

WordPerfect Document Compare Summary

Original document: C:\Users\Amanda Cox\OneDrive - Alabama Appellate Courts\Desktop\amanda files 2\Amanda Cox files\Child Support Committee\2021-update\Rule Changes\Rule Changes.draft8.wpd

Revised document: C:\Users\Amanda Cox\OneDrive - Alabama Appellate Courts\Desktop\amanda files 2\Amanda Cox files\Child Support Committee\2021-update\Rule Changes\Rule Changes.draft11.wpd

Deletions are shown with the following attributes and color:

~~Strikeout~~, **Blue** RGB(0,0,255).

Deleted text is shown as full text.

Insertions are shown with the following attributes and color:

Double Underline, Redline, **Red** RGB(255,0,0).

The document was marked with 41 Deletions, 56 Insertions, 0 Moves.

Appendix B
Proposed Amendments to Rule 32, Ala. R. Jud. Admin.

Amendment to Rule 32(A)(1)(e)
(addition redlined; deletion struck-out)

(e) The assumption under the Schedule of Basic Child-Support Obligations Internal Revenue Service tax code that the custodial parent will claim the federal and state income-tax exemptions for the children in his or her custody will not be followed in the case;

Amendment to Rule 32(B)(8)
(additions redlined; deletions struck-out)

(8) Child-care costs.

(a) Child-care costs, incurred on behalf of the children because of employment or job search of either parent, shall be added to the "basic child-support obligation." Child-care costs shall not exceed the amount required to provide care from a licensed source for the children, based on a schedule of guidelines developed by the Alabama Department of Human Resources. Before the Alabama Department of Human Resources implements any revision to the schedule of child-care-cost guidelines, it shall provide the Aadministrative Ddirector of Ccourts ("the"the ADC²") a copy of the revised schedule. The ADC shall, as soon as reasonably practicable thereafter, disseminate the revised schedule to all circuit and district court judges and clerks and the Family Law Section of the Alabama State Bar. The clerks shall maintain the current schedule in their respectivehis or her offices, shall make it available for review, and shall provide copies of it on request, at the customary cost for copies of documents.

(b) After the total child-support obligation is calculated, the amount added pursuant to subsection (B)(8)(a) shall be deducted from the share of the total child-support obligation of the parent who actually pays the

child-care cost.

Amendment to Rule 32(C)(1)

(deletion struck-out)

Basic child-support obligation. The basic child-support obligation shall be determined by using the schedule of basic child-support obligations. The category entitled “combined adjusted gross income” in the schedule means the combined monthly adjusted gross incomes of both parents. “Adjusted gross income” means gross income less preexisting child-support obligations, less preexisting periodic alimony actually paid by a parent to a former spouse. For combined adjusted gross-income amounts falling between amounts shown in the schedule, the lower value shall be used if the combined adjusted gross income falls less than halfway between the amounts shown in the schedule. Where the combined adjusted gross income falls halfway or more than halfway between two amounts, the higher value shall be used. The category entitled “number of children due support” in the schedule means children for whom the parents share joint legal responsibility and for whom child support is being sought. The court may use its discretion in determining child support in circumstances where combined adjusted gross income is below the lowermost levels or exceeds the uppermost levels of the schedule.

Amendment to Rule 32(C)

(Adds completely new subsections (5) and (6))

(5) ~~ALTERNATIVE CHILD-SUPPORT CALCULATION BASED ON THE SELF-SUPPORT RESERVE (“SSR”) CALCULATION.~~

(a) The ~~alternative child-support~~ ~~SSR~~ calculation ~~based on the SSR~~ is used to ensure that the obligor's basic subsistence needs are met.

(b) The amount of the SSR, \$981, is based on the ~~most recent~~ ~~2021~~ federal poverty levels, adjusted for Alabama incomes.

(c) To perform the ~~alternative child-support~~SSR calculation based on the SSR, first determine the "Income Available for Child Support After SSR" by subtracting the SSR amount from the "Monthly Adjusted Gross Income" entered on Line 12 of the Child-Support Guidelines form; the difference should be entered on Line 11 of the Child-Support Guidelines form. Next, calculate the "Max Recommended Child-Support Amount After SSR Income Available for Support," by entering 85% of the amount entered on Line 11 of the Child-Support Guidelines form onto Line 12 of the Child-Support Guidelines form.

(d) The "~~Recommended~~ Child-Support ~~Obligation—Before Consideration of Zero Order or Minimum \$50 Obligation~~" on Line 13 of the Child-Support Guidelines form is the lesser of the "~~Recommended~~"Each Parent's Adjusted Child-Support Amount Obligation" on Line 10 of the Child-Support Guidelines form and the "~~Max Recommended Child-Support Amount After SSR~~Income Available for Support" entered on Line 12 of the Child-Support Guidelines form.

If the amount entered on Line 12 is less than \$50, there is a rebuttable presumption that a \$50 minimum amount should be entered.

(6) ZERO-DOLLAR ~~OR MINIMUM CHILD-SUPPORT~~ ORDER. -

(a) If the obligor has no gross income and receives only means-tested assistance, there is a rebuttable presumption that a zero-dollar order shall be entered. If the obligor has no gross income and is incarcerated or institutionalized for a period of more than 180 consecutive calendar days, there is a rebuttable presumption that a zero-dollar order shall be entered. Completion of the standardized Child-Support Guidelines form, Child-Support-Obligation Income Statement/Affidavit form, and Child-Support Notice of Compliance form specifying the reason for the zero-dollar child support order is required.

(b) If the conditions for the zero-dollar child-support order in

~~subsection (C)(6)(a) are not met, and the obligor has a gross income less than an amount based on the most recent federal poverty levels, adjusted for Alabama incomes, there is a rebuttable presumption that a fifty-dollar minimum obligation, less any payments toward health-care coverage or work-related child-care costs, shall be entered. In no event shall an order be entered less than zero dollars.~~

~~— (c) Lines 14 and 15 of the Child-Support Guidelines form shall be used only if either the Zero-Dollar or the Minimum Child-Support Order provision applies. If either the Zero-Dollar or the Minimum Child-Support Order provision applies, the Final Child-Support Order shall be equal to the "Final Child Support Order after Payments Adjustment" entered on Line 15. If neither the Zero-Dollar nor the Minimum Child-Support Order provision applies, the Final Child-Support Order shall be equal to the "Child Support Obligation before Consideration of Zero Order or Minimum \$50 Obligation" entered on Line 13.~~

Preface Relating to Scope

Preface ~~Relating~~Relating to ~~Scope~~Scope. This rule, as amended effective ~~January~~July 1~~January~~January, ~~2022~~2019~~2022~~, shall apply to all new actions filed or proceedings instituted on or after ~~January~~July 1~~January~~January, ~~2022~~2019~~2022~~. Any actions or proceedings instituted before ~~July 1~~January, ~~2022~~2019~~2022~~, shall be governed by Rule 32 as it read before ~~July 1~~January, ~~2022~~2019~~2022~~.
