

MEETING OF THE ADVISORY COMMITTEE ON  
CHILD SUPPORT GUIDELINES  
AND ENFORCEMENT FOR THE STATE OF ALABAMA

FRIDAY, MARCH 24, 2023

10:00 a.m. CDT

LOCATION HELD:

Heflin-Torbert Judicial Building

Mezzanine Room

300 Dexter Avenue

Montgomery, Alabama 36104

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## APPEARANCES:

The Honorable Greg Cook,	Associate Justice, Supreme Court of Alabama, Montgomery
The Honorable Don McMillan,	Circuit Judge, 4th Judicial Circuit (Bibb, Dallas, Hale, Perry, and Wilcox Counties)
The Honorable Patricia Stephens,	Circuit Judge, 10th Judicial Circuit, (Jefferson County)
The Honorable Calvin Williams,	Circuit Judge, 15th Judicial Circuit, (Montgomery County)
Professor Penny A. Davis,	University of Alabama School of Law, Tuscaloosa (Chair)
Jennifer M. Bush,	Esquire, Attorney Legal Division, Alabama Department of Human Resources, Montgomery
Katie Steinwinder,	Esquire, Attorney Montgomery
Ms. Lathesia McClenney,	Director, Child Support Enforcement Division, Alabama Department of Human Resources, Montgomery

**APPEARANCES:**

Melody Baldwin,	Esquire, District Attorney's Office, 5th Judicial Circuit, (Dadeville)
Emily Hawk Mills,	Esquire, Attorney, Gadsden
Alyson M. Hood,	Esquire, Attorney Birmingham
Candance "Candi" Peeples,	Esquire, Attorney, Birmingham
Laura Wells,	Esquire, Attorney Dothan
Ms. Shirlee Beach,	Morgan County Department of Human Resources, Decatur
Ms. Rhonda Wilson,	Department of Human Resources, Bessemer
Stephanie Blackburn	Esquire, Staff Attorney, Supreme Court Clerk's Office, Montgomery
Ms. Lisa Clark,	Policy and Procedures Specialist, Child Support Enforcement Division, Alabama Department of Human Resources, Montgomery

Ms. Vernecia Howell

Program  
Specialist,  
Child Support  
Enforcement  
Division, Alabama  
Department of  
Human Resources,  
Montgomery

Bob Maddox,

Esquire, Staff  
Attorney, Legal  
Division, Alabama  
Administrative  
Office of Courts,  
Montgomery

Dr. Jane Venohr,

Center for Policy  
Research, Denver,  
Colorado  
(VIA ZOOM)

Beverly Slack

Court Reporter

1                                   \* \* \* \* \*

2

3                   PROFESSOR DAVIS:   Okay, well thank you  
4 all for being here.  We want to welcome -- this is  
5 the Advisory Committee for the Child Support  
6 Guidelines and Enforcement, which is appointed by  
7 the Alabama Supreme Court.  And, so welcome to all  
8 of you.

9                   We did get a text from Emily and she is  
10 on the interstate as she says because of a traffic  
11 event ahead, at some point.  So, she hopes to be  
12 able to join us.

13                   So, we want to go ahead and get started,  
14 so she may ease in, hopefully, momentarily.

15                   Let me start by introducing to you, we  
16 have Beverly Slack, our court reporter.  And,  
17 Beverly is new to us.  So, let me remind us that  
18 we need to make sure we try not to talk over each  
19 other as we did last time.

20                   And, I didn't realize how much we did  
21 that until I was reading the transcript.  So, we  
22 make it difficult when we do that.

23                   I also felt like it was kind of positive

1 because we were all so excited about the subject  
2 matter that I think that's a plus, but it's a  
3 negative to the court reporter.

4 So, let's try to not talk over each  
5 other. And, also, even though there is our name  
6 plate in front of us, which I think is very  
7 helpful, but, obviously, she cannot see all the  
8 name plates.

9 So, if you would try to do not as I do,  
10 but if you would mention your name before you  
11 speak, or as you begin to speak, or part of the  
12 way through, if you think about it, I think that  
13 would be helpful to her, also, if you could do  
14 that.

15 So, Beverly, do you have anything you  
16 would like to say to the Committee?

17 COURT REPORTER: No, ma'am.

18 PROFESSOR DAVIS: Okay, thank you. So,  
19 we're going to start and have all of the Committee  
20 members introduce themselves. We are fortunate to  
21 have distinguished Justice Cook joining us.

22 So, do you mind being our line leader  
23 and starting our introductions around?

1           HONORABLE COOK: Sure, I'm excited to be  
2 here. This is my second meeting and I learned a  
3 great deal in the first meeting. I may ask some  
4 of the same questions.

5           PROFESSOR DAVIS: Perfect.

6           HONORABLE COOK: I am here to listen and  
7 ask questions that you might hear from the public  
8 because it has not been my area of practice. So,  
9 I am learning on-the-job, Penny.

10          PROFESSOR DAVIS: Thank you and that's a  
11 very valuable asset to both the Committee members  
12 and, you, in particular, but also as you indicated  
13 to the lay people.

14          MS. HOOD: My name is Alyson Hood. I'm  
15 from Birmingham and I'm at the Bloomston Firm, a  
16 Private Practitioner. This is my first meeting.  
17 I've been to one Subcommittee meeting, but I'm  
18 here to hopefully learn and, I guess, speak from  
19 the private sector as well.

20          PROFESSOR DAVIS: Thank you.

21          MS. STEINWINDER: Katie Steinwinder.  
22 I'm in private practice in Montgomery.

23          PROFESSOR DAVIS: And, if you would,

1 those that have been on the Committee before and  
2 are new, would you identify that aspect of your  
3 service on the Committee so that the new people  
4 will know who is new and who is not?

5 MS. STEINWINDER: I think this is my  
6 second term.

7 PROFESSOR DAVIS: Thank you.

8 MS. PEEPLES: Good morning, I'm Candi  
9 Peeples. I'm from Birmingham as well. And,  
10 Alyson and I -- we're twins. Pretty much the  
11 same. This is my first meeting as well. I'm also  
12 a private practitioner and my firm is the Peeples'  
13 Firm, Peeples' Law in Birmingham. I do all family  
14 law.

15 I'm excited to and honored to be a part  
16 of this Committee meeting. And, just glad I'm  
17 here.

18 MS. BEACH: I'm Shirlee Beach. I'm from  
19 Decatur, Morgan County. I represent the Alabama  
20 Child Support Association on this Committee.

21 And, this is my second term. And, as  
22 Melody and I were speaking a few minutes ago, I'm  
23 always honored to be in a room with the smartest



1 people I know.

2 MS. BALDWIN: I'm Melody Baldwin. I'm  
3 in the Child Support Division, Prosecutor in the  
4 District Attorney's office for the 5th Judicial  
5 Circuit. That's the office in Dadeville in  
6 Tallapoosa County.

7 MS. BUSH: I am Jennifer Bush. I'm the  
8 DHR Legal Counsel for Child Support. I don't know  
9 how many terms, but it's been 21 years I've been  
10 on the Committee.

11 MS. McCLENNEY: Lathesia McClenney,  
12 Division Director for Child Support Enforcement  
13 Program, the Alabama Department of Human  
14 Resources. I've been on the Guidelines Committee  
15 since my time in that position, which has been  
16 since 2016.

17 PROFESSOR DAVIS: I'm Penny Davis. I'm  
18 the Chair of the Committee and I honestly don't  
19 know how many years I've been on the Committee.  
20 We've been on -- for at least 21 years. Is that  
21 what you're saying, that long?

22 MS. BUSH: Yes.

23 PROFESSOR DAVIS: I've enjoyed the

1 opportunity to get to know a lot of very  
2 knowledgeable attorneys and judges. And, I  
3 appreciate the opportunity to work for the lay  
4 people throughout those years.

5 MR. MADDOX: Good morning. I'm Bob  
6 Maddox. I'm a Staff Attorney in the  
7 Administrative Office of Courts here in the  
8 Building.

9 I've been liaison to this Committee, I  
10 hate to say probably about, this is my 30th year,  
11 1993, if I remember right. A long time.

12 HONORABLE WILLIAMS: Wow, that's a long  
13 time, Bob. Good morning, I'm Calvin Williams, I'm  
14 Circuit Judge, Montgomery County, Family Court  
15 Division. I think this may be my second term on  
16 the Committee. Some good work being done on this  
17 Committee.

18 MS. WILSON: Rhonda Wilson, Attorney for  
19 the Bessemer Child Support Office. This is my  
20 first term.

21 MS. BLACKBURN: I'm Stephanie Blackburn.  
22 I'm a Staff Attorney for the Supreme Court. I'm a  
23 Liaison in the Supreme Court, but before that, I

1 was actually on the Committee.

2 MS. WELLS: I'm Laura Wells. I am a  
3 sole practitioner in Dothan and I primarily do  
4 Family Law, Juvenile. I've had a Juvenile  
5 contract for the last 10 years and I've just  
6 recently came off that into this Circuit/Criminal  
7 Contract. So, 10 years.

8 But, this is my first year on this, my  
9 first assignment on the Committee. And, I will  
10 admit I was a little irritated when I found out I  
11 had been appointed to a Committee because I, to  
12 start with, I was kind of like, "I don't have time  
13 to be on a Committee."

14 But, once I jumped into it and got to  
15 realize that this is important work. And, we need  
16 people that have seriously had their boots on the  
17 ground practicing in this field to recognize how  
18 this all really works in real life and that it's  
19 important.

20 And, so, it's a good thing and I've  
21 reconciled myself to it. So, I will serve  
22 diligently.

23 HONORABLE STEPHENS: Good morning. I am

1 Patricia Stephens and I've been a Circuit Judge in  
2 the 10th Judicial Circuit for the last 10 years.

3 I was only recently appointed. You're  
4 shaking your head.

5 MS. WELLS: I can't believe it's been 10  
6 years.

7 MS. HOOD: I know. I didn't know it was  
8 10 years.

9 HONORABLE STEPHENS: It's been 10 years.  
10 And, I was only recently appointed, but Bob  
11 recognized my interest in what was going on with  
12 the Committee and would invite me to the meetings,  
13 Zoom and me here in Birmingham.

14 So, I kind of feel like I'm at home,  
15 even though, I just got appointed.

16 PROFESSOR DAVIS: We appreciate your  
17 interest in and your participation in the past,  
18 too.

19 HONORABLE STEPHENS: Thank you.

20 PROFESSOR DAVIS: So, we certainly do  
21 welcome your official participation with the  
22 group.

23 Stephanie, I think the question now is,

1 do we have a quorum?

2 MS. BLACKBURN: We do.

3 PROFESSOR DAVIS: Yay.

4 MS. BLACKBURN: I'm very happy about  
5 that.

6 PROFESSOR DAVIS: That's not always easy  
7 to be accomplished because as you've heard, we  
8 have Dothan from the north/south range of the  
9 State. And, so we appreciate the efforts that the  
10 Court makes to include all practitioners, the  
11 rural areas, the central area of the State in a  
12 lot of areas. And, just make a great cross  
13 section of the Alabama Bar and we do appreciate  
14 the efforts there.

15 So, Bob would you talk about the notice  
16 to the public, please?

17 MR. MADDOX: Yes, ma'am. Notice to the  
18 Public was made to the outlets around the State  
19 by e-mail dated February 24th, 2023 informing them  
20 about this meeting. I saw it was posted, at least  
21 by the State Bar in their little publication, the  
22 Scoop.

23 So, we had informed them about the

1 meeting and where the materials are located on the  
2 website.

3 PROFESSOR DAVIS: And, the materials for  
4 anyone that reads this transcript in the public,  
5 if they want to go back. Bob, do you remember how  
6 far back it would be?

7 MR. MADDOX: In 2004.

8 PROFESSOR DAVIS: In 2004. So,  
9 certainly --

10 MR. MADDOX: If you have any free time,  
11 you're welcome to read all of them.

12 PROFESSOR DAVIS: And, the transcripts  
13 are very extensive, but also, all the documents  
14 that the Committee has looked at. And, for the  
15 new Committee members, again, if you have the  
16 time, then it's helpful to sort of inform how  
17 prior decisions were made.

18 All right. So, let's start -- let's  
19 ask, first, does anybody have any corrections,  
20 omissions relating to the transcript that we need  
21 to make any changes to?

22 MS. BALDWIN: This is Melody Baldwin. I  
23 just have one, Page 48, Line 20. It says,

1 "Data filing." I'm sure that it was written  
2 exactly how I enunciated it. But, that's supposed  
3 to be, "date of filing."

4 PROFESSOR DAVIS: Okay.

5 MS. BALDWIN: I wouldn't make the  
6 change, except for, probably -- well, that's it.

7 PROFESSOR DAVIS: Well, we want to make  
8 sure it's clear to the lay person.

9 MS. BALDWIN: Right.

10 PROFESSOR DAVIS: Thank you. Any other  
11 changes?

12 MS. BALDWIN: No.

13 PROFESSOR DAVIS: And, I will say this,  
14 Dr. Venohr and I both get the transcript ahead of  
15 time. So, we have made a few minor changes in  
16 words, things like that.

17 So, what you get is a little bit of the  
18 version that has those kind of corrections. Any  
19 other corrections?

20 (Committee members responding negatively.)

21 PROFESSOR DAVIS: Okay. Thank you. So,  
22 we need a motion to accept the transcript as  
23 amended. Does anyone want to make that motion?

1 MS. PEEPLES: I will make the motion.

2 PROFESSOR DAVIS: Okay, thank you.

3 COURT REPORTER: Who made the motion?

4 MS. PEEPLES: Candi.

5 MS. STEINWINDER: Katie Steinwinder,  
6 I'll second it.

7 PROFESSOR DAVIS: Did you get their  
8 names?

9 COURT REPORTER: Yes.

10 PROFESSOR DAVIS: Okay. We have a  
11 motion and a second. All in favor, say Aye.

12 (Committee members responding, "Aye".)

13 PROFESSOR DAVIS: Any opposed?

14 (No response from Committee members.)

15 PROFESSOR DAVIS: So moved. All right.  
16 So, we'll start with our agenda items unless  
17 someone on the Committee has something we need to  
18 address before we get to that.

19 Okay. The first thing that I want to  
20 discuss with the Committee is to get your  
21 feedback. Bob and I had discussed whether we  
22 thought it would be necessary, or beneficial for  
23 us to do training sessions relating to the



1 amendment that was just passed by the Supreme  
2 Court.

3           The amendments relating to the shared  
4 custody that was just sent up and the Court  
5 approved. If you will recall, Jennifer and Brian,  
6 who is with grandchildren today and they travel  
7 the circuit throughout the State and did  
8 presentations to DHR folks on the last Supreme  
9 Court changes that we made. And, we also had a  
10 version that was taped and was put online.

11           And, so, I just wanted to open up for  
12 discussion whether we thought that was necessary.  
13 We do have a new form and I'll say this, I said it  
14 at the time and I'll say it now.

15           The star was Brian because he went  
16 through all the forms and that was real helpful.  
17 And, I did talk to him earlier. He could not be  
18 here today, but he said he would be happy to do  
19 that, again. So, let's leave that on the table  
20 and open it up.

21           If any of you have questions, or any  
22 substantial questions from attorneys that are not,  
23 or judges that are not on the Committee that had

1 mentioned whether they would like any type of  
2 special training?

3 MS. HOOD: This is Alyson Hood. And, in  
4 Jefferson County, I do know that there have been  
5 requests made for some training, or the trainings,  
6 at least.

7 HONORABLE STEPHENS: And, my opinion is  
8 that it is absolutely necessary. Especially, in  
9 Jefferson County, we have a lot of newer  
10 attorneys; our veterans, like Candi and Alyson  
11 will do what they need to do to research, but I  
12 think it will help the newer attorneys if we had  
13 the training.

14 PROFESSOR DAVIS: And, when Bob and I  
15 were talking, we also felt like there was a number  
16 of lay people, parents that would have to do some  
17 calculations.

18 And, while we realize it's not a  
19 substantial difference, but it's a new Schedule.  
20 And, it's a new Schedule on top of a Schedule that  
21 was redone just recently in the last couple of  
22 years.

23 So, if you have someone that's maybe not

1 previously sought modification. It's kind of a  
2 learning curve. That was our thought. That might  
3 be a little bit steeper than normal.

4 So, if you all think that would be  
5 appropriate, then we'll probably, we'll do that  
6 and we'll work with AOC to do that.

7 MR. MADDOX: Yes.

8 PROFESSOR DAVIS: And, if DHR wants us  
9 to do something similar, or do a version that's  
10 online, we can do that, too. Yes, ma'am.

11 MS. PEEPLES: I was going to --

12 PROFESSOR DAVIS: Yes.

13 MS. PEEPLES: This is Candi, again. I  
14 was going to suggest the virtual thing, too. I  
15 think it would be fabulous.

16 I know that so many lawyers have gotten  
17 really used to Zoom. And, different judges  
18 allowing those type of appearances.

19 We might even make it even more  
20 available to people because not having to attend  
21 something in person, but just being able to watch  
22 it. That would be extremely helpful.

23 PROFESSOR DAVIS: And, that's kind of

1 what we did with the -- the last time, we did the  
2 in-persons. And, then did we take one of them, or  
3 copy the one that was submitted? I can't  
4 remember.

5 MR. MADDOX: I believe so, yes.

6 PROFESSOR DAVIS: We wound up, yes,  
7 Brian is very good about electronics and things.  
8 So, we wound up getting one together.

9 MR. MADDOX: We videotaped it, actually,  
10 on a laptop.

11 PROFESSOR DAVIS: Yes, that's right.  
12 And, when I talked to him, he said he would be  
13 happy to do the same things that we did before.

14 So, if everybody is good with that, then  
15 we'll proceed. You may, or may not get a phone  
16 call from me saying, "Would you like to  
17 participate?" So, you are forewarned, don't  
18 answer the phone if I call.

19 MR. MADDOX: But, in my opinion, Bob  
20 Maddox, the dream team of Penny Davis, Brian Gray  
21 and Jennifer Bush got all A's last year.

22 PROFESSOR DAVIS: Yes.

23 MR. MADDOX: That may be the starting

1 team, especially, Brian.

2 PROFESSOR DAVIS: Brian is the star.  
3 Officially, on record, he's the star, in general.

4 MR. MADDOX: I will say -- I'm sorry.

5 PROFESSOR DAVIS: Go ahead.

6 MR. MADDOX: I will say I did mention to  
7 Penny, it is just this one amendment with the  
8 form. And, I guess, we're talking selfishly from  
9 the Administrative Office of Courts.

10 Also, this takes quite a lot of work to  
11 put together in-person training sessions. Sending  
12 out information, getting hand-outs printed.

13 And, because it's such a -- I don't want  
14 to say a small change. It is a big change in a  
15 new form, but, to me, virtual is probably the  
16 better option. We've got the short turn-around  
17 time before June.

18 So, my question to you all is as judges,  
19 attorney's and practitioners, DHR, would it be  
20 better to do a live virtual, or can we just tape  
21 it, or have it out for people to watch? What's  
22 the preference there?

23 HONORABLE STEPHENS: My opinion --

1 MS. WELLS: No, go ahead.

2 HONORABLE STEPHENS: -- is live virtual  
3 so that you can entertain questions.

4 MR. MADDOX: So, you would prefer live?

5 PROFESSOR DAVIS: Like a Zoom and people  
6 could ask questions?

7 MR. MADDOX: And, then maybe tape that  
8 one.

9 MS. WELLS: Yes, tape it.

10 MS. PEEPLES: It's so easy to do, too.  
11 Kill both birds with one stone and then you can  
12 publish the Zoom.

13 MR. MADDOX: I was thinking more like a  
14 lunch-and-learn type thing. During twelve to one,  
15 most people can take a break.

16 MS. PEEPLES: Yes.

17 MR. MADDOX: Off the bench, or out of  
18 court. So, we'll explore that idea. I'll go to  
19 our Judicial College staff and see if we can't get  
20 that put together before June 1.

21 PROFESSOR DAVIS: What were you about to  
22 say, Laura?

23 MS. WELLS: The same thing, to do

1 virtual, but tape it, so that that way it could be  
2 replayed.

3           And, we have done trainings at our  
4 monthly bar meetings, like we do a CLE at every  
5 bar lunch. And, so for the people that dabble in  
6 domestic, it's a good time for them to come and  
7 learn and get updates. So, we can play it then at  
8 lunch.

9           PROFESSOR DAVIS: Yes, I think the --  
10 was it in a divorce on the Beach session?

11           MS. HOOD: I was going to say, yes, this  
12 is Alyson Hood. We are having one right off the  
13 bat. We are going to do a session to hopefully --

14           PROFESSOR DAVIS: And, that will be  
15 right before it goes into effect in May?

16           MS. HOOD: Right. It will be on June  
17 1st, which is when it's going to be presented.

18           PROFESSOR DAVIS: Right. So, it would  
19 be very timely.

20           MS. HOOD: Right.

21           PROFESSOR DAVIS: Very timely. That's  
22 good. But, I think it's -- your point about  
23 having it online is important because that means

1 that our public members can look at that, too.

2 And, if you're an attorney, you can just  
3 direct the public to look at it, also.

4 MR. MADDUX: I have included the  
5 amendments in the Guardian ad Litem  
6 Recertification, as well. They start, actually,  
7 next week in Tuscaloosa.

8 PROFESSOR DAVIS: Okay.

9 MR. MADDUX: So, all through the year,  
10 they will begin to know something.

11 PROFESSOR DAVIS: That's good. So,  
12 another opportunity --

13 MR. MADDUX: So, I'm sure the judges  
14 will have it on theirs. Somebody will present it.  
15 I'm sure Jeremy Taylor on some kind of update.

16 PROFESSOR DAVIS: Okay. Any other  
17 comments from the Committee about being able to  
18 publicize this? I think our Committee does a good  
19 job of following up, which is important.

20 Our next agenda item is a carry-over  
21 from the last couple of meetings where we've  
22 talked about the child support for multiple  
23 children. And, just for the sake of the public,



1 we had -- we take request for study issues from  
2 the lawyers and judges and from the public. And,  
3 this is a result of one of those.

4 And, so this one, Judge Williams, you  
5 were going to update us on that.

6 HONORABLE WILLIAMS: Okay. Well, good  
7 morning. Again, I'm standing in for Judge Sherman  
8 on this report from the Subcommittee on the  
9 multiple children adjustment.

10 I think we agreed that this would be  
11 presented as information only. We will not be  
12 voting on it because we kind of had a lot of  
13 different amendments going forward on the child  
14 support side.

15 So, we wanted to kind of break between  
16 new amendments to the Rules and give it time to --  
17 give the other adjustments time to settle in such  
18 as the ones we just now discussed.

19 But, you have before you your Revised  
20 Memorandum for the Recommendation of the  
21 Subcommittee on the Guidelines for multiple  
22 children.

23 And, the only adjustment that we have in

1 there is on the last page. You see the underlined  
2 portion of it. And, that was to add in Paragraph  
3 3, that, "An overpayment of child support is to  
4 the recipient of child support under the order in  
5 the case between the obligor and the obligee."

6 So, just clarification language that was  
7 added, but we had several folks attend the  
8 Subcommittee meeting on last Friday. I thought  
9 that we also wanted to clarify the language about  
10 the older, or oldest child. Did we not?

11 And, in Paragraph 2 and in Paragraph 3.  
12 Okay, we wanted to clarify that as well. That  
13 it's not just the oldest child becoming  
14 ineligible.

15 Is that my understanding?

16 PROFESSOR DAVIS: Yes.

17 MS. HOOD: Yes.

18 PROFESSOR DAVIS: It looks like it was  
19 done to some extent.

20 HONORABLE WILLIAMS: Yes, to some  
21 extent. So, was it our agreement as the  
22 Subcommittee, I believe it was to just modify that  
23 to say a child becomes ineligible, once a child

1 becomes ineligible for child support.

2 MS. HOOD: That's not --

3 HONORABLE WILLIAMS: Rather the oldest,  
4 or older. So, I think we need to make that  
5 adjustment, as well.

6 HONORABLE STEPHENS: And, that's good  
7 because -- this is Pat Stephens and because if the  
8 child support becomes self-supporting, then that  
9 would cover it.

10 HONORABLE WILLIAMS: They become  
11 ineligible. Right, and that's why we wanted to  
12 change that because ineligibility could be from a  
13 number of things, not just age, okay.

14 PROFESSOR DAVIS: In the Committee --  
15 I'm Penny Davis, I'm sorry. In the Committee  
16 Comments, the language was changed from  
17 emancipates to say the child becomes ineligible to  
18 receive child support. So, I think that was a  
19 reflection of that concept.

20 HONORABLE WILLIAMS: Of our intent.

21 PROFESSOR DAVIS: This was not picked up  
22 in the Statute. So ...

23 HONORABLE WILLIAMS: Right. And, so,

1 going forward with the Proposed Committee Comments  
2 as Penny just pointed out, the first two  
3 paragraphs eliminates the emancipate language  
4 because we know that a child could become  
5 ineligible for a number of reasons, other than  
6 just emancipating.

7           So, we just changed that to be more  
8 consistent on both of those paragraphs, to say to  
9 become ineligible to receive child support in both  
10 of those paragraphs and removed or emancipate.

11           In the third paragraph, we just added,  
12 "and paid to the obligee." If you will look at  
13 the underlying portion there. And, the higher  
14 child support continues to be withheld and paid to  
15 the obligee.

16           And, then on the last page, in the  
17 second from the last paragraph, last sentence, it  
18 added the wording, "This rebuttable presumption  
19 would not apply if the obligor did not follow the  
20 procedure outlined in subpart (g)(2) within the  
21 time prescribed therein, including providing  
22 proper notice to the obligee."

23           So, the rebuttable presumption applies

1 if done within that 60-day period, but beyond the  
2 60-day period, the rebuttable presumption would  
3 not apply. And, that would be deemed as we do  
4 now, overpayment, or gifts to the child, right?

5 PROFESSOR DAVIS: Did anybody who  
6 participated on the Subcommittee remember anything  
7 else that, or have any other comments about the  
8 changes?

9 MR. MADDOX: For clarification, I did  
10 want to point out that Judge Sherman really did a  
11 great job adding Paragraphs 2 and 3. Do you  
12 remember the discussion in the February 10th  
13 meeting?

14 There was a lot of discussion about how  
15 the voting order process would work. And, he just  
16 mirrored this Paragraph 2 after, I think --

17 HONORABLE WILLIAMS: Georgia.

18 MR. MADDOX: Georgia, as well as our  
19 current statute, Section 30-3-61, I think it is  
20 for termination-of-withholding orders.

21 MS. DAVIS: Right.

22 MR. MADDOX: Basically, where the  
23 affidavits are filed with the Clerk's office, they

1 just paid the minimum filing fee, the garnishment  
2 filing fee, which is roughly \$30.00 probably, not  
3 the full filing fee.

4           It's a sworn affidavit. It goes to the  
5 court. And, if there's not a hearing requested by  
6 DHR, or the obligee, you can -- the court can  
7 basically go ahead and issue the order for a  
8 certain period of time.

9           PROFESSOR DAVIS: Correct.

10           MR. MADDOX: So, I did want to point out  
11 those subparagraphs written by Judge Sherman, I  
12 thought it was a great idea.

13           PROFESSOR DAVIS: It is a great idea and  
14 one point that I think we would like to -- or I  
15 would like to emphasize is that in so doing and  
16 following this process, it is economically  
17 beneficial to the parent because if it didn't have  
18 this sort of streamlining process, then they would  
19 occur a larger filing fee, as well as the  
20 potential for attorney's cost that can perhaps  
21 could be avoided.

22           So, obviously, if there's going to be a  
23 dispute about the emancipation, for example, if

1 it's not related to age, then you may wind up  
2 having a hearing, but thank you for clarifying  
3 that.

4 Is there anything else, Judge Williams?

5 HONORABLE WILLIAMS: Yes, I was not here  
6 for the February 10th meeting. And, so, this  
7 discussion may have been had, but relative to  
8 Paragraph 2, I didn't bring it up at the  
9 Subcommittee meeting last Friday, but the hearing  
10 was then required to be held within 40 days, or a  
11 decision rendered within 45 days of the date of  
12 service.

13 Have there been any thought on how  
14 taxing that might be for the judges' dockets, to  
15 put that time constraint on the shelf, so it's a  
16 mandatory requirement, unless, I guess, the court  
17 only saw a motion as a cause not to hear it, but I  
18 just have some concern about that 45-day  
19 requirement in light of the heavy dockets for the  
20 judges.

21 PROFESSOR DAVIS: Well, let's open up  
22 that point for discussion in terms of the time  
23 frame.

1                   HONORABLE STEPHENS: This is Pat  
2 Stephens. Our clerk's office, once there's a  
3 filing of that affidavit, they'll put them in our  
4 box and then they'll come up to our office.

5                   And, then one of my clerks will put a  
6 note on it for the time period. But, I don't know  
7 how clerk's offices manage it in other counties.  
8 You may not get that notification like we do.

9                   HONORABLE WILLIAMS: Right.

10                  HONORABLE STEPHENS: So, the 45 days  
11 would not be an issue in my court, but I don't  
12 know about how the clerk's office would handle it.

13                  HONORABLE WILLIAMS: Yes.

14                  MR. MADDOX: Again, Judge Williams,  
15 Judge Sherman basically mirrored this after, I  
16 stand corrected, it's 30-3-62, Subsection (I) --  
17 I've got that wrong, I'm sorry.

18                  But, this mirrored that, but the time  
19 frame is 45 days and what not. So, that's where  
20 he got that from.

21                  PROFESSOR DAVIS: How many would you  
22 all --

23                  HONORABLE WILLIAMS: And, that's the



1 statute.

2 PROFESSOR DAVIS: -- anticipate in your  
3 area of practice where you have the children  
4 rolling off? What numerically, or percentage-wise  
5 number of cases do you anticipate? Just kind of  
6 give us an idea of how that would impact on the  
7 caseload?

8 HONORABLE STEPHENS: I'm Pat Stephens,  
9 again. I hate to keep talking, but I would think  
10 in the last five years, I may have had five  
11 situations in which of the children would age out  
12 within the two-year period. I really haven't had  
13 that many where it would be overwhelming.

14 MS. WELLS: This is Laura Wells. I'll  
15 say the same thing. I don't see it very often. I  
16 think probably DHR sees it more often where people  
17 have income withholding orders, that they're going  
18 through the DHR system, so they'll go through DHR  
19 to get that changed, or corrected, or modified,  
20 but I don't see it very often.

21 HONORABLE WILLIAMS: Yes. I don't see  
22 it very often, either, but going back to this 45-  
23 day Rule, which was after the termination of the

1 income withholding order that we currently use  
2 now.

3           Because those affidavits are filed in  
4 the original action, which could have been several  
5 years ago and it's no longer an active case, it's  
6 been a very big problem for us to get those  
7 affidavits in a timely manner.

8           So, notwithstanding the 45-day  
9 requirement to have a decision rendered after  
10 hearing, or whatever. Typically, I may not get  
11 those cases, or those affidavits before me because  
12 they're not flagged automatically and that may be  
13 an issue with the clerk's office. It may be three  
14 months or more before, or maybe even longer before  
15 I even see that affidavit, before my JA gets it.

16           It's just not an automatic thing because  
17 it has to come to our attention because it's found  
18 in an old disposed case, the original matter. So,  
19 it's difficult to bring it to our attention. So,  
20 that's what I'm saying.

21           MR. MADDOX: Thank you.

22           HONORABLE WILLIAMS: If we're going to  
23 have a similar process, it's going to have the

1 same issue, probably, with our clerk's office, at  
2 least.

3 MR. MADDOX: Would you propose  
4 increasing the time frames, 60 to 90 days?

5 HONORABLE WILLIAMS: I know for the  
6 obligor, the sooner, the better.

7 PROFESSOR DAVIS: Yes.

8 HONORABLE WILLIAMS: Just being  
9 realistic, it doesn't get to us in a timely  
10 manner. Maybe that's something I could just take  
11 up with the clerks and I'll just see what we can  
12 do to better process this, at least, but that's  
13 just my experience, which is different than Judge  
14 Stephens.

15 PROFESSOR DAVIS: Maybe since we've  
16 intentionally decided we're not going to vote on  
17 this we have time to kind of work out some of  
18 these kinks. Would you mind, in the meantime,  
19 talking to your clerks and getting their  
20 impression?

21 HONORABLE WILLIAMS: Yes.

22 PROFESSOR DAVIS: And, also, if the rest  
23 of you would talk with your judges and the clerks

1 where you practice and let them know this is  
2 something that we're thinking about doing and  
3 asking them how that would impact their particular  
4 county and the districts and where you're  
5 practicing, I think, you're in what, three or four  
6 counties?

7 HONORABLE MCMILLAN: Four.

8 PROFESSOR DAVIS: Okay. So, if you  
9 don't mind sort of following up and to follow-up  
10 -- Penny, I'm sorry, I knocked my name tag off the  
11 table. My apologies.

12 So -- I started to say Coach Williams.

13 HONORABLE WILLIAMS: That's okay.

14 PROFESSOR DAVIS: I'm reverting back to  
15 my high school days. We had a Coach Williams  
16 there. So, Judge --

17 MR. MADDOX: Have you got basketball on  
18 your mind?

19 PROFESSOR DAVIS: I do have basketball,  
20 for some reason, on my mind. So, Judge Williams  
21 alluded to, I think, DHR. Do you all have any  
22 feelings about how that impacted on the DHR  
23 caseload?

1 MS. BUSH: Do you have any experience  
2 with that?

3 MS. BALDWIN: Well, I can actually  
4 terminate from -- when they get served through  
5 AlaFile. The only way to hopefully get the  
6 obligee served, if they provided an address,  
7 which, typically, they don't.

8 But, I have judges that will grant it as  
9 soon as it hits their queue and I have to file. I  
10 have to set it aside.

11 So, the 45 days is not going to be a  
12 problem for us.

13 PROFESSOR DAVIS: Okay.

14 MS. BUSH: In my experience. So ...

15 HONORABLE WILLIAMS: Yes, I think it may  
16 be a clerk issue, a local clerk issue. So, for  
17 whatever reason they don't act as quickly here in  
18 Montgomery to get those before us.

19 And, I'm just wondering, the  
20 implications to that obligor when they're done  
21 late, like they're done traditionally here in  
22 Montgomery, that presumption. Does that  
23 presumption still carry what we're trying to

1 implement here and how do they recoup that money  
2 once we go way beyond this 45-day period? So ...

3 PROFESSOR DAVIS: Well, I think this --  
4 go ahead.

5 HONORABLE COOK: So, this is Greg Cook.  
6 I promise to ask dumb questions. This is all in  
7 Alacourt, right, Judge?

8 HONORABLE WILLIAMS: Yes.

9 HONORABLE COOK: So, is it a software  
10 issue for AOC? Can they flag, have Alacourt flag  
11 these motions or something?

12 MR. MADDOX: Well, I was about to say, I  
13 think a lot of these, like Melody was referencing,  
14 they're going to be filed in AlaFile, not Pro se.

15 HONORABLE WILLIAMS: And you --

16 MR. MADDOX: They have to be paper  
17 filed, most likely, but then again, the Clerk's  
18 office has got to scan that into the Judge's  
19 queue.

20 HONORABLE COOK: Right.

21 MR. MADDOX: So, again, I think it's  
22 more of a local clerk's office issue. Hopefully,  
23 they're going to scan those in timely and get it

1 to the Judge's queue it's going to flag.

2 HONORABLE WILLIAMS: Right. And, so  
3 Justice Cook, the problem that -- yes, it's been  
4 mostly with the pro se paper filing. And, those  
5 are the ones we get late.

6 HONORABLE COOK: Got it.

7 HONORABLE WILLIAMS: They're not  
8 flagged.

9 HONORABLE STEPHENS: This is Pat  
10 Stephens and they don't actually hit our motion  
11 queue and that's why the clerk's office will print  
12 them out, put them in our box downstairs.

13 HONORABLE WILLIAMS: Right.

14 HONORABLE STEPHENS: And, when the clerk  
15 goes, my clerk goes down, they bring them up  
16 because they don't actually hit the motion queue.  
17 It's scanned into the case itself. And, if you  
18 look in the case, you'll see it, but we don't get  
19 a motion in the motion queue.

20 HONORABLE WILLIAMS: That's fine.

21 HONORABLE COOK: So --

22 HONORABLE STEPHENS: And, we haven't  
23 actually filed a motion, they've just filled out

1 an affidavit.

2 HONORABLE WILLIAMS: It's just an  
3 affidavit. So, if we can get it flagged to our  
4 motion queue, we can react to it quicker, both of  
5 those.

6 MS. PEEPLES: Can it be -- can that be  
7 changed to a motion? I mean, can it be flagged  
8 that way, or --

9 HONORABLE STEPHENS: But, is it a  
10 motion?

11 MS. HOOD: No.

12 HONORABLE STEPHENS: Is it an affidavit?

13 MS. HOOD: Unless you did -- this is  
14 Alyson Hood, unless you did a motion with an  
15 affidavit attached.

16 HONORABLE STEPHENS: Which you, the  
17 attorneys, do that.

18 MS. HOOD: That's true.

19 HONORABLE STEPHENS: But, the pro se  
20 litigants don't.

21 HONORABLE WILLIAMS: Got it.

22 MS. BALDWIN: This is Melody Baldwin.  
23 That's what I was thinking, maybe there should be



1 another form. If AOC can create a form to go with  
2 it, that will put it where -- because, I think, my  
3 clerks are probably scanning it as a motion. So,  
4 therefore, everybody is getting it.

5 HONORABLE WILLIAMS: It actually shows  
6 the best solution.

7 MS. BALDWIN: Sometimes, I've gotten  
8 those courtesy copies when I think of a motion  
9 filing and maybe that's why the judges get them.  
10 If it's pro se, you're going to have to have  
11 something like that, I would think because just  
12 scanning it down, how would they otherwise be  
13 doing it, if they're not doing it to --

14 MS. WILSON: This is Rhonda Wilson.  
15 That's a problem in Bessemer because I think I'm  
16 hearing from Judge Stephens and Judge Williams,  
17 they're filed in as pro se litigants.

18 And, when they're filed in as pro se  
19 litigants, the Clerk's office files it and  
20 basically was a closed case.

21 HONORABLE WILLIAMS: Yes.

22 MS. WILSON: So, as a closed case, it  
23 never comes to the Judge's attention. And, if you

1 file it as a motion, it gets another point. And,  
2 the point gets -- that will get the attention of a  
3 Judge, or if it's in a motion, it comes in a  
4 motion queue.

5           And, I think because it's not a motion  
6 and it's not a new filing, unless it comes to the  
7 judge in a piece of paper, or a motion, they're  
8 not going to get it because I don't get it,  
9 either, because I -- I mean, when I'm looking on  
10 it, the only way I know is if it gets set for a  
11 hearing.

12           And, what -- we used to get, summarily,  
13 it would, in some kind of way, get to the judge  
14 and they would just grant it. And, I would have  
15 to file, I think, Ms. Baldwin was saying, then she  
16 would have to file a motion.

17           So, I started learning, the judge, hey,  
18 could you just start this -- since I don't get the  
19 motion, since the pro se litigant would never  
20 notify DHR, if you could just start setting them  
21 all for hearings and then that way we could  
22 determine it if there were State arrears, or  
23 whatever the situation was because it would just

1 be an issue. It would be an issue, a fundamental  
2 issue to just summarily dismiss it because the pro  
3 se would just file with the Clerk's office and a  
4 lot of times, they never notified DHR.

5 Sometimes, they didn't even notify the  
6 Plaintiff because they didn't have an address.  
7 And, so, like I don't know where she lives but  
8 they were asking for relief.

9 So, it was just a problem all the way  
10 around, but it's definitely a problem with  
11 service. And, whether you file it as a motion or  
12 just file it as an affidavit because filing it as  
13 an affidavit doesn't notify anybody of anything.

14 MS. HOOD: And, this is Alyson Hood. If  
15 you -- my experience has been, if someone files it  
16 -- hand filed it in the Clerk's office, if the  
17 case is closed, service would be perfected because  
18 we haven't withdrawn as the attorneys on the case.

19 And, we don't really see it. It doesn't  
20 pop up in our e-mail because, at that point,  
21 they've hand filed it. And, you have to go look  
22 for a hand file.

23 MS. WILSON: Right.

1 MS. HOOD: It doesn't come up on our  
2 e-mail when it's hand filed. They stamp it in.  
3 They put it on record, but you have to go look at  
4 the record if you find out something's been hand-  
5 filed.

6 Unlike, if it's filed by a lawyer, it  
7 does come in our e-mail, but for service purposes,  
8 it would be perfected on us if we don't withdraw.

9 HONORABLE WILLIAMS: This is Judge  
10 Williams. Oftentimes, it will -- it will queue  
11 up, even though it's a disposed case, if it's  
12 filed as a motion.

13 And, so, in many instances, I'll have a  
14 pro se obligor trying to ask, well, I'm asking for  
15 immediate attention, or assistance on this  
16 affidavit that I filed three months ago and nobody  
17 has given me a termination. So, and then we go  
18 back and look at why we did have to file it three  
19 months ago.

20 So, what he's done is ask for immediate  
21 relief through a motion on an affidavit that was  
22 filed three months ago that nobody brought to a  
23 judge's attention. I've had that in many

1 instances.

2 HONORABLE STEPHENS: This is Pat  
3 Stephens. I like the idea of the affidavit and  
4 the motion being done at the same time with the  
5 pro se litigants, if that's possible. And, that  
6 way, it shows up in our motion queue. And, I  
7 think that would help all the way around.

8 MR. MADDOX: Or, we would train the  
9 clerk's offices to treat it like a motion and scan  
10 it like a motion.

11 HONORABLE STEPHENS: True.

12 MR. MADDOX: Either way.

13 PROFESSOR DAVIS: What -- is there an  
14 economic cost to the parents filing a motion?

15 MR. MADDOX: Well, it's going to be the  
16 same filing fee, garnishment.

17 PROFESSOR DAVIS: So, it's no additional  
18 cost?

19 MR. MADDOX: No.

20 MS. BEACH: Well, I guess, if it was  
21 like the form, right? I mean, because I know down  
22 at the courthouse, the judges have some of these  
23 forms that are available to the public, whether

1 it's a form answer, or something like that.

2 I mean, I'm assuming this motion would  
3 be some sort of generic motion that would have  
4 filled in the blanks that they could fill out,  
5 right? I mean, is that what we're talking about?

6 I mean, if it's not going to be an  
7 additional filing fee and it would get to the  
8 judges in their queue, I mean, it might solve both  
9 problems with the attached affidavit.

10 MS. BALDWIN: This is Melody Baldwin,  
11 again. Like I say, I think our clerks are already  
12 doing that because I get them in a closed case.  
13 We're not reviewing it, but now the child's  
14 emancipated, so they file to terminate income  
15 withholding order because they think it's  
16 necessary.

17 It might not even be in form, or they're  
18 asking for early emancipation, but anyway, they  
19 file one of these affidavits asking for early  
20 emancipation, or termination of their income  
21 withholding order and I'm getting them.

22 So, I -- you might -- if you trained  
23 your clerks to do that, you might not need an

1 additional form, unless there's some reason why  
2 they can't do that. I'm pretty sure --

3 HONORABLE STEPHENS: This is Pat  
4 Stephens and I agree with you. If you have a  
5 clerk's office that you can have a conversation  
6 with and don't get, "You're not my boss." Then,  
7 it can be done that way. And, to me, that would  
8 be the best and the simplest way to do it.

9 PROFESSOR DAVIS: So, what I'm hearing  
10 is that maybe it would be a good idea for AOC to  
11 develop a form that would accompany the affidavit.

12 HONORABLE STEPHENS: Yes.

13 PROFESSOR DAVIS: And, also, maybe some  
14 additional training that the process that will be  
15 used would be that it would go and be treated as a  
16 motion, even though it's really, technically, an  
17 affidavit, only.

18 So, could -- Bob, could you go back and  
19 talk with AOC and see if that is okay?

20 MR. MADDOX: Yes.

21 PROFESSOR DAVIS: And, kind of report  
22 back. And, in the meantime, if everyone else on  
23 the Committee would talk with your judges and

1 clerks and tell them that's kind of the direction  
2 we're leaning towards and get feedback from them,  
3 also.

4           We want it to be our desire, the  
5 Subcommittee's desire, I think. And, you can  
6 correct me if I'm not speaking of -- as  
7 representing what the desire was of the  
8 Subcommittee, but I think it's to make it very  
9 simple and as inexpensive and as smooth a process  
10 as possible for the pro se's, as well as for the  
11 clients that are represented by attorneys.

12           MS. STEINWINDER: Penny?

13           PROFESSOR DAVIS: Yes, ma'am.

14           MS. STEINWINDER: Katie Steinwinder. A  
15 couple of things, I filed one earlier this week,  
16 or maybe last week in Melody's circuit and it was  
17 entered that afternoon.

18           PROFESSOR DAVIS: Okay.

19           MS. STEINWINDER: So, obviously, that  
20 circuit is doing something like she described, but  
21 in Montgomery County, sometimes, Judge Williams  
22 would get -- it would come to us as a courtesy  
23 copy of a motion, the pro se filing. And, then it



1 triggers us to know that something is going on.

2 And, we might call the Judge's JA and try to  
3 figure out what's happening.

4 I don't really know, though, Bob, what  
5 triggers that? Is that always the pro se filing?

6 MR. MADDUX: I think there's -- I'm not  
7 an expert on AlaFile. I don't use it everyday,  
8 but just from what I've heard, I think the judges  
9 can add persons to get e-mails on any case.

10 Like on the criminal side, for example,  
11 some add jails in the sheriff's offices and it's  
12 not just attorneys and parties. They can get  
13 e-mails to certain people in addition to the  
14 parties and attorneys.

15 So, if, for example, the attorneys are  
16 already on the case because it's closed, they  
17 could -- the judges could add the attorneys back  
18 in that were on the case to get a courtesy e-mail  
19 on it. That would be a training issue.

20 HONORABLE WILLIAMS: Well, I don't know  
21 what we're adding them back on. I think the way  
22 you're probably getting them is the automatic  
23 transmittals.

1           So, once that document is filed in the  
2 disposed case, if you're still showing as the  
3 attorney of record, they're going to transmit it  
4 to you, automatically, that way.

5           MS. STEINWINDER: What is the  
6 distinction, I guess, my question is between just  
7 a motion and a courtesy copy? Is that always and  
8 Bob, you may not be the right person to ask that  
9 question, but does everybody in different counties  
10 get what's literally called a courtesy copy that  
11 comes up on your e-mail as a pro se?

12           MS. HOOD: Paper filing.

13           HONORABLE WILLIAMS: Yes.

14           MS. HOOD: Like those filed with the  
15 clerk.

16           HONORABLE WILLIAMS: And, the  
17 transmittals.

18           MS. HOOD: And, everything.

19           MS. McCLENNEY: Well, it says that this  
20 is not service, correct? I mean, is that just a  
21 courtesy copy?

22           MR. MADDOX: Well, I just happened to  
23 think about this, but on the termination of the

1 IWO process, does anybody ever raise -- is there a  
2 jurisdictional issue with that? Has your  
3 jurisdiction already ended in that case, to even  
4 entertain that?

5 MS. McCLENNEY: I actually thought about  
6 that.

7 HONORABLE WILLIAMS: Not with child  
8 support. Not with child support.

9 MS. BALDWIN: This is Melody Baldwin.  
10 If the judge issued an Entitlement Order and it's  
11 still active in that point, even though there's a  
12 disposed order at the time.

13 I still think -- I mean, it's an order  
14 that's active, even though it says it's disposed  
15 of under that point and you don't want it filed as  
16 a brand new point, anyway, because what are you  
17 doing in that? And, plus, then I wouldn't get  
18 noticed or the attorney of record wouldn't get  
19 noticed or the attorney of record wouldn't get  
20 noticed, if you filed it in a brand new point  
21 because there's no attorneys of record in that new  
22 point. So ...

23 MR. MADDOX: No, I wasn't saying file it

1 as a new point. I meant, as a judge, does he or  
2 she have jurisdictional in the current one?

3 MS. BALDWIN: But, it's still an active  
4 order, even though the case is disposed on  
5 AlaFile. I mean, I --

6 HONORABLE WILLIAMS: I think under the  
7 Juvenile Code, I could be wrong, that's one of the  
8 areas that the court, the juvenile court maintains  
9 jurisdiction. I think that's one of those areas  
10 that the court maintains jurisdiction.

11 MS. BEACH: I have a -- this is Shirlee  
12 Beach. I'm sorry, I have one of those dumb  
13 questions, too. In our county and I know it's  
14 done in others, as well, all income withholding  
15 orders on IV-D cases are done administratively.

16 The court doesn't do any of them.  
17 That's whether it's a DR case, or a juvenile court  
18 case.

19 So, how is that going to be effective in  
20 those terms, since it was never a judicial  
21 withholding order to begin with?

22 PROFESSOR DAVIS: Obviously, not a dumb  
23 question. We're all sitting here sort of thinking

1 about that.

2 HONORABLE WILLIAMS: Even termination?

3 MS. BEACH: Yes.

4 MS. BUSH: So, this is Jennifer Bush.

5 We have Administrative Rules and the  
6 Administrative Code for that.

7 MS. BEACH: Okay.

8 MS. BUSH: So, we could adopt additional  
9 Administrative Codes.

10 MS. BEACH: Okay.

11 MS. BUSH: And, rules to follow that.

12 MS. BEACH: Okay.

13 MS. BUSH: As a reason to terminate the  
14 process, which would mirror this one.

15 MS. BEACH: Okay.

16 PROFESSOR DAVIS: So, just to make sure,  
17 relating to the jurisdiction of this Committee, we  
18 would not be dealing with that, but just to make  
19 sure that you all could send any proposed  
20 administrative rules changes through your  
21 channels, not through this Committee. Am I  
22 correct, or incorrect?

23 MS. BUSH: Repeat that, again.

1           PROFESSOR DAVIS: Well, we report -- our  
2 Committee is formed at the pleasure of the Supreme  
3 Court. We are their Committee.

4           So, we send recommendations to their  
5 Committee with regard to Rule 32. But, we don't  
6 ordinarily deal with the Administrative Code.

7           So, if we do this and the court agrees  
8 this is a good process, a good way to do it. And,  
9 you all are aware of it, as you are because of  
10 your participation here, then would you all  
11 initiate any changes in the Administrative  
12 Procedure's Code?

13           MS. BUSH: Yes.

14           PROFESSOR DAVIS: Okay.

15           MS. BUSH: Yes, we would take care of  
16 the administrative process completely.

17           PROFESSOR DAVIS: Okay.

18           MS. BUSH: Because that's -- we do that,  
19 now.

20           PROFESSOR DAVIS: Right.

21           MS. BUSH: So, we would get into the  
22 location where we already have our regulations for  
23 the administrative income withholding order.

1 We've got several Rules on that when we -- when we  
2 implemented the Administrative IWO, how much, when  
3 we terminate it.

4 And, so, we would just put this process  
5 in -- add that into that Administrative Code for  
6 that process.

7 PROFESSOR DAVIS: And, it would mirror  
8 what we have. So, the public would not have to be  
9 concerned about what county they were in, or  
10 whether it was a judicial determination, or an  
11 administrative order.

12 MS. BUSH: Well, so the difference would  
13 be, if it is an administrative income withholding  
14 order, they would need to file something, and we  
15 might need to think about that. So, this may not  
16 be a final answer.

17 PROFESSOR DAVIS: Okay.

18 MS. BUSH: It would be an administrative  
19 process to terminate it. So, they would not ask  
20 for a -- they would need to file their affidavit.  
21 And, again, we'd have to think about the details,  
22 but somehow DHR needs to get that affidavit, not  
23 necessarily the court because the court didn't

1 issue the IWO.

2           And, then DHR -- the request could be  
3 for an administrative hearing with DHR, a judicial  
4 hearing with a judge. And, so, it would be -- you  
5 would have to take it from a judicial process and  
6 make it a completely administrative process.

7           So, the answer to your question, would  
8 the public need to know the difference?

9           PROFESSOR DAVIS: So, the answer is yes,  
10 they kind of would?

11           MS. BUSH: Yes, they would. They would  
12 need to know --

13           PROFESSOR DAVIS: And, need to make sure  
14 where to file it.

15           MS. BUSH: If issued by the IWO, then  
16 yes, they would need to know that.

17           PROFESSOR DAVIS: So, perhaps, in the  
18 Administrative Code and, perhaps, also maybe even  
19 in this, in the comments, we might need to address  
20 that. On the website, is the Administrative Code  
21 referenced for the withholding orders and I don't  
22 remember that?

23           On our -- when we referred the public to



1 the website.

2 MS. BUSH: To DHR's website?

3 PROFESSOR DAVIS: No, to AOC's website  
4 where we had all of that.

5 MR. MADDOX: Off and on.

6 PROFESSOR DAVIS: That's what I was  
7 thinking --

8 MR. MADDOX: It goes back to DHR's  
9 website for administrative.

10 MS. BUSH: And, it may be --

11 MR. MADDOX: In terms of administrative.

12 MS. BUSH: And, it may be -- I don't,  
13 and, again, I don't want to commit to this because  
14 I would like to look at everything first to see,  
15 but it may be that we can have -- put in our  
16 Administrative Code that the judicial action,  
17 everybody just file it with the court and it will  
18 be a judicial action.

19 And, then when we get notice of that,  
20 then it works to terminate our administrative IWO.  
21 There might be some work around that.

22 PROFESSOR DAVIS: Okay.

23 MS. BUSH: Because I agree that it would

1 be -- could be convoluted and difficult for people  
2 to have the same process, but in two different  
3 locations.

4 PROFESSOR DAVIS: That's what I'm  
5 thinking. I'm thinking about the public, we need  
6 to make it as seamless as possible.

7 So, I think that's a task, to talk to  
8 Judge -- Judge, you're the co-chair or the  
9 representative of the Subcommittee to look at.

10 HONORABLE WILLIAMS: Yes, I'll mention  
11 it to Judge Sherman, but I was thinking that if  
12 it's a -- even though it may be an administrative  
13 IWO, that the court issues an order would not  
14 supercede and trump the administrative IWO. I  
15 mean, you would have to -- the employer, I mean, I  
16 would think would still act on the court's order,  
17 or you all would still get notice to intervene or  
18 request a hearing if you disagree with it. And,  
19 so wouldn't it have the same outcome, essentially?

20 MS. BUSH: That's one thing I want to  
21 research because with our administrative actions,  
22 we have the administrative due process. And,  
23 there was a long line of cases that say, as a

1 State agency, we are in charge of our  
2 administrative processes and actually  
3 the court should not get involved until that  
4 entire process, the due process is complete.

5 So, that's the kind of thing that I just  
6 need to research. I wouldn't want to commit to  
7 here that, "Yes, we can, or yes, we can't."

8 HONORABLE WILLIAMS: Okay.

9 MS. BUSH: We just need to research to  
10 see how we can make it a very streamlined process  
11 for everybody.

12 MR. MADDOX: I have a question for  
13 Shirlee. So, are these Administrative IWO's  
14 issued in pending cases, or outside of the court  
15 system?

16 MS. BEACH: Both, both. They are issued  
17 automatically many times when we get notice of a  
18 new employer. The original one in our county --  
19 the original one is done by the child support  
20 worker when they get back to the office after an  
21 order is entered.

22 And, it's a pretty big deal for our  
23 clerk's office. If someone asks about a

1 withholding order, or in any case, they just go,  
2 "We don't do that." They automatically send them  
3 to DHR to be administrated.

4 So, the original one is done in all  
5 forwarding cases. And, I know it is that way in  
6 some of the counties, not all, but in some.

7 (Ms. Emily Hawk Mills joins the meeting at  
8 approximately 11:00 a.m. CDT.)

9 PROFESSOR DAVIS: And, we'll let the  
10 record show that Emily has joined us from the  
11 parking lot, from the interstate.

12 MS. MILLS: I apologize.

13 PROFESSOR DAVIS: No, no, we're happy to  
14 have you here. We are discussing the Subcommittee  
15 report just to kind of catch -- to give you a  
16 chance to kind of catch your breath and catch up  
17 with us.

18 There still is more work that needs to  
19 be done. And, Jennifer, you're on the  
20 Subcommittee, anyway. And, Lathesia, to the  
21 extent that you want to jump in with Jennifer, you  
22 can add yourself to the Subcommittee. We'd love  
23 for you, or anybody else representing DHR. It

1 just is an experience --

2 MR. MADDOX: We have discussed, too,  
3 about their checking with the Atlanta Regional  
4 Office once this proposal is firmed up to see if  
5 this --

6 PROFESSOR DAVIS: We want to make  
7 sure --

8 MR. MADDOX: -- passed mustard.

9 PROFESSOR DAVIS: -- and, Jennifer has  
10 done some preliminary research and felt like it  
11 would, probably wouldn't meet their requirements  
12 because of the amount of money involved. We've  
13 always, in the past, as a Committee, out of  
14 caution, asked DHR to confirm that with the  
15 Regional Office. I think we can do that when it's  
16 the appropriate time.

17 These are excellent questions. They  
18 really are. They bring up some really detailed  
19 working, the workings that are so important to the  
20 process. Any other thoughts?

21 And, again, I appreciate the hard work  
22 of the Subcommittee. And, as always, anybody else  
23 who, particularly, the new Committee members that

1 weren't involved before would like to join the  
2 Subcommittee to let Bob know that he will make  
3 sure that you get -- we're doing those by Zoom.

4           And, so, it's not quite as an egregious  
5 assignment to those of you who have traveled  
6 extensively to come to these Committee meetings.

7           Is there anything else before we move on  
8 to our next topic?

9           (No verbal response from the Committee.)

10           PROFESSOR DAVIS: Okay, our next agenda  
11 item is the -- to continue our discussion  
12 regarding the Nonparent Custodian's Income  
13 Calculations for the Child Support.

14           So, we're going to have Dr. Jane Venohr  
15 to join us. Dr. Venohr, for the new Committee  
16 members today, has worked for many, many years.

17           She's, I guess, physically located at  
18 this point in Denver, or her company is. And, you  
19 see that in the documentation just to let you know  
20 that she has worked extensively with the Alabama  
21 Child Support Guidelines and been very helpful to  
22 the Committee.

23           So, Jane, can you hear us okay?

1 DR. VENOHR: Yes, thank you.

2 PROFESSOR DAVIS: Okay. We'll turn it  
3 over to you at this point.

4 DR. VENOHR: Thank you, Penny. Thank  
5 you, Penny, for the -- can you hear me okay?

6 PROFESSOR DAVIS: Yes, we can.

7 DR. VENOHR: Thank you and welcome to  
8 the new Committee members and welcome to Bev, our  
9 court reporter here. And, for the record, I'm  
10 Dr. Jane Venohr and I'm an economist.

11 So, this is a little bit out of my  
12 league, but so, the reason you have an economist  
13 here is, obviously, the Schedule is based on the  
14 economic data on the cost of raising children.  
15 And, because we help about 30 States with our  
16 Child Support Guidelines Review, we also have  
17 become experts on other areas of Child Support  
18 Guidelines, but I have to really credit Bob Maddox  
19 and Melody Baldwin for putting on to the caselaw.

20 And, Bob actually corrected some of the  
21 things on this memo. So, I'm sure he'll be very  
22 useful in this discussion.

23 And, what the issue is, where this came

1 up for you that haven't been to the prior  
2 meetings, is mainly, we're talking about nonparent  
3 custodial cases where the child has been removed  
4 from the home.

5 Say, the mother and maybe the child is  
6 living with a grandparent, or another relative,  
7 but we know there are all sorts of circumstances  
8 that we can't contemplate every single  
9 circumstance that the family is in.

10 Penny, did you -- I heard you kind of  
11 wanted to say something, or maybe it was just a  
12 muffle?

13 PROFESSOR DAVIS: No, I didn't speak.  
14 Thank you.

15 DR. VENOHR: Okay. So, what this  
16 memorandum does is it just kind of goes through  
17 some of these ways that a grandparent may be  
18 involved in the child support case. And, it's  
19 aimed at -- framing some questions.

20 And, it doesn't mean these are questions  
21 that we develop for the Committee to consider the  
22 issue. It doesn't mean these are the right  
23 questions. And, I'm going to go over the memo,



1 first, and the questions.

2           And, then you can decide if these are  
3 questions that you want to answer, just to figure  
4 out what you want to do at the end of the day.  
5 It's whether you think that any provisions and the  
6 Guidelines need to be refined to more  
7 appropriately address circumstances where there  
8 might be a grandparent involved, particularly, in  
9 a nonparent custodial case.

10           And, that they are appropriate for  
11 Alabama. And, also, the best interest of Alabama  
12 children.

13           So, I'm just going to breeze through  
14 this. And, I'll just take about five, ten --  
15 five, seven minutes. And, then, hopefully we can  
16 open that up for discussion, or you can reframe  
17 the questions, or so forth.

18           So, the first page just says there's  
19 three different ways that we've identified in this  
20 memo. There's probably more that a grandparent  
21 can be involved.

22           And, our first one is that scenario  
23 where the grandparent becomes the custodian of the

1 child and the biological parents have a legal,  
2 financial responsibility to the children. And,  
3 the grandparents might be seeking support for the  
4 biological parents.

5 And, it could be one parent, or both  
6 parents. It could be both mother and father, or  
7 the mother. And, then there was a memo, already,  
8 that we did in February that has how other States  
9 approach it.

10 Most States do not have a provision for  
11 this, but the States that do, they are mixed in  
12 how they approach it. If they mentioned anything  
13 about the nonparent caretaker, it is to exclude  
14 that income and then they're mixed on whether they  
15 include both parent's incomes, or just use one  
16 parent's income. And, I'll talk a little bit more  
17 on that.

18 And, Melody -- well, actually, it was  
19 Bob that pulled this case here. That's pretty  
20 interesting. We have a couple of cases that are  
21 cited here in the caselaw where there were mostly  
22 child custody issues, but the issue of child  
23 support came up and whether to include a

1 grandparent's income in those cases.

2           And, in this particular case that Bob  
3 found that the lower court had used the Social  
4 Security of the child as the maternal  
5 grandparent's income when calculating support, but  
6 it was remanded and the case was sent back to the  
7 Juvenile court on this matter.

8           Bob, do you want to add anything on that  
9 case, or --

10           MR. MADDOX: Well, I think you had  
11 mentioned this in your e-mail, that it was  
12 interesting, the juvenile court had used the  
13 amount received from Social Security by the child  
14 as the maternal grandparent's income. The court  
15 pointed that out and that was incorrect and it  
16 should have been their gross monthly income.

17           DR. VENOHR: Oh, okay. Okay, thank you.  
18 So, did you want to add anything else?

19           MR. MADDOX: No, I think you've covered  
20 it pretty well.

21           DR. VENOHR: Okay. And, so the second  
22 scenario is where, and this is the one that was  
23 sighted in a couple of cases. The grandparents

1 obtained custody of the children, then divorced.  
2 And, one grandparent sought child support from the  
3 other grandparent.

4 And, this was in Pruitt v. Pruitt. It  
5 was sighted in O.L.D. v. J.C., which is the case  
6 that Melody found.

7 And, there was a couple of cases where  
8 there was a custody dispute between the  
9 grandparent and the father that they cited  
10 Pruitt v. Pruitt arguing that the court should be  
11 including grandma's income and the calculation and  
12 support.

13 So, they tried to argue that. That was  
14 the reason to include grandparent income. And,  
15 again, I just wanted to make it clear that all the  
16 States that explicatedly have a provision  
17 mentioning grandparent or caretaker income do not  
18 include grandparent's income.

19 And, let's see, Melody, is there  
20 anything we should add to that case, or Bob in  
21 discussing it before we move on to the next one?

22 MS. BALDWIN: Well, this is Melody  
23 Baldwin. In the O.L.D. v. J.C. case, I think, and

1 you may have noted this, but the mother was  
2 deceased and those are treated differently.

3 In the past, we just would intervene for  
4 a grandparent, if both parents were still alive  
5 and we would move current into our, or we would  
6 then just have the current support sent to the  
7 grandparent.

8 But, I was told a couple of years ago, I  
9 guess, maybe this case came to light, maybe Cliff  
10 was aware of it when he was writing the policy.  
11 The policy was that if a parent was deceased and  
12 the grandmother had, or grandparent had custody,  
13 then we were to use the grandparent's income.

14 And, I think they might have been basing  
15 it on that case. I mean, that case is not -- I  
16 mean, you really don't know what happened when it  
17 gets remanded. We don't have an answer to that.

18 You just kind of assume -- it's kind of  
19 like one of those movies that ends without ending.  
20 You just kind of assume what happened and that the  
21 lower court then recalculated using grandparent's  
22 income.

23 I started doing that now, versus just

1 doing what we were doing before and that is having  
2 current support just moved to a different  
3 recipient based on that.

4           Now, I -- the discussion that I've had  
5 with workers, I mean, it's not something that --  
6 and, courts, by the way because this was brought  
7 to my attention by a District Judge several years  
8 ago and there was a discussion among my District  
9 Judges and none of them really like having to do  
10 that.

11           They think it's poor public policy. We  
12 want grandparents to get involved. We want them  
13 to take custody versus putting them in foster  
14 care. And, depending on the circumstances, this  
15 could really -- and, I've got this grandparent I'm  
16 dealing with right now and she has limited income.  
17 The father makes a ton of money and he's not  
18 wanting to pay support. And, so, but we did  
19 Guidelines with her income in it.

20           And, that means, you know and I'm  
21 fighting that one. But, anyway, and it -- so,  
22 that's the circumstance that we run into. I would  
23 like for us, if it's possible and there's nothing

1 legally really wrong with it, to have something  
2 that says -- and I know we're talking about  
3 everything else. They're in loco parentis as far  
4 as control and decisions and that sort of thing,  
5 obviously, but I would like something different  
6 with regards to child support, not to include the  
7 grandparent's income.

8 I mean, I think it is poor public policy  
9 and some may disagree. I'm sure there are some  
10 out there, of course, that would disagree.

11 PROFESSOR DAVIS: Let me stop you for a  
12 minute and just discuss that for a moment among  
13 the Committee because I have the same gut reaction  
14 to you that we want -- we would think it's in the  
15 best interest of the child in many instances as  
16 live with a family member, as opposed to foster  
17 care.

18 And, that's not saying anything negative  
19 about foster parents because many foster parents  
20 provide very loving care. And, the State of the  
21 children of this State would be very in dire  
22 streits if we didn't have the foster care system.

23 But, that being said, I think is a

1 matter of public policy as Melody indicated, we do  
2 want to encourage the grandparents who, because of  
3 their ages, may be on fixed incomes, or trying to  
4 both save for their retirement and wanting to take  
5 care of the kids.

6           So, let's open up that point for  
7 discussion for just a brief discussion. Rhonda.

8           MS. WILSON: Yes, I'm also dealing with  
9 this case. I think it's -- it's just patently  
10 wrong because I have some people that are  
11 approaching retirement, or in retirement having to  
12 go back out into the workforce to keep grandkids  
13 out of foster care and they're more stable than  
14 the parents that do not have custody and excuse  
15 the Guidelines in favor of the parent that does  
16 not have custody.

17           And, it makes -- and, I have a situation  
18 where not only is the grandparent's income being  
19 considered, the attorney for the father, who is  
20 being requested to pay child support wants to add  
21 in the other grandparent, the spouse of the  
22 grandparent as a Rule 19 indispensable party to  
23 further skew the Guidelines so that he's going to



1 be paying even less.

2           It's just -- it's just so wrong on so  
3 many levels. I mean, it's just my involvement. I  
4 just -- I can't see and I know that they had a  
5 choice, the grandparents had a choice. They  
6 didn't have to take on this responsibility, but to  
7 make that argument for me, it's just  
8 unconscionable.

9           They did a good deed. They did what  
10 grandparents, almost any grandparent would do, if  
11 they had the ability and had the stamina to do.  
12 And, I just don't -- in any circumstance, think  
13 the grandparent's income should ever be considered  
14 in calculating child support.

15           PROFESSOR DAVIS: Okay. I think Judge  
16 Williams has something.

17           HONORABLE WILLIAMS: Well, I just wanted  
18 to -- I think the initial conversation about this  
19 whole consideration of custodians, other than  
20 biological parents was to be in compliance with  
21 what the Statute requires in dependency matters,  
22 or determinations, was to address the issue of  
23 child support and determine if the parents have

1 the ability to share in paying child support.

2 That is a requirement by the statute.

3           And, so it was not just limited to the  
4 grandparents, at least, in the initial discussion.  
5 But, since we're talking about grandparents, I  
6 think there is some -- it's to be considered that  
7 older grandparents could be placed in hardship for  
8 having to have their income calculated, but a lot  
9 of the cases that I deal with here in Montgomery,  
10 involve younger grandparents.

11           As we know, grandparents are getting  
12 younger and younger and these grandparents do have  
13 the ability to share in child support  
14 calculations. In fact, it's very few that I'm  
15 dealing with that are elderly or on fixed incomes.  
16 There are much younger grandparents.

17           So, my point is that if we are going to  
18 implement a rule that excludes older, or elderly  
19 grandparents, we need to be careful that we're not  
20 being inconsistent with the other third party  
21 custodians that are not grandparents, as well as  
22 the more capable and able grandparents that are  
23 able to earn income and are earning income.

1           PROFESSOR DAVIS: And, I probably didn't  
2 describe my concerns very well because I was using  
3 those as examples. I think you would probably, I  
4 would assume that we would treat all third parties  
5 the same, whether they're elderly or whatever.

6           And, certainly, those grandparents that  
7 can afford are probably contributing, anyway,  
8 without, I mean, they are. Yes, ma'am.

9           MS. WILSON: Well, that just goes to  
10 nonparent/guardian. I don't think that any  
11 nonparent/guardian should be more financially  
12 responsible. Well, they are already going to be  
13 -- we already know that any guardian of a child is  
14 already going to be expending more money on the  
15 child than any person paying child support.

16           And, I just don't think that you -- that  
17 should be further advanced by that noncustodial  
18 party paying even less child support. And, I  
19 don't care who that is, as a parent. I mean, I  
20 just don't think the parent should be paying even  
21 less money.

22           I don't care who they're paying it to.  
23 I don't even think the grandparents, I mean, just

1 take out the word, "grandparent". Put,  
2 "neighbor". Put in, "Aunt".

3 We just happen to use the word,  
4 "Grandparent", but I think it's any noncustodial  
5 party that raises somebody else's child, they  
6 should not -- I mean, I just think on paper, even,  
7 they should be more responsible than the person  
8 that brought them here.

9 MS. HOOD: This is Alyson Hood. I mean,  
10 I think that we've always talked about how it's  
11 the parents that are legally responsible for the  
12 child to provide for them.

13 So, I don't know why they would get out  
14 of that same Rule we talked about, you have the  
15 financial obligation to your child, period.

16 Outside of that, everybody else is doing  
17 it to, obviously, help this child in their best  
18 interest, but it does not relieve a parent. They  
19 brought the child into this world and they are  
20 obligated to it.

21 MS. BEACH: This is Shirlee Beach. I  
22 entirely agree with what she's saying. And, the  
23 exception, now, or, at least, in the cases that we

1 deal with are if the grandparent adopts the child  
2 and accepts that legal responsibility.

3           Then, we absolutely would include their  
4 income in the population should those, the  
5 grandparents separate or if something happened.  
6 But, I -- I don't think it's good public policy.

7           I think that it discourages people from  
8 taking that responsibility, rather than going into  
9 the foster system. And, I think it's something we  
10 really need to look hard at.

11           HONORABLE WILLIAMS: Yes, and Judge  
12 Williams, again. In an ad hoc manner without any  
13 Guidelines in place, I -- the few cases that I've  
14 had to do this, I have used the two parents'  
15 incomes, if they had incomes, or imputed it if  
16 they had the ability.

17           The question has been, "Well, how should  
18 we fashion the child support? Should we add both  
19 of their obligations to come up with a total  
20 amount of child support due, or how was that  
21 fashioned by both of their obligations?"

22           One could be required to pay \$400.00  
23 under the Guidelines. The other could be required

1 to pay \$500.00.

2 Does that mean that's \$900.00 to the --  
3 I mean, that's the issue.

4 MS. BEACH: This is Shirlee Beach,  
5 again, and I'll tell you how we do it when we  
6 actually run Guidelines as we would if they -- if  
7 one of them had the children. We just ran one  
8 Guidelines form and whatever percentage dad is  
9 supposed to pay, he pays and whatever percentage  
10 mom is supposed to pay, she pays. We just use  
11 their incomes.

12 MS. BALDWIN: This is Melody Baldwin,  
13 again. But, the O.L.D. case is a case where I've  
14 actually done with this practice where the mother  
15 was deceased. And, so there was only one income  
16 to be considered and then the other one was the  
17 grandparents' income to be included. And, so --  
18 and, that was the difference there.

19 We also treat our cases, or  
20 grandparents, or any nonparent custodian, or  
21 guardian has the children, we do it similar to  
22 what Shirlee described.

23 But, in circumstances where we have a

1 deceased parent and the children are with another  
2 party, it's a little different.

3           PROFESSOR DAVIS: So, if we take the  
4 position in that the third party should never pay,  
5 just as a matter of public policy. If you had the  
6 deceased, a deceased parent, would -- in your  
7 process that you use now, do you currently say,  
8 "Okay, under the Guidelines, it cost a \$1,000.00  
9 to pay for the child"?

10           And, that person -- the parent makes  
11 enough that they could pay the entire \$1,000.00.  
12 Would you have that person pay, not including the  
13 grandparents, or whoever it happens to be, would  
14 that one parent then pay the \$1,000.00?

15           MS. WILSON: That parent would pay  
16 100%.

17           PROFESSOR DAVIS: Yes.

18           MS. WILSON: And, in my particular, the  
19 one that I'm dealing with now, it can very easily  
20 be that.

21           PROFESSOR DAVIS: Yes. And, of course,  
22 under our Guidelines, the way Alabama does it,  
23 there's self-support reserves. So, if they're in

1 the lower amount, they would still keep that the  
2 same.

3 MS. WILSON: Yes.

4 PROFESSOR DAVIS: Okay, I like the way  
5 our forms would show that. So, do we want to do  
6 sort of a straw poll just to kind of get an idea  
7 of the direction the Committee is going? So, let  
8 me ask this question.

9 How many of you by a show of hands,  
10 think that in the typical situations that we're  
11 talking about, that the custodial parent, excuse  
12 me, the noncustodial, third person, be it the  
13 grandparent, or you said neighbor, or whoever it  
14 happens to be, should not have to financially  
15 contribute to the child support through a required  
16 child support payment. They also are paying,  
17 okay.

18 HONORABLE COOK: I'll just say, I'm not  
19 sure I'm supposed to vote.

20 PROFESSOR DAVIS: This is a straw poll,  
21 so your opinion is valued, so we appreciate it.  
22 So, anybody that feels like that they should --  
23 that we should consider that third party,



1 nonparents calculation income when we're  
2 calculating it. Okay, well --

3 MS. PEEPLES: I think the point, too, is  
4 you're saying they shouldn't pay, nor should their  
5 income be taken into consideration, determining  
6 what the parents pay.

7 PROFESSOR DAVIS: Right.

8 MS. PEEPLES: I mean, those are the two  
9 parts of this but, I mean, I agree with what  
10 you're saying.

11 PROFESSOR DAVIS: Right.

12 MS. PEEPLES: Because it's whether they  
13 pay, but it's also whether the remaining parents'  
14 obligation gets discounted in any way because this  
15 neighbor has agreed to help raise their child.

16 PROFESSOR DAVIS: And, we know that the  
17 person that has physical custody of that child is  
18 expending their financial resources?

19 MS. PEEPLES: Yes.

20 PROFESSOR DAVIS: That's why I was  
21 trying to word that. You did a better job of  
22 wording that.

23 MS. PEEPLES: I mean, well --

1           PROFESSOR DAVIS: We know they're  
2 paying.

3           MS. PEEPLES: Right.

4           PROFESSOR DAVIS: But, we don't want  
5 them to be forced to pay by withholding order of  
6 any sort.

7           MS. PEEPLES: Yes.

8           PROFESSOR DAVIS: Nor, do we want  
9 reduction of the other parent, or parents to  
10 occur.

11          MS. PEEPLES: Yes.

12          PROFESSOR DAVIS: Because of the  
13 contribution, or potential contribution because of  
14 the resources of that grandparent, third party.

15          MS. PEEPLES: Yes.

16          PROFESSOR DAVIS: I think I asked, but  
17 in case I didn't, does anybody have any feelings,  
18 otherwise, that you would like to express to the  
19 group?

20          MS. WILSON: I --

21          PROFESSOR DAVIS: Yes, ma'am.

22          MS. WILSON: Yes, ma'am. I do want to  
23 muddy the water a little bit. I did read this

1 because this is one of my things I really am kind  
2 of passionate about. I'm passionate about  
3 everything, but this is one.

4 (Laughter around the table.)

5 MS. WILSON: Normally, when we consider  
6 the incomes of both of the parties and everything  
7 that their childcare and healthcare cost. This is  
8 Page 7. And, so, we're excluding their income.  
9 The noncustodial -- I mean, we're excluding the  
10 custodial parties' income.

11 Now, was that depending on, so we  
12 exclude that. Are we still going to consider  
13 childcare and healthcare cost that the custodial  
14 party might be --

15 MS. PEEPLES: Expending.

16 MS. WILSON: -- expending, or was that  
17 attached to us considering their income because I  
18 forgot to go back and follow the flow chart?

19 PROFESSOR DAVIS: Let's open that up for  
20 conversation.

21 MS. HOOD: This is Alyson Hood. I think  
22 it would be, the CS-42 would be around the exact  
23 same way.

1 MS. WILSON: Okay, okay. I was just --  
2 okay. I mean, I agree.

3 PROFESSOR DAVIS: So, what you're saying  
4 is that if I'm the nonparent and I have little  
5 Johnny. And, I'm the one that's actually paying  
6 \$600.00, or \$700.00. Nowadays, \$600.00 or \$700.00  
7 a month, then that would be put in to help them in  
8 -- it would increase the amount of support that  
9 resulted -- that would be able to increase the  
10 amount of support because it actually does reflect  
11 what is being expended to take care of that child.

12 MS. HOOD: Yes, ma'am, and that included  
13 compensation.

14 PROFESSOR DAVIS: Okay. And, the same  
15 way with -- if they're on my insurance, as opposed  
16 to some other State insurance, then that would be  
17 calculated, too? Is that what everybody else is  
18 looking towards, right?

19 MS. MILLS: I think that would be  
20 consistent to do it that way. I've come across  
21 both of these issues, often, almost every week.  
22 And, with the non -- with the nonparent custodian,  
23 they're expending health insurance cost, and day

1 care cost.

2           It was quite pricey before we did the  
3 appropriation of the health insurance. And, then,  
4 the court -- in those situations, it can make  
5 somebody's child support excessive, but then you  
6 -- they could ask the court for a deviation to  
7 take that in.

8           And, I think that would be appropriate.  
9 I don't think you would want to make an exception,  
10 or change. I think you would want to put it back  
11 into the courts' hand to, if necessary, to  
12 deviate.

13           Since the allocation process came in  
14 about health insurance, we don't -- I don't see  
15 that issue as often, but prior to that, that used  
16 to be a pretty large issue.

17           PROFESSOR DAVIS: Right. I can see how  
18 that could happen. Any other aspects we need to  
19 think about because my -- yes, ma'am.

20           MS. STEINWINDER: This is Katie  
21 Steinwinder. I've got a -- I may be getting too  
22 far into the weeds, but our 42 line, which says  
23 paid by either parent and then we're crediting

1 back -- given the credit back for the cost paid by  
2 the parent, is that going to necessitate any  
3 amendments to our 42 or a different 42, or --

4 PROFESSOR DAVIS: I think that's a good  
5 question.

6 MS. PEEPLES: That was paid by the  
7 parent.

8 PROFESSOR DAVIS: All right. I think  
9 what we're going to need to do is have a  
10 Subcommittee to really get into the weeds of that.  
11 But, let's raise those weeds right now for the  
12 benefit of that Subcommittee.

13 Those are excellent points.

14 MR. MADDOX: I think and Jane can  
15 correct me if I'm wrong, but on the middle of Page  
16 4, 4 little a.1, the proposed amendment Rule of  
17 32(B)(2), little (b), "States [g]ross income does  
18 not include child support received for other  
19 children, or benefits received..." If you want to  
20 make it real clear, you just use the incomes of  
21 the parents. I think that's what she was doing.  
22 Is that right, Jane, instead of the nonparent?

23 DR. VENOHR: I think so. For some

1 reason, you're a little faint, Bob and I can't  
2 hear everything you say, but I think what you  
3 said, I agree with. I just couldn't hear it all.

4 PROFESSOR DAVIS: Well, let Bob repeat  
5 it to you one more time. It's a good point.

6 MR. MADDOX: On the middle of Page 4 of  
7 your memo, 4a.1., under the first bullet, what was  
8 your intent to amend Rule 32(B)(2)(b)? Was it to  
9 exclude the nonparent custodian's income, to  
10 clarify that and is that gross income, basically?

11 DR. VENOHR: Yes. I think there's --  
12 with the -- on Page 4, 4a.1., the intent is to get  
13 you some options of how you would amend the Rule.  
14 One is by the definition of income. Two is North  
15 Carolina and there's also the option the way  
16 Georgia does it.

17 And, on the next page, there's a table  
18 that shows, or two pages down there. On Page 6,  
19 it shows how Georgia does it. It does it in the  
20 definition of income. North Carolina provides a  
21 separate section, which is kind of nice because  
22 then, you can talk about how you include both  
23 parents' income and what to do when you only have

1 income information from one parent and whether to  
2 impute income for the other parent or the one  
3 parent.

4           And, then, a third choice, that third  
5 bullet under 4a.1. is it's not explicit on what  
6 they do. And, that's probably, from what I heard  
7 on the discussion, that's not what you want to do.

8           And, I think Bob's point is that,  
9 another point is that maybe you include a  
10 definition on who is obligated to pay support and  
11 another definition of who is to receive it. In  
12 some States, I couldn't find it in Alabama, but,  
13 again, I'm not a lawyer, and so I don't know where  
14 to find it, exactly, but some States may have a  
15 provision in their State statute, or in their  
16 Guidelines on who's obligated to pay support.

17           And, on Page 3, I took what I could find  
18 in the Statutory Provisions. It's in that Table  
19 on what your definition of a child and who has  
20 that duty of support.

21           So, that's another place that we've seen  
22 it in other States where to place it. So, I'm not  
23 saying any other method is better, or worse. I



1 mean, we put the advantages and disadvantages on  
2 Page 4. I think Penny is mentioning a  
3 Subcommittee.

4           Like, I think on North Carolina's is  
5 pretty much the most thorough and has it all  
6 together in one place explaining, "Don't use the  
7 nonparent custodial's income in the calculation of  
8 support, even the add-ons."

9           And, it explains how to use both parents  
10 income in North Carolina, the imputed income if  
11 you don't have it for the other parent. And, I  
12 think it was -- and, I'm jumping, I'm bundling a  
13 bunch of issues here and Judge Williams was  
14 interested in how do you do it with two parents  
15 income?

16           And, Minnesota is the only State that  
17 says, "We'll calculate two support orders and one,  
18 we calculate for the mom, only use 100% of her  
19 income, use 100% of dad's income and then there's  
20 two separate orders."

21           And, that actually ends up with a higher  
22 amount. So, I'm kind of jumping around here, but  
23 that's, how do you use each parents income? And,  
24 that's -- the pros and cons of that are on Page 7.

1 I'm going to stop there. I think I  
2 bundled too many issues. So, Bob, please clarify  
3 me.

4 MR. MADDOX: Well, that was great.  
5 Thank you.

6 PROFESSOR DAVIS: Yes, I think we kind  
7 of hijacked your presentation by stopping in the  
8 middle.

9 DR. VENOHR: No, I think -- I think that  
10 was perfect, sorry.

11 PROFESSOR DAVIS: And, I think that --  
12 let's see what our time is. We've got a little  
13 more time. Do we want to let her continue to go  
14 through sort of an organized way with the memo?  
15 Would that kind of help for those of you who don't  
16 know yet that you're actually going to be on the  
17 Subcommittee, or maybe you're already kind of  
18 suspecting that you may be on the Subcommittee, or  
19 going to volunteer?

20 So, do you want to sort of hit the high  
21 points on each of the pages, sort of going  
22 forward?

23 DR. VENOHR: Oh, sure. I can do that.

24 PROFESSOR DAVIS: With the idea that --

1 DR. VENOHR: I can do that in three  
2 minutes.

3 PROFESSOR DAVIS: We're probably not  
4 going to require the courts to, or we're going to  
5 probably go in the direction of not having that  
6 third party's income calculated.

7 DR. VENOHR: Yes, if we go to the top of  
8 Page 2, I just wanted to point out something that  
9 I learned from this discussion, is on top of the  
10 Page 2, there's a bullet that said, "In the O.L.D.  
11 case, it wasn't evident how they calculated, how  
12 the clerk calculated child support in the ruling.  
13 It was only noted that there was no Guidelines  
14 calculation for the case nor income Statement, or  
15 affidavit, as required."

16 And, that the Court of Appeals remanded  
17 it, partly because of that reason, that there  
18 wasn't any, the Guidelines form or income  
19 statement. I think that was an issue in the other  
20 case, too.

21 So, it was really interesting to hear  
22 that there are situations where the grandparents'  
23 income is being applied in practice right now. I  
24 thought that was really interesting.

1           I think you can probably skip 3. Three  
2 is something that Alabama does not do right now.  
3 There's twelve States that are -- they can -- the  
4 child's parent is a minor of the grandparents and  
5 the State's statute provides that the grandparent  
6 can be liable for their minor children. And,  
7 there's a lot of debate on that, whether -- how  
8 can a grandparent control their kids. The issues  
9 that were talked about, whether grandparents,  
10 particularly those that are almost in retirement,  
11 whether they can afford another liability and  
12 include it.

13           So, I'm just going to skip that Number 3  
14 because you don't do it. And, there's -- I don't  
15 think you're interested in talking about it. So,  
16 the rest of this --

17           HONORABLE COOK: Well, this is Greg  
18 Cook. I actually think that's a very interesting  
19 point that I had not thought of. I don't know if  
20 it's come up in either cases, but I felt pretty  
21 strongly with the group that imputing the  
22 grandparent's income is wrong, but if the parent  
23 is a minor, that does create a complication that  
24 I'm not sure what we think about there.

1           PROFESSOR DAVIS: So, I don't know if  
2 you could hear, Dr. Venohr, that Justice Cook has  
3 joined us. And, he would like for us to go  
4 through 3 and my rabbit chasing mind went to,  
5 there's currently a criminal case in which there  
6 is an issue whether the grandparents, excuse me,  
7 whether the parents can be criminally responsible  
8 for their son's actions, who shot someone and  
9 killed some people because they didn't, I guess,  
10 I'm not sure of the legal points, maybe they  
11 didn't exercise control or whatever they could  
12 have done.

13           So, there is obviously some, as you see  
14 here, some States are approaching that area. And,  
15 so, even though we may not want to make a  
16 determination on that, now. To be informed, I  
17 think is a good point.

18           DR. VENOHR: Okay.

19           PROFESSOR DAVIS: So, we may --

20           DR. VENOHR: Well, I will say briefly  
21 that we just -- we hired Meg Haynes as a  
22 Subcontractor. We just came off of Guidelines  
23 Review Contract for New Hampshire.

24           And, on the bottom of Page 2, it has a

1 reference to that report and we hired Meg Haynes.  
2 She used to be the -- she used to be with the ABA  
3 and the head of the family law section.

4           And, she did an extensive legal analysis  
5 of grandparent liability for their minor children.  
6 And, some of the major conclusions because New  
7 Hampshire has it in their State statute.

8           I don't know if you were interested in  
9 doing it, if you would have to change it in your  
10 State statute, or your -- if you could just do it  
11 in your Guidelines.

12           But, I will say that New Hampshire, they  
13 have it in their State statute. They have very,  
14 very few cases on it. And, what -- the reason  
15 that we reviewed it was that the New Hampshire  
16 Legislative Audit Committee said, "This has got to  
17 be a part of your Guidelines review because it's  
18 an issue. It's not clear how to calculate it when  
19 there's a minor child." And, it has got to be a  
20 public assistance case.

21           And, Meg's analysis, if you're really  
22 interested in it, I really highly recommend  
23 reading it in the New Hampshire report. But, it  
24 sort of concluded that it occurs in such a few

1 cases, it happens very rarely and if they were to  
2 continue the practice they should come up with a  
3 formula but maybe, it's not worthwhile because  
4 it's a lot of work and there's a lot of Rule  
5 changing, a lot of things that need to be done.

6           And, maybe, just keep it on the books in  
7 the legislation and just leave it to the judicial  
8 discretion when appropriate, but there's a lot of  
9 good history on how it dates to pre-federal child  
10 support programs and poverty laws making parents  
11 responsible.

12           New Hampshire ended up putting it in  
13 their legislation years ago in a response to, I  
14 think it was some high/ranking Air Force official  
15 that his child, minor child got somebody pregnant.  
16 And, they were like, "You know, these people can  
17 afford it. So, let's make them responsible."

18           But, it has even more complications in  
19 the calculation than what we're talking about, or  
20 the main issue that Alabama is concerned about  
21 right now, which is -- if you have a mother and a  
22 father and then the child is living with somebody  
23 else, specifically, 12, the custodian is someone  
24 other than the mother and the father.

1           And, so that's my brief summary of it.  
2 I'm going to stop there and see if there's any  
3 questions.

4           PROFESSOR DAVIS: Okay. Here's what I'm  
5 leaning toward, if Justice Cook is okay with this.  
6 I think this is an interesting topic and one we  
7 may want to deal with. So, I will suggest, in the  
8 interest of time since we don't have a lot more  
9 time left, we put this issue on the back burner,  
10 but not delete it off of our future agenda,  
11 especially, since we have an expert here that can  
12 help us with that.

13           And, then maybe spend the rest of the  
14 time related to this topic today on the other part  
15 of the memo that might help this Subcommittee that  
16 we're going to form. Would you be okay with that,  
17 Justice Cook?

18           HONORABLE COOK: Absolutely.

19           PROFESSOR DAVIS: Would the rest of the  
20 Committee be okay with that?

21           (Affirmative responses around table.)

22           PROFESSOR DAVIS: Well, let's do that,  
23 Jane. So, if you will, skip this part for now,  
24 but keep all this and we'll come back to this.



1 And, Bob will -- Bob keeps me on track, so that I  
2 don't forget topics like this that are important.  
3 So, where are we going to move to?

4 DR. VENOHR: That makes sense. Thank  
5 you, Chair. And, so I'm going to skip to the  
6 bottom of Page 2 and just go over the questions  
7 that we developed for the Committee. And, these  
8 are some of the questions you already answered,  
9 but it's more for a summary. And, it's just more  
10 to spark other questions and just walk through the  
11 memos.

12 So, the first one is, "Does the  
13 Committee want to explore adding a provision that  
14 specifies how to calculate support for a nonparent  
15 caretaker against the biological parent(s)?" And,  
16 it sounds like you're leaning towards it with that  
17 straw poll.

18 And, obviously, if you do so, it's going  
19 to reduce judicial discretion and it's going to  
20 create more consistency if you come up with that.

21 On Page 3, we still have this lingering  
22 issue about in the February memo and there was a  
23 federal letter dated July 20th, 2022, that stated  
24 that, "Child support should not be ordered against

1 a biological parent when the goal of the parenting  
2 plan is for family reunification and child support  
3 can interrupt that process."

4           So, here the classical example is the  
5 child is being removed from the mother. It might  
6 be because she lost her housing because she was  
7 evicted from her apartment. And, then the courts  
8 got involved and/or the child becomes a dependency  
9 case.

10           And, then the child moves in with the  
11 grandparent and then you have to pursue child  
12 support against the mom and she needs the money to  
13 save up to get a new place to rent. And, so, what  
14 the federal memo is to sort of avoid that  
15 situation.

16           And, the issue that arises and I think  
17 Bob's in a better position to explain this is that  
18 he points out that there's a -- the statute  
19 requires those sort of cases be referred to child  
20 support.

21           And, but it says that the Guidelines are  
22 supposed to be applied. So, the question is is  
23 what can you do as the Committee if you want to be  
24 sensitive to what the federal memo suggest, but

1 you have the statute here and your charge is the  
2 Guidelines, which isn't the statute, which is set  
3 in court rule.

4 And, so, that question 1b, "Should the  
5 Committee address the dependency statute?" And,  
6 if yes, is it appropriate to address the statute?

7 So, the question is how, which, again,  
8 I'm an economist, so I wouldn't understand how you  
9 could do that in Alabama. No, is that you could  
10 do it within the Guidelines already because your  
11 statute says you consider the resources of the  
12 parent from whom the child support is being  
13 sought, which is consistent with the statutes.  
14 But, on the other hand, you could apply the  
15 Guidelines including the self-support reserve or  
16 zero order provision to be sensitive to the  
17 mother's limited financial resources and need to  
18 save for housing.

19 So, if you're talking about a mother  
20 that was evicted, you could -- you could also use  
21 that court discretion. You wouldn't have to  
22 necessarily do an order that is more than zero.

23 So, I'm going to stop there because I  
24 feel like I was -- the other stuff I can go over a

1 little quicker, but that is a hard one. So, I  
2 want to see if there are any comments,  
3 particularly, from Bob to clarify what I'm trying  
4 to get on that one, on that question.

5 PROFESSOR DAVIS: Bob, do you have any  
6 comments, first?

7 MR. MADDOX: Well, I mean, I think  
8 everybody knows about the statute. It's in the  
9 dependency article, a part of the Juvenile Justice  
10 Act. And, I know it's caused problems.

11 PROFESSOR DAVIS: And, I think Bob has  
12 helped form the issue for us. And, obviously, the  
13 way Alabama does child support, we do it by rule.  
14 Some States, obviously, do it by statute, which  
15 they wouldn't have this conflict that we're  
16 having.

17 DR. VENOHR: Great.

18 PROFESSOR DAVIS: Certainly.

19 DR. VENOHR: And, you could kick the can  
20 down to the Subcommittee just because it kind of  
21 wraps into that. Sorry, I didn't mean to  
22 interrupt, Penny. There's a little bit of a  
23 delay.

24 PROFESSOR DAVIS: No, that's a good

1 point.

2 MS. MILLS: I deal with this from a  
3 practical standpoint.

4 PROFESSOR DAVIS: Right.

5 MS. MILLS: So, it's a catch 22 because  
6 in order for a parent to be -- the court wants to  
7 see that the parent can financially support the  
8 child. So, if there's a nominal amount of support  
9 set, whatever that is, whether it's the minimum  
10 wage or the \$50.00, the ability to pay and provide  
11 support is important for the court to see.

12 However, there are circumstances where  
13 somebody is trying to get back on their feet and  
14 they need grace for that time period. And, so,  
15 it's -- what my -- the court that I work with,  
16 what they have done is they have continued this  
17 child support case for 60 or 90 days to either to  
18 see if there's communication or to give that  
19 parent that grace to get back on their feet and  
20 then dealing with child support a few months down  
21 the road.

22 So, I've seen it. It goes both ways  
23 because you want to make sure that the parent,  
24 you're reunifying can actually provide support for

1 that child at a minimal level, but you would also  
2 want to let them get on their feet. So, I'm --

3 PROFESSOR DAVIS: You're torn?

4 MS. MILLS: I'm torn, but I'm -- I think  
5 it's necessary, in some cases and may be not  
6 necessary in other cases, so how do you reconcile  
7 that?

8 And, what our court generally will do is  
9 they kick it down the can, then they'll calculate  
10 support, do a retro support and create a nominal  
11 payment.

12 HONORABLE WILLIAMS: What I've done,  
13 I've tried to go by the statute, which is a  
14 mandatory provision. So, I've done an  
15 Administrative Order as the Presiding Judge that  
16 these cases in which there's been final  
17 disposition as to custody under dependency, they  
18 should go over to the child support designation  
19 and the child support should be pursued in the  
20 child support cases for these, against these  
21 parents, who -- that the child has been found  
22 dependent.

23 And, that's a final disposition. If  
24 it's a DHR case and final disposition, temporary

1 custody has been granted to the department, the  
2 same would apply.

3 I think you would have to deal with the  
4 statute in order not to go with that provision and  
5 the statute.

6 DHR will certainly have the discretion  
7 to pursue it, if the child is in their custody,  
8 but the statute is clear, that it has to be  
9 considered and it's done.

10 So, I think the question that the Doctor  
11 poses is do we need to deal with the statute, if  
12 we're going to go to the final?

13 MS. HOOD: I guess, my question is in  
14 the statute, it's not -- I don't read it to say  
15 that it has to be like on a temporary, initially,  
16 right off the bat versus it being the final.

17 HONORABLE WILLIAMS: Right.

18 MS. HOOD: But, there has to be a  
19 requirement that the child support is calculated.  
20 So, I guess, in the interim is that it could be  
21 discretionary by a Judge, but it doesn't say that  
22 it's got to be when the petition is filed versus  
23 at the hearing, dependency hearing, or  
24 dispositional hearing.

1           So, I mean, I think at that point,  
2 that's where the statute kicks in, doesn't it?

3           HONORABLE WILLIAMS: Yes, that's how I  
4 interpret it.

5           DR. VENOHR: I think it's a complicated  
6 issue and so, but at least it's on the -- on your  
7 agenda. So ...

8           PROFESSOR DAVIS: For sure.

9           DR. VENOHR: So, I'm going to just  
10 quickly go through the rest because I realize  
11 we're running out of time.

12          PROFESSOR DAVIS: Right.

13          DR. VENOHR: So, question 2, which is on  
14 the top of Page 4, it's just to -- it's more  
15 specification to the Guidelines. It sounds like  
16 everybody is kind of leaning toward that, at  
17 least, my opinion on what I'm hearing. But, I  
18 think you all know that that's just some, it's to  
19 be determined.

20          Number 3 is that question about the  
21 grandparent liability when there's minor children.  
22 And, then with Question Number 4 are geared to  
23 specification of how to develop a formula. Whose  
24 parent -- whose income would be considered and



1 what to do when you only have information from one  
2 parent.

3           And, so 4a, we've already talked about,  
4 should the income of a nonparent caretaker be  
5 explicitly excluded in the calculation of support?  
6 And, there was a straw poll that said, "Yes, that  
7 would be a good idea." So, then, the question is  
8 how and where to do it in the Guidelines.

9           We already discussed that for 4a.1.,  
10 that there's lots of places you could put it.  
11 And, Penny was suggesting a Subgroup to look at  
12 that more, whether to include it in the definition  
13 of income, create a separate section, or etc ...

14           Then, I'm going to skip to Page 6. So,  
15 some provisions from the other States. There are  
16 some more examples from other States in the  
17 February memo.

18           For Page 7, you get to 4b. and then  
19 there's, essentially, three options, or four  
20 options on what to do with the income of both  
21 parents. So, let's say that the child is living  
22 with a nonparent, it could be the neighbor or the  
23 grandparent.

24           And, then there's four options is using

1 the income of the parent for whom support is being  
2 determined, only. So, that's Minnesota's  
3 approach.

4           It's advantage is it has a consistent  
5 outcome, regardless, whether the other parent's  
6 income is known. It gets the most dollars for the  
7 child, but it probably exceeds what it cost to  
8 raise the child because we're assuming that, we're  
9 doing a separate order for each parent.

10           Number 2, is this is the way that  
11 Tennessee does it and Arkansas, is that they use  
12 the best information available, so that if they've  
13 got both parents' incomes, then they use those,  
14 both parents' income in the calculation of the  
15 support.

16           If they only have one parent's income,  
17 then that one parent, say it's mom, she ends up  
18 liable for 100%.

19           And, the disadvantage is that you have  
20 an inconsistent outcome, depending on whose income  
21 information is available.

22           And, option three is that you use both  
23 parents' income and impute income, if one parent's  
24 income is unknown and that's like what Colorado

1 does. And, I think, also, Iowa and there you have  
2 an inconsistent outcome.

3 And, then Georgia is silent on that.

4 And, so -- and, in Georgia, it is through judicial  
5 discretion, if they're going to use both parent's  
6 incomes, or just one parent's income.

7 For that third option, both Colorado and  
8 Iowa have very clear income amputation provisions.  
9 So, if that one parent's income is missing, they  
10 usually use minimum wage, at least, in Colorado.

11 And, then the next question, which is  
12 kind of -- is coupled with this is, "What do you  
13 do if the biological parents still live together?"  
14 I mean, this still happens.

15 It's a very rare situation. Kentucky  
16 was dealing with that. And, so, if you consider  
17 the income of the parent's separately, like  
18 Minnesota does, where you calculate, in order for  
19 mom, separately, she owes 100% of the basic  
20 obligation.

21 Dad, calculate it separately. He owes a  
22 100%. It still works, but it's such a small  
23 percentage of cases, you could probably handle it  
24 by deviation.

1           But, you can see on all the different  
2 outcomes I'm not going to go through. I'm just --  
3 in the interest of time.

4           And, then 4d. was the question that, I  
5 think -- I wrote it down who said it, but somebody  
6 -- I can't find that page where I wrote it down,  
7 but they mentioned, "What do you do with the add-  
8 ons for childcare and healthcare?"

9           And, both Georgia and Tennessee. So,  
10 two of your neighboring States say, "Yes, just --  
11 say the custodial grandma owes \$600.00 in  
12 childcare, then it's going to be pro-rated between  
13 mom and dad and Georgia and Tennessee, where if  
14 it's just mom that owes 100% of the basic  
15 obligation, she would owe a 100% of the  
16 childcare."

17           And, both Georgia and Tennessee have  
18 provisions that allow for the childcare, or  
19 additional expense incurred by the custodial  
20 grandparent to be owed by the parent or parents.  
21 Tennessee has that separate column on the  
22 worksheet, which you can see in the February  
23 briefing materials.

24           And, I think the advantages are those

1 are real expenses and the advantages are that  
2 increases and complicates the order.

3 And, if these cases are very low income,  
4 the add-ons for childcare are another add-on  
5 increase the order amount and can interfere with  
6 the ability to pay.

7 And, then -- do I have any other  
8 questions? I think -- okay, and then the last  
9 question is, "Are there other statutes and caselaw  
10 that should be considered?"

11 So, I sort of ran through that quickly  
12 in the interest of time. I'm going to stop there  
13 and see what clarifications are needed.

14 PROFESSOR DAVIS: Does the Committee,  
15 any of the Committee members have any questions of  
16 Dr. Venohr regarding her memo at this point? I'm  
17 sure there will be other follow-up questions as we  
18 begin to go forward.

19 Here's what I'm going to suggest, we're  
20 about at twelve. First, I'm going to apologize  
21 to, for our Committee members, when Judge McMillan  
22 joined us, fairly quickly, but you didn't get to  
23 introduce yourself.

24 So, if you would like to do that, so new

1 Members will know who you are, then --

2 HONORABLE McMILLAN: You did a good job.

3 PROFESSOR DAVIS: Thank you.

4 HONORABLE McMILLAN: Thank you.

5 PROFESSOR DAVIS: And, he has been on  
6 the Committee for a number of years and served us  
7 well. I appreciate his joining us, again, today.

8 And, he represents a number of  
9 categories as you can see listed on his resume'.  
10 The other thing that I failed to do is to  
11 recognize our guest and ask at that time, as I do  
12 always, afterwards, if you have any questions.

13 So, for the record, if our guests will  
14 introduce yourselves and let us know if you have  
15 any questions, which would be any comments that  
16 you would like to make?

17 MS. CLARK: I'm Lisa Clark, Program  
18 Specialist with the Policy Unit on Child Support,  
19 DHR. And, I will not have any comments or  
20 questions.

21 MS. HOWELL: I'm Vernecia Howell. I  
22 work in the Department for the Alabama Department  
23 of Human Resources. I'm a Program Specialist in  
24 Alabama.

1           PROFESSOR DAVIS: And, again, my  
2 apologies for not recognizing you at the very  
3 beginning.

4           COURT REPORTER: What was your first  
5 name, again?

6           MS. HOWELL: Vernecia.

7           COURT REPORTER: Okay.

8           PROFESSOR DAVIS: Could you hear both of  
9 them?

10          COURT REPORTER: Yes.

11          PROFESSOR DAVIS: All right. Thank you.  
12 We appreciate you coming and participate when you  
13 want to.

14          So, at this time, we still have about 30  
15 minutes since we don't have any questions from the  
16 public.

17          MR. MADDOX: On auto insurance.

18          PROFESSOR DAVIS: So, I thought we would  
19 get, go ahead and unless somebody has some  
20 specific questions, let's first establish who  
21 would like to be on the Subcommittee and then  
22 we'll address the other issues, as we have time.

23          So, we take volunteers, or we co-op  
24 people who don't volunteer.

1           MR. MADDUX: We'll have to remember,  
2 Jennifer Bush was named as the Chair since she  
3 brought -- since she --

4           (Laughter around the table.)

5           PROFESSOR DAVIS: So, I think I see  
6 Rhonda's hand going up volunteering to work with  
7 Jennifer Bush on this important issue. So, who  
8 else -- we'd like a cross section of people that  
9 come from different views.

10           I know Emily, for example, mentioned  
11 that she does a lot of this. Would you mind  
12 serving on that?

13           MS. MILLS: No, ma'am. Yes. I'll be  
14 happy to serve.

15           PROFESSOR DAVIS: Thank you. So, that's  
16 the example. One volunteered and one got  
17 volunteered.

18           So, who else would like to be in either  
19 of these positions?

20           MS. WILSON: (Raising hand.)

21           MS. PEEPLES: I'll volunteer.

22           PROFESSOR DAVIS: Yes. So, we have a  
23 volunteer. Who else would, from a different --  
24 we've got two practitioners, three practitioners and



1 Jennifer.

2 So, do we have anybody from the judicial  
3 side that would like to --

4 HONORABLE STEPHENS: My opinion on that  
5 is in looking at those issues, it really needs to  
6 be someone that does Juvenile law and I don't.  
7 So, I don't know how much I can aide.

8 PROFESSOR DAVIS: Okay.

9 HONORABLE McMILLAN: I was trying to  
10 hide the best I could.

11 (Laughter around table.)

12 HONORABLE McMILLAN: I used to -- I was  
13 District Judge and then Circuit Judge. That's a  
14 good group. I can learn a lot.

15 PROFESSOR DAVIS: Does Judge Sherman,  
16 he is in kind of a workhorse, but does he do  
17 Juvenile, too?

18 MR. MADDOX: No.

19 PROFESSOR DAVIS: He does not.

20 MR. MADDOX: He's strictly domestic  
21 relations.

22 PROFESSOR DAVIS: Okay. How about from  
23 the administrative clerk side, do we have anyone  
24 that would like to volunteer?

1 (No response from Committee members.)

2 PROFESSOR DAVIS: All right, so --

3 MR. MADDOX: Well, it can be opened up  
4 to the full Committee like we've done before.

5 PROFESSOR DAVIS: Yes, absolutely.

6 MR. MADDOX: And, I'm certainly --

7 PROFESSOR DAVIS: We have some people  
8 that are not here, too, that might want to do  
9 that.

10 MR. MADDOX: All right.

11 MS. BEACH: I'm happy to serve on it. I  
12 don't -- I mean, I can always get information.

13 PROFESSOR DAVIS: That would be helpful,  
14 okay. All right. Well, that's a good group going  
15 forward. And, if somebody else thinks about it on  
16 your ride home, I have extra time I'd like to  
17 spend on another Subcommittee to please join us on  
18 that.

19 All right. Well, thank all of you.  
20 And, also, I would encourage the Committee members  
21 who are not serving on the Subcommittee, if you  
22 come up, if you think of a question, or a  
23 direction that you would like the Subcommittee to  
24 go, then feel free to send the information to Bob

1 or to myself and we will forward that on.

2 And, again, the Subcommittee is by Zoom.

3 So, it's relatively easy to go and do that,

4 compared to having to drive.

5 All right. So, the next item on our  
6 agenda was discussion on the use of auto insurance  
7 calculations relating to the child support. That  
8 was the question that was brought to us by the  
9 attention of the Committee by a member of the  
10 public.

11 So, we asked Jane, again, to then reach  
12 outside her comfort level a little bit and do some  
13 research on that.

14 So, Dr. Venohr, do you have something  
15 you would like to share with us on that?

16 DR. VENOHR: Yes, I think we could do  
17 this in like less than five minutes. I'm  
18 optimistic. Is that okay?

19 PROFESSOR DAVIS: Yes, please.

20 DR. VENOHR: Okay. I think everybody  
21 should take the time to read the comment as it  
22 relates to shared (50/50) custody. Also it  
23 references health care coverage is required for  
24 children. A first question to ask, are there any

1 plans to include language for [State mandated]  
2 auto insurance for children at a driving age with  
3 a permit/driver's license regardless whether they  
4 are children living with one or both parents or  
5 another living situation?

6           So, we did a couple of things to  
7 consider the issue. One is to clarify on the  
8 healthcare that there's some partial truth to this  
9 comment.

10           There's just a nuance correction of,  
11 that the Federal Regulation isn't actually to  
12 provide health insurance. It's to address how  
13 that the State Child Support Guidelines must  
14 address how the parents will provide for the  
15 children's health care through needs, through  
16 private or public health care coverage and/or  
17 through cash medical support.

18           So, it's not just private health  
19 insurance. It could be public. It could be cash  
20 medical, which includes an extraordinary medical.  
21 It might include some payment for a health  
22 insurance premium.

23           And, this is important because there's  
24 another federal reg that requires States to

1 provide for the consideration of whether the cost  
2 of healthcare coverage for the child is reasonable  
3 and whether that health care coverage is  
4 accessible.

5           So, it's not that health insurance is  
6 ordered, the one point is that health insurance  
7 isn't ordered in every case. It's only in cases  
8 where it's affordable, is the bottom line.

9           So, it's a little bit different, as far  
10 as the nuance. And, then if you scroll down just  
11 a little bit further on the subhead auto  
12 insurance, there is a key difference between  
13 health insurance and auto insurance is that  
14 there's no federal regulation pertaining to State  
15 Guidelines on auto insurance.

16           Generally, driving is a privilege and  
17 not on par with the healthcare needs of a child.  
18 So, you can think of consideration of the cost of  
19 auto insurance for the child as analogous to the  
20 add-ons that you might see add-ons for health  
21 insurance, or the extraordinary medical cost of  
22 the child, but you might not all see add-ons to  
23 send a gifted child to violin music camp, that  
24 that's more of a privilege.

1           And, then when you look at the treatment  
2 in 25 States, there's no State that specifically  
3 mentions, none of those 25 States specifically  
4 mentioned auto insurance for the children.

5           Still it doesn't mean that it could be  
6 addressed, as everybody in this room knows that  
7 pursuant to Federal Requirements, all States must  
8 have Guidelines deviation criteria that are  
9 appropriate, equitable and considers the best  
10 interest of the children.

11           So, in other words, a court could decide  
12 to consider the cost of the auto insurance because  
13 we do know that auto insurance is very expensive.  
14 And, it might be appropriate in some case. So,  
15 there's that opportunity.

16           And, on the next page, we want to know  
17 what the economic data tells us. And, the  
18 expenditures data, underlying the Alabama Child  
19 Support Schedule is based on, I think it's one of  
20 the most rigorous surveys in the world. It's  
21 called the Consumer Expenditure Survey.

22           And, it surveys about 6,000 households a  
23 year. It's conducted by the U.S. Bureau of Labor  
24 of Statistics. It's a nationally represented

1 sample. It's not Alabama specific. I mean, it  
2 would take years to compile it and to do that for  
3 Alabama.

4 So, it's a limitation that that Schedule  
5 is based on national data, but we did adjust it  
6 for Alabama incomes to consider that Alabama has  
7 lower incomes.

8 And, that Survey considers hundreds and  
9 hundreds of items. And, it does consider the  
10 premium paid for insuring cars, trucks and any  
11 vehicle in the household, but it doesn't ask  
12 whether that insurance was specific for a kid in  
13 the household.

14 It doesn't ask who was the specific  
15 insurance for, who was that insurance purchased?  
16 And, even if we were to try to tease that out from  
17 that data, it would be really difficult to do  
18 because a lot of times, as we all know, we get  
19 coverage on our cars and it's all bundled.

20 Especially, like when our kids were  
21 growing up. We had teens on our policy. And, we  
22 would have to collect data on that. So, that data  
23 does not exist where we can separate that out.

24 What data does exist is in that second

1 paragraph, and according to the 2021 Consumer  
2 Expenditures Survey, that a married couple with  
3 children and this is children of any age, they  
4 spend about \$2,072.00 per year on vehicle  
5 insurance on average.

6 But, we don't know how much of that  
7 could be attributed to the child and to the  
8 adults. And, they have an average of 2.5  
9 vehicles, but we do know from that data that's  
10 already been compiled that that insurance cost  
11 does increase.

12 So, the comment has some valid concerns  
13 that if we look at three groups of families where  
14 we already had the data compiled without having to  
15 do additional research, that the oldest child in  
16 that first bullet is less than six years old, that  
17 insurance is \$1,586.

18 So, it's about almost \$500.00 less for  
19 when they have -- when they -- their youngest kid  
20 isn't driving age, when their oldest child is  
21 between six and 17, the average insurance is about  
22 \$1,858. So, it's about the same as all.

23 And, then when the oldest child is 18  
24 years and older, then it's \$2,629 and that might



1 be a kid that's already emancipated, though, that  
2 still lives at home.

3           So, who knows, if we made our kid pay  
4 for their share of the auto insurance when they  
5 turned 18 or 19 and they still lived with us. So,  
6 you don't know what that situation is.

7           So, but it does provide some sort of  
8 snapshot of what that additional cost is.

9           So, the short of the story is that there  
10 probably is some extra cost. We can't tease out  
11 how much, specifically.

12           And, we also have to be cognizant that  
13 the age of children, this is going to apply to the  
14 very limited population in the child support  
15 caseload because as you all know, the minimum age  
16 for a driver license is 16, a learner's permit is  
17 15.

18           And, so it's going to be a very small  
19 subset of population that this might apply. And,  
20 my rule of thumb, that this is up to the  
21 Committee, is that if it's a small percentage of  
22 population, maybe it's best, appropriately,  
23 applied through the deviation criteria. And,  
24 that's a final bullet there, but in summary,

1 driving a vehicle is a privilege, so it's on par  
2 to a child's health needs.

3 CPR knows of no State that specifically  
4 mentions vehicle insurance per child. And, that  
5 it could be addressed to a deviation.

6 So, I'm going to stop there and return  
7 it back to you, Penny.

8 PROFESSOR DAVIS: Okay, thank you,  
9 Dr. Venohr. I think that was very helpful, very  
10 informative, your economic data, I think, was  
11 particularly interesting to a lot of us.

12 So, at this point, does any of the  
13 Committee members feel like that, in light of the  
14 comments that Dr. Venohr has made relating to the  
15 limited time span, do we want to try to undertake  
16 a study relating to solely the car insurance  
17 because there's a lot of cost associated with  
18 having an automobile, independent of that. That  
19 was a specific request.

20 So, just a show of hands, anybody that  
21 wants to proceed with this study, if you would,  
22 raise your hand.

23 (Responses around table.)

24 PROFESSOR DAVIS: Okay, well, I think

1 we'll table that issue, but we do appreciate --

2 HONORABLE STEPHENS: If you don't  
3 mind --

4 PROFESSOR DAVIS: Yes, ma'am.

5 HONORABLE STEPHENS: This is Pat  
6 Stephens.

7 PROFESSOR DAVIS: Yes, ma'am.

8 HONORABLE STEPHENS: I think the  
9 suggestion that it should be addressed through a  
10 deviation would handle that situation, period.

11 PROFESSOR DAVIS: Okay. So, maybe some  
12 language that would -- if we put in a language  
13 relating to a deviation, would you want to say  
14 it's limited to just the auto insurance, or the  
15 total cost of the automobile because you have the  
16 purchase of the automobile, maybe even monthly  
17 payments.

18 They may get the car that's passed down  
19 that's paid for or there may be a parent that  
20 incurs a new cost because they're replacing the  
21 car that's passed down, then you -- yes, ma'am?

22 HONORABLE STEPHENS: My opinion is, we  
23 don't need to address it, period.

24 PROFESSOR DAVIS: Just leave it.

1 HONORABLE STEPHENS: Make any changes.

2 And, if it's a situation that comes before a  
3 court, then the court can look at it on an  
4 individual basis.

5 PROFESSOR DAVIS: Okay. And, I'm sorry,  
6 you were just about to say something.

7 MS. WELLS: No, that's okay. I was just  
8 going to say, if we're not careful, we're going to  
9 start tip-toeing into that and post-minority  
10 support and all of that. We're going to start  
11 putting things in there that we couldn't  
12 necessarily do for nondivorced, or nonseparated  
13 parents. So ...

14 PROFESSOR DAVIS: I think the reality is  
15 many parents do provide an automobile.

16 MS. WELLS: Sure.

17 PROFESSOR DAVIS: At this point, it's a  
18 privilege. It's a way to keep the kids controlled  
19 by taking away their car keys from time to time.

20 HONORABLE STEPHENS: My experience, is I  
21 was being punished when I took the car keys.

22 PROFESSOR DAVIS: We can all identify  
23 with that, too, Judge. Thank you for your  
24 comments.

1 All right. So, that's the last thing on  
2 our agenda. I do want to mention one of the  
3 things before we do leave. We did receive one  
4 letter from the public, which each of you got.

5 Did we receive any other communications  
6 from the public that you guys are aware of?

7 MS. BLACKBURN: No, ma'am.

8 MR. MADDOX: No, ma'am.

9 PROFESSOR DAVIS: So, that being said,  
10 we've all had a chance to read, so I don't want to  
11 read that to you, but the question that I see  
12 boils down and y'all can correct me if you see  
13 something different, is as often, the letters are  
14 specifically about that individual's case and we  
15 understand the direction they're coming from.

16 But, they specifically felt like they  
17 mentioned that the Guidelines should account for  
18 things like house payments and car. And, they  
19 mentioned car payments.

20 So, let me ask Dr. Venohr. I would  
21 think that the overall Guidelines do consider the  
22 housing cost, already. Isn't that correct?

23 DR. VENOHR: Yes, I read that memo and I  
24 feel for that parent. Unfortunately, the data, I

1 mean, I don't think that parent is going to  
2 appreciate what I'm going to say, but it cost so  
3 much to raise a child and whether they buy it in  
4 cash, or if they finance it, it's still the same  
5 cost.

6           The data does consider the finance  
7 charges, but I don't -- I don't know what to -- I  
8 don't know if I'm making myself clear. It seemed  
9 like that the letter was concerned that one parent  
10 didn't have a car payment and the other parent  
11 did.

12           And, the main thing is making sure that  
13 that child has transportation to daycare school,  
14 has housing. Whether that housing is paid for, or  
15 rented, or financed any way. We don't get into  
16 that.

17           I don't know if I'm making sense. I'm  
18 going to stop there.

19           PROFESSOR DAVIS: You are to me. And,  
20 just for clarification, maybe for the public,  
21 when, in the last couple of years when we were  
22 looking at the Child Support Guidelines Schedule,  
23 which was the amount that we plug in for the  
24 actual cost for raising the child.

1           In those costs, already, housing and  
2 transportation were included in those. So, while  
3 it may not be obvious to the individual, those  
4 cost are already in the calculations. And, that  
5 was something that we looked at when we looked at  
6 the new Form S that we looked at.

7           So, if I'm understanding what you're  
8 saying is that while it's already in the  
9 calculation, it just doesn't separate out, whether  
10 it's housing that's rented, or someone is making a  
11 payment to a mortgage company that's being made,  
12 or whether the house is already paid for.

13           There is a cost. That housing cost for  
14 that child is already in calculating in the Child  
15 Support Guidelines. And, likewise, transportation  
16 is calculated.

17           So, I just wanted to make sure that that  
18 point to the extent we can clarify that for the  
19 individual. And, if he or she does read the  
20 transcript, then they can, perhaps, understand a  
21 little bit better that that has been addressed,  
22 those issues.

23           Any other comments?

24           DR. VENOHR: Right, I think the other

1 issue was that there was a large income disparity  
2 between the parents -- wasn't it the one parent's,  
3 if the parent's income was about \$40,000 and then  
4 the custodial income was about \$120,000, if I  
5 remember right.

6 PROFESSOR DAVIS: Yes.

7 DR. VENOHR: And --

8 PROFESSOR DAVIS: There was a wide  
9 discrepancy in income.

10 DR. VENOHR: Yes.

11 PROFESSOR DAVIS: And, certainly, the  
12 way calculations occur, it is already based on a  
13 percentage.

14 That was, I guess, the policy  
15 determination that was made early on, that the  
16 child support is not shared 50/50.

17 It's based on the ability of the parents  
18 to pay based on their income. So, that's already  
19 also included in our calculation.

20 DR. VENOHR: Yes. Yes, because I read  
21 the case that they were also concerned that --  
22 because her income was so much less than his, but  
23 that's factored in by prorating that, the cost,  
24 that they're still responsible.



1           And, that case, it would be about 25% of  
2 the cost of raising the child because their income  
3 is 25% of the combined income.

4           PROFESSOR DAVIS: Does any of the other  
5 Committee members that had an opportunity to read  
6 the letter, have any other points that you'd like  
7 to make that might help clarify that concern to  
8 the public? And, there may be other -- there are  
9 probably other people that have similar situations  
10 that may need some help clarifying.

11           PROFESSOR DAVIS: Any other comments?

12           (No response around the table.)

13           PROFESSOR DAVIS: Okay.

14           MS. BEACH: Well --

15           PROFESSOR DAVIS: Go ahead.

16           MS. BEACH: This is Shirlee Beach. I'll  
17 just say that, to her statement about having one  
18 person make a decision over a group of people, I  
19 think that's one of the things that the Guidelines  
20 uniquely do is give a structure to what judges do  
21 in those situations. Of course, outside of  
22 litigation.

23           But, it is applied the same and has been  
24 considered greatly by groups of people in its

1 development, so that it is fair across the board.

2 PROFESSOR DAVIS: I think that's an  
3 excellent point. I'm glad you added that. I  
4 think that's a good point to make.

5 By virtue of just looking at the efforts  
6 that's made here. And, as I said before in the  
7 Committee, when I have been called to speak to the  
8 Court on our proposals, the Justices are very  
9 detailed about the questions they ask.

10 They've obviously done a lot of review  
11 of the information we've sent up. So, it's a well  
12 considered determination and we do have experts  
13 that we utilized to get the -- on the amounts as  
14 correctly as we can.

15 So, that's an excellent point, Shirlee.  
16 I appreciate you saying that. Anything else that  
17 you can think of, Justice Cook?

18 HONORABLE COOK: So, comment for the  
19 general health of the Bar. Monday, our software  
20 for filing appeals is going to go down at 11:00  
21 in the morning and likely stay down for the rest  
22 of the day.

23 It's an update. You probably know that  
24 the software, it's called C Track, changed about a

1 year ago, so we're going through updates of that  
2 software to make it better.

3 We're very enthusiastic about this new  
4 software and about the changes that this will  
5 allow, but if you've got an appeal, well, file it  
6 Monday, or a motion to file on Monday, you need to  
7 file it before 11:00, or you need to call the  
8 Clerk's office.

9 And, I realize that that's an  
10 inconvenience to the Bar and we apologize, but we  
11 really want to be sure everybody knows this before  
12 11:00 on Monday.

13 PROFESSOR DAVIS: That's an important  
14 point and a good way to get the word out and to  
15 the extent the public is aware of that through  
16 this Committee, that's good, although, I think  
17 it's probably a little bit late by the time we get  
18 it.

19 Since we've -- it's not live as it has  
20 been in the past, but thank you. That's always  
21 good information.

22 Okay, is there anything else topic-wise  
23 that the Committee members would like for us to  
24 look at going forward? And, I think,

1 Dr. Venohr, we'll continue to lean on you with  
2 these Subcommittees, so we may be sending you some  
3 additional questions going forward.

4           Is there anything else topic-wise that  
5 the Committee members would like for us to look at  
6 going forward? And, I think, Dr. Venohr, we'll  
7 continue to lead on you with these Subcommittees,  
8 so we may be sending you some additional questions  
9 going forward. Is there anything else that we  
10 would like to begin to research? We've got  
11 several things still on our plate.

12           (No response around the table.)

13           PROFESSOR DAVIS: All right, this is  
14 what I think and I was asking Bob, I don't think  
15 we have any dates set going forward. So, we've  
16 got a couple of Subcommittees that have some  
17 important work to do.

18           So, I'm thinking that maybe we'll send  
19 out some dates in May and we won't meet in April.  
20 We'll send out some dates, maybe a couple of dates  
21 for you all to look at.

22           Bob is very good about sending out  
23 information. We, including me, as a Committee,  
24 are not quite as good about responding, but if we

1 send out a couple of dates, we'll pick the date  
2 the most people can attend.

3 So, if you'll respond as quickly as you  
4 can and Bob will send those out, then he can send  
5 that. That will free up everybody's Schedule that  
6 day.

7 So, if that's okay with everybody.  
8 Anything else, Justice Cook, before we adjourn?  
9 Anyone else?

10 HONORABLE COOK: No.

11 PROFESSOR DAVIS: I thank everyone for  
12 coming and we are adjourned.

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15 (Whereupon, the Meeting of the Advisory  
16 Committee on Child Support Guidelines and  
17 Enforcement was concluded at approximately  
18 12:00 p.m. CDT.)

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## CERTIFICATE OF REPORTER

COUNTY OF MONTGOMERY )  
 State OF ALABAMA )

I, Beverly G. Slack, a fully trained and certified, licensed and bonded court reporter, do hereby certify that I transcribed the Statements in the foregoing cause, that I, by computer aided transcription, transcribed the Statements and that the foregoing contains a true and accurate transcription of all portions of said Statements on the dates herein indicated.

I certify that I am not related by either blood or marriage to any of the Committee members or other persons who were present in the meeting, that I have not acted as counsel to or for any of the Committee members or other persons who were present in the meeting, or am I otherwise interested in the outcome of the meeting.

I further certify that I have maintained the confidentiality of this process by not disclosing any information concerning this matter to any person under penalty of law; that I have prepared the transcript without the input and assistance from some of the Committee members and other persons who attended the meeting providing statements; and that I have permitted some of the Committee members and other persons who attended the meeting to review the transcript.

/S/BEVERLY G. SLACK  
 Beverly G. Slack  
 Court Reporter, Notary Public,  
 State at Large.  
 License #525, License expire: 9-30-23  
 Date transcript certified: 3-24-2023

