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

IN RE: CHILD SUPPORT GUIDELINES
COMMITTEE MEETING
MAY 16, 2008,

* * * * *

Advisory Committee on Child Support
Guidelines and Enforcement meeting held on Friday, May
16, 2008, commencing at approximately 10:06 a.m. at
the Heflin-Torbert Judicial Building, 300 Dexter
Avenue, Montgomery, Alabama and reported by Lisa J.
Green, CCR, ACCR #334, Registered Professional
Reporter and Commissioner for the State of Alabama at
Large.

* * * * *

1 ADVISORY COMMITTEE MEMBERS PRESENT:

2 Gordon F. Bailey, Jr., Chairman
3 Post Office Box 1930
4 Anniston, AL 36202-1930

5 Honorable Aubrey Ford, Jr.
6 District Court Judge
7 101 E. Northside Street
8 Tuskegee, AL 36083

9 Professor Penny Davis
10 Associate Director
11 Alabama Law Institute
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13 Tuscaloosa, AL 35486-0013

14 Honorable Lyn Stuart
15 Supreme Court of Alabama
16 300 Dexter Avenue
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25 Ms. Julia Kimbrough
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27 Birmingham, AL 35242

28 Ms. Julie A. Palmer
29 Suite 101
30 2363 Lakeside Drive
31 Birmingham, AL 35244-3387

32 Mr. Michael A. Polemeni
33 Post Office Box 13149
34 Huntsville, AL 35802

35

1 Mr. James D. Jeffries
2 2053 Dauphin Street
3 Mobile, AL 36606

3 Ms. Angela S. Campbell
4 Post Office Box 1906
5 Mobile, AL 36633

5 Faye Nelson, Director
6 Child Support Enforcement Division
7 Alabama Dept. of Human Resources
8 Gordon Persons Building
9 50 Ripley Street
10 Montgomery, AL 36130

8 Ms. Jennifer Bush
9 Legal Division
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12 50 North Ripley Street
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1 MR. BAILEY: Let me ask everybody to take a seat
2 if you will. We're going to try to get
3 started on time. We certainly want to
4 welcome everyone to our May meeting. This
5 is the meeting following our September 21st,
6 2007, meeting, and we have some new members
7 of the committee.

8 I'm going to start by introducing our
9 court reporter, Lisa Green. She's going to
10 take down everything we say. And I'd ask
11 you when you speak to an issue, if you will,
12 identify yourself for Lisa. If you'll just
13 give her your name, and I'll gently remind
14 you to do that if we get lost along the
15 way.

16 Let me ask everybody to introduce
17 themselves if they will at this time and
18 tell us something about yourself. I'm
19 Gordon Bailey. I've been involved in child
20 support since 1976. I think Aubrey and I
21 are the two remaining members of the
22 original Child Support Committee that was
23 appointed by Chief Justice Torbert back in

1 '81. And I'm a child support referee in
2 Calhoun County at this time.

3 Julie, would you introduce yourself,
4 please.

5 MS. PALMER: Sure. Julie Palmer from Shelby
6 County, Alabama. Main area of practice is
7 family law. Past chair of the family law
8 section of the State Bar, and I've been on
9 this Committee since 2005.

10 MR. JEFFRIES: Jim Jeffries. I'm from Mobile. I
11 practice family law.

12 MR. ARNOLD: Steve Arnold from Birmingham,
13 Alabama. Private-practice attorney
14 concentrated in family law, domestic
15 relations practice.

16 MR. MANASCO: I'm Mike Manasco from Montgomery.
17 I was in domestic relations practice for 24
18 years. For the past four years, I've been
19 general counsel to Treasurer Kay Ivey.

20 MR. POLEMENI: Michael Polemeni. State president
21 of the Alabama Family Rights Association.
22 I've been attending these meetings since
23 2004. I've been under a child support order

1 since 1994. My baby turned 19 this past
2 October, and I'm here to help reform Alabama
3 family law as best we can.

4 MS. KIMBROUGH: Julie Kimbrough, private practice
5 attorney from Birmingham. My specialty is
6 domestic relations.

7 MS. CAMPBELL: I'm Angela Campbell. I am Mobile
8 County DHR's child support program manager,
9 and I'm on the Committee as a member of the
10 Child Support Association.

11 MS. NELSON: I'm Faye Nelson. I'm director of
12 the Child Support Enforcement Division for
13 the State of Alabama.

14 MS. BUSH: I'm Jennifer Bush. I'm DHR legal
15 counsel.

16 JUSTICE STUART: I'm Lyn Stuart. I'm Associate
17 Justice on the Alabama Supreme Court. I've
18 been involved with child support since
19 1985. I was the child support prosecutor
20 for the Baldwin County district attorney's
21 office. I served as juvenile court judge
22 for eight and a half years in Baldwin County
23 and a circuit judge for an additional four,

1 doing domestic relations that entire period
2 of time, and then have served on the Supreme
3 Court since 2001.

4 MS. DAVIS: I'm Penny Davis with the Alabama Law
5 Institute. I'm adjunct faculty of the law
6 school in the family law area. I've been on
7 the Committee for a number of years.

8 JUDGE FORD: Aubrey Ford, Macon County district
9 judge where I've served for more than 30
10 years. As Gordon indicated, I've been on
11 this Committee since the start.

12 MR. BAILEY: I sure do want to welcome all our
13 new members. Justice Stuart is our liaison
14 with the Supreme Court, and she's done a
15 wonderful job in working with the Court.

16 Bob, we'd ask you and Wayne to
17 introduce yourselves as well, too.

18 MR. JONES: I'm Wayne Jones, staff attorney,
19 Alabama Supreme Court. I'm the Supreme
20 Court liaison to this Committee.

21 MR. MADDOX: I'm Bob Maddox. I'm legal advisor
22 with the Family Court Division in the
23 Administrative Office of Courts.

1 MR. BAILEY: I sure do want to welcome all of you
2 from the public, and we're going to set
3 aside some time later in our agenda to be
4 sure that we hear from you on the topics
5 that we'll be discussing today.

6 Let me call your attention, please, to
7 the handouts. You were mailed a set. Also,
8 there is a set available at your table. And
9 I think, Bob, we have some extra copies,
10 maybe one or two, at the podium -- is that
11 right -- if someone needs them.

12 The first thing I want to mention on
13 our agenda today is our federal court
14 decision. You were furnished a copy of
15 that, Attachment 7. I think the opinion is
16 self-explanatory and covered all the issues
17 that were presented in that court case, and
18 there was no appeal filed that I'm aware
19 of. And that decision by Judge Albritton
20 disposed of all the issues in that
21 particular litigation.

22 Now, the issues for today. I want to
23 thank Faye for furnishing me some statistics

1 which I think are important for us to
2 consider as we look at these three issues
3 that we have before the Committee today that
4 the Supreme Court has asked us to revisit
5 and make our recommendations accordingly.

6 Total collections in child support,
7 2007. This will give you some idea of the
8 impact of what we're doing. Collections in
9 Alabama last year, 2007, were \$294,955,000.
10 Faye, I remember -- and, Aubrey, you
11 remember this, too. Our first goal in the
12 child support program was eight million a
13 year. So the program has certainly come a
14 long way in collecting child support for the
15 children of this state.

16 The number of child support cases
17 statewide, 229,682. So that gives you some
18 idea of the cases we're dealing with that
19 these child support guidelines and other
20 issues will affect. The number of
21 paternities established in 2007 was 7,143.

22 There are 326 caseworkers in Alabama
23 doing child support work with a caseload of

1 704 cases per worker. The national
2 recommended caseload average is 472. So
3 you'll see from these statistics that the
4 workers are carrying a tremendous caseload
5 and dealing with all the issues that we have
6 to deal with.

7 Jane Venohr's material in Attachment 2
8 which we'll talk about in just a minute
9 mentioned that in Alabama, unfortunately,
10 the arrearage is 2.3 million in child
11 support collections that's uncollected. She
12 mentioned that. And some of the decisions
13 we'll be making today, particularly on the
14 child support guideline chart, so -- I just
15 want to bring that to your attention as
16 well.

17 MR. POLEMENI: Excuse me. What was on the DHR
18 Web page differs, but that's
19 understandable. You have 294 million plus
20 collected. Of that, do you have any
21 knowledge of how much the Title 4 grant was,
22 the matching funds from the federal
23 government was on that amount?

1 MR. BAILEY: I do not. Do you know, Faye?

2 MS. NELSON: We would have to get that
3 information.

4 MR. POLEMENI: I understand.

5 MS. NELSON: I didn't come prepared to provide
6 that today.

7 MR. BAILEY: Michael, the purpose of me giving
8 these statistics -- I think we shared that
9 with the Court, Justice Stuart, when Penny
10 and I briefed the Court in April of last
11 year. The Court was interested in those
12 statistics, and I thought the Committee
13 members would be, too --

14 MR. POLEMENI: Right.

15 MR. BAILEY: -- because of the impact of what
16 we're doing here today.

17 MR. POLEMENI: Right. I just wanted to bring up
18 that Title -- there's also Title 4 matching
19 funds to the tune of a dollar eighty-five
20 per dollar that goes -- of that 294 million
21 that comes back to the state from the
22 federal government. I just wanted to bring
23 that up.

1 MR. BAILEY: That's correct. I'm not sure of the
2 exact ratio, but it is money that comes back
3 to the state.

4 All right. I'm going to ask Penny
5 Davis, if she will, to lead our discussion
6 on Issue A, Adopting the New Chart, Schedule
7 of Basic Child Support Obligations. Penny,
8 if you will, please lead us down the path.

9 MS. DAVIS: Do you want a commercial break first,
10 the UPA --

11 MR. BAILEY: Oh, absolutely.

12 MS. DAVIS: This is sort of an FYI. Many people
13 are involved in a lot of areas of the law,
14 and some of you fall in the legislative
15 arena and some of you don't.

16 But the Parentage Act did pass. I
17 just wanted to let you become aware of that
18 if you were not. It will become effective
19 January 1, so we've got a period of time in
20 order to sort of catch up.

21 That affects this area only in the
22 sense that once there has been a
23 determination of who the parent is, then you

1 start looking at the child support. That's
2 just sort of an FYI more than anything
3 else.

4 MR. BAILEY: Do you want to mention how long we
5 worked on redrafting that act?

6 MS. DAVIS: As I mentioned, several people on the
7 Committee were also on that committee, and I
8 want to say four or five years; is that
9 correct?

10 MR. BAILEY: I think five.

11 MS. DAVIS: If anybody wants to find a copy of
12 the act, you can go to ALISON, the Web page
13 for the Alabama Legislature, and get a copy
14 of the act, or you can call me and I'll give
15 you the act number.

16 MR. POLEMENI: Along with the legislature -- I
17 don't know if you're aware -- House Joint
18 Resolution 30, which was the family law task
19 force establishment, Act Number 2008-121 was
20 also approved.

21 The Supreme Court of Alabama, the
22 Chief Justice has three appointments. Two
23 of those have to have a legal background.

1 Of those two, one of them has to be a judge
2 or a retired judge, and then a whole bunch
3 of other people -- I don't know -- have
4 appointments to that. It's another piece of
5 legislation you may want to review.

6 MR. BAILEY: Bob, I believe you made a copy for
7 everyone.

8 MR. MADDOX: I have not, but I can.

9 MR. BAILEY: We'll try to get you a copy of this
10 before you leave. I think it would be good
11 for the Committee members to have a copy of
12 this.

13 Michael, anything else?

14 MR. POLEMENI: No, that's it for me.

15 MR. BAILEY: All right. Penny.

16 MS. DAVIS: When I walked in, Gordon said will I
17 volunteer to do something. I said I
18 volunteer for the prayer and that was it,
19 but now ...

20 We've been going through the
21 guidelines, the charts for a number of
22 years. And I'll just -- please, anybody,
23 jump in if I make a misstatement, but I'm

1 going to try to give sort of an overview to
2 update everybody.

3 We hired some experts to help us go
4 through the original child support
5 calculations, spent a number of times sort
6 of educating us on the background
7 information as to how the original chart was
8 developed, how the figures were reached,
9 determined, and sort of the underlying
10 premises of that.

11 And one of the things that was pointed
12 out was the statistics that were used to
13 calculate. Now that they've reviewed the
14 methodology, they felt like the original
15 amounts were too high. Of course, the
16 original amounts were based on the financial
17 picture back in the eighties. So we had
18 that information.

19 Also, they looked at -- gave some
20 information about the underlying policies,
21 and so the Committee looked at those
22 policies, looked at the figures and asked
23 her to come back with some updated figures.

1 If you look on, I think, page 15,
2 maybe -- without going through what the
3 Betson-Rothbarth and all those things are,
4 it would take too long to go back --

5 MR. BAILEY: Attachment 2.

6 MS. DAVIS: I'm sorry. Attachment 2. On page 15
7 of Attachment 2, there's an overview of the
8 steps that were used to update the schedule
9 and what factors she considered. As she
10 indicated in number one, they tried to
11 update the price levels to May '07, which is
12 substantially better. The figures I think
13 from before were from, like, 2004 or five,
14 somewhere around in there.

15 MR. BAILEY: That's right.

16 MS. DAVIS: So we asked her to update those. She
17 made an adjustment for the income, Alabama's
18 low income.

19 Also, if you look at number three,
20 that's the childcare expenses, the health
21 care insurance. Any extraordinary health
22 care costs there were considered in.

23 And then she did indicate that there

1 was not sufficient information for four or
2 more children, so I guess they just had to
3 do sort of an equivalency type of
4 calculation on that.

5 Again, people that know a whole lot
6 more than I do can talk about the way they
7 calculated the marginal percentages. It
8 talks about here sort of a phase-in tax
9 rate. All of that was considered in.

10 MR. BAILEY: Right.

11 MS. DAVIS: One of the areas that I had some
12 concern about, if you look at number
13 seven -- that's on page 16 -- where it talks
14 about incorporate a self-support reserve, it
15 says: The current obligation table
16 incorporates a self-support reserve based on
17 the 1986 federal poverty guidelines for one
18 person.

19 They indicated that at that time, they
20 did that because -- the purpose was to
21 ensure that the obligated parent has
22 sufficient income after the payment of the
23 obligation to live at least at a subsistence

1 level. So that was the underlying premise
2 of that.

3 What these updated figures do is
4 incorporate the 2007 federal poverty
5 guidelines for one person. So the result of
6 that is the lower income people actually
7 result in a -- if you choose to go that way,
8 it results in a lower income payment --
9 child support payment or even a no income --
10 no child support payment for the lower
11 income people because they raised the
12 level.

13 Now the self-support reserve only
14 includes a self-support reserve for the
15 noncustodial parent which gave me some
16 concern that they didn't also consider the
17 subsistence level of the custodial parent.

18 As I understand it, I think one of the
19 thought factors that went into that decision
20 in the earlier -- and y'all can talk about
21 this because y'all were there -- the earlier
22 guidelines was that there were funds maybe
23 available through government programs for

1 the custodial parent that maybe offset
2 that. Y'all can talk -- y'all know more
3 about what they did there.

4 Is that kind of what you wanted me to
5 do?

6 MR. BAILEY: Yeah. Also, Penny, if everyone will
7 look at Appendix A in -- it's Attachment 2
8 that you were sent. I don't know that the
9 handout is on your -- the ones that are here
10 today. I'm not sure they're marked as
11 attachments, but it's Attachment 2, Jane's
12 work on this particular issue. Appendix A
13 is alternative low-income adjustments.
14 Appendix A-1 gives some options on low-
15 income adjustments, if we want to consider
16 those options.

17 I think you'll remember, Penny, Jane
18 talking to us about that at our last
19 meeting, some options that we could consider
20 if we wanted to make some -- make some
21 changes in the low-income adjustment.

22 MS. DAVIS: I haven't found that.

23 MR. BAILEY: It's Appendix A, the back side of

1 Appendix A, four options.

2 MS. DAVIS: Find page 41. It's immediately after
3 page 41. Page one of Appendix A is the
4 options.

5 MR. BAILEY: Right.

6 Do we have some discussion on Penny's
7 comments as well as the proposed new
8 guideline chart? Would anyone like to be
9 heard on that?

10 MR. POLEMENI: I don't know if -- here's today's
11 USA Today headline, Incredible Shrinking
12 Nest Egg. I can understand the efforts and
13 the problems that this Committee has in
14 establishing that. I still feel that for
15 the average Alabamian, we're still too high,
16 and I don't know what the answer is. That's
17 why I'm -- that's why I'm here, to help
18 figure what that is hopefully.

19 There was an article in the Huntsville
20 Times this past week that was talking about
21 the state legislature has approved an
22 upgrade in the unemployment benefits from
23 \$235 a week to \$255 a week for a single

1 person who may have to support three, four,
2 or five children on that \$255 a week for --
3 only for 26 weeks. So those are some of the
4 issues that the average Alabamian is having
5 to face.

6 Although these guidelines appear to be
7 nice and it would be really beneficial to a
8 child, we don't have that money, you know,
9 and through no fault of our own. A lot of
10 us are the working poor, living paycheck to
11 paycheck. I just wanted to bring that point
12 across.

13 MS. PALMER: One thing we do need to remember is
14 that the minimum wage did go up from, I
15 believe, 5.35 to 5.85, which I don't know if
16 that has anything to do with the charts or
17 not, but at least it says on the low-income
18 adjustment that the average noncustodial
19 parent earns \$10,000 per year or less.

20 If they're employed full-time at a
21 minimum wage job, they're going to be making
22 at least \$12,000 a year. And I don't know
23 how many -- There are very few jobs out

1 there that I've found that even pay minimum
2 wage to attract somebody, and if you do pay
3 minimum wage, it's for a short time and they
4 usually bump you up.

5 They're looking -- they being --
6 Congress is looking to rather than just
7 adjust minimum wage once every five or seven
8 years, to make it go on the percentage of --
9 on the inflation rate.

10 MR. BAILEY: Just to clarify for those of you
11 that are joining us for the first time --
12 and Aubrey and Penny, correct me if I'm
13 wrong. The current chart we have now was
14 based on, I think, late seventies economic
15 data, and it was updated -- they updated
16 some of the areas in the early eighties, and
17 then it was adopted as advisory in '87 and
18 mandatory in '89. So that's the current
19 chart we have now.

20 One of the things that I think a
21 number of judges have asked -- I know
22 they've asked me to consider is a chart that
23 goes up to a joint income of \$20,000. It

1 only goes to 10,000 now, and in a lot of
2 cases -- not a lot of cases, some cases,
3 judges are dealing with joint incomes of --
4 gross incomes -- combined incomes, rather,
5 of more than \$10,000. So that's another
6 thing that this chart does. It does have a
7 cap of up to \$20,000.

8 MR. POLEMENI: One clarification. None of the
9 charts actually state this, but I'm assuming
10 that's a monthly figure, not a yearly
11 figure.

12 MR. BAILEY: That's correct.

13 MR. FORD: Right.

14 MR. BAILEY: Do we have any other questions or
15 comments about the proposed new child
16 support schedule?

17 (No response.)

18 MR. BAILEY: Let's move on, then, to addressing
19 credit for other children. I've asked Judge
20 Ford, if he would, to comment on that as
21 well and lead us in that discussion. Judge
22 Ford.

23 JUDGE FORD: Like Penny, when I walked in the

1 room, Gordon said, I'm volunteering you to
2 lead the discussion on this particular topic
3 area.

4 This has been one of the areas that
5 has been a real struggle for the courts
6 throughout our state in trying to maintain
7 some equity and fairness as far as
8 supporting children.

9 We do know that in those situations
10 where persons have been married, many times
11 they will remarry -- once they get divorced,
12 they will remarry, have additional children,
13 and then there are two sets of children that
14 require support. In the area that is
15 pointed out in this -- I'm referring to -- I
16 believe it's Appendix B.

17 MR. BAILEY: Appendix 3.

18 JUDGE FORD: Child Support Guidelines Brief,
19 Credit for Other Children, I think one of
20 the biggest issues that has not been given
21 very much attention is the fact that
22 particularly in child support cases that
23 were generated by the Department of Human

1 Resources, you have a number of parents of
2 children who are not married, and many times
3 they have multiple partners and, of course,
4 multiple children, which tends to be a very
5 big challenge.

6 What we're looking at is several
7 things, essentially: Trying to treat
8 prior-born and after-born children
9 similarly, which should be the case and
10 should be our goal;

11 To preserve the requirement that they
12 have a valid court order. If a parent is
13 asked to pay support pursuant to a valid
14 court order, then that parent should be
15 given some credit for that support that must
16 come out of his or her income;

17 Also, to allow the courts to deviate
18 from the guidelines for other dependents
19 that are not covered by court order.

20 Now, again, one of the objectives of
21 the child support guidelines is to bring
22 some uniformity to the system. But when
23 you're dealing with other children from

1 other relationships, it's -- we're not going
2 to have the uniformity that we're trying to
3 achieve as a goal.

4 The intact household, this is
5 something that has not been defined by other
6 states. We define it as additional children
7 where a parent has now remarried and lives
8 with the second spouse and their children,
9 and trying to make some adjustments for
10 intact households.

11 Other states have looked at the
12 treatment of other children in various ways
13 as outlined in the report. Some will
14 subtract only 50 or 75 percent of imputed
15 child support obligations because it's
16 believed that there is another parent that
17 should be responsible for the other 50
18 percent. Other states don't mention --
19 don't even give any mention to intact
20 households, and that's something that's sort
21 of what we discussed here as a Committee.

22 Again, it's a challenge that we have
23 to meet. Essentially, now it's something

1 that's in the discretion of the courts
2 throughout the state, and they do their best
3 to try to meet the obligation by providing
4 support for the child that's before the
5 court, but not trying to impoverish other
6 children that are not before the court.
7 Essentially, our objective should be to try
8 to treat children equally because they did
9 not decide when or to whom they were born
10 and in what order, and so that is the
11 challenge that we continue to have.

12 MR. BAILEY: Judge Ford, would you comment --

13 We struggled with this I know in the
14 eighties.

15 JUDGE FORD: Real struggle.

16 MR. BAILEY: Still struggling with it.

17 -- how to deal with this issue in the
18 original guidelines that were adopted in
19 '87. It's an issue that's been around for a
20 number of years.

21 JUDGE FORD: Essentially, there was no real
22 methodology employed. The courts were doing
23 different things. They were computing --

1 putting all children in one guideline and
2 sort of -- and computing the guidelines
3 based upon all of the children. Sometimes
4 they would take -- compute the guidelines
5 based upon the obligor and their new spouse
6 and whatever children are there and then
7 imputing that into the guideline form for
8 the child or children that was before the
9 court at the time of that particular
10 hearing.

11 So there was a multiple number of ways
12 that courts were addressing the issue, and
13 again, everyone is trying to do what they
14 could to be fair and to make sure that all
15 children are being treated equally when they
16 come before the court.

17 MR. BAILEY: All right. Any discussion from the
18 Committee on the issue of addressing credit
19 for other children?

20 JUDGE FORD: One other thing. I think from what
21 I see, it's still largely going to be at the
22 discretion of the various courts throughout
23 the state, which is good and which is bad.

1 It's good in the fact that the court knows
2 what the circumstances are for the parents
3 that are before it, but it's bad in the fact
4 that it doesn't give any uniformity.

5 If you go to Macon County, you get one
6 order based upon your circumstances; come to
7 Montgomery with the same type of
8 circumstances and get something totally
9 different.

10 MR. POLEMENI: Along those lines, is there any
11 way not so much to provide a standard
12 deviation, but to make a uniform deviation
13 so that when the judges rule, they have to
14 rule by the same criteria so that you do
15 come out with the same outcome? Because I
16 know today, if you're in Madison County, you
17 can get a different outcome from any of the
18 three judges that are there presiding. You
19 know, you go to Mobile County, you're going
20 to get a whole different set of ...

21 I would think that would probably be
22 the only thing this Committee could address
23 is maybe trying to make that a little more

1 uniform so that you don't have the wide
2 diversity.

3 JUDGE FORD: I think that's the goal. I think
4 one of the real problems that we have is the
5 fact that our child support system now is
6 dealing with those families that are the
7 subject of divorce as well as those families
8 that have never been married. When you have
9 never-married families that have several
10 children by several partners, I mean, you're
11 talking about really trying to figure out a
12 system that's going to not only address
13 those persons who have come out of the
14 marital situation, but also those who have
15 come out of a never-married situation, and
16 it gets very difficult.

17 But that is the real goal that we
18 should try to achieve. The question is,
19 what methodology can you employ to achieve
20 the goal and address those two different
21 circumstances?

22 MR. BAILEY: Anyone else that would like to speak
23 to this issue?

1 JUDGE FORD: Does anyone have a solution?

2 MR. JEFFRIES: You mentioned something, and this
3 goes to something that Judge Ford mentioned,
4 and that's the aspect of discretion that is
5 supposed to be included in the guidelines
6 that we have.

7 The thing that I have run into the
8 most -- and maybe this can be addressed in
9 the comments or even some different sort of
10 thing -- is that too many times it's thought
11 by a court that the guidelines, they are
12 mandatory, and they take that mandatory
13 language and sort of shoehorn that into
14 there can be nothing else. The discretion
15 to address after-born children, if you go by
16 the discretion that's in the guidelines
17 already, it should be easy. The judge
18 should be able to look at it and address
19 every situation in a particular -- but they
20 don't is the problem.

21 JUDGE FORD: The only thing that the judge has to
22 really do is just explain why they're
23 deviating from the guidelines in a

1 particular circumstance. But I do think
2 that for various reasons, judges have
3 decided that that's black letter law and I'm
4 not going to deviate from it.

5 MR. JEFFRIES: Along the lines of suggestions,
6 one thing I've thought about is going to
7 more in the comments or maybe even an
8 application note, sort of -- sort of a
9 scenario where you can actually place
10 scenarios in the comments or after the
11 comments that show that there are some --
12 there is some flexibility to these things
13 outside of the application of the guidelines
14 themselves in certain situations. After-
15 born children could be an example of that.

16 MR. BAILEY: When the guidelines were adopted by
17 the Supreme Court as mandatory in '89, the
18 Court -- in oral arguments, the Court was
19 concerned that there be a safety net, so to
20 speak -- discretion with the judge. Steve,
21 you were there.

22 MR. ARNOLD: I was there.

23 MR. BAILEY: You were involved in the oral

1 argument.

2 And that was, I thought, important to
3 the Court to have that discretion for a
4 judge. As Aubrey says, you just need to
5 make findings as to why you deviate.

6 Steve, do you want to comment on the
7 arguments that we presented? Steve was
8 there that day. We presented arguments to
9 the Court about adopting the guidelines back
10 in 1987, I believe. Is that right, Steve?

11 MR. ARNOLD: It was 1987. It was a most
12 interesting experience for all of those in
13 the audience and on the Committee. Gordon,
14 of course, led the argument before the --

15 Well, background. The Guidelines
16 Committee came up with a schematic of
17 proposed guidelines that were circulated.
18 Me on behalf of the family law section was
19 permitted to write and file a critique of
20 those guidelines, and the family law section
21 took the position that there needed to be
22 some other thoughts and some input and some
23 suggestions for moderation to maybe improve

1 them.

2 The Supreme Court was kind and set
3 about for us to each present to the Supreme
4 Court the overall scheme and the suggestions
5 for improvement. The Supreme Court took
6 those arguments -- argument is really not
7 the right word. Presentation is the better
8 word.

9 MR. BAILEY: Discussion, yeah.

10 MR. ARNOLD: Took those suggestions and
11 presentations very much to heart, listened
12 intently to most presentations and
13 ultimately approved a set of guidelines that
14 did incorporate some of the suggestions.
15 Those suggestions came from practicing
16 attorneys that were very sensitive to the
17 needs of different levels of people
18 throughout the populace of the state, both
19 low income, middle income, and high income.

20 Ultimately, the Court considered many
21 of those suggestions for all income ranges
22 and all parts of our demographics; hence,
23 the guidelines were approved, and now we're

1 under the process of continually reviewing,
2 updating, and revising. That's what we're
3 doing here.

4 MR. MANASCO: Gordon, I believe it would be very
5 dangerous territory to embark on -- for the
6 sake of consistency in all cases to disturb
7 judicial discretion because that is the
8 safety net that we're looking for. And
9 while orders may appear at the very surface
10 to be disparate in the application of the
11 guidelines, there would be thousands of
12 cases where the litigants before the court
13 would say, I know this is what the
14 guidelines say, but my case is different;
15 please consider what I'm having to say.

16 And I don't think that it is a good
17 idea at all for us to take away from the
18 court the discretion that is essential in
19 having consistent consideration of
20 standards, but discretion in the final
21 order, dependent on the particular
22 circumstances that are presented case by
23 case.

1 JUDGE FORD: To expand upon that, the IV-D area,
2 one issue that we have is the fact that we
3 have -- at least in my court, 98 percent of
4 the obligors that come into my court are not
5 represented by counsel. They have no idea
6 what the guidelines are or the various rules
7 of 32 -- or the various requirements of Rule
8 32.

9 So I think you're right, Mike. The
10 court is going to have to maintain its
11 discretion. Courts need to understand that
12 it is discretionary, that this -- they can
13 deviate from the guidelines as long as they
14 make findings of fact.

15 I do think in the IV-D area, one of
16 the problems that you have is that you have
17 such a flood of cases coming to you on a
18 particular day that sometimes things get
19 lost in that flood and you have to take more
20 time and just a more concerted effort to
21 make sure that where discretion and
22 deviation should be made, that the court is
23 taking the time to do what it needs to do to

1 serve justice and to serve the families
2 well.

3 JUSTICE STUART: I just want to make one comment,
4 and that is, when a judge chooses not to
5 deviate, that is an exercise of discretion.
6 I would say in my opinion that that is the
7 judge saying I've looked at this case, and I
8 think not deviating is the appropriate
9 thing.

10 MR. BAILEY: Jim, is it your point in
11 representing the family law section, do you
12 hear around the state that judges are
13 reluctant to deviate? Although they
14 certainly have the discretion to do so, that
15 they're reluctant to do it?

16 MR. JEFFRIES: Yes, that is my point. There's
17 too much of a feeling -- and you can point
18 the finger at the caseload and the fact that
19 a judge is the one that's sitting on the
20 bench that day that has to deal with X
21 number of cases and has to get through the
22 day to address all these litigants' issues,
23 and there just seems to be an emphasis on

1 the mandatory nature of the guidelines and
2 less of an emphasis on the judge's
3 discretion. Your point is exactly correct.

4 JUSTICE STUART: I think some judges choose not
5 to deviate in the majority of cases because
6 they feel like that is providing more
7 consistency rather than when they have to
8 exercise discretion in lots of different
9 cases, that may be when they feel like
10 they're getting things out of sync and not
11 treating people fairly.

12 MR. JEFFRIES: And I think -- My point, just a
13 few more words about it. There's simply got
14 to be a balance between the consistency and
15 the judge's ability to deviate in certain
16 situations, like the comments and the
17 instructions to Rule 32 indicate now. I
18 just think maybe it can be more clear in
19 these difficult areas like prior-born or
20 after-born children.

21 JUDGE FORD: I think maybe part of it is a
22 training issue, too. New judges come on
23 board and -- or existing judges, we have not

1 had real training in child support and child
2 support guidelines in a while for the
3 judiciary, so it's a training issue. We can
4 bring up those points you're pointing out,
5 that you still have that discretion which
6 you can choose to exercise. And as you say,
7 Lyn, by not exercising it, you've exercised
8 discretion. But you want to make sure
9 whatever you do that it's going to be
10 beneficial and fair to the families that are
11 before you.

12 MR. MANASCO: A lot of that falls to the
13 practitioner. If you have a judge who seems
14 slavishly connected to the child support
15 guidelines because he or she is overstressed
16 with the docket, it's the practitioner's
17 role to establish the need to depart from
18 the guidelines and bring it to the attention
19 of the court, put in argument and evidence
20 to support it and go from there.

21 JUDGE FORD: That's true, Mike, if there's a
22 practitioner. But in my case, 90 to 95
23 percent, there is no practitioner there, so

1 the judge has total discretion. And that's
2 what you'll find in most of your district
3 courts and juvenile courts throughout the
4 state that handle IV-D cases, you don't have
5 practitioners. You do have that luxury in
6 the domestic relations courts on the circuit
7 level, but not in the district court or
8 juvenile court level.

9 MS. DAVIS: Would it be appropriate for us to
10 maybe beef up the comments or is it even
11 appropriate for us to just make a suggestion
12 that there be additional training, that AOC
13 or whoever perhaps maybe focus on that
14 and -- particularly where there's a lot of
15 new judges, as you indicated, that maybe
16 have not had any training at all?

17 MR. BAILEY: When did we do the last training?

18 JUDGE FORD: It's been a long time.

19 MR. BAILEY: Let me ask our liaison with the
20 Supreme Court. Would that be appropriate,
21 do you think, Lyn?

22 JUSTICE STUART: Sure, it would be appropriate.

23 MR. BAILEY: Let me ask Jennifer Bush, is there

1 any training planned for child support
2 attorneys and judges that are handling these
3 229,000 cases?

4 MS. BUSH: Currently, we have the child support
5 conference that will take place in October,
6 so there will be training then. In 2005, we
7 conducted a statewide training at six
8 different locations. There's not any
9 training planned at this point, but if there
10 are major changes, we would certainly
11 consider that.

12 MS. DAVIS: The training you do is for the
13 practitioner, not for the judges?

14 MS. BUSH: I do the training for the DHR
15 attorneys, yes, not for the judges.

16 JUSTICE STUART: That's the request, is training
17 for the judges. I would strongly suggest
18 that there be training for the judges.

19 JUDGE FORD: One of the strongest trainings that
20 we've had was always when we had both the
21 practitioner, DHR workers, lawyers, as well
22 as judges in the same room.

23 MR. BAILEY: I agree.

1 JUDGE FORD: And those are very good training
2 sessions. It's an opportunity to discuss
3 not only statewide issues, but the local
4 issues and to come together to try to form a
5 team to better serve families. I think
6 that's what we need to go back to. It's
7 always been a money issue about doing those
8 types of trainings, but they're real strong.

9 MR. BAILEY: Let me ask Faye Nelson, the IV-D
10 director, do you want to comment on that,
11 Faye, about any possible training for judges
12 and prosecutors that we might look to in the
13 future?

14 MS. NELSON: We have explored the possibility of
15 funding training for the practitioners, as
16 Jennifer stated, who work the IV-D cases.
17 But, again, the financial constraints within
18 DHR right now, we know that -- that is
19 something that we have not been able to
20 provide this year.

21 We have attempted to partner with the
22 DA's association to see if there's a
23 possibility that we could take advantage of

1 their funds to assist us in that area, but
2 we've had some barriers that we've faced
3 there as well, so I can't commit to the
4 department funding any training.

5 We know the need is there. We are
6 exploring what we can do in that arena to
7 try to educate the ones who represent our
8 IV-D program. But, again, funding is
9 driving those decisions.

10 MR. BAILEY: And a unique aspect I think of the
11 whole child support program is that those of
12 us that have been in it since the seventies
13 are phasing out, and a lot of that knowledge
14 and expertise from judges and child support
15 attorneys that have been doing this for a
16 number of years is retiring.

17 Michael.

18 MR. POLEMENI: Along the education side -- and I
19 like the idea of a joint effort, and maybe
20 as a funding issue, I know -- I don't know
21 if they have it here in Montgomery, but they
22 have the People's Court type of a scenario
23 on television. Maybe offer that up to where

1 those sessions are televised and then us
2 laypeople can pay to be a participant or get
3 funding through corporate sponsorships or
4 some way to get you the money you need to
5 get the education that's needed.

6 Just a thought. That's kind of a --
7 just trying to figure out a way to make
8 things happen.

9 MS. DAVIS: Let me ask as another thought along
10 Michael's same road, trying to look for
11 funding. Since the guidelines are mandated
12 through the feds, is there a possibility
13 there may be some grant money out there that
14 we could look for?

15 MR. BAILEY: From the Office of Child Support
16 Enforcement, there certainly should be --
17 used to be.

18 MS. DAVIS: Used to be. I know things dry up ...

19 MR. BAILEY: Faye, do you want to speak to that?

20 Has the faucet been turned off, Faye?

21 MS. NELSON: I'm not sure I need to speak on that
22 one.

23 We will explore whatever possibilities

1 are out there. Believe me. We know the
2 need is there, and we know that funding is
3 driving those decisions as to what we can do
4 from DHR's standpoint in providing
5 training. What we can do to partnership
6 with AOC or other organizations as a part of
7 this, you know, guidelines work group or
8 whatever, we will explore whatever is
9 possible.

10 MR. BAILEY: Let me ask Angela. Angela, will you
11 comment, please, on the caseload in Mobile
12 County. I think you're the program
13 coordinator. What's the average caseload in
14 court?

15 MS. CAMPBELL: Caseload in court in Mobile
16 County, we go to juvenile court, child
17 support court four days a week, twice a day.

18 (Brief interruption.)

19 MS. CAMPBELL: We go to court Monday through
20 Thursday, in child support court, morning
21 and afternoon. Average docket is 30 to 35
22 cases each docket.

23 We go to domestic relations court,

1 circuit court, four times a month. We have
2 four dockets. Those range anywhere from 20
3 to 25 cases on those particular dockets.

4 So I have full-time staff, full staff
5 who go to court all the time.

6 MR. BAILEY: As Judge Ford commented, I imagine a
7 number of those litigants are not
8 represented if they're the noncustodial --

9 MS. CAMPBELL: The majority. I would say at
10 least 98 percent in child support court. It
11 may be higher than that.

12 JUDGE FORD: For one thing, the National Council
13 of Juvenile and Family Court Judges has
14 established a new initiative to sort of look
15 at child support court like the drug court
16 area -- it's truly about families -- to look
17 at helping our noncustodial parents to seek
18 employment, helping both parents to make
19 sure that there's good parenting with both
20 parents for the children. So there are some
21 new initiatives that are out there. I think
22 we in Alabama must begin to get on the band
23 wagon and look at some of these things.

1 One thing that's been lost in our
2 state is the fact that our judges don't get
3 the opportunity to go to national trainings,
4 to hear what other states are doing. That's
5 been lost over the last about ten, 15
6 years. And that gives you a whole new
7 perspective about what is, indeed, possible
8 here in this state to make things not only
9 better for the custodial parent, but better
10 for the noncustodial parent and, hopefully,
11 better for the children. That's what we're
12 all about.

13 MR. JEFFRIES: Let me make one more comment.

14 This relates to, I believe, what Penny and
15 everybody else was talking about, about
16 training. When I mentioned application
17 notes earlier -- and I never thought that I
18 would hear myself speak favorably about the
19 federal sentencing guidelines at all. I
20 know. I know.

21 MR. BAILEY: The crowd is moving away.

22 MR. JEFFRIES: I'm sorry that this is being
23 recorded.

1 MR. BAILEY: Your friends are deserting you.

2 MR. JEFFRIES: The one thing that I have noticed
3 from the time that I have done federal
4 criminal defense work is, in dealing with
5 very complicated, specific guidelines that
6 try their best to address every issue in the
7 rules themselves, one thing that I found to
8 be more helpful than anything was that they
9 would set it up where they had the rule,
10 they had the comments to the rules, and then
11 they have application notes. There's a
12 specific section after each rule for
13 application notes.

14 And what that does is basically take
15 different scenarios for applying that
16 particular statute, and it gives you as a
17 practitioner the ability to look at those
18 and see where -- it's further guidance on
19 your exact situation and how it applies to
20 different -- how it relates to different
21 situations and gives you, I thought, a just
22 invaluable education right there. You open
23 the book, and it's right there.

1 You don't have to worry about manpower
2 and resources for training, time for judges
3 to be -- to have time, rather, to go to
4 these trainings. Lawyers, the same thing.
5 You open it up before your hearing, the
6 judge can do the same thing, and it's a way
7 to beef up the comments as Penny said. I
8 think that's something that would help.

9 MR. BAILEY: Any other discussion on Issue B,
10 Addressing Credit for Other Children?
11 Anyone else like to comment on it?

12 Penny.

13 MS. DAVIS: I do have a comment or a question. I
14 don't know which way to categorize it.

15 During the discussion before, it was
16 brought up that the focus -- oftentimes when
17 you're talking about other children --
18 credit for other children, the focus seemed
19 to be solely on the noncustodial parent's
20 other children and there's not any
21 consideration for the other children of the
22 custodial parent, so it's kind of a one-
23 sided approach. I'm really not, myself --

1 I'd not really thought about that until the
2 discussion about that.

3 So I think if we choose to look at
4 changing the way we deal with additional
5 children, after-born children or children
6 that are born before but there's not a child
7 support order, I would like to hear more
8 discussion about what other states do with
9 regard to the noncustodial parent and their
10 having additional children and how that
11 impacts on the family so that you're looking
12 at the children -- if you're looking at
13 Child A who has Father A and Mother A and
14 then Father A has another child, if Mother A
15 has another child, then there's money going
16 out to both those two children, and I just
17 want to see how that impacts on the
18 guidelines.

19 MR. BAILEY: I think Jane tried to put together
20 in her handout -- that would be Attachment 3
21 again -- some case scenarios. I don't know
22 if that -- see if that addresses what you're
23 saying. And then she also pointed out how

1 Georgia categorizes children in this
2 situation as a qualified child. Oregon
3 labels the children not-joint child. I
4 think those are two terms that are used by
5 different states. I don't know if that
6 answers your question or not.

7 Justice Stuart.

8 JUSTICE STUART: Just to be sure everybody
9 understands, I think, why the recommendation
10 in this regard was sent back to this
11 Committee by the Supreme Court, I probably
12 should just tell you. I think it's been
13 previously communicated, but just to be sure
14 that everyone understands the Court's
15 concerns, they are two-fold:

16 One is that the proposed
17 recommendation treated noncustodial parents'
18 after-born children completely differently
19 from the way custodial parents' after-born
20 children were treated. The Court had grave
21 concerns about that;

22 The Court's other concern was the fact
23 that there also was a differential in the

1 treatment of after-born children of
2 unmarried parents as opposed to married
3 parents. And the Court is very concerned
4 about any differential in the treatment
5 across those various categories, however
6 they fall out.

7 JUDGE FORD: Will the Supreme Court tell us how
8 to do it?

9 JUSTICE STUART: I know the answer of how to do
10 it, but I won't say.

11 JUDGE FORD: Tell us.

12 JUSTICE STUART: Leave it alone.

13 MR. BAILEY: In fact, Aubrey, it reminds us of
14 all the discussions we had back in the
15 eighties. I mean, we went through this --
16 this was like Groundhog Day all over again.
17 I mean, really, it is. We had all these
18 discussions when we opted for what we did
19 with the preexisting child. That's why we
20 wound up where we wound up.

21 JUSTICE STUART: The truthful answer to your
22 question is, leave it alone.

23 MR. POLEMENI: Maybe bring the abstinence program

1 for adults.

2 MR. BAILEY: Any other discussion? I'm certainly
3 not trying to cut off discussion on this
4 issue. Any other discussion, comments?

5 Jennifer.

6 MS. BUSH: I have one comment. Current case law
7 provides that when credit is given, it's for
8 current support only, and so I think that we
9 need to make sure that we clarify that.
10 Current case law does not allow credit to be
11 given for an arrears payment.

12 MR. BAILEY: That's correct.

13 MS. BUSH: We need to think about if we do choose
14 to go with the credit, clarifying that
15 language.

16 MR. BAILEY: Should be proof of current support,
17 absolutely.

18 JUDGE FORD: I do think looking at both comments,
19 both from Justice Stuart and -- I think we
20 need to begin to look at this issue in a
21 different way, look at what the National
22 Council is doing to see what we can do to
23 try to encourage families to do the best

1 they can for the support of their children.

2 I mean, we're here on this upper
3 platitude, and we know when it hits -- when
4 the rubber meets the road, we get everything
5 in the world that comes through the court.
6 Sometimes you're just befuddled about what
7 to do.

8 JUSTICE STUART: I agree with Aubrey. We need to
9 look at it. I just want to ask the
10 Committee, if you make a recommendation to
11 change it and you're going to treat people
12 differently, we need to know what the
13 justification for treating people
14 differently is because we don't see one.

15 MR. BAILEY: Absolutely.

16 MS. DAVIS: That was my thought. If we need to
17 do something, we'd need to have more
18 discussion about why we chose -- or why the
19 Committee made the determination that it
20 focused only on the noncustodial parents'
21 additional children and not the custodial --

22 MR. BAILEY: We can certainly discuss it now or
23 at a later date.

1 MS. DAVIS: We may not have time to do
2 everything.

3 JUDGE FORD: That's a long discussion.

4 MS. DAVIS: I think that's almost a separate line
5 item.

6 MR. BAILEY: We may want to devote a whole
7 Committee meeting to that. That's a good
8 point.

9 I don't want to cut off discussion on
10 this. Would anyone else like to comment on
11 it before we move to issue number three?

12 MR. ARNOLD: One question. Am I hearing a
13 suggestion -- not a motion, but a suggestion
14 that this particular vote be tabled?

15 MR. BAILEY: I don't know if we're hearing that.
16 Let me ask Justice Stuart. Are you
17 suggesting that we table it?

18 JUSTICE STUART: No, I'm not -- it will be fine,
19 whatever the Committee -- I'm not suggesting
20 that. I just was answering your question.
21 You said tell me how to deal with it. I
22 gave you the truthful answer, and that is
23 leave it alone. I just was answering the

1 question. I was not making a suggestion at
2 all.

3 I mean, this Committee can vote on it
4 today and make a recommendation, however the
5 Committee wants to go. But I do think if
6 you're going to recommend changes that are
7 similar to the previous recommendation that
8 treated those groups of people that I've
9 just explained very disparately that you
10 need to explain to us why. Because if you
11 don't, we're just going to send it back.
12 We're not going to act on that
13 recommendation unless you tell us why we
14 should treat some people differently.

15 MS. DAVIS: Here is my thought. I would like to
16 make a motion that we rescind the
17 recommendation that we sent previously to
18 the Court with the explanation that we'd
19 like to do further study on that issue.

20 JUDGE FORD: I second that.

21 MR. BAILEY: We have a motion from Penny and a
22 second from Judge Ford. Any discussion on
23 the motion?

1 (No response.)

2 MR. BAILEY: All right. The Chair hearing no
3 discussion, let's all vote. All in favor of
4 the motion, raise your hand, if you will,
5 and I'll count the number of hands.

6 (Vote was taken.)

7 MR. BAILEY: We have 11 for, and I assume none
8 against. The motion certainly carries, 11
9 to zero.

10 Let's go on to the third issue now,
11 Redrafting the Provision for Health
12 Insurance Costs. Again, I collared Steve on
13 his way in and asked Steve if he would sort
14 of spear this up. Steve and Justice Stuart,
15 of course, led the discussion previously in
16 past years. So, Steve, if you'll give us
17 kind of an overview of where we are on
18 health insurance costs and redrafting the
19 provision on that issue.

20 MR. ARNOLD: Justice Stuart and I were pretty
21 well charged with drafting a suggested
22 paragraph or language for addressing some
23 health insurance adjustments, the cost of

1 health insurance.

2 The reality factors have come to arise
3 as to the cost of health insurance and the
4 inequities that face both custodial and
5 noncustodial parents relative to the cost
6 and what effect it has on an ultimate
7 calculation of child support.

8 A suggestion was made that there be a
9 deduction or adjustment only for a child's
10 actual cost of health insurance, and save
11 establishment of that particular figure that
12 there would be a proration for the
13 adjustment as to the cost divided by the
14 number of children involved.

15 There's also some inequities relating
16 to the high cost of the parent's own portion
17 of the health insurance versus the family
18 portion or a child's portion of the health
19 insurance premium and what inequities that
20 was doing because it turned out that the
21 children were, in effect, contributing to
22 the payment of a parent's -- noncustodial
23 parent's health insurance premium at the

1 same time that reduction of child support or
2 the consequent -- consequential increase on
3 the other side was of concern.

4 So Justice Stuart and I batted around
5 some suggestions on changing the language
6 for the health insurance adjustment from
7 what it currently is in the Rule 32, and we
8 have -- the new suggested language is on
9 page one of Attachment 4. It's there to be
10 read for the adjustment. My political
11 position is and I recommend that the
12 Committee seriously consider adopting that
13 language.

14 I would ask Justice Stuart if she can
15 enlighten the Committee on any views that
16 the Supreme Court actually has.

17 JUSTICE STUART: I would like to explain to you
18 why the Court sent this revision back.

19 First of all, it was sort of an
20 administrative snafu the best I could tell.
21 This Committee made a recommendation. That
22 recommendation was never submitted to the
23 Supreme Court. Instead, a recommendation,

1 clearly represented as such, modified by
2 Randy Helms, the former Administrative
3 Director of Courts, was sent. And he said,
4 I changed the Committee's recommendation,
5 and I'm only submitting to you my
6 recommendation, and it was presented to the
7 Court.

8 And so the Court -- I couldn't even
9 figure out exactly what the differences
10 were, how it got changed, why it got
11 changed. That was a problem for the Court.
12 And we sent that specific question back to
13 AOC, you know, how did it get changed, why
14 did it get changed. Well, we never got an
15 answer to that.

16 And the other thing that the Court was
17 really asking for was basically some case
18 examples of how does this work in
19 application, which it looks like we've got
20 on page two of the handout on Child's Share
21 of Health Insurance Premium --

22 Steve, can you identify for me which
23 one of these represents the proposal?

1 Because I'm not clear on that. I think it's
2 just not clear exactly what we're saying,
3 and this really is a situation where I think
4 the Court needs to know, you know,
5 specifically. How do you arrive at the
6 dollar amount that's deducted, and then what
7 effect does that have on the amount of child
8 support being paid?

9 I think we understand conceptually
10 what you said earlier about the fact that
11 children have basically been paying the
12 noncustodial parent's health insurance, in
13 essence, by the way the prior system
14 worked. We just need to know, well, how is
15 the new system going to work? Because it's
16 so new to us and so foreign, we want to be
17 sure that there are no unintended
18 consequences of adopting this.

19 MR. ARNOLD: Your Honor, I've tried to go through
20 the case examples they have on page two.
21 While illustrative, they may not totally
22 answer the question.

23 JUSTICE STUART: That's what I was afraid of

1 after I looked at it. We need for someone
2 to develop some that do show how it would
3 work.

4 MR. ARNOLD: I agree. This chart on page two
5 shows some sort of conclusive effect, but it
6 doesn't show the tracking of how you got to
7 that conclusive effect. And arriving at
8 some specific examples would be something we
9 could do. And I would be happy to create
10 some scenarios for submission or participate
11 with other people in doing that; however,
12 it's going to be helpful to know if we adopt
13 the new chart in advance.

14 I could do examples based on current
15 guideline figures which would soon be out of
16 date if the Committee adopts the new chart.

17 MR. BAILEY: Good point.

18 MR. ARNOLD: If the Court wishes those concrete
19 or tangible examples, I think the Court is
20 well-advised to receive those and we should
21 give those, but that maybe should tail after
22 this Committee may take other action. Does
23 that make sense?

1 JUSTICE STUART: It does. I just need to let
2 y'all know, because somehow I think the
3 communication got dropped somewhere. But
4 when we were first presented with these
5 recommendations, the Court -- because we
6 operate back through AOC in this case
7 because that's where the child support
8 guidelines come to us. We immediately the
9 day we looked at them asked these very same
10 questions back. And then I'm not sure what
11 happened, but we didn't get a response.

12 MR. ARNOLD: There is a gap somewhere between
13 this Committee, AOC, and the Court. I'm not
14 smart enough to know how it exists, where it
15 exists. I did take great -- it caused me
16 great concern that this Committee made a
17 recommendation and one individual at AOC
18 took it upon himself to just rewrite our
19 legislation. I'm using that word in broad
20 generics.

21 I don't know by what authority that
22 was accomplished, what motivation was
23 accomplished, but it caused me great concern

1 that that kind of thing could happen again.
2 AOC, I think -- or one individual at AOC
3 certainly overstepped their bounds,
4 something that would affect thousands of
5 people, without the process that we're
6 obligated to undergo.

7 That's my political comment for the
8 day.

9 JUSTICE STUART: I just wanted y'all to know that
10 the Court had great concern, and that's the
11 reason we just immediately asked the
12 questions back. How did this happen? Why
13 did it happen? What is the difference?
14 What is the rationale for the difference?
15 And we never got the answer.

16 MR. ARNOLD: I'm glad you did.

17 JUSTICE STUART: That's the reason the Court
18 referred it back to the Committee. That's
19 all we knew to do.

20 MR. ARNOLD: If I could, Your Honor, the
21 Committee was unaware of the Court's
22 questions.

23 JUSTICE STUART: I don't know what happened in

1 that regard.

2 MR. ARNOLD: What process is there for when the
3 Court has a question, a rejection, more
4 information is being sought or more data is
5 being sought? We have our process where
6 this Committee makes suggestions,
7 recommendations, and it goes through the
8 channel up to the Supreme Court, but I don't
9 know of anything where there is a process
10 for feedback back to us.

11 MR. BAILEY: You know, that's an excellent point,
12 Steve. I'm not sure --

13 JUSTICE STUART: In my opinion, the way it came
14 up was, this Committee to the Administrative
15 Director of Courts to the Court. And we
16 sent it back, intending that it would go
17 back in exactly the same way, and it somehow
18 never made it all the way back.

19 MR. ARNOLD: We all know that AOC has a life and
20 breath of its own, and it's a problem.

21 MS. DAVIS: I think one thing that intervened was
22 there was a court case that came about, the
23 federal court case. And I think that after

1 we -- there were two or three of us on the
2 Committee that met with the Court to answer
3 some of the questions. They raised some of
4 the questions, and my political comment at
5 this time was, I was very impressed with the
6 Court.

7 MR. BAILEY: Absolutely.

8 MS. DAVIS: The types of questions they asked,
9 the comments they had, they were very, very
10 interested in what we'd done and why we had
11 made the determinations. They obviously had
12 read the materials that we did. They were
13 very impressive to me.

14 Now, after that happened, there was
15 what I would term an unfortunate court
16 action, being that I was one of the
17 defendants in the court action. So I think
18 that was one reason for a time delay in
19 getting information back to the Committee,
20 and we've just now reconvened since then.

21 I'm not really speaking to the flow of
22 the communication, but that does perhaps
23 answer the question as to a time gap.

1 JUSTICE STUART: It may also explain inactivity,
2 because it is quite possible that everything
3 was just stopped during the pendency of the
4 court action, and then we have had a change
5 of administration and a change of personnel.

6 MR. BAILEY: That's correct.

7 JUSTICE STUART: It's quite possible it just got
8 dropped.

9 MR. BAILEY: I want to follow up on what Penny --
10 Michael, I'll try -- I'm going to get to you
11 in just a second. Let me just comment on
12 what Penny said.

13 Penny and I were -- and I'm not saying
14 this because you're with us right at this
15 moment. Penny and I were really impressed
16 with the Court's questions, their knowledge
17 of the child support issues. It was
18 obviously clear to us that they had read the
19 material they had been furnished, were very
20 active in their questions. It was like
21 orally arguing a case where the Court was
22 well versed on your brief, Mike, and Steve,
23 and Jim. I'm glad you said that, because I

1 thought the same thing.

2 Let me get Michael first. Go ahead,
3 Michael.

4 MR. POLEMENI: I think I understand the intent of
5 this. One thing I would want to suggest is
6 maybe have somebody from the insurance
7 industry bring up those case scenarios. You
8 know, it's just a thought. You know, based
9 on the narrative recommendation here and
10 then have --

11 MR. BAILEY: Some input into how policies are
12 written and what family coverage means and
13 how a child's portion is allocated I guess
14 is what you're saying.

15 MR. POLEMENI: Right, because they're going to be
16 the ones that will be impacted by this no
17 matter what the decision is.

18 MS. CAMPBELL: When I was reading the
19 information, I went through the charts
20 myself and tried to figure out where the
21 figures came from on page two. I believe,
22 if I'm correct, Option A is the part of the
23 Committee's definition where it gives the

1 full premium amount, she just pulled the 215
2 from the general figures above. And Option
3 D, I believe, is where they prorated them on
4 the children.

5 MR. BAILEY: I think you're right.

6 MS. CAMPBELL: And those case examples -- I
7 looked up the basic child support
8 obligations and took the case examples so I
9 could work it out. Used the guidelines that
10 the Committee recommended for 2006. I
11 believe that's what it is.

12 MR. BAILEY: Just to follow up, Penny and I did
13 mention to the Court when we met in April of
14 2007 that of all the states that calculate
15 medical insurance costs in their guideline
16 formula, Alabama is the only state that
17 applies the entire premium. All the other
18 states use the child's portion in the
19 premium. And Jane Venohr wanted us to be
20 sure that we communicated that to the Court
21 in April.

22 Judge Ford.

23 JUDGE FORD: Mike, in response to your question

1 and perhaps in response to yours also, the
2 one problem that we also found some time ago
3 is the fact -- trying to find out what the
4 child's portion was. Every insurance
5 company does it differently.

6 And sometimes you find, depending on
7 the employer, the amount that an employee
8 has to pay to get family coverage is just
9 ridiculous. It's to the point that it's
10 better to be -- depending on -- looking at
11 the income, if you bought family coverage,
12 it's going to dramatically decrease -- the
13 way we calculate it now, dramatically
14 decrease the amount of child support because
15 it's going to take a substantial amount of
16 that noncustodial parent's salary.

17 I mean, that's the real problem.

18 We're all over the board. Until our country
19 comes up with a solution, we really can't
20 really come up with a real viable solution.

21 MR. POLEMENI: Me, personally, having an insurer
22 who's in California and applying it to
23 Alabama may throw another curve in there.

1 MR. BAILEY: Absolutely. Julie.

2 MS. PALMER: There's another section of Rule 32
3 of judicial administration that says that
4 it's only -- you can only subtract it from
5 the child support guidelines if it's
6 actually coming out of the obligor's
7 paycheck. But I believe case law has said
8 that, no, as long as the obligor is getting
9 it -- is getting the coverage. So I'm just
10 thinking we might need to adjust that part
11 of the rule, either delete it or do
12 something with that section.

13 MR. BAILEY: I certainly don't want to cut off
14 discussion from the Committee on this
15 issue. Do we have any other comments? Any
16 other --

17 Michael, did you want to add one more
18 thing?

19 MR. POLEMENI: No.

20 MS. PALMER: Gordon, I'm sorry. I do. In our
21 last discussion, I believe there's a IV-D
22 rule that puts a cap on how much health
23 insurance can be credited. I don't know if

1 it was this lady that talked about it last
2 time or not.

3 MR. BAILEY: That was day care, wasn't it?

4 MS. CAMPBELL: Childcare.

5 MR. BAILEY: Childcare.

6 MS. PALMER: Well, yeah, I know we've got that
7 chart, but I thought there was also
8 something about health insurance coverage.

9 MR. BAILEY: Not that I'm aware of. Are you
10 aware of it, Jennifer?

11 MS. BUSH: I am not aware of any cap on health
12 insurance.

13 MR. BAILEY: Let me suggest this. We're now
14 going to hear from the public, but let's
15 take a ten-minute break. I'll ask everybody
16 just to be back, if you will, promptly at
17 11:30, and we'll then hear from the public.

18 If you would like to speak to the
19 Committee, would you see Wayne. He's got a
20 sign-up list. Sign up with Wayne and we'll
21 start promptly at 11:30. Thank you.

22 (Brief recess was taken.)

23 MR. BAILEY: Ask everybody to take a seat if you

1 will, please. We'll get started.

2 Wayne, do we have a list of members of
3 the public that would like to speak to the
4 Committee at this time?

5 MR. JONES: Yes, Gordon, we do. We have three
6 people signed up. The first person is
7 William Munn.

8 MR. BAILEY: If you'll come to the podium, sir,
9 we would appreciate it. That way we can all
10 hear you and see you as well. Thank you so
11 much. We appreciate your being here today.

12 MR. MUNN: My name is William Munn. I would like
13 to thank the Committee for allowing me to
14 speak this morning. I don't really have any
15 questions, but more suggestions for this
16 Committee.

17 To give a brief background of my
18 situation, I currently have an unusual case
19 where I see my children every other day and
20 every other weekend. I provide meals,
21 transportation, housing, all of which a
22 custodial parent provides.

23 My suggestion, as mentioned earlier

1 from this Committee about deviations, is to
2 consider some type of percentage with a cap
3 such that it's not left to the discretion of
4 the court. Currently, I do not get any
5 deviation, no tax credit, no support for
6 childcare, no -- I pay 100 percent of what I
7 am obligated to pay. That was my first
8 suggestion.

9 The second suggestion, I have some
10 handouts I'd like to present. I'm sorry I
11 did not provide enough copies. If you could
12 share, I would appreciate it.

13 This handout is coverage for the child
14 support obligation. I have two different
15 charts listed, the current chart and the
16 2007 proposed chart. My case, as I said,
17 covers two children. These charts, I've
18 gone through and mathematically figured up
19 the percentage of increase from one number
20 to the other based on the 500 bracket.

21 If you'll turn to page three, I've
22 done a calculation of the percentage in the
23 far right column. You'll see that the

1 numbers are very close for two children:
2 1532 versus 1531.94. I've done that all the
3 way out to \$20,000 per month. I've also
4 expanded the current chart from 10,000 to
5 20,000 based on the same calculation.

6 Now, in the handout, the 2007
7 guidelines --

8 MS. DAVIS: Before you get started, I'm a little
9 confused. The two charts you're talking
10 about are parallel, right?

11 MR. MUNN: Correct.

12 MS. DAVIS: The one on the left --

13 MR. MUNN: Is current, what is actually being
14 used today, and the one on the right is the
15 one that is proposed, 2007.

16 MS. DAVIS: Thank you.

17 MR. MUNN: If you look at page 39 of this
18 handout, higher incomes for larger families,
19 the updated 2007 --

20 MR. POLEMENI: Excuse me. Which handout?

21 MR. MUNN: I guess it's Exhibit 2.

22 JUDGE FORD: What does it say on the front?

23 MR. MUNN: 2007 Update of the Alabama Child

1 Support Guidelines Schedule.

2 MR. BAILEY: That was Attachment 2 in your
3 mailout.

4 MR. MUNN: Page 39, under higher incomes for
5 larger families: The updated 2007 schedule
6 indicates decreases for two or more children
7 for incomes above about 6,000 per month.
8 That's not totally correct.

9 The last page of your handout, I took
10 these two charts along with the 2004
11 proposed chart before the increases and
12 graphed them. The 2004 chart that was used
13 to increase the 2007 levels are consistent.
14 You see an increase, a decrease in different
15 income levels.

16 At \$6,000, the recommendation is
17 correct. It does start to decrease. But as
18 you expand the charts out, at 10,300, you
19 start getting an increase again. And then
20 at 15,450, you get a decrease. If you look
21 at the chart that I've graphed, you're
22 basically seeing a meeting of what you've
23 already got, what is already used in the

1 current guidelines.

2 My suggestion to the Court is not to
3 adopt an increase-decrease, increase-
4 decrease over a period of dollars, but just
5 to expand out the current chart from 10,000
6 to \$20,000.

7 I would be glad to show anybody the
8 calculations, how I came up with the
9 numbers, or answer any questions that you
10 have for me.

11 MR. BAILEY: Any members of the Committee have
12 any questions of this gentleman?

13 (No response.)

14 MR. BAILEY: Thank you very much, and I
15 appreciate your limiting your time to about
16 ten minutes. Thank you again. Thank you
17 for all the work you did on this. We
18 appreciate your being here.

19 Wayne, who is our next speaker?

20 MR. JONES: Chris Hobbs from Huntsville.

21 MR. BAILEY: Chris, if you could keep it to about
22 ten minutes, that would be great. If you
23 run over a little bit, that's fine. Thank

1 you very much.

2 MR. HOBBS: Thank you again for allowing us to
3 speak. We're bringing real-world
4 experiences. My name again is Chris Hobbs
5 from Huntsville, Alabama. I'm just a
6 concerned dad. I'm concerned about my son
7 and his future. I love my son very much.
8 I'm a full-time firefighter with the City of
9 Huntsville.

10 Currently, my child support equals
11 over 38 percent of my net income. And I
12 emphasize net, not gross, which is what you
13 guys are using your numbers on. We all know
14 when you get a paycheck, you don't pay
15 utility bills with your gross. You pay it
16 with your net.

17 Here in the real world -- My son even
18 knows the difference between gross and net,
19 my 11 year-old son. He understands taxes.
20 Something that's a dollar really is not a
21 dollar; it's a dollar eight.

22 After I became a firefighter with the
23 City of Huntsville, my ex-wife sued me for

1 custody. We up until that time had 50-50
2 joint custody: One week with her, one week
3 with me. She used my schedule as a
4 firefighter as grounds for suing me, and
5 ultimately through some mistakes by Judge
6 Little in my case, she was awarded custody
7 and child support.

8 If not for my part-time job over the
9 last couple of years, I would have lost
10 everything, my home, everything I have, all
11 of these things based on errors that the
12 judge has discretion to make and based on
13 the guidelines you guys are working on
14 establishing today.

15 I've always taken care of my son and
16 will do so as long as I can. Yet when the
17 guidelines you put in place under good
18 intentions actually wind up destroying
19 lives, isn't that proof enough that the
20 current system is flawed?

21 One side is 100 percent accountable
22 for the child support while the recipient
23 goes unchecked. Child support is taken by

1 garnishment, yet can't be verified to
2 actually benefiting the children. You talk
3 about collections, but you can't confirm
4 that the actual collections are going to the
5 benefit of the children. There's a
6 department of -- taxpayer-funded for child
7 support collection, yet no department for
8 child's visitation enforcement, no
9 department that verifies that the child
10 support actually reaches the children.

11 The flaws with the child support rules
12 are very numerous to list at this moment.
13 It's a difficult task that you guys are
14 undertaking. We understand that. But these
15 rules aren't even laws. These are
16 guidelines, yet many are jailed for failing
17 to abide by them.

18 Today you will either decide to keep
19 things the same, change them for worse, or
20 change them for the better. There are many
21 who live in the real world and suffer
22 because of the rules that have been made
23 that are not working. The face of the

1 crimes are getting younger, and these
2 decisions contribute to those things.

3 You asked for a solution. Well, I
4 solved mine. I got a vasectomy and really
5 have no desire to get married again. What I
6 really recommend enforcing is true joint
7 physical custody so that all parties
8 involved -- which not only includes the
9 mother and father, it includes grandparents,
10 uncles, aunts, even close family friends of
11 a long time -- are able to care for the
12 child, love the child, and give the children
13 what they need. True joint physical custody
14 enables both mom and dad to feel they are
15 looked upon as a worthy part of their
16 children's lives, not just a visitor, not
17 just a welfare check.

18 The current winner-take-all approach
19 of the courts really results in no winners
20 at all. Making and enforcing these rules
21 and guidelines that encourage instead of
22 discouraging parental involvement in our
23 children's lives I believe will alter the

1 direction that we're going in right now.

2 So I really lay upon you to think
3 thoroughly, because in my conversation with
4 family, friends, strangers, we're all in the
5 same boat, and we've got to work together to
6 come to a better resolution.

7 Society is changing. There's a lot of
8 things you guys have to tackle, but
9 ultimately concentrating on encouraging
10 guidelines and rules versus things that
11 discourage will hopefully alter the course
12 that we're on.

13 That's all I ask, for you guys to take
14 to heart the issue that you guys are tasked
15 with. I love my son very much. That's why
16 I'm here. I thank you for your time and for
17 your effort.

18 MR. BAILEY: We appreciate your coming. Thank
19 you so much. Any questions of Chris before
20 he concludes?

21 (No response.)

22 MR. BAILEY: Thank you very much. We appreciate
23 your being here.

1 Wayne, who's our next speaker?

2 MR. JONES: Steve Kneussle from Tuscaloosa.

3 MR. KNEUSSLE: Got it right. No one ever gets my
4 last name right.

5 MR. BAILEY: Steve, glad to have you with us.

6 MR. KNEUSSLE: Thank you very much for allowing
7 us to speak, and thank you very much for
8 your discussions on the discretion of the
9 court and really trying to be concerned with
10 all parties.

11 (Brief interruption.)

12 MR. KNEUSSLE: My name is Steve Kneussle. I'm
13 the state director of the Children's Rights
14 Initiative for Sharing Parents Equally based
15 out of San Diego, California. I've also
16 recently joined ALFRA, and I'm the interim
17 president of the Tuscaloosa chapter of
18 ALFRA.

19 I represent 250 Alabama residents that
20 have personally contacted me within the last
21 year. That's not including those affiliated
22 with ALFRA. Those include noncustodial
23 parents, custodial parents, men, women,

1 grandparents, children.

2 My first recommendation when we talked
3 about unifying and encouraging parents to
4 seek employment -- and this economic trouble
5 that our country is in right now, it's
6 important to have education. Parents have
7 to be educated to keep up with the changes
8 in technology and the changes in the job
9 market to be competitive.

10 Currently, there's no deduction in
11 adjusted gross income for student loan
12 payments. This is a big hardship on parents
13 who during the marriage had to pay out
14 student loan payments, which would be money
15 not going to that child during the intact
16 family situation; after the divorce, now
17 that's not considered as a deduction from
18 the adjusted gross income. That's not
19 disposable income. That's income -- That's
20 pay that has to go to pay for the
21 educational expenses.

22 So I strongly urge you to recommend a
23 deduction for educational expenses from the

1 adjusted gross income of both the custodial
2 parent and the noncustodial parent. That's
3 what is fair and will encourage parents to
4 seek education so that they can invest in
5 their children's future and will provide for
6 their future.

7 My second point is the plight of
8 low-income custodial parents, usually the
9 mother. Going through the transcript from
10 the last meeting, it seemed like there was a
11 decrease on the lower income as far as the
12 child support obligation.

13 I've had several women that I went to
14 their house, met with, saw their situation,
15 and I was completely appalled. These are
16 generally the people who the father has
17 abandoned the family situation, is not
18 providing in any way, and their child
19 support payments are a hundred dollars and
20 they're struggling, and now we're lowering
21 that.

22 Those are the people that we need to
23 be helping. Those are the people -- those

1 are the kids that are turning to violence,
2 turning to drugs, teen pregnancy, because
3 they don't have the opportunity that the
4 other children have.

5 On the flip side of that, you have
6 noncustodial middle class parents such as
7 myself, which is a large majority of the
8 cases. We're loving fathers. We want to be
9 involved in our children's lives, but we are
10 getting bombarded, overburdened with child
11 support, childcare, and medical costs for
12 the children.

13 This Committee has addressed each
14 component separately, but I ask you to look
15 at the whole picture. In my situation, I'm
16 a high school dropout, got my GED, went into
17 the Navy, got into the prestigious nuclear
18 propulsion program, got out, spent \$120,000
19 to get airline -- get flight training, and
20 am now a first officer for a U. S. Airways
21 express carrier.

22 I overcame the odds, but I have a \$700
23 a month student loan payment. My current

1 income is only \$1800 a month. That's my
2 adjusted gross income. I'm starting out.
3 The industry is kind of tanked. Hopefully,
4 in two years, I'll be making 80,000.

5 So I get 1800 a month. My child
6 support for two children is ordered at --
7 from the PDL hearing at \$597, so we'll say
8 600. Childcare is now going to be 400,
9 which they informed me at my last hearing
10 that they're going to tack on. That's
11 \$1,000 for child support and childcare, and
12 they're also going to get me for \$150 in
13 medical costs. That's over 50 percent of my
14 income going to the custodial parent.

15 I get to see my children per the court
16 order 72 hours a week right now, so I'm
17 spending money on their food, their
18 clothing, because their mother -- the court
19 said that she didn't have to give them
20 clothing when they're in my care. So I'm
21 having to purchase all this and provide them
22 with a place to live when they're with me.

23 Unfortunately, I live in a single-wide

1 trailer in a trailer park while their mother
2 has two houses, one being brand new. And I
3 have to face my four year-old daughter and
4 tell her when she asks me, Daddy, why do we
5 live in a trailer park? Why can't you buy
6 me these things? And I have to come up with
7 some kind of ethical response as to truly
8 avoid the question, and it's very
9 disheartening.

10 The components together are
11 overburdening, and there has to be a better
12 way to address them. A cap that was
13 discussed at the previous meeting may be a
14 good idea. I am not going to be able to pay
15 for my children's education, and I seriously
16 doubt the other parent is putting money
17 aside for that, and that is what I truly
18 want to do.

19 Another aspect is my credit situation
20 has gone down the tubes. I had to spend
21 \$10,000 in legal fees just to exercise the
22 visitation which are my rights under the
23 law. My children were withheld from me. I

1 paid all that on credit. I cannot live on
2 what I'm living on now, so I had to stop
3 paying my student loans.

4 Because my job as an airline pilot has
5 a security status, I'm subject to FBI
6 background checks, as are many other Alabama
7 citizens affiliated with the Huntsville
8 Arsenal, different military facilities. My
9 credit is going to reflect negatively on my
10 security check. That I have been informed
11 may result in my termination from
12 employment. So now I'm stuck every day
13 waking up, wondering am I going to have a
14 job today. Am I going to be able to make
15 captain, make \$80,000 a year, and provide a
16 better future for my children?

17 So I truly ask that you look at the
18 whole picture, not just each increment.
19 That's one of the biggest complaints that
20 I've seen from noncustodial parents like
21 myself, is that when it's put all together,
22 we are just overburdened. And many of us
23 see our children more than the standard

1 visitation, and the discretion is not used
2 to reduce that.

3 That's all I have.

4 MR. BAILEY: Thank you very much. Do we have any
5 questions?

6 MR. ARNOLD: I have a question.

7 MR. BAILEY: All right, Steve.

8 MR. ARNOLD: Thank you for your comments. I have
9 a question of you. The adjustment for
10 educational expenses that you spoke of in
11 the first part of your presentation, I want
12 to make sure I understand. Are you talking
13 about educational expenses as they relate to
14 a parent's cost for continued or new
15 training, or are you speaking of educational
16 expenses related to the children's
17 education, be it a child in college, yet
18 there are still underage siblings?

19 MR. KNEUSSLE: I'm referring to the parent's
20 continuing education so that they're able --
21 the ones that after the divorce have not
22 sought higher education, can seek higher
23 education and have that deducted from their

1 adjusted gross income so they can afford
2 that education and hopefully provide a
3 better standard of living for their children
4 in the future.

5 MR. ARNOLD: Thank you.

6 MR. BAILEY: Thank you very much.

7 Wayne, do we have any other members of
8 the public that would like to speak to the
9 Committee?

10 MR. JONES: No, there are no others.

11 MR. BAILEY: Well, thank y'all very much. We
12 really appreciate your being with us here
13 today.

14 At this time, we will proceed to have
15 discussion and vote on the issues. There
16 are two issues that are pending, the issue
17 for addressing credit for other children
18 having been tabled.

19 I'd like to now entertain a motion, if
20 someone on the Committee chooses to make the
21 motion, to consider adoption of the new
22 chart.

23 Now, we have some proposed ballots,

1 and they should be at your table. And this
2 is just an attempt to try to formulate the
3 issues for your consideration today. This
4 is not a printed ballot. There won't be any
5 hanging chads on this ballot, but it's just
6 an attempt to try to set forth the issues
7 that are pending, the three issues that we
8 came in today to consider, which are now
9 two.

10 MS. DAVIS: Could I ask a question?

11 MR. BAILEY: Yes.

12 MS. DAVIS: I guess this is an issue that is of
13 concern to me, the self-support reserve. On
14 page 34, there were three alternatives that
15 were presented.

16 MR. BAILEY: Yes.

17 MS. DAVIS: I guess what I'd like to suggest we
18 do is to see if that's a concern. I think
19 one of the presenters mentioned they had
20 some concern about the custodial parent in a
21 lower income level losing some support, the
22 reduction in support. Y'all know that's a
23 concern that I have.

1 MR. BAILEY: Right.

2 MS. DAVIS: I don't want to beat a dead horse.

3 If that's not other people's concern, then I
4 would think we might want to skip that topic
5 and move on.

6 I guess what I'm asking is, could we
7 find out -- just get a general sense if
8 other people are concerned about how it
9 affects -- the new chart affects the lower
10 income people? If I'm the only one
11 concerned about it, fine. If not, I would
12 like for us to look at the different
13 alternatives that were suggested on page 34.

14 MR. BAILEY: I think it's certainly appropriate
15 to do that now.

16 MR. POLEMENI: Can you restate that a little bit?

17 MS. DAVIS: What my question is, are other people
18 on the Committee concerned about the child
19 support guidelines reducing the current
20 guideline amount under the lower income
21 level due to this self-support reserve
22 increase that only affects the noncustodial
23 parent? It doesn't affect the custodial

1 parent.

2 MR. POLEMENI: So your concern is on the
3 custodial parent's side or --

4 MS. DAVIS: My concern is the new charts will
5 reduce the income that goes to the children,
6 the amount of child support that is paid for
7 children when the economic impact for -- I
8 forgot what the level was -- the shaded area
9 of the chart will be reduced.

10 The amount of child support the
11 children receive in lower income levels will
12 be less under the new chart based on the
13 concept that was initially in the charts on
14 a self-support reserve. The self-support
15 reserve was only a self-support reserve for
16 the noncustodial parent. There is not
17 currently a self-support reserve for the
18 custodial parent.

19 MS. PALMER: According to what Justice Stuart
20 said, we need to address to the Supreme
21 Court why we're treating one party different
22 than the other. That's what I heard her say
23 earlier about the other -- the preexisting

1 or after-born children. So I would think we
2 would have to address it as to why we're
3 considering one -- giving one credit and
4 one -- not giving the other one credit.

5 MR. ARNOLD: I think the materials do address
6 that.

7 MR. BAILEY: Penny, did we answer your question?

8 MS. DAVIS: Well, my only -- My point is, there's
9 no point in going through a discussion about
10 alternatives if the majority of the
11 Committee is comfortable with the reduction
12 in income to the children in lower levels.
13 My suggestion is sort of get a sense of what
14 the Committee wants. If they're happy with
15 the outcome that we have here, then we
16 proceed on with that. If they're not, we
17 can look at these alternatives on page 34.

18 MR. BAILEY: I think that's -- would you like to
19 put that in the form of a motion, something
20 that we can consider formally?

21 MS. DAVIS: Sure. I would propose that the
22 Committee consider reviewing the
23 alternatives listed on page 34 as it relates

1 to the self-support reserve.

2 MR. BAILEY: Do we have a second?

3 (No response.)

4 MR. BAILEY: I think the Chair recognizes no
5 second.

6 MS. DAVIS: I guess I'm the only one concerned
7 about that.

8 MR. BAILEY: Well, I think it's certainly
9 something that we need to consider.

10 MR. ARNOLD: Mr. Chairman, if I could just offer
11 a comment. Penny, I'm looking at the
12 grayed-in area of the chart on page 17 which
13 is the support that is adjusted for the
14 self-support reserve, and I'm trying to
15 think to myself in some sort of realistic
16 world what impact that self-support reserve
17 is going to actually have on anyone's
18 standard of living at these numbers when the
19 widest disparity I see between one child and
20 six children is eight dollars or something
21 like that.

22 I think we ought to consider keeping
23 things as simple as possible. I'm

1 personally pretty comfortable with the
2 recommendation without adjustments in those
3 various options, if I'm saying it right.

4 MS. DAVIS: I guess my thought would be if you
5 look -- right now, I think if you --
6 combined adjusted gross income of \$550, you
7 get \$50. Under this, you get zero. So
8 whether the loss of \$50 is significant to
9 that noncustodial parent I guess is the
10 issue.

11 If you look on Appendix B, the chart,
12 we have comparison of existing, the shaded
13 figures under combined adjusted gross income
14 existing now is 173. It would go down to
15 90. Is the difference between receiving
16 \$173 versus \$90 significant for these lower
17 income people?

18 My thought is it would be, but what
19 you're -- in reality, it may not be because
20 they may not be getting it anyway. But if
21 you assume that they're getting it, then all
22 of a sudden, the person instead of getting
23 \$173 is going to get half of that, what

1 impact is that going to have?

2 MR. ARNOLD: It's been my experience in somewhat
3 of the real world that there comes a point
4 where the court-ordered support obligation
5 becomes a disincentive to work. People take
6 a vacating-appeal approach. They go.

7 MS. DAVIS: That, I think, was the underlying
8 policy of the --

9 MR. BAILEY: And let me just add a comment to
10 what Steve and Penny have said. We're not
11 voting to do away with any discretion on the
12 part of the judge. If this new schedule
13 were to be adopted and a judge felt like the
14 guideline amount was so low that it needed
15 to be deviated from, the judge or referee
16 could certainly do that. Penny, I don't
17 know if that answers your concerns or not,
18 but ...

19 MS. DAVIS: No. I mean, I think we know where
20 we're going here. You can look at the drops
21 and it's significant or not significant in
22 your ...

23 Anyway, I have been outvoted, and

1 that's fine.

2 MR. BAILEY: Before we vote -- and I was remiss
3 not to mention this earlier -- on Penny's
4 motion to table issue two, we do have a
5 quorum, there being 12 members present on
6 the Committee. The Chair failed to note
7 that, and I apologize. I should have noted
8 that earlier. We certainly have a quorum to
9 do business today and vote on these issues
10 or whatever issue is before the Committee.

11 Do I have a motion that we adopt the
12 2007 updated basic child support obligation
13 schedule?

14 MR. ARNOLD: So moved.

15 MR. BAILEY: Steve Arnold moved. Do I have a
16 second?

17 MS. KIMBROUGH: Second.

18 MR. BAILEY: We have a second.

19 Any discussion on this issue?

20 MR. POLEMENI: I just feel based on the comments
21 from the public that the schedule is too
22 high. I don't know what the solution is,
23 you know, if it's taking into account

1 education or different things.

2 My personal opinion is, a parent is
3 going to do everything they can for their
4 child, but being -- but if they don't have
5 the money, they don't have the money, and
6 they have -- they should have that right to
7 say I don't have the money.

8 The schedule the way it is forces me
9 to give the money to be utilized in whatever
10 way somebody else wishes to use it, not
11 necessarily for that child. That's just my
12 opinion.

13 MR. BAILEY: Anyone else like to be heard on this
14 motion? The motion is to adopt the 2007
15 basic child support schedule of obligation.

16 MS. NELSON: We're still saying that the judge
17 has the right to use discretion even if we
18 adopt the chart; am I correct?

19 MR. BAILEY: We're not doing away with any
20 judge's discretion. That's correct.

21 Any further comments from any
22 Committee member? We certainly don't want
23 to rush into this. We've been discussing

1 this for some time, and the Chair does not
2 want to have any sort of quick vote for lack
3 of a better word. Any further discussion?

4 (No response.)

5 MR. BAILEY: I'm going to call for the vote on
6 the adoption of the 2007 updated schedule of
7 basic child support obligations. If you'll
8 raise your hand -- if you're in favor,
9 please raise your hand.

10 (Vote was taken.)

11 MR. BAILEY: All right. I'm going to count.
12 One, two, three, four, five, six, seven,
13 eight, nine, ten -- eleven, and I assume one
14 vote against. Thank you.

15 All right. That is a lot of work
16 that's behind us. I want to congratulate
17 the Committee on that. That is a lot of
18 work. All right.

19 Health insurance. We've tabled issue
20 two, credit for other children. Health
21 insurance. Do we want to consider now
22 either keeping the entire premium as the
23 current rule or do we want to consider

1 reducing the premium to the child's portion,
2 prorating, so on, so forth as we've
3 discussed? What's the pleasure of the
4 Committee?

5 JUDGE FORD: I move, Mr. Chairman, that we table
6 this issue because I don't know if we
7 really -- the way insurance is being paid
8 for now, the way insurance carriers -- I
9 don't know if we can do what we say we're
10 going to do.

11 MR. BAILEY: We have a motion to table this
12 issue. Do I have a second?

13 MR. POLEMENI: Second.

14 MR. BAILEY: Michael seconded. Any discussion on
15 Judge Ford's motion to table the health
16 insurance issue?

17 MS. DAVIS: I'd like to consider maybe the idea
18 of approving the concept and letting the
19 subcommittee try to work out something
20 else. Maybe I'm arguing for what your
21 motion is, but ...

22 Not to table it in the since that
23 we're not going to really try to work out

1 something for the Committee in the sense
2 that the legislature tables motions, but I
3 would like for us to continue to work on
4 this. I think it's an important area.

5 MR. BAILEY: I agree.

6 MR. POLEMENI: I agree. I don't have a problem
7 with the general concept of what is trying
8 to be done. I do think there's a whole
9 bunch of -- we really need some insurance
10 industry input to make a good decision.

11 MS. BUSH: Along with Penny's suggestion, I see
12 it as -- although it's all health insurance,
13 breaking it down into smaller parts, such as
14 voting on whole premium versus a portion,
15 but then later having a committee to
16 consider the reasonable cost and what is
17 reasonable and a percentage to be applied
18 for that and other aspects of insurance as
19 far as how the industry will affect it.

20 MR. BAILEY: That's a good point. Good point.
21 Any other discussion? I'm certainly not
22 trying to cut off discussion. We'll stay
23 here as long as we need to.

1 Any other discussion on the issue of
2 health -- table the issue of health
3 insurance as proposed by Judge Ford and
4 seconded by Michael.

5 JUDGE FORD: I would add a friendly amendment,
6 that we continue to work on this issue.

7 MR. BAILEY: We're going to continue to work on
8 it. I'm glad you're on board with that. We
9 are.

10 Any further discussion on the motion?
11 Does everyone understand the motion? The
12 motion is to table the issue of health
13 insurance for the day.

14 All in favor, raise your right hand.

15 (Vote was taken.)

16 MR. BAILEY: Eight. We have eight. All
17 opposed?

18 (Vote was taken.)

19 MR. BAILEY: Three. All right. The motion
20 carries, eight to three.

21 MS. DAVIS: I have another motion. My motion is
22 that we appoint a subcommittee to work on
23 this and bring back to the Committee the

1 next time we meet a proposal.

2 MR. BAILEY: Would you accept a friendly
3 amendment?

4 MS. DAVIS: I would, absolutely.

5 MR. BAILEY: That Steve Arnold be chair of that
6 committee and appoint members as he deems
7 appropriate.

8 MS. DAVIS: Got a volunteer to serve ...

9 MR. ARNOLD: You open that for me? Do you,
10 really?

11 MR. BAILEY: You can be heard, Steve. You've
12 worked on it so hard and so long and really
13 understand the issues so well. I think
14 Steve would be --

15 MS. DAVIS: And maybe Lyn Stuart.

16 MR. BAILEY: And Justice Stuart as well, yes.

17 MR. ARNOLD: I'll be happy to accept the
18 appointment to hold the chair seat on a
19 subcommittee. I'll contact a few people and
20 see if they'll willingly work on it with me.

21 MR. BAILEY: There being no objection, I'll
22 accept by acclamation Steve's appointment as
23 chair of the subcommittee on health

1 insurance.

2 JUDGE FORD: I'll work with you, Steve.

3 MR. ARNOLD: You may regret that.

4 MR. BAILEY: Let's talk about two issues. Number
5 one, we need to talk about meeting again. I
6 discussed with Bob and Wayne trying to get
7 around -- grapple around these issues and
8 reach some type of closure hopefully within
9 our lifetime. We've been working on this
10 since 1993. I think that's certainly long
11 enough to consider the issues that we've
12 been considering, but we may need another 15
13 years. The Committee may choose to do
14 that.

15 I would like to have another meeting
16 within 60 days. Does that sort of suit
17 everybody, try to keep it fresh on our
18 minds? Steve, is that going to give you
19 enough time to meet with your subcommittee
20 and bring us some suggestions on health
21 insurance?

22 MR. ARNOLD: Yeah, we can arrange a subcommittee
23 meeting by conference call. That will ease

1 doing it, so ...

2 MR. BAILEY: Is it the pleasure, then, of the
3 Committee that we try to convene again
4 within 60 days? Does that suit everybody?

5 (Affirmative response.)

6 MR. BAILEY: Bob, can we do that?

7 MR. MADDOX: Yes, sir.

8 MR. BAILEY: Wayne?

9 MR. JONES: Yes.

10 MR. BAILEY: All right. One other issue before
11 we adjourn, and this is an important issue
12 that's come up today. The discussion,
13 Steve, and everyone that we had about the
14 AOC's involvement, let me tell you what the
15 guidelines say. And I had to get some help
16 with reviewing this myself. Let me read you
17 what the child support guidelines say.

18 ADC --

19 I assume that's AOC.

20 MR. MADDOX: Administrative Director of Courts.

21 MR. BAILEY: Administrative Director of Courts.

22 That's right.

23 -- shall at least every four years

1 review the child support guidelines and the
2 schedule of basic child support obligations
3 to ensure the application results in an
4 appropriate child support determination. If
5 the ADC, that being the head of AOC,
6 determines that no change is required in the
7 guidelines or in the schedule, the ADC shall
8 so advise the Supreme Court.

9 I'm going to recommend that we
10 consider changing this part of the
11 guidelines and putting our Committee in the
12 forefront of being involved in reviewing the
13 guidelines and not leaving it up to the
14 director. I think we should consider that.

15 Just think about that, and when we
16 meet in 60 days, I hope to have something to
17 present to you that we can change that part
18 of the guidelines. But that is in the
19 guidelines, and I'm assuming that's part of
20 what happened. I don't know if that answers
21 anyone's questions about that, but ...

22 So I'm going to propose that we
23 consider changing that language, to having

1 our Committee be involved in the
2 determination and the review of the
3 guidelines. That will be subject, of
4 course, to the Supreme Court's approval.
5 Everything we do is subject to the Supreme
6 Court's approval.

7 All right. Do we have any further
8 business? Michael.

9 MR. POLEMENI: Kind of along the lines of new
10 business, I would like to suggest that maybe
11 we look into the possibility of
12 teleconferencing this meeting so that people
13 can listen in, similar to what the House and
14 the Senate have where you can listen in to
15 what's being discussed. Just a suggestion.

16 MR. BAILEY: I don't know if we have any funding
17 for that. I guess, Wayne, you can --

18 MR. JONES: I have no idea.

19 MR. MADDOX: That would be a Supreme Court
20 decision.

21 MR. BAILEY: A Supreme Court decision. I think
22 you're right. The Supreme Court, I guess,
23 would be the one to consider that.

1 Okay. Any other -- Wayne.

2 MR. JONES: I'm not clear. When you tabled the
3 number two, credit for other children,
4 tabled to do what? For instance, number
5 three, health insurance, it's going to be
6 supplemented.

7 MR. BAILEY: Right. Good point.

8 MR. JONES: When we tabled that credit for other
9 children, is there going to be any kind
10 of -- anybody looking into it or --

11 MR. BAILEY: Excellent point. We did not address
12 that. I'm glad you brought that up. Thank
13 you.

14 Would the Committee like to appoint a
15 subcommittee to deal with that issue and
16 report back to us at our next meeting,
17 hopefully within 60 days? What's the
18 pleasure of the Committee?

19 MR. ARNOLD: As long as I'm not on it.

20 MR. POLEMENI: I think it's a necessary thing to
21 do, but I have no expertise in that.

22 MS. DAVIS: That may be more than a 60-day -- you
23 may want to appoint a subcommittee, but I

1 don't know that you want to put a 60-day
2 time frame on it.

3 MR. BAILEY: Wayne has a good point, though.
4 Where are we leaving that issue today?
5 Wayne, I'm glad you brought that up. That
6 is an excellent point.

7 JUDGE FORD: I think essentially we're leaving it
8 with Justice Stuart's suggestion that we do
9 nothing and leave it at the total discretion
10 of the court.

11 MR. BAILEY: That's what she suggested, that we
12 leave it alone.

13 Penny Davis.

14 MS. DAVIS: Let me ask as a matter of clarity.
15 Once the Committee finishes this one
16 sub-issue, are we to continue to look at
17 issues that are presented from the public or
18 other places, that are brought to --

19 MR. BAILEY: Yes.

20 MS. DAVIS: Is it an ongoing Committee in other
21 words?

22 MR. BAILEY: We serve at the pleasure of the
23 Supreme Court, and we would take up issues

1 as the Supreme Court desires that we take up
2 and I think any other issue that Committee
3 members want to present to Wayne and Bob,
4 being the staff, for us to consider and
5 convene.

6 We still have the two issues of
7 unfinished business. I guess you're asking
8 me what happens after that. I think that
9 depends on what language we adopt in terms
10 of our continued review of this Committee
11 rather than the Administrative Director of
12 Courts of the child support guidelines and
13 enforcement issues.

14 Michael.

15 MR. POLEMENI: The Alabama family law task force
16 that was just approved may be the place to
17 address a lot of these other issues, but I
18 would think that this Committee would want
19 to have input into that task force. It's a
20 two-year task force, so it has a limited
21 life.

22 MR. BAILEY: That's a good point.

23 Jim, did you want to say something?

1 MR. JEFFRIES: A couple of comments that you and
2 Judge Ford just made. Our tabling the
3 after-born children issue was not a vote to
4 not deal with that at all, right?

5 MR. BAILEY: No. We just tabled it until our
6 next meeting.

7 MR. JEFFRIES: To accept Judge Stuart's
8 recommendation that we just not deal with
9 that, that was not the purpose of that,
10 right?

11 MR. BAILEY: No, no. It was just to table it and
12 not vote on it today.

13 Now, I guess Wayne's point is well
14 taken. Where do we go from here with that
15 issue? Do we appoint a subcommittee? Do we
16 all think about it? Do we review the
17 information that we've been furnished by
18 Jane and reconvene at our next meeting?
19 I'll certainly put that on the agenda.

20 What's the pleasure of the Committee?
21 Do we want to appoint a subcommittee or just
22 all think about it and reconvene in 60
23 days?

1 MS. NELSON: I thought there were some questions
2 asked about what were other states doing in
3 this particular area. So I would think we
4 would want to gather information from other
5 states if we're going to have further
6 dialogue at the next meeting concerning this
7 issue, if we wanted to consider something
8 other than what we have written before us
9 now.

10 MR. BAILEY: That's a good point.

11 MS. NELSON: Should that be the next step, that
12 we should consider compiling information
13 from other states in this particular area?

14 MR. BAILEY: I guess that depends on whether we
15 have funds to ask Jane to do some additional
16 work. Bob, would the Court and AOC
17 entertain some extended work by Jane to
18 address these issues and do you think that
19 could be accomplished at our next meeting --
20 by our next meeting?

21 MR. MADDOX: Sure.

22 MR. BAILEY: Does that answer your question?

23 MS. NELSON: We have a directory of all of our

1 IV-D directors, you know, so I could easily
2 just send each of them an e-mail if you
3 want --

4 MR. BAILEY: That would be great.

5 MS. NELSON: -- this specific information and
6 just compile it for the next meeting. That
7 would be no cost to the Committee, if you
8 wanted to consider that.

9 MR. BAILEY: That would be wonderful.

10 MS. NELSON: Just give me what questions it is
11 that you want to be addressed, and then I
12 can put it out there and get a response back
13 from them and forward that information to
14 AOC for the next meeting if you choose to
15 proceed that way.

16 MR. BAILEY: Wonderful. Exercising the
17 prerogative of the Chair, I'm going to
18 appoint you to do that, Faye, and thank you
19 so much.

20 JUDGE FORD: Expanding on what Faye is saying, we
21 need to determine what we're doing in our
22 own state, the judges around the state,
23 determine what are they doing with the

1 issue. We may have 68 different solutions,
2 but at least we know exactly what's being
3 done.

4 MR. BAILEY: Bob or Wayne, is there a mechanism
5 for us to do that with some of the family
6 court judges just to get a sense of what
7 they're doing? Is that a big project?

8 MR. MADDOX: I'll have to check, obviously, with
9 my bosses. I'll check on it.

10 MR. BAILEY: Does that seem like a big project?

11 MR. MADDOX: You can these days e-mail all the
12 judges a survey. Believe it or not, we get
13 quite a good response that way.

14 MR. BAILEY: Any further discussion? Any other
15 new business?

16 Wayne.

17 MR. JONES: The one recommendation that's been
18 approved, do you want that one
19 recommendation reported to the Court -- AOC
20 to the Court, or do you want it held until
21 we rule on the other two issues and report
22 it all to the Court at the same time?

23 MR. BAILEY: Good question. Good question. I

1 certainly will entertain a motion or the
2 consensus of the Committee. I would be in
3 favor of going ahead and forwarding that
4 recommendation to the Supreme Court.

5 MR. POLEMENI: I would second it.

6 MR. BAILEY: It's been considered by them now for
7 several years, and I'd be in favor -- I
8 think they have a conference, Wayne, in
9 August.

10 MR. JONES: I think you may be right. I know
11 it's a couple of months off.

12 MR. BAILEY: So if we could go ahead and -- I
13 mean, my thinking was that once we voted on
14 it, it would be submitted to the Supreme
15 Court for their consideration.

16 MR. JONES: Through the AOC?

17 MR. BAILEY: That's what the current procedure
18 is. We may change that in 60 days, but
19 that's right.

20 My thinking was, it was going to be
21 forwarded to the Court for their
22 consideration through AOC immediately. If
23 somebody wants to make a motion to delay

1 that or we want to change that, I certainly
2 would entertain some discussion.

3 Is that the consensus of the
4 Committee, that Wayne go ahead?

5 (Affirmative response.)

6 MR. BAILEY: That was my understanding.

7 Okay. Before entertaining a motion to
8 adjourn, let me just mention one thing. We
9 were talking about national programs, and
10 Judge Ford was absolutely right to point out
11 about our state involvement in the national
12 child support effort.

13 Just for the record, I want to again
14 point out that in 1992, Congress in the
15 House, Ways and Means Committee evaluated
16 all the state programs. They only did it
17 one time, in '92. Alabama was ranked number
18 one. They have never re-ranked the states.
19 States have never been considered again for
20 national ranking. So if you're asked,
21 Alabama still is the number one child
22 support program in the nation. It's been
23 since '92, but we're still number one.

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Can I entertain a motion, please, to
adjourn.

JUDGE FORD: So moved.

MR. BAILEY: Judge Ford moves we adjourn. Steve,
do you want to --

MR. ARNOLD: Second.

MR. BAILEY: All in favor.

(Unanimous response.)

MR. BAILEY: We're adjourned. Thank y'all so
much.

(Meeting adjourned at 12:23 p.m.)

* * * * *

MEETING ADJOURNED

* * * * *

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA:

3 MONTGOMERY COUNTY:

4 I, Lisa J. Green, CCR, Registered
5 Professional Reporter, and Commissioner for the State
6 of Alabama at Large, do hereby certify that I reported
7 the Advisory Committee on Child Support Guidelines and
8 Enforcement meeting held on Friday, May 16, 2008.

9 The foregoing 119 computer printed pages
10 contain a true and correct transcript of the meeting.

11 I further certify that I am neither of kin
12 nor of counsel to the parties to said cause nor in any
13 manner interested in the results thereof.

14 This 3rd day of June 2008.

15
16
17
18 _____
19 Lisa J. Green, ACCR #334
20 Expiration Date: 9-30-2008
21 Registered Professional Reporter
22 and Commissioner for the State
23 of Alabama at Large