

M E M O R A N D U M

TO: Advisory Committee on Child Support Guidelines and Enforcement

FROM: Subcommittee on Proposed Changes to Rule 32, Ala. R. Jud. Admin., submitted by Judge Terry Moore

RE: Recommendation of the Subcommittee

DATE: September 14, 2020

The subcommittee proposes that the Advisory Committee on Child Support Guidelines and Enforcement recommend to the Alabama Supreme Court that subsection (5) be added to Rule 32(C) in order to address the issue of child support for multiple children. The options for the proposed amendment are set forth below:¹

¹The first paragraph of the proposed amendment is modeled after Ga. Code Ann. § 19-6-15(b)(12)), which provides:

"When there is more than one child for whom support is being determined, the court shall establish the amount of support and the duration of such support in accordance with subsection (e) of this Code section. When, within two years of a final order being entered, there is a likelihood that a child will become ineligible to receive support, the court may allow for the use of separate worksheets. Separate worksheets shall show the final child support amount to be paid for all such children and the adjusted amount of support to be paid as each child becomes ineligible to receive support during such two-year period. Such worksheets shall be attached to the final order. Such order shall

Option 1

When, within two years of a final child-support order being entered, there is a likelihood that one of multiple children will become ineligible to receive child support², the court [*shall or may*] allow for the use of separate worksheets. Separate worksheets shall show the final child support amount to be paid for all such children and the adjusted amount of support to be paid as each child becomes ineligible to receive support during such two-year period. Such worksheets shall be attached to the final order. A final order entered pursuant to this paragraph shall not preclude a petition for modification.

A trial court shall include the following language in any child-support order covering to multiple children:

Unless and until a child-support order covering multiple children is modified by a court of competent jurisdiction, the amount of the award shall not be affected by the emancipation or ineligibility of a child for support unless the order specifically provides for the same as in accordance with this subsection. Either party may file a petition for modification to seek recalculation of the award.

contain findings as required by law. A final order entered pursuant to this paragraph shall not preclude a petition for modification."

²The highlights indicate at what points Option 1 and Option 2 differ from one another.

Option 2

When a child support order is entered for multiple children, the court [*shall or may*] allow for the use of separate worksheets. Separate worksheets shall show the final child support amount to be paid for all such children and the adjusted amount of support to be paid as each child becomes ineligible to receive support. Such worksheets shall be attached to the final order. A final order entered pursuant to this paragraph shall not preclude a petition for modification.

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