

IN THE SUPREME COURT OF ALABAMA
March 2, 2018

ORDER

IT IS ORDERED that Rule 32(B)(9), Alabama Rules of Judicial Administration, be adopted to read in accordance with the appendix to this order;

IT IS FURTHER ORDERED that current Rule 32(B)(9), "Split Custody," Alabama Rules of Judicial Administration, be renumbered as Rule 32(B)(10);

IT IS FURTHER ORDERED that the adoption of Rule 32(B)(9) and the renumbering of what is now Rule 32(B)(9) as Rule 32(B)(10) is effective June 1, 2018;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 32:

"Note from the reporter of decisions: The order adopting Rule 32(B)(9) and renumbering what was Rule 32(B)(9) as Rule 32(B)(10) effective June 1, 2018, is published in that volume of Alabama Reporter that contains Alabama cases from ___ So. 3d."

Stuart, C.J., and Bolin, Parker, Shaw, Main, Wise, Sellers, and Mendheim, JJ., concur.

Witness my hand this 2nd day of March, 2018.



Clerk, Supreme Court of Alabama

FILED March 2, 2018 2:10 pm Clerk Supreme Court of Alabama
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APPENDIX

Rule 32(B)(9), Alabama Rules of Judicial Administration

(9) Credit for Third-Party Payment to Child.

(i) Social Security retirement, survivor's, or disability insurance benefits, veteran's benefits, railroad retirement, or any other third-party payments paid for the benefit of the children based on the support obligor's earnings record or other eligibility requirement attributable to the support obligor shall be credited against that parent's support obligation, for so long as that support obligation is being received by the support payee, as follows:

(1) Determine the total child-support obligation; then

(2) Determine the monthly benefit amount that is attributable to the obligor and that the support recipient receives for the children and then subtract that amount from the total child-support obligation.

(a) If the children's obligor-based benefit exceeds the total support amount, then no additional support amount should be ordered.

(b) If the children's obligor-based benefits are less than the obligor's total support amount, then the difference between the benefits received for the children and the total support amount becomes the ordered child-support obligation.

(ii) The following payments made for the benefit of a child by a third party shall not be credited toward the support obligor's child-support obligation:

(1) Payments that are not based on the support obligor's earnings record or other eligibility requirement attributable to the support obligor;

(2) Any payments resulting from the disability of the child;

(3) Any payment received in excess of the amount of child support owed to the child;

(4) Any payment received by the child shall not be credited against arrearages that accrued before the date the obligor was deemed eligible to receive the third-party payment;

(5) Social Security income benefits paid to the child;

(6) Adoption subsidy paid to adoptive parents of a special-needs child pursuant to § 26-10-20 et seq., Code of Alabama 1975.