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

IN RE: CHILD SUPPORT GUIDELINES  
COMMITTEE MEETING  
April 22, 2005

\* \* \* \* \*

Advisory Committee on Child Support  
Guidelines and Enforcement meeting held on  
Friday, April 22nd, 2005, commencing at  
approximately 10:00 a.m. at the Alabama Judicial  
Building, 300 Dexter Avenue, Montgomery, Alabama;  
reported by Laura A. Head, Court Reporter and  
Commissioner for the State of Alabama at Large.

\* \* \* \* \*

LAURA A. HEAD, COURT REPORTER  
(334) 286-4938 or (334) 202-4851



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Mr. Tom Bernier  
Alabama Department of Human Resources  
Gordon Persons Building  
50 N. Ripley Street  
Montgomery, AL 36130

Ms. Jennifer Bush, Esquire  
Legal Division  
Alabama Department of Human Resources  
Gordon Persons Building  
50 N. Ripley Street  
Montgomery, AL 36130

Ex-Officio Member:  
Mr. J. Brian Huff, Esquire  
Chairman, Family Law Section, Alabama State Bar  
Suite 302  
2801 University Boulevard  
Birmingham, AL 35233

Also Present (for Bonnie Teague):  
Mr. Kelley Christian  
409 County Road 181  
Moulton, AL 35650

\* \* \* \* \*

1 (Whereupon, the following  
2 Committee Meeting was had and  
3 done as follows:)

4 JUDGE HUGHES: I will go ahead and call  
5 the meeting of the Supreme Court's Advisory  
6 Committee on the Child Support Guidelines to  
7 order. We do have a quorum of the members  
8 present. And I'd like to go over a few  
9 housekeeping things with you and welcome the  
10 public, too, to our meeting.

11 For the gentlemen, the restroom --  
12 gentlemen's restroom is down this hallway  
13 down past the elevators. The ladies'  
14 restroom is down the other hallway at the end  
15 of this hall down there and back toward the  
16 elevator area. So if you need to step out  
17 during the meeting, just do so quietly and  
18 that will be fine.

19 I would ask you that if you have cell  
20 phones or beepers, if you would put them on  
21 vibrate or quiet mode at this time so that we  
22 won't be interrupted by the phones ringing.  
23 And since I said that, let me check mine.

1 That would be embarrassing to have mine be  
2 the one to go off.

3 I would like to have the committee  
4 members to introduce themselves, and I will  
5 start. I'm Jack Hughes, and I'm a Circuit  
6 Judge. I have been on the bench for eighteen  
7 years. I have been on this committee since  
8 -- I think it was '88 or '89 that I was  
9 appointed to this committee. So I have been  
10 on it probably -- Let's see. I know Gordon  
11 Bailey has been on it longer than me. He  
12 goes back to the original committee with  
13 that.

14 But we would want to get the committee  
15 members to introduce themselves. And for the  
16 court reporter's benefit, for the committee  
17 members, when you start to speak, please  
18 identify yourself again so she can get that  
19 down. If we have anyone from the audience  
20 that speaks, please state your name, also, so  
21 that we will -- she'll be able to get that,  
22 and we'll have an accurate record of who have  
23 made comments to the committee.

1           And if you would start, right here. We  
2 will let you --

3           JIM WOMACK: Introduce myself? My name  
4 is Jim Womack, a citizen. I don't know if  
5 I'm going to get a chance to speak, but I do  
6 have a few things that I'd like to say to  
7 this committee. I have testified to them  
8 before.

9           JUDGE HUGHES: Are you on the committee,  
10 sir?

11          MR. WOMACK: No.

12          JUDGE HUGHES: All right. If you would,  
13 take a seat at one of the other tables,  
14 please.

15          MR. WOMACK: Should have went to law  
16 school.

17          JUDGE HUGHES: Going to law school would  
18 not be one of the criteria, Mr. Womack. It  
19 would be an appointment to the committee.  
20 Okay.

21          MR. BERNIER: I am Tom Bernier. I am  
22 Director of DHR's Child Support Program.

23          MS. BUSH: Jennifer Bush, Legal Counsel

1 for Department of Human Resources.

2 MR. BAILEY: Gordon Bailey, private  
3 practice and Special Court Referee in Child  
4 Support. Been on this committee since the  
5 inception, as Judge Hughes said. Been in  
6 practice for thirty-five years. Four years  
7 in the JAG Office.

8 JUDGE FORD: Aubrey Ford, Macon County  
9 District Judge where I've served for twenty-  
10 seven years. I've been on the committee  
11 since the inception.

12 MR. CHRISTIAN: My name is Kelley  
13 Christian. I am sitting in for Bonnie  
14 Teague, who is not able to attend. She's had  
15 a death in the family. And if Mr. Chairman  
16 wouldn't mind, I think it would be  
17 appropriate if we would observe, before we  
18 started, a moment of silence for Ms. Teague.

19 JUDGE HUGHES: All right. We will just  
20 stop right there. And if you would, just bow  
21 your heads and observe a moment of silence,  
22 then, for one of our committee members.

23 (Brief pause.)

1 JUDGE HUGHES: Thank you very much.

2 MR. HUFF: Brian Huff, lawyer in private  
3 practice in Birmingham, Chair of the Family  
4 Law Section of the Alabama State Bar.

5 MR. ARNOLD: Steven Arnold, private  
6 practice lawyer from Birmingham, Alabama.  
7 Along with Gordon Bailey, I've been on this  
8 committee since its inception.

9 JUSTICE STUART: I'm Lyn Stuart. I am  
10 an Associate Justice on the Alabama Supreme  
11 Court.

12 JUSTICE CRAWLEY: I'm John Crawley. I'm  
13 Presiding Judge of the Alabama Court of Civil  
14 Appeals.

15 JUDGE HUGHES: The first item on our  
16 agenda is the election of a Vice-Chair. And  
17 the floor is open for nominations.  
18 Do we have any nominations? Don't be shy.

19 MR. ARNOLD: I will nominate Gordon  
20 Bailey.

21 MR. HUFF: I'll second that.

22 JUDGE HUGHES: Any other nominations?

23 JUDGE FORD: Nominations closed.



1 JUDGE HUGHES: Second to that.

2 MR. BAILEY: Thank you, Steve.

3 MR. ARNOLD: We'll discuss it later.

4 JUDGE HUGHES: All right. All in favor  
5 of Gordon Bailey as the Vice-Chair, say aye.

6 (Whereupon, committee members  
7 in favor of the motion so  
8 indicated.)

9 JUDGE HUGHES: Gordon you got that one  
10 real easy.

11 MR. BAILEY: Thank you, Judge.

12 JUDGE HUGHES: All right. The first  
13 item on the agenda is the consideration of a  
14 proposal that was submitted by Judge Crawley,  
15 and that deals with a modification to Rule  
16 32(E), by adding subsection (E) (2) and  
17 amending subsection (F) (1) and by adding the  
18 others. That proposal, Judge Crawley passed  
19 that out. That is the one of the draft --  
20 March 12, 2004, proposal. And that is a  
21 requirement of filing the child support  
22 income affidavit within forty-two days of  
23 being served and that -- and for the

1 petitioning party to file it along with their  
2 petition.

3 JUSTICE STUART: I am Lyn Stuart. I  
4 would move the adoption of the draft  
5 proposal, proposed changes to Rule 32(E).

6 JUDGE HUGHES: Do we have a second?

7 JUSTICE CRAWLEY: Mr. Chairman, may I be  
8 heard since there seems to be a little  
9 reluctance on the other committee members?

10 JUDGE HUGHES: Certainly.

11 JUSTICE CRAWLEY: The -- As I stated,  
12 I'm Presiding Judge of the Court of Civil  
13 Appeals, but more importantly, I've been  
14 there for a little over ten years. And we  
15 constantly must reverse cases simply because  
16 the parties have not filed a one-page form.  
17 This causes a delay in the case. Probably it  
18 doesn't cause any change in the amount,  
19 although sometimes it does.

20 But the reason that we have decided  
21 that -- First of all, the Rule says that  
22 filing the form is mandatory. But we feel  
23 that it's important. It is child support.

1 Even when a parent who does not file the form  
2 on appeal -- Or it is, Well the forms aren't  
3 filed. Well, that's very aggravating to have  
4 to reverse it. But we feel that getting the  
5 correct amount of child support is paramount  
6 over gains.

7 This has been the law since the Rules  
8 were passed, and even when we stated in '94  
9 that we would do this procedure, the parties  
10 still don't do that. So the purpose of this  
11 amendment to (E) -- and (F) is not on the  
12 motion just (E) -- is to put some teeth into  
13 it. And this is about all we could come up  
14 with. We tried to make it as innocuous as we  
15 could, but we don't want the trial judges to  
16 have to do the heavy lifting here.

17 And the reason we put an amount of ten  
18 dollars a day -- the committee may want a  
19 different amount -- but was to keep the local  
20 judge from being put on the spot. That's the  
21 reason we put a minimum attorney's fee of a  
22 hundred and fifty is to keep the local judge  
23 from being put on the spot. I would think

1           that it wouldn't take but a few impositions  
2           of ten dollars to get the attention of the  
3           local bar to doing this.

4           This is a very, very simple matter that  
5           should be done immediately, not the day  
6           before the court or even after the court  
7           because some judges, when they finish the  
8           hearing will say, Well, now, I am not going  
9           to render a decision until -- I am not going  
10          to release it until everybody files their  
11          forms. Well, that sounds okay except for one  
12          matter. What if one person doesn't want the  
13          divorce? They just don't file the form.  
14          Well, then you've got one party running the  
15          court, and that's certainly not a way to run  
16          your court.

17          So I thought that this would be a good  
18          way to -- Let's try, at least. We can always  
19          change it, but let's try it and see if it  
20          will work. Any questions about it?

21          MR. CHRISTIAN: Yes, Judge Crawley.  
22          Kelley Christian. I was reading the part  
23          that said the court shall award a penalty of

1 not less than ten dollars a day to either  
2 parent for the other parent's noncompliance.  
3 So is that stating that -- I mean, what's the  
4 purpose? Am I being asked to sort of hurry  
5 the other party along or --

6 JUSTICE CRAWLEY: Let me find that.

7 MR. CHRISTIAN: That's on page --

8 JUDGE HUGHES: It's on page 3, line  
9 8. If the purpose is to take the trial court  
10 out of it, then we've still got to make an  
11 assessment in the finding.

12 MR. ARNOLD: If the trial court is still  
13 in it -- And if I may Mr. Chairman, Judge  
14 Hughes. It does seem simple on its face, but  
15 to many practitioners, it is not so simple.  
16 The documentation or the calculation of  
17 income for some people is not a readily  
18 accessible process. There are many people in  
19 the state who are self-employed, small  
20 business owners, farmers, what-have-you,  
21 whose income is not an ascertained figure  
22 until a great deal of work occurs.

23 So having that under some sort of