a t e   c o u r t s  
23                 a r e   i n q u i r i n g   a s   t o   w h e t h e r   o r   n o t  
24                 - -   i n q u i r i n g   i n t o   t h e   v a l i d i t y   o f  
25                 t h e   s o c i a l   s e c u r i t y   d i s a b i l i t y

1           d e t e r m i n a t i o n ?

2           M R . S M I T H :   T h e y   a r e  
3           i n q u i r i n g   i n   s o m e   c a s e s ,   y e a h .   I  
4           m e a n ,   t h e y   a r e   g o i n g   b a c k  
5           u n d e r n e a t h   t h a t   d e t e r m i n a t i o n   a n d  
6           r e q u i r i n g   i n   s o m e   c a s e s   t h a t   s o m e  
7           f o l k s   - -   a n d   t h a t ' s   w h a t   s o c i a l  
8           s e c u r i t y   s a y s ,   I   w a n t   - -   t h e   j u d g e  
9           s a y i n g ,   I   w a n t   y o u   t o   r e p r o v e   t h a t  
10          t o   m e ,   w h i c h   i s   s o m e t h i n g ,   y o u  
11          k n o w ,   i f   y o u ' r e   r e p r e s e n t e d   b y  
12          c o u n s e l ,   m a y b e   y o u   c a n   d o .   I t  
13          c e r t a i n l y   i s   o n e r o u s .   B u t   f o r   t h e  
14          p r o s e l i t i g a n t   c o m i n g   t o   c h i l d  
15          s u p p o r t   c o u r t ,   I   m e a n ,   t h a t ' s  
16          b e y o n d   t h e i r   a b i l i t y .

17          C O M M I T T E E   M E M B E R :   O k a y .  
18          W h a t   d o   y o u   d o   n o w   i n   y o u r  
19          p r a c t i c e   w h e n   t h e   o t h e r   s p o u s e  
20          w i l l   n o t   p r o v i d e   d o c u m e n t a t i o n  
21          f o r   i n c o m e   i n   o r d e r   t o   p r o t e c t  
22          y o u r   s p o u s e ?

23          M R . S M I T H :   W h e r e   t h e   o t h e r  
24          s p o u s e   w o n ' t   - -   F o r   i n s t a n c e ,   i n   a  
25          d e f a u l t   c a s e ,   w h i c h   i s   p r o b a b l y

1           the most common case, where the  
2           defendant gets served, you have  
3           personal service so you have no  
4           issue of jurisdiction, in personam  
5           jurisdiction and the court truly  
6           has it to establish the child  
7           support order but the person  
8           doesn't show up, I file something  
9           from my client giving my client's  
10          best guesstimate of what that  
11          person has made in the past while  
12          they were living together.

13           COMMITTEE MEMBER: What if  
14          the other spouse is represented by  
15          an attorney and they will not  
16          supply the documentation? Is  
17          that a common problem or a rare  
18          problem?

19           MR. SMITH: It's something  
20          that usually gets worked out. It  
21          would be nice, I think -- or if all  
22          -- if these documents -- If I  
23          understand your proposal, sir, is  
24          that these would be provided just  
25          as a matter of course up front in



1           t h e   b e g i n n i n g   o f   t h e   c a s e .   I  
2           t h i n k   t h a t   w o u l d   b e   v e r y   h e l p f u l .  
3           I   m e a n ,   e v e r y b o d y   w o u l d   k n o w  
4           w h e r e   t h e y   a r e   g o i n g ,   y o u   k n o w ,  
5           s h a r e   i t   w i t h   y o u r   c l i e n t   a t   t h e  
6           v e r y   b e g i n n i n g .   Y o u   k n o w ,   i f   t h e  
7           c l i e n t   h a s   p r o b l e m s   a b o u t   t h e  
8           d o c u m e n t a t i o n   t h a t   h a s   b e e n  
9           p r o v i d e d ,   t h e n   y o u   p r o c e e d   w i t h  
10          t h e   n e c e s s a r y   d i s c o v e r y .   I   t h i n k  
11          t h a t ' s   a   v e r y   g o o d   i d e a .

12           C O M M I T T E E   M E M B E R :   L e t   m e  
13          a s k   y o u   t h i s :   I   h a v e   a   p r o p o s a l  
14          y o u   h a v e n ' t   s e e n   t h a t   w o u l d  
15          r e q u i r e   t h e   p l a i n t i f f   t o   f i l e   a   C S -  
16          4 1   a n d   d o c u m e n t a t i o n   a t   t h e   t i m e  
17          t h e   c o m p l a i n t   i s   f i l e d ,   a n d   t h a t  
18          t h e   d e f e n d a n t   w o u l d   f i l e   h i s   o r  
19          h e r s   a t   t h e   t i m e   t h e   a n s w e r   w a s  
20          f i l e d   o r   i t   w o u l d   p r o h i b i t   t h e  
21          c l e r k   f r o m   r e c e i v i n g   t h o s e  
22          p l e a d i n g s   f o r   f i l i n g   u n l e s s   t h e y  
23          c o m p l i e d .   W h a t   d o   y o u   t h i n k  
24          a b o u t   t h a t   a p p r o a c h ?

25           M R .   S M I T H :   I   m e a n ,   I   t h i n k

1           that would be -- Again, I think  
2           that would be fine if, one, we  
3           made the exception for pro se  
4           litigants. I mean, again, there --  
5           you know --

6           COMMITTEE MEMBER: Why do  
7           that? If a pro se filed -- brings  
8           a complaint to the clerk's office  
9           to file it and the clerk says, I  
10          can't accept this because it  
11          doesn't have the forms, they can  
12          go back and get it.

13          MR. SMITH: Well, let me  
14          rephrase my answer. I've watched  
15          -- Okay. This -- Obviously, what  
16          you're proposing, then, would  
17          mean that there would -- it would  
18          be unnecessary probably to have  
19          the -- for the most part, the  
20          financial penalties that are --

21          COMMITTEE MEMBER: Every  
22          judge has had the problem you're  
23          talking about in getting lawyers  
24          to comply.

25          MR. SMITH: Yes, I'm well

1           a w a r e   o f   t h a t .

2           C O M M I T T E E   M E M B E R :

3           ( I n a u d i b l e )   t a k i n g   s i d e s .   I t  
4           s e e m s   t o   m e   t h a t   y o u   c a n  
5           ( i n a u d i b l e )   a   l o t   o f   t h e s e  
6           p r o b l e m s   b y   e m p l o y i n g   a   s y s t e m  
7           l i k e   t h a t .

8           M R .   S M I T H :   W e l l ,   I   m e a n ,   I  
9           t h i n k   y o u ' r e   r i g h t .   I   t h i n k   y o u  
10          c o u l d .   T h e r e   i s   - -   O n e   q u e s t i o n  
11          w o u l d   b e   i n   t h e   c u r r e n t   f i n a n c i a l  
12          s i t u a t i o n ,   w h i c h   h o p e f u l l y   w o n ' t  
13          l a s t   f o r e v e r ,   d o   w e   w a n t   t h e  
14          c l e r k s   t o   b e   b u r d e n e d   w i t h   h a v i n g  
15          t o   m a k e   t h o s e   d e c i s i o n s   f o r ,   y o u  
16          k n o w   - -   t e l l i n g   p e o p l e   a n d   t h e n  
17          h a v i n g   t o   e x p l a i n   t o   p e o p l e   w h a t  
18          t h e y   n e e d   t o   g e t   a n d   w h a t ' s   g o i n g  
19          t o   b e   a d e q u a t e .   M a y b e   t h a t ' s   n o t  
20          a p p r o p r i a t e .

21          C O M M I T T E E   M E M B E R :   M a y b e  
22          i f   A O C   p r e p a r e d   a   b r o c h u r e   o r  
23          s o m e t h i n g .   I ' m   n o t   a d v i s i n g   y o u  
24          h e r e .   ( I n a u d i b l e . )   Y o u   k n o w ,   i f  
25          t h e y   c a n   d o   a   ( i n a u d i b l e ) .

1           C O M M I T T E E   M E M B E R :   I ' m  
2           s y m p a t h e t i c   t o   a   l o t   o f   t h o s e  
3           c o m m e n t s .   W e   j u d g e s   d i d n ' t   p a s s  
4           a   d o m e s t i c   v i o l e n c e   l a w .   I n   f a c t ,  
5           w h e n   i t   w a s   o r i g i n a l l y   p r o p o s e d ,  
6           I   w r o t e   a   m u l t i - p a g e   a n a l y s i s   o f  
7           i t ,   a n d   s o m e   r e v i s i o n s   w e r e   m a d e .  
8           B u t   w e   c a n ' t   c h a n g e   t h a t .   I ' v e  
9           s a i d   t h a t   m a n y   t i m e s   t o d a y .   A s  
10          y o u   k n o w ,   t h a t ' s   s t a t u t o r y   l a w ,  
11          a n d   s o m e b o d y   o t h e r   t h a n   u s   w i l l  
12          h a v e   t o   c h a n g e   t h a t .   B u t   i t   d o e s  
13          n e e d   v i s i t i n g ,   b u t   t h a t ' s   n o t  
14          w i t h i n   o u r   p u r v i e w .

15          M R .   S M I T H :   O k a y .   W e l l ,   i n  
16          a n y   e v e n t ,   I   s e e   i t   a s   a   p r o b l e m ,  
17          a n d   I   s e e   i t   a s   - -

18          C O M M I T T E E   M E M B E R :   I t   i s   a  
19          p r o b l e m .

20          M R .   S M I T H :   A n d   a n y t h i n g  
21          t h e r e   t h a t   i s   g o i n g   t o   d e l a y   a  
22          d o m e s t i c   v i o l e n c e   v i c t i m ,  
23          p a r t i c u l a r l y   f r o m   g e t t i n g   a  
24          p r o t e c t i o n   f r o m   a b u s e   o r d e r ,  
25          w h i c h   m o s t   o f   w h i c h   a r e   f i l e d   p r o

1           s e .

2           C O M M I T T E E   M E M B E R :   B u t  
3           t h a t ' s   j u s t   g o i n g   t o   d e l a y   y o u r  
4           o r d e r   b e c a u s e   y o u   d o n ' t   h a v e  
5           t h o s e   f o r m s   w i t h   y o u   b e c a u s e   t h e  
6           d o m e s t i c   v i o l e n c e   o r d e r   i s  
7           d e a l i n g   w i t h   t h e   v i o l e n c e ,   n o t  
8           c h i l d   s u p p o r t .   T h e   c h i l d   s u p p o r t  
9           i s   a   s e c o n d a r y   i s s u e   t h e r e .   Y o u  
10          c a n   m a k e   s u r e   t h e   v i c t i m   o f  
11          d o m e s t i c   v i o l e n c e   i s   b e i n g  
12          p r o t e c t e d   d e s p i t e   t h e   f a c t   w h e t h e r  
13          t h e y   h a v e   f o r m s   t o   v e r i f y   w h a t  
14          c h i l d   s u p p o r t   - -

15          C O M M I T T E E   M E M B E R :   A n d  
16          w h o   w a n t s   t o   ( i n a u d i b l e )   t h a t  
17          t h e y   w a n t   t e m p o r a r y   c h i l d  
18          s u p p o r t ,   b u t   i f   I   d o n ' t   h a v e   a n y  
19          b a s i s   t o   g r a n t   i t ,   I   d o n ' t   g r a n t   i t  
20          b e c a u s e   w e ' r e   g o i n g   t o   h a v e   a  
21          h e a r i n g   w i t h   f o u r t e e n   d a y s  
22          a n y w a y .   B u t   m o s t   o f   t h e m   d o n ' t  
23          s h o w   u p .   A n d   t h a t ' s   a n o t h e r   - -

24          M R .   S M I T H :   T h e r e   a r e   a   l o t  
25          o f   i s s u e s   o b v i o u s l y .   A n d   m y

1           c o n c e r n   w a s   w h e r e   s o m e   - -   I f   R u l e  
2           3 2   i s   t o   a p p l y   t o   a   p r o   s e e  
3           p r o t e c t i o n   f r o m   a b u s e   p e t i t i o n  
4           w h e r e   t h e   p e t i t i o n e r   i s   s e e k i n g  
5           c h i l d   s u p p o r t ,   t h e n   I   s e e   t h a t   a s  
6           a   p o t e n t i a l   p r o b l e m .   I f   i t  
7           d o e s n ' t ,   t h e n   i t ' s   n o t   a   p r o b l e m .

8           C O M M I T T E E   M E M B E R :   T h e  
9           p r o b l e m   i s   t h e   s t a t u t e   o n  
10          d o m e s t i c   v i o l e n c e   m a n d a t e s   c h i l d  
11          s u p p o r t ,   y o u   k n o w ,   w h i c h   b r i n g s  
12          i n   R u l e   3 2 .   B u t   w e   c a n ' t   c h a n g e  
13          t h a t   s u b s t a n t i v e   l a w   o f   R u l e   3 2 .

14                   ( W h e r e u p o n ,   s e v e r a l   p e o p l e  
15                   b e g a n   s p e a k i n g  
16                   s i m u l t a n e o u s l y . )

17          C O M M I T T E E   M E M B E R :   - -  
18          p a r t i c u l a r l y   w i t h   t h e   e x   p a r t e  
19          o r d e r .   A s   J u d g e   G o s a   s a i d ,   y o u  
20          d o n ' t   h a v e   t o   o r d e r   s u p p o r t   a t  
21          t h a t   t i m e .   Y o u   c a n   w a i t   u n t i l   y o u  
22          h a v e   t h e   h e a r i n g .

23          C O M M I T T E E   M E M B E R :   I  
24          c u s t o m a r i l y   d o n ' t .

25          C O M M I T T E E   M E M B E R :   S o   y o u

1           h a v e   a   f o u r t e e n - d a y   w i n d o w  
2           a n y w a y .

3           M R .   S M I T H :   I   m e a n ,   I   r e a l i z e  
4           y o u   d o n ' t   h a v e   - -   Y o u   k n o w ,  
5           n u m b e r   o n e ,   t h e   v i c t i m   w o u l d  
6           h a v e   t o   a s k   f o r   i t .   T h e   c o u r t  
7           d o e s n ' t   h a v e   t o   o r d e r   i t .  
8           H o w e v e r ,   w h e r e v e r   i t   i s  
9           a p p r o p r i a t e ,   i t   s e e m s   t o   m e   t h a t  
10          t h e   c h i l d r e n   o u g h t   t o   b e   a b l e   t o  
11          b e n e f i t   f r o m   t h e   c h i l d   s u p p o r t  
12          o r d e r   a t   t h a t   e a r l y   o p p o r t u n i t y .

13          C O M M I T T E E   M E M B E R :   I   d o u b t  
14          i f   y o u ' r e   g o i n g   t o   c o l l e c t   a n y  
15          m o n e y .

16          M R .   S M I T H :   C o l l e c t i o n   i s  
17          a l w a y s   a   p r o b l e m   b u t   ( i n a u d i b l e ) .

18          J U D G E   G O S A :   A n y   o t h e r  
19          q u e s t i o n s ?

20          M R .   S M I T H :   Y e s ,   s i r ?

21          C O M M I T T E E   M E M B E R :   I   h e a r d  
22          y o u r   c o m m e n t s   a b o u t   p r o s e  
23          e x c e p t i o n s   t o   f i l i n g   t h e   f o r m s ,  
24          a n d   I ' m   i n c l i n e d   t o   a g r e e   w i t h  
25          y o u   b e c a u s e   - -   a n d   I   a l s o   h e a r d

1           t h e   c o m m e n t s   f r o m   t h e   c o m m i t t e e  
2           r e c o g n i z i n g   s o m e   p r o b l e m s   w i t h  
3           t h a t .   ( I n a u d i b l e ) .   I f   h e   k n o w s  
4           e n o u g h   t o   f i l e   a   c o m p l a i n t ,   m a y b e  
5           h e   c a n   g e t   h i s   i n c o m e   i n f o r m a t i o n  
6           t o g e t h e r   a n d   d e p e n d   o n   t h e  
7           c i r c u i t   c l e r k   t o   t e l l   h i m   t h a t .  
8           I t ' s   b e e n   m y   e x p e r i e n c e   i n   t h e  
9           c i r c u i t   c l e r k   o f f i c e s   t h a t   t h e y ' r e  
10          g o i n g   t o   t e l l   a   p r o s e   p e r s o n   t h a t  
11          t h e y   c a n n o t   a d v i s e   t h e m   i n   t h e  
12          l a w .   I   l i k e   y o u r   i d e a   o f   j u s t  
13          g i v i n g   o u t   s o m e   k i n d   o f   p a m p h l e t ,  
14          b u t   I   d o n ' t   t h i n k   w e   c a n   d o   t h a t  
15          i n s i d e   t h i s   r u l e   e i t h e r .   S o   h o w  
16          a r e   w e   g o i n g   t o   s o l v e   t h a t  
17          p r o b l e m ?   T h e   p r o s e   - -

18                   C O M M I T T E E   M E M B E R :  
19           ( I n a u d i b l e )   i n   s m a l l   c l a i m s   c o u r t  
20           n o w .   N i n e t y - n i n e   p e r c e n t   o f   t h e m  
21           a r e   p r o s e .

22                   C O M M I T T E E   M E M B E R :   S o   d o  
23           w e   g i v e   t h e   p r o s e   t h e   e x c e p t i o n  
24           y o u ' r e   t a l k i n g   a b o u t ?

25                   C O M M I T T E E   M E M B E R :   I   d o n ' t



1 think so, but that's a decision  
2 for us to make.

3 MR. SMITH: Outside the  
4 scope of domestic violence -- I'll  
5 keep that -- I'll pound that drum  
6 again. But the -- I mean, I think  
7 that the pro se litigant wishing  
8 to file a divorce and being told,  
9 You need to go fill out this form  
10 and attach some documentation,  
11 then the problem would not be  
12 onerous because time is not  
13 particularly of the essence. If it  
14 takes another week to get back to  
15 the court with the information,  
16 it's probably not a whole lot of  
17 loss. Other than a domestic  
18 violence case, which again --  
19 But, I mean, I guess I would have  
20 some slight concern with the  
21 defendant who shows up to file  
22 his answer on day thirty and is  
23 told, you have got to have all  
24 these things (inaudible). Again,  
25 it's probably not the most

1           o n e r o u s   t h i n g   i n   t h e   w o r l d .   I t  
2           m i g h t   b e   n i c e   f o r   t h e   d e f e n d a n t   t o  
3           r e c e i v e   s o m e t h i n g   w i t h   t h e  
4           s u m m o n s   t e l l i n g   h i m   h e   h a d   t o   d o  
5           t h i s .   I   d o n ' t   k n o w .   A t t a c h   m o r e  
6           s t u f f   t o   t h e   s u m m o n s   t e l l i n g  
7           p e o p l e   m o r e ,   g i v i n g   p e o p l e   m o r e  
8           i n f o r m a t i o n .   B u t   t h a t   w o u l d  
9           c e r t a i n l y   a t   l e a s t   p u t   t h e  
10          d e f e n d a n t   o n   n o t i c e   n o t   o n l y   d o  
11          y o u   h a v e   t o   f i l e   a n   a n s w e r ,   b u t  
12          y o u   h a v e   t o   f i l e   t h i s   o t h e r  
13          d o c u m e n t a t i o n ,   a l s o .

14                C O M M I T T E E   M E M B E R :   W e l l ,  
15          w e   h a v e   a   n e w   r u l e   t h a t   t h e  
16          c o m m i t t e e   d i d n ' t   h a v e   a n y t h i n g   t o  
17          d o   w i t h .   I   d o n ' t   k n o w   w h o   w r o t e  
18          i t ,   b u t   i t ' s   3 2 . 1   t h a t   i n s t i g a t e d  
19          a n o t h e r   f o r m   t h a t   e v e r y   p a r e n t   i s  
20          s u p p o s e d   t o   f i l e   i n   a   d i v o r c e  
21          a c t i o n .   M a y b e   y o u   c o u l d   a d d   t h a t  
22          w o r d i n g   t o   t h a t   f o r m .

23                J U D G E   G O S A :   T h a n k   y o u ,   s i r .

24                M R .   S M I T H :   T h a n k   y o u   v e r y  
25          m u c h .

1 JUDGE GOSA: Thomas French?

2 THOMAS FRENCH: I'm Thomas  
3 French. I'm from Scottsboro.  
4 That's Jackson County. If there  
5 was a prize for the furthest  
6 travel, I would probably get it.

7 I have three concerns about  
8 Rule 32. The first concern is in  
9 reference to self-employment  
10 income. The definition of gross  
11 income is as follows: Gross  
12 receipts minus ordinary and  
13 necessary expenses required to  
14 produce such income.

15 Jackson County courts tend to  
16 use federal income tax returns to  
17 establish this income figure. The  
18 small business owner incurs much  
19 cost that will end up as profit on  
20 a tax return but does not amount  
21 to money in their checkbook.  
22 When a small business owner  
23 borrows money from the bank, the  
24 -- this is not applied as income  
25 to him though when the business

1       repays the money, whether it's in  
2       a single payment or monthly  
3       payments, then these payments to  
4       principal are not deductible and  
5       ultimately end up as profit. If a  
6       business purchases a piece of  
7       equipment and finances it for five  
8       years and makes the monthly  
9       payments, then the payment on the  
10      principal will become profit.

11      This means that if a business is  
12      heavy in debt but is able to make  
13      the payments, then they can be  
14      broke and still have a profit.

15           The courts do not have or take  
16      time to take testimony on each  
17      item that a business needs. A  
18      truck that you are making  
19      payments on will most likely end  
20      up with little or no value in five  
21      years. Many equipment purchases  
22      are for specific needs and may  
23      have no value to the company  
24      after the chosen job is complete.

25           I do understand that there is

1        d e p r e c i a t i o n .    I r e a l i z e t h e  
2        b u s i n e s s w i l l h a v e t h e t r u c k , t h e  
3        e q u i p m e n t , e t c e t e r a , a f t e r i t ' s  
4        p a i d f o r .    B u t m o r e t i m e s t h a n  
5        n o t , i t h a s l i t t l e o r n o v a l u e , a n d  
6        i f t h e y c h o o s e t o s e l l t h e i t e m ,  
7        t h e n t h e p r o c e e d s w i l l b e c o m e  
8        p r o f i t .

9            I w a s p a i d u p f r o n t b y a  
10        c o r p o r a t e c u s t o m e r a b o u t a  
11        h u n d r e d a n d t w e n t y - f i v e t h o u s a n d  
12        d o l l a r s t o p u r c h a s e a s p e c i f i c  
13        p i e c e o f e q u i p m e n t .    I n t u r n , I  
14        r e c e i v e d a n o r d e r t o p r o d u c e t h e  
15        p a r t s .    F o u r m o n t h s a f t e r t h e  
16        p u r c h a s e , 9 - 1 1 o c c u r r e d .    T h e  
17        c u s t o m e r b a s i c a l l y s t o p p e d t h e  
18        p r o j e c t .    I e n d e d u p w i t h a  
19        m a c h i n e t h a t h a d n o v a l u e .    S o l d  
20        i t f o r f o r t y - f i v e h u n d r e d d o l l a r s  
21        a t a u c t i o n .

22            A s a r e s u l t o f t h i s , I h a d a  
23        h u g e p r o f i t f o r t h a t t a x y e a r .  
24        T h e f o l l o w i n g y e a r , I w a s o u t o f  
25        ( u n i n t e l l i g i b l e ) b a s e d o n t h o s e

1 profit figures.

2 The Rule encourages bad  
3 decisions on businesses. You can  
4 lease a truck. It's a hundred  
5 percent deductible. The same  
6 holds true for rented buildings  
7 and/or leased equipment. Most  
8 small business owners operate on  
9 a shoestring. If they make bad  
10 decisions in order to stay alive,  
11 it ends up costing everyone. A  
12 truck payment, a building  
13 payment, and equipment payment  
14 ends up costing thirty percent  
15 more after you factor in child  
16 support enforcing bad decisions  
17 on business owners. It's not an  
18 effort to avoid child support, but  
19 it simply becomes a mission to  
20 stay alive.

21 The profit as stated on the tax  
22 returns will also include any  
23 money in the checking account.  
24 If you have a balance of twenty  
25 thousand dollars, it will end up

1       a s p r o f i t .   T h e   s m a l l   b u s i n e s s  
2       m u s t   h a v e   o p e r a t i n g   f u n d s   t o  
3       o p e r a t e   o n   t o   s u r v i v e .   T h i s  
4       b a l a n c e   m a y   b e   c a r r i e d   f r o m   y e a r  
5       t o   y e a r ,   b u t   i t   c o n t i n u e s   t o   b e  
6       t a x e d   b y   R u l e   3 2   e v e r y   y e a r .   A n d  
7       w h e n   t h e   o p e r a t i n g   f u n d s   a r e  
8       d e p l e t e d ,   t h e n   y o u   h a v e   b u s i n e s s  
9       f a i l u r e .

10            T h e   s a m e   R u l e   a p p l i e s   t o  
11       s o m e o n e   w h o   i s   r e g u l a r l y  
12       e m p l o y e d .   I t   w o u l d   m e a n   t h e  
13       f o l l o w i n g :   L e t ' s   s e e   y o u r   W - 2 .  
14       L e t ' s   s e e   y o u r   c h e c k b o o k .   A n d  
15       y o u   c a n ' t   e v e n   t h i n k   a b o u t   b e i n g  
16       e m p l o y e d   ( u n i n t e l l i g i b l e )   s u p p o r t  
17       p a y m e n t s .

18            W h a t   i s   t h e   s o l u t i o n ?   A  
19       b e t t e r   d e f i n i t i o n   o f   o r d i n a r y   a n d  
20       n e c e s s a r y   b u s i n e s s   e x p e n s e s .  
21       U s i n g   i n c o m e   t a x   r e t u r n s   a s   a  
22       b a s e l i n e   i s   a   g o o d   s t a r t i n g   p o i n t ,  
23       b u t   t h e r e   m u s t   b e   a   s p e c i f i c  
24       p r o v i s i o n   i n   p l a c e   t o   a l l o w   f o r  
25       r e a l   a n d   v i a b l e   b u s i n e s s

1 expenses. A small business  
2 worksheet that's completed by a  
3 CPA outside of the courtroom on  
4 behalf of a small business would  
5 be very helpful. This worksheet  
6 would have the tax return profit  
7 as a starting figure and then take  
8 into consideration the necessary  
9 expenses not allowed by the IRS.  
10 This chart would include such  
11 items as principal payments, tax  
12 penalties, (unintelligible),  
13 overdraft charges, carryover cash  
14 balances, et cetera.

15 Most small business owners  
16 support their children with pride.  
17 Most courts will not take the time  
18 to discover the true income, and  
19 as a result, the small business  
20 owners end up with cash-flow  
21 problems and at the first slow  
22 period normally never recover.

23 The second item is sort of  
24 touching on what Tim did on the  
25 excessive visitation. We all



1 know that there's not a standard  
2 visitation schedule, and my  
3 concern is when there is a  
4 standard visitation schedule,  
5 because there's not a set amount  
6 of reduction, that the courts will  
7 never order any excessive  
8 visitation in order to not have to  
9 fight the problem of the money.  
10 You know, if you said a half a  
11 percent per day or something, it  
12 would make it real easy for the  
13 court to give the noncustodial  
14 more visitation.

15 The court system is  
16 overloaded. When there's been a  
17 drastic change in income, there  
18 has to be a system in place to  
19 adjust the support payment. Back  
20 to Mr. Harbin. If it takes you  
21 fifteen months to have a hearing  
22 and you become so deep in  
23 arrearages, then it's certain to  
24 cause financial ruin. A small  
25 business may have a great year,

1           t h e n   a   t e r r i b l e   o n e .   A d j u s t m e n t s  
2           m u s t   b e   m a d e   p r o m p t l y   i n   o r d e r  
3           f o r   j u s t i c e   t o   b e   s e r v e d .

4           T h a n k   y o u .

5           J U D G E   G O S A :   A n y   q u e s t i o n s ?  
6           T h a n k   y o u .

7           S t a n l e y   T r u i t t ?

8           S T A N L E Y   T R U I T T :   M y  
9           c o m m e n t s   a r e   t h a t   I   f e e l   t h a t   t h e  
10          g u i d e l i n e s ,   c u r r e n t   s t a t e  
11          g u i d e l i n e s ,   I   t h i n k   t h e y ' r e   f a i r ,  
12          a n d   I   t h i n k   t h e y ' r e   u n b i a s e d .  
13          A n d   I   t h i n k   - -   I   h a v e   r e a d  
14          t h r o u g h   t h e m ,   a n d   I   f e e l   l i k e  
15          t h e r e   w a s   a   l o t   o f   t i m e   p u t   i n t o  
16          t h e m ,   a   l o t   o f   t h i n k i n g ,   a   l o t   o f  
17          m o n e y .

18          I   h a v e   a n   e n g i n e e r i n g   d e g r e e ,  
19          a n d   t o   p u t   t h o s e   d o c u m e n t s   - -   f o r  
20          u s   t o   p u t   t h e m   t o g e t h e r   w o u l d  
21          p r o b a b l y   c o s t   a b o u t   f i f t y  
22          t h o u s a n d   d o l l a r s .   I t   m a y   h a v e  
23          c o s t   t h e   s t a t e   f o u r   t i m e s   t h a t .

24          A n d   m y   c o m m e n t s   a r e   t h a t   I  
25          j u s t   f e e l   l i k e   t h e   j u d g e s   s h o u l d

1 follow the guidelines. If they  
2 follow the current state  
3 guidelines, I think it would save  
4 a lot of cases in the federal  
5 courts and a lot of hard feelings.

6 And this is from my personal  
7 experience. It really hurt me to  
8 find out years later that I'm  
9 paying almost three times what  
10 the state called for. That really  
11 hurt me, and I feel like it caused  
12 a reduction in my life  
13 unnecessarily.

14 And when I looked at it, when  
15 I really looked at the guidelines,  
16 like -- as I say, I thought they  
17 were reasonable. I thought they  
18 were reasonable and that they  
19 didn't put an undue burden upon  
20 anyone. You know, while I was  
21 reading the paper, what the state  
22 calls for for two kids, I was  
23 paying that eight years ago at the  
24 same time.

25 So -- But it's just my

1           s t a t e m e n t   t h a t   I   f e e l   l i k e   w h a t  
2           t h e   s t a t e   h a s   a l r e a d y   p u t   d o w n ,  
3           t h a t ' s   w h a t   j u d g e s   s h o u l d   b e  
4           r e q u i r e d   t o   f o l l o w .   A n d   I   t h i n k  
5           i t   w i l l   s a v e   a   l o t   o f   h e a r t a c h e  
6           a n d   p a i n   f o r   a   l o t   o f   p e o p l e .

7           A n d   t h a t ' s   a b o u t   a l l   I   h a v e .   I  
8           d i d n ' t   r e a l l y   h a v e   a   w h o l e   l o t   t o  
9           s a y .   ( U n i n t e l l i g i b l e . )   L i k e   I  
10          s a i d ,   i t   r e a l l y   h u r t   m e   b e c a u s e   I  
11          u s e d   t o   s t a y   i n   a n   a p a r t m e n t  
12          ( u n i n t e l l i g i b l e ) .   Y o u   k n o w ,   I  
13          r e a l l y   d i d n ' t   s t a r t   p u t t i n g  
14          a n y t h i n g   t o g e t h e r   u n t i l   I   w a s   a b l e  
15          t o   r e d u c e   m y   d e b t ,   a n d   t h a t ' s   h o w  
16          I   p u t   m y   l i f e   t o g e t h e r .  
17          ( U n i n t e l l i g i b l e )   t u r n e d   a r o u n d .

18          A s   I   s a i d ,   i t   r e a l l y   h u r t   m e  
19          b e c a u s e   t h e   f a c t   t h a t   I   s t o o d  
20          b e f o r e   t h i s   j u d g e ,   a n d   I   f e l t   t h a t  
21          h e   w a s   f a i r .   I   f e l t   t h a t   h e   w a s  
22          f a i r ,   a n d   I   f e l t   t h a t   w h a t   w a s  
23          g o i n g   o n   w a s   t h e   r i g h t   t h i n g .  
24          A n d   i t   r e a l l y   h u r t   y e a r s   l a t e r   t o  
25          f i n d   o u t   t h a t   h e   d i d   n o t   d o   w h a t

1 he was supposed to do, and it just  
2 really hurt me and made me angry.

3 COMMITTEE MEMBER: What  
4 county are you from?

5 MR. TRUITT: I'm originally  
6 from Jefferson County.

7 COMMITTEE MEMBER: Where  
8 did you get your divorce?

9 MR. TRUITT: Jefferson  
10 County. I did it myself because I  
11 had lost, like, about sixteen  
12 hundred dollar trying to find a  
13 lawyer to do the right thing, and  
14 they wouldn't. So I decided to  
15 take it on myself. And I looked  
16 up to the judge to be fair because  
17 I wasn't a criminal. I hadn't  
18 done anything wrong, and I felt  
19 like he would protect me. And it  
20 just flipped me out years later  
21 when I happened to be going  
22 through the internet, and I ran  
23 across the website for this  
24 building. And it's a very helpful  
25 website, tremendous amount of

1 information. And that's when I  
2 started finding out stuff. You  
3 know, I can't believe this. I  
4 can't believe this is going on.  
5 And there are people out there --  
6 I've got a friend, one of the guys  
7 that I supervise (inaudible) he's  
8 paying a thousand dollars a month  
9 child support, and he works odd  
10 jobs. He works Saturdays.  
11 (Inaudible) a friend of mine, he  
12 said, You see that house right  
13 there (inaudible). We call him  
14 Joe. He said, That used to be  
15 Joe's house. He lost it. You  
16 know, and it just -- And I told  
17 him, I said, With what you're  
18 paying, you might as well  
19 (inaudible). You can't even live  
20 from day to day.

21 Yes, sir?

22 COMMITTEE MEMBER: How  
23 (inaudible)?

24 MR. TRUITT: He just picked  
25 it out of the air. That's what

1           u p s e t   m e .   I   t h o u g h t   - -

2           C O M M I T T E E   M E M B E R :   T h i s  
3           w a s   e i g h t   y e a r s   a g o ?

4           M R .   T R U I T T :   P a r d o n   m e ?

5           C O M M I T T E E   M E M B E R :   T h i s  
6           w a s   e i g h t   y e a r s   a g o ?

7           M R .   T R U I T T :   Y e a h ,   t h e y   j u s t  
8           p i c k e d   i t   o u t   o f   t h e   a i r .   W h a t   i t  
9           w a s ,   i t   w a s   d o n e   w r o n g .   I   f o u n d  
10          o u t   - -   A f t e r   I   g o t   a h o l d   o f   t h i s  
11          w e b s i t e ,   I   f o u n d   o u t   a   l o t   o f  
12          i n f o r m a t i o n .   I t   w a s   d o n e   w r o n g .  
13          I   f e l t   l i k e   a p p e a l i n g ,   b u t   I   t o l d  
14          m y   b r o t h e r ,   I   l o o k e d   a t   t h i n g s  
15          t h a t   - -   I   l o o k e d   a t   t h e   w h o l e  
16          p i c t u r e .   A n d   I   s a i d ,   O u r   a p p e a l s  
17          c o u r t   i s   o v e r l o a d e d .   T h e r e   a r e  
18          p e o p l e   t h a t   h a v e   g o t   t h e i r   l i v e s  
19          o n   t h e   l i n e .   T h e y   a r e   f a c i n g   t h e  
20          d e a t h   p e n a l t y .   T h o s e   a r e   t h e  
21          c a s e s   t h e   c o u r t   n e e d s   t o   b e  
22          h a n d l i n g .   I   w o n ' t   d i e .   M y   s o n  
23          w i l l   g r o w   u p   o n e   d a y ,   a n d   i t   w i l l  
24          b e   a l l   o v e r .

25          C O M M I T T E E   M E M B E R :

1 (Inaudible.)

2 COMMITTEE MEMBER: Have  
3 you talked to an attorney about  
4 going back to court to revisit  
5 this?

6 MR. TRUITT: It has really  
7 been a mess because, you know, I  
8 want to stay focused because  
9 there are some other things that  
10 my ex has done, too, because,  
11 like, every time I've made the  
12 jump financially, I'll get knocked  
13 back. I finally paid all the bills  
14 off, bought a house in Alabaster.  
15 And I came and told her, said,  
16 Hey, you know, I can't use my VA  
17 benefits. You've got that tied  
18 up. I can't use FHA because they  
19 wanted twelve checks from you. I  
20 can't get it. The lady says we  
21 can go conventional, but it will  
22 cost you an arm and a leg. I  
23 said, I'm going to be late with  
24 this child support payment. Is it  
25 okay. No. I said, Come on, help



1 me out. No. So I was, like,  
2 fifteen days late. They had me in  
3 court. It just so happened that I  
4 was lucky enough that I hadn't  
5 thrown out all my papers because  
6 I had all my child support checks  
7 that I had sent to her from day  
8 one. And also, I had paid for my  
9 son to play baseball. Paid for  
10 him to buy his candy when it was  
11 for sale. The guy garnisheed my  
12 pay, and it sent me into a  
13 tailspin. So what I did, I started  
14 looking for another job. I got an  
15 opportunity to come here and  
16 work. So I took another job  
17 making a little more money, and a  
18 lot of things worked out. And I  
19 told my brother I was so mad  
20 because (inaudible) and then I  
21 was in court again. And this  
22 time, I said, Man, they raked me  
23 over the coals.

24 COMMITTEE MEMBER: You  
25 didn't answer his question.

1 MR. TRUITT: Huh?

2 COMMITTEE MEMBER: You  
3 didn't answer his question.

4 MR. TRUITT: Oh, I'm sorry.

5 COMMITTEE MEMBER: Have  
6 you consulted an attorney?

7 MR. TRUITT: No, sir.

8 COMMITTEE MEMBER: You  
9 have one child from this  
10 marriage?

11 MR. TRUITT: Yeah, I pay in  
12 total -- I added it up -- yes, sir,  
13 one child.

14 COMMITTEE MEMBER: What's  
15 your monthly payment?

16 MR. TRUITT: I pay out of my  
17 pocket four forty twenty-five, if  
18 I remember right, and I pay for  
19 his health insurance, dental  
20 insurance. And, also, I've got a  
21 2003 Acura that's got eighty  
22 thousand miles on it because I  
23 promised him I would come pick  
24 him up every weekend. I drive  
25 all the way to Birmingham and

1           b a c k .   A n d   w h e n   I   w a s   r e a d i n g   t h e  
2           w e b s i t e   f o r   t h i s   l o c a t i o n ,   I  
3           d i d n ' t   k n o w   t h a t   i f   y o u   t a k e   i t   o n  
4           a   b u r d e n   - -   i f   y o u   t a k e   t h e   b u r d e n  
5           t o   g o   p i c k   y o u r   c h i l d   u p ,   t h e y  
6           w i l l   a d j u s t   t h e   c h i l d   s u p p o r t .   I  
7           k n o w   t h e   t i m e   i s   u p .   I   j u s t  
8           w a n t e d   t o   m a k e   s u r e   ( i n a u d i b l e ) .

9           J U D G E   G O S A :   L e t   m e   g o   b a c k  
10          a n d   m a k e   s u r e .   J o y c e   G a r d n e r -  
11          T h o m a s   w a s   a   n o   s h o w .   I   k n o w  
12          R h o n d a   K e l l e y   i s .   S h e   c a l l e d   a n d  
13          w a s   h o s p i t a l i z e d .   M a r c i a   P o e   i s  
14          a   n o   s h o w .

15          A n y t h i n g   f r o m   t h e   c o m m i t t e e  
16          b e f o r e   w e   a d j o u r n   u n t i l   9 : 0 0  
17          t o m o r r o w ?

18          I ' m   s o r r y .   W e   h a v e   a n o t h e r  
19          o n e .   N o   s h e   c a n c e l l e d .   I ' m  
20          s o r r y .   C a r o l   G u n d l a c h   c a n c e l l e d .

21                   ( W h e r e u p o n ,   t h e   P u b l i c  
22                   H e a r i n g   w a s   a d j o u r n e d . )

23                           •   \*   \*   \*   \*   \*

24                                           •

STATE OF ALABAMA  
ADVISORY COMMITTEE ON CHILD  
SUPPORT GUIDELINES AND  
ENFORCEMENT  
MONTGOMERY, ALABAMA

IN RE: CHILD SUPPORT GUIDELINES  
PUBLIC HEARING  
March 11, 2004

CERTIFICATE OF COMPLETION OF  
REPORTER'S TRANSCRIPT

I, Laura A. Head, Court  
Reporter for the State of Alabama  
at Large, do hereby certify that I  
have this date completed a true  
and correct transcription to the  
best of my ability from  
videotapes of the public hearing  
held in the above-styled cause  
had and done before the Advisory  
Committee on Child Support  
Guidelines and Enforcement,  
Alabama Judicial Building, 300

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Alabama, on Thursday, March  
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DATED this 7th day of April,  
2005.

  
LAURA A. HEAD  
Court Reporter