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MEETING OF THE ADVISORY COMMITTEE
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT
FOR THE STATE OF ALABAMA
FRIDAY, MAY 21, 2021
10:00 A.M.

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**THE ADVISORY COMMITTEE ON CHILD SUPPORT
GUIDELINES AND ENFORCEMENT MEETING** was held before
Jeana S. Boggs, Certified Court Reporter and
Commissioner for the State of Alabama at Large, via
Virtual videoconference, Montgomery, Alabama,
commencing at 10:00 A.M., Friday, May 21, 2021.

1 APPEARANCES

2 GUEST SPEAKER:

3 DR. JANE VENOHR
4 Center for Policy Research
5 Denver, Colorado

6 COMMITTEE MEMBERS:

7 PROFESSOR PENNY DAVIS, Chair
8 Adjunct Professor of Law
9 University of Alabama School of Law
10 Tuscaloosa, Alabama

11 THE HONORABLE MICHAEL D. SHERMAN
12 Circuit Judge
13 Domestic Relations Division
14 Mobile County, Alabama

15 AMANDA COX, Esquire
16 Staff Attorney, The Honorable Terry Moore
17 Judge, Alabama Court of Civil Appeals
18 Montgomery, Alabama

19 ANGELA S. CAMPBELL
20 Child Support Program Manager
21 Mobile County Department
22 of Human Resources
23 Mobile, Alabama

JENNIFER BUSH, Esquire
State-Level Child Support Attorney
Alabama Department of Human Resources
Montgomery, Alabama

KATIE STEINWINDER, Esquire
Private Practice Attorney
Montgomery, Alabama

MELODY BALDWIN, Esquire
District Attorney's Office
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PROFESSOR BRIAN GRAY
Associate Dean
Culverhouse College of Commerce
The University of Alabama
Tuscaloosa, Alabama

MALLORY HALL, Esquire
Private Practice Attorney
Birmingham, Alabama

OTHER APPEARANCES:

JEANA BOGGS, COURT REPORTER
BOGGS REPORTING & VIDEO LLC
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STEPHANIE BLACKBURN, Esquire
Central Staff Attorney
Supreme Court of Alabama
Montgomery, Alabama

NATHAN WILSON, Esquire
Senior Staff Attorney
The Honorable Sarah Stewart, Associate
Justice, Supreme Court of Alabama
Montgomery, Alabama

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

APPEARANCES OF THE PUBLIC:

CLIFFORD SMITH

LISA CLARK

LEE WOOD

TINA WRIGHT

1 MR. MADDUX: All right. We are
2 ready to go.

3 MS. DAVIS: All right. Thank you,
4 each of you, for your participation on our
5 Child Support Guidelines Enforcement
6 Committee.

7 First, I would like to start by
8 recognizing Jeana Boggs again. If you
9 would, wave so everybody will see you and
10 recognize you.

11 THE COURT REPORTER: (Waving).

12 MS. DAVIS: She is our Court
13 Reporter and has done a great job trying to
14 record everybody in our Zoom mode, and we
15 really appreciate her efforts.

16 To assist her, again, let me
17 remind everyone, if you would please, when
18 we are talking with numbers, would you
19 say -- or saying three ninety-five, if it's
20 three dollars and ninety-five cents, you
21 would say it that way. If it's three
22 hundred and ninety-five dollars, you would
23 state it that way. Likewise, percentages,

1 if it's 2% or 5%, if you would, just
2 indicate what your number is intended to
3 correlate with.

4 Bob, at this time, if you would
5 please call the roll.

6 MR. MADDOX: Yes, ma'am. Once I
7 call your name, please unmute yourself and
8 say "present", "here" or whatever you want
9 to say, that you are here.

10 The Honorable Sarah Stewart?

11 (No response).

12 MR. MADDOX: The Honorable William
13 Thompson?

14 (No response).

15 MR. MADDOX: The Honorable Don
16 McMillan?

17 (No response).

18 MR. MADDOX: Judge McMillan did
19 email Penny and me earlier. I think he had
20 a hearing. So, he may join late.

21 The Honorable Michael Sherman?

22 HON. SHERMAN: I am present.

23 MR. MADDOX: Thank you. The

1 Honorable Aubrey Ford?

2 (No response) .

3 MR. MADDOX: The Honorable Julie
4 Palmer?

5 (No response) .

6 MR. MADDOX: The Honorable Karen
7 Dunn Burks?

8 (No response) .

9 MR. MADDOX: Professor Penny Davis
10 is on. She just spoke. Amanda Cox?

11 MS. COX: Here.

12 MR. MADDOX: Thank you. Angela
13 Campbell?

14 MS. CAMPBELL: I am here.

15 MR. MADDOX: Thank you. Drew
16 Whitmire?

17 (No response) .

18 MR. MADDOX: Greg Starkey?

19 (No response) .

20 MR. MADDOX: Jennifer Bush?

21 (No response) .

22 MR. MADDOX: Jennifer Bush, she is
23 on. She may not be able to unmute herself.

1 Can you hear me, Jennifer?

2 MS. BUSH: I am present.

3 MR. MADDOX: Thank you. Jessica
4 Kirk Drennan?

5 (No response).

6 MR. MADDOX: Jim Jeffries?

7 (No response).

8 MR. MADDOX: Katie Steinwinder?
9 Did I say that right?

10 MS. STEINWINDER: It's
11 Steinwinder, but that's okay. You have me
12 identified as Rachel King, though, Bob.

13 MR. MADDOX: I will change that.
14 I am sorry.

15 MS. STEINWINDER: That's okay. I
16 am here, though.

17 MR. MADDOX: Steinwinder, right?
18 Steinwinder?

19 MS. STEINWINDER: You got it.
20 That's right. I am going to say it right
21 the next time. I promise, Katie.

22 Lathesia McClenney?

23 (No response).

1 MR. MADDOX: Lathesia McClenney?

2 I don't see her on.

3 (No response).

4 MR. MADDOX: Melody Baldwin?

5 MS. BALDWIN: Present.

6 MR. MADDOX: Thank you. Professor
7 Brian Gray?

8 PROFESSOR GRAY: I am here, Bob.

9 MR. MADDOX: Thank you. Stephen
10 Arnold?

11 (No response).

12 MR. MADDOX: Stephen Arnold?

13 (No response).

14 MR. MADDOX: Rachel King?

15 MS. KING: The real Rachel King is
16 here.

17 MR. MADDOX: I am sorry. Mallory
18 Hall?

19 (No response).

20 MR. MADDOX: We know Jeana is on.
21 She was identified earlier.

22 The Honorable Julie Weller?

23 (No response).

1 MR. MADDOX: I haven't seen her
2 on. Stephanie Blackburn?

3 MS. BLACKBURN: I am here.

4 MR. MADDOX: Thank you. Nathan
5 Wilson?

6 MR. WILSON: I am here.

7 MR. MADDOX: Thanks, Nathan. The
8 Honorable Matt Fridy?

9 (No response).

10 MR. MADDOX: For your information,
11 everyone, Judge Thompson I believe has -- I
12 believe officially resigned from the
13 Committee. Stephanie can verify that. But
14 I believe he has chosen Judge Matt Fridy,
15 who is also on the Alabama Court of Civil
16 Appeals, to replace him as a member. Is
17 that correct, Stephanie?

18 MS. BLACKBURN: Yes, that's
19 correct.

20 MR. MADDOX: I think he had a
21 another rules committee meeting this
22 morning, so he may join us later, as well.

23 Dr. Venohr? She's on. I can

1 verify that.

2 Clifford Smith?

3 MR. SMITH: Here.

4 MR. MADDOX: Cliff, did you want
5 to speak at the end?

6 MR. SMITH: I do not.

7 MR. MADDOX: Thank you. Tiffany
8 Gates?

9 (No response).

10 MR. MADDOX: Tiffany Gates?

11 (No response).

12 MR. MADDOX: Lisa Clark?

13 MS. CLARK: I am here.

14 MR. MADDOX: Would you like to
15 speak at the end, Lisa?

16 MS. CLARK: No, thank you.

17 MR. MADDOX: Okay. Thank you.

18 Lee Wood?

19 MS. WOOD: I am here.

20 MR. MADDOX: Thank you. Would you
21 like to speak at the end?

22 MS. WOOD: No, thank you.

23 MR. MADDOX: Thank you. Tina

1 Wright? Ms. Wright?

2 MS. WRIGHT: I am here. I am
3 here.

4 MR. MADDOX: Thank you. Would you
5 like to make some comments at the end of
6 the meeting?

7 MS. WRIGHT: I'm not sure. I
8 guess we will see how it goes.

9 MR. MADDOX: Okay. We will come
10 back to you at the end and ask you again.
11 Thank you for joining us.

12 MS. WRIGHT: Yes. You are
13 welcome. Thank you.

14 MR. MADDOX: All right. Penny, I
15 think that's all I had right now.

16 MS. DAVIS: Okay. Thank you, Bob.
17 Stephanie, do we have a quorum at this
18 point?

19 MS. BLACKBURN: Not at this point,
20 we do not.

21 MS. DAVIS: Okay. If you would,
22 when and if we get a quorum at an
23 appropriate time, would you indicate that

1 for us?

2 MS. BLACKBURN: Yes. Definitely.

3 MS. DAVIS: Thank you. I
4 appreciate that. And also would you verify
5 that we have authorization for a video
6 conference through the Supreme Court?

7 MS. BLACKBURN: We do. The order
8 granting us that authorization is in effect
9 until September 30th. So, it's still good.

10 MS. DAVIS: Okay. Thank you. I
11 appreciate that reminder. And, Bob, would
12 you verify the notification to the media.

13 MR. MADDOX: Yes, ma'am. As we
14 have done in previous meetings, the news
15 media was informed by email from Scott
16 Hoyem, Public Information Officer in the
17 Administrative Office of Courts in an email
18 dated April 27th, 2021, that there would be
19 a meeting today, May 21st, that allowed for
20 the public to provide written comments by
21 last Thursday, May 13, and also to join by
22 Zoom by this past Wednesday May 19th.

23 MS. DAVIS: Thank you, Bob. And

1 were there any written comments sent in
2 to the -- by the deadline?

3 MR. MADDUX: No, ma'am.

4 Stephanie, is that true?

5 MS. BLACKBURN: We have not
6 received any.

7 MR. MADDUX: Thank you.

8 MS. DAVIS: Okay. Thank you. I
9 wanted to confirm. I knew I had not seen
10 any either. All right. Well, thank you.
11 I appreciate that.

12 Okay. At this time, we would look
13 to approve the transcript. I think
14 everyone has an opportunity to review the
15 transcript. Are there any changes or
16 corrections that anyone would like to make?

17 MR. MADDUX: Penny, I do have this
18 one little minor correction I found after
19 the fact on page 73, line 22. Page 73,
20 line 22, it should say little "b" instead
21 of "1" I think.

22 MS. DAVIS: Okay. Thank you, Bob.
23 Anyone else have any --

1 MS. BALDWIN: This is Melody
2 Baldwin. I did notice, unless it was
3 changed in the first copy that I received
4 that was sent out, page 40, line 19 and 23
5 needed to be the number 40, four zero,
6 instead of IV-D as in numerals for the IV-D
7 program.

8 MS. DAVIS: Okay. Thank you. Any
9 other corrections?

10 (No response).

11 MS. DAVIS: All right. Do I hear
12 a motion to approve the transcript with
13 those corrections?

14 HON. SHERMAN: So moved.

15 MS. DAVIS: Thank you, Judge.

16 HON. SHERMAN: Michael Sherman.

17 MS. DAVIS: Thank you, judge. Do
18 I hear a second?

19 MS. STEINWINDER: I second. Katie
20 Steinwinder.

21 MS. DAVIS: Thank you. And, Bob,
22 if you get a chance, you may want to rename
23 Rachel King, the second, to Katie. There

1 you go. Thank you.

2 MR. MADDUX: I just did.

3 MS. DAVIS: Thank you. I
4 appreciate that. All in favor, if you
5 would raise your hands.

6 (Committee members raising
7 hands).

8 MS. DAVIS: Thank you. Those --
9 you can put your hands down. Thank you.

10 Those who are not visible if you
11 would unmute and register your vote of the
12 Committee members?

13 MS. CAMPBELL: This is Angela
14 Campbell. I am in favor of approval.

15 MS. DAVIS: Thank you. All right.
16 Everyone that was visible voted yea, as did
17 Angela. Anyone who is opposed, if you
18 would, unmute and indicate that of the
19 Committee members.

20 (No response).

21 MS. DAVIS: Okay. Thank you very
22 much. Obviously it passes.

23 All right. We are, at this point,

1 going to continue our discussion on
2 updating and revising the self-support
3 reserve adjustment as well as just the
4 general discussion of updating the child
5 support schedule. So, I would like to turn
6 it over to Dr. Venohr at this time. Jane,
7 if you would, unmute and take over the
8 discussion.

9 I think Jane is unmuting and
10 dealing with the phone. Phone problems.

11 DR. VENOHR: Yeah. I am sorry
12 about that. Okay. So, we can look at the
13 memo on May 13 is a good place to start.

14 And regarding my background, I
15 decided to leave it up. I was a panelist
16 in a conference sponsored by the Annie E.
17 Casey Foundation On Fathers and Families.
18 So, they made us all have this background
19 in the -- for the panel.

20 So, when Bob saw it, he thought,
21 well, that's interesting. It kind of
22 breaks it up so you don't have to see my
23 messy office. So, that's a history of

1 that.

2 So, if we go to the May 13th
3 memo -- there we go. So, at the top,
4 there's those bullets, what we are going to
5 do today. And we are going to look at the
6 examples of the worksheet, and I want to
7 say thank you to Angela Campbell for really
8 looking at it and finding some little typos
9 and seeing how it works. So, I think this
10 is very insightful for the Committee. And
11 I truly appreciate that she did that.

12 And the issue -- One of the issues
13 of concern is the percentage. We are still
14 talking about what percentage. We call it
15 a work incentive, but it also addresses
16 payroll taxes. And where we left was the
17 Committee was favoring by straw poll
18 putting the adjustment in the worksheet,
19 and that adjustment would vary by the
20 number of children.

21 So, they wouldn't be the same
22 order amount when there were two children,
23 three, four children, and it would actually

1 increase.

2 And the second bullet -- taking a
3 look at where we would have to make
4 language changes for the low-income
5 adjustment, and remember I am an economist,
6 not an attorney. So, I think it's
7 important for the Committee members to
8 draft that, but at least I can point to it,
9 you know, mathematically. So, I have some
10 places where I am pointing to that, but I
11 would appreciate if Committee members, such
12 as, you know, what Angela has done is
13 really to look at it and take a hard look
14 at it from a person that's using the
15 Guidelines.

16 So, we are going to look at the
17 impact of the work incentives. And then,
18 as Judge Palmer noted, there's all sorts of
19 temporary changes to the federal tax
20 credits relating to children, and I wanted
21 to just go over that. Previously I had
22 suggested that maybe you can deal with it
23 in your deviation criteria. So, I have

1 something in there about that. But, again,
2 I am an economist. So, you know, the role
3 of the Committee, you are the experts on
4 the policy and can think about whether it's
5 appropriate, and you don't need me to fine
6 tune the language, you know. So, anyway.

7 So, underneath this is the
8 contents, and I am going to go through it
9 just really quickly hopefully. If we
10 scroll down below the contents, it's just a
11 little math there on how the -- where we
12 have that percentage. In this example
13 we -- did you want to say something, Penny?
14 I thought I heard somebody.

15 Okay. So, in this example, we
16 have a party's monthly adjusted gross
17 income of \$1,257. So, that's equivalent to
18 full-time minimum wage earnings. We have a
19 self-support reserve of \$981, which is the
20 Federal Poverty Level adjusted for Alabama
21 incomes. The remaining income is \$276.
22 And we know some of that is going to go to
23 payroll taxes.

1 So, that's a policy decision what
2 to use. In this particular example, I have
3 75%. And we call this the work incentive.
4 It actually is -- We could just call it the
5 percentage.

6 And if you read the text, I say
7 that the tax rates are going to be about
8 13% to 18%. Later, I show that it's even
9 up to 19% for an income of \$3,000, which
10 would be important for a family with six
11 kids, that they might actually be eligible
12 for the self-support reserve if they had an
13 income of \$3,000 just because of how much
14 the schedule amounts are for an increment
15 of \$3,000.

16 So, what that means that, if the
17 tax rates are between 13% and 19% -- I
18 think somebody needs to be put on mute. I
19 think what we are hearing.

20 MR. MADDOX: Yes. Jane, it's
21 Ms. Wright. Ms. Wright, could you mute
22 yourself, please, ma'am?

23 MS. WRIGHT: Okay.

1 MR. MADDUX: Thank you.

2 DR. VENOHR: Thank you,

3 Ms. Wright.

4 So, what that means is you
5 probably want a percentage that's less than
6 80% if you really want a true work
7 incentive.

8 So, if you go to the next page,
9 there's a table that shows some of the ones
10 that we looked at when preparing this
11 brief. So, the numbering is a little weird
12 just to be consistent with previous memos.
13 And all of them rely on a self-support
14 reserve of \$981. And you can see we use a
15 variable amount for the Option B.4a. It's
16 80% for one child, and then 85% for two
17 or -- or more children. For B.4b, it's 75%
18 for one child, 80% for two children, and
19 then three children is 85%. And that would
20 be for three or more children.

21 For Option B.4c, it's 70% for one
22 child, 75% for two children, and then three
23 children it's 80%, and that's 80% or more.

1 That would be the option that I feel the
2 most comfortable with as a minimum to get
3 that economic incentive to increase
4 earnings with the -- you know, obviously
5 this is a policy decision. And because of
6 that variable tax rate, you know, 85% would
7 be okay, I think, from a mathematical
8 perspective, which is what I am going to
9 talk about is always the mathematical and
10 the economic perspective.

11 And then Option B.4d is clearly
12 has a bigger incentive. It's 65% for one
13 child, 70% for two children, and 75% for
14 three and more children.

15 So, before we delve into these
16 calculations, I wanted to go over the tax
17 credit information that Judge Palmer
18 brought up the last meeting just because,
19 you know, taxes are obviously a really
20 important decision when we talk about that.
21 And as Judge Palmer pointed out, the
22 American Cares Act, or Rescue Act, I am
23 sorry, it did some temporary changes in tax

1 code, and those are only in effect for this
2 tax year, so 2021. And the major one is
3 the increase in the child tax credit. It
4 increases from \$2,000 per child per year to
5 \$3,000 per child per year, and that amount
6 is more if the child is six or less. It's
7 \$3,600 per year.

8 And in the past, low income
9 households weren't eligible for that full
10 tax credit of \$2,000. So, a custodial
11 parent making minimum wage wasn't eligible
12 for that full \$2,000 per child per year
13 because you have to have some sort of tax
14 liability. And obviously, you know, the
15 earned income tax credit is going to
16 interfere with that.

17 And so, a person doesn't -- a
18 person with children doesn't have any tax
19 liability until their income starts getting
20 closer to \$2,000 or \$3,000.

21 So, what that child -- What the
22 old child tax credit did was only advance
23 \$1,400. This temporary change for 2021

1 will advance the whole amount.

2 So, it's not just \$1,400 per year
3 that that person will get. It will be
4 \$3,000 per child per year but just for
5 calendar year 2021 even though they tried
6 to make it permanent at some -- it's a
7 controversial issue. I'm not sure that
8 will occur.

9 The other thing to realize about
10 it is that that amount is going to be
11 advanced. And Bob found an article about
12 it. I'm not sure if he shared it with
13 others. That it will start being advanced
14 as of July 2021, this year. So, the last
15 six months will advance -- be advanced.
16 And I think the rest of it will happen with
17 the tax return, if I remember right, next
18 April.

19 And this is unusual because it's
20 never been advanced before. So what
21 happens is that families don't get it until
22 they file their tax return, say, in April,
23 and it's like, whoa, I get a little bit of

1 a refund here or a tax credit or I don't
2 have to pay taxes. And the research shows
3 that usually -- that money is usually spent
4 to pay down debt or major households items
5 such as if a family needs to buy tires for
6 their vehicle or a broken refrigerator.

7 So, what most states have taken
8 the perspective is that because it is not
9 advanced and most families live paycheck to
10 paycheck, that we don't usually consider it
11 in the gross income calculation when we do
12 our -- do the child support calculations.
13 I mean, we could. There's been a couple of
14 states that do such as Vermont does, New
15 Jersey does, and I think there's one other
16 state. And you certainly could do that
17 from a policy perspective. It makes it
18 messy. It makes it another calculation or
19 another table.

20 Also, the whole formula for the
21 childcare tax credit is very complicated.
22 It phases in and it phases out. So, it
23 hits just a certain amount of income, and

1 it varies by the number of children.

2 So, if you want to get to that
3 detail, it's a very -- it's -- it is not
4 easy. You know, you certainly can do it,
5 and I would probably recommend against it.
6 I don't think it's worth the hassle with
7 the old tax code. With this new tax code
8 that's temporary, and I am not sure it's
9 worth the hassle for this either. But I
10 will talk about it a little bit more. And,
11 again, this is your policy decision. I am
12 just looking at it from an economic point
13 in a mathematical point.

14 And I am going to break in just a
15 couple of minutes, but I want to go through
16 the other changes because I think they are
17 all important.

18 The second change is that this is
19 temporary for 2021 as they expanded the
20 earned income tax credit for childless
21 adults. And it nearly tripled it. And
22 it's about \$125 per month, but it is not
23 advanced. It's not going to be advanced

1 like that child tax credit.

2 So, a childless adult is not -- an
3 eligible childless adult isn't going to
4 realize it until he or she files tax
5 returns as of April. But then they are
6 probably going to get a little bit of a
7 windfall or more than they have gotten in
8 the past. And I figure out, if you average
9 it, it would be \$83 per month more for a
10 minimum wage earner. But, again, they are
11 not going to see that in their paycheck
12 unless they ask their employer to do
13 their -- and payroll withholding allowance
14 differently.

15 And the last thing that has
16 changed for just 2021 is they expanded the
17 child and a dependent care credit. And
18 this -- before -- the way it's worked
19 historically, it's a maximum of \$250 per
20 child that you can get a credit of, and
21 then it's a percentage of that. It's about
22 25% of that. And then for two or more
23 children, it was \$300. And then it was a

1 maximum of 25% that would only hit a
2 certain income bracket, usually those with
3 incomes above \$3,000, and then again
4 there's a phaseout. So, it's a very select
5 group that it affects.

6 And now they are expanding it, so
7 it will consider childcare taxes --
8 childcare expenses up to \$667 per month for
9 one child. And \$1,337 per month for more
10 children. So, what this means is, for a
11 middle class family that has childcare
12 expenses, this can substantially reduce
13 their childcare expenses just for this
14 calendar year.

15 And some states include the
16 childcare tax credit when they talk about
17 it in their calculation and their
18 Guidelines and other states don't. I would
19 say the majority don't, and Alabama is one
20 of those.

21 So, if you scroll down to the very
22 end, "What the Increased Child Tax Credit
23 Means for Spendable Income Available to the

1 Obligee," and if we just assume the case
2 that's age average case based on the ALECS
3 data, which is title IV-D, the Roman
4 numeral IV-D, case that they might get a
5 partial tax credit of \$133 per month
6 beginning in July for the rest of the year.
7 So, they would see an increase in their
8 paycheck if they were earning minimum wage.

9 Now, I mentioned before that
10 there's also going to be a change for the
11 obligated parent. And that would be an
12 average \$83 per month, but he or she is not
13 going to see that right away just because
14 it is not being advanced by the child tax
15 credit. So, here's the policy decision:
16 Is it a wash? You know, \$83 versus \$133,
17 it's a \$50 difference in income whether you
18 want to address it, I mean, some of the
19 factors that don't make it a wash are the
20 obligee -- obligor is not eligible because
21 he or she has income greater than minimum
22 wage. He or she has other children in the
23 home. I already talked about one being

1 advanced and the other one not being
2 advanced. The receiving parent has more
3 income, so that would change it up.

4 And then after that, I am going to
5 slowly get into some language. But then
6 the next thing is to show you how that
7 chart is something that I pulled from the
8 Congressional Records Office Report just
9 showing how that change in that, the
10 childless adult and where it's kind of
11 confusing.

12 So, the brown line just shows you
13 now it's hitting a minimum wage worker,
14 this earned income tax credit. Before, you
15 could see that that prior law, if you look
16 at that brown line, it peaked below an
17 income of \$10,000 per year. And, you know,
18 where minimum wage worker is going to have
19 income just below the \$15,000 per year
20 point or really close to that.

21 So, you can see that he or she --
22 well, actually it's going to be to the
23 right of the income of \$15,000 per year. I

1 am pointing to the screen, like, when you
2 can see my fingers. But it's going to be a
3 little bit less than that.

4 So, it just shows that the -- oh,
5 look at that. Bob has got a lot of skills.

6 So, anyway, but it just shows the
7 obligor is probably going to get something
8 too in those cases where both parents are
9 earning minimum wage.

10 So, if you move on to page four
11 and you look at table one, you know, you
12 already have some -- this is the deviation
13 criteria. And, again, I am not an
14 economist -- I mean, I am an economist and
15 not a policy person. So, I just put
16 suggestions some place where I thought you
17 could put language. And my intent was to
18 get language that reflected the economics
19 and the math of it. If you wanted to put
20 something in there that allowed judges to
21 deviate, I mean, I know there's a whole
22 perception of fairness, and, you know, that
23 is an issue, even though mathematically I

1 showed you the increases. You know,
2 there's an increase, but it's probably not
3 enough to move that needle by about 9%,
4 which is your -- one of your modification
5 criteria. But I slipped some language in
6 there just to be generated discussion.

7 And I am going to stop there and
8 just let people comment and see what they
9 think. And I have other languages for the
10 other tax credits. So, we will just stop
11 there and open it up for comment.

12 MS. DAVIS: I have one question
13 initially. Is spendable income a defined
14 term?

15 DR. VENOHR: It --

16 MS. DAVIS: I think I know what
17 you mean, but I don't know if that's a
18 defined term.

19 DR. VENOHR: Yeah. It's -- I am
20 using it more general than the defined
21 term. I am using it synonymous with
22 after-tax income. And there's a defined
23 term -- I am pretty sure that's the term

1 that they use in the Consumer Credit
2 Protection Act, and I am not using that
3 definition. When they use that definition,
4 they include after deductions for health
5 insurance. So, it's a little bit further.
6 So, that's a good point, Penny.

7 And I see that I use that term in
8 (g), and I probably could use after-tax
9 income in a month. Because when I was
10 trying to discern between his or her income
11 changing on average for the year or his or
12 her income actually being affected on a
13 monthly basis like it would be because now
14 they are advancing the child tax credit. I
15 don't know. Does it clarify it?

16 MS. DAVIS: Yeah. I think I knew
17 what you intended, but I am just -- I am
18 approaching it from the lawyer side as
19 opposed to the economist's side in terms of
20 the judges have to -- if we write something
21 like changes in federal tax laws that
22 result in a parent having an increased or
23 decreased income, that doesn't use the word

1 "spendable," but it may capture it without
2 having -- the people to have to litigate
3 what's intended by "spendable."

4 DR. VENOHR: Point well taken.

5 MS. DAVIS: And it may be -- the
6 others really don't speak -- The other
7 deviations don't speak in terms of
8 spendable income versus just the income in
9 general that's available.

10 DR. VENOHR: Yeah. And I think
11 the more general question is whether the
12 Committee feels like there needs to be --
13 this issue needs to be addressed. I mean,
14 it's a temporary situation. Who knows. We
15 can't predict Congress, you know.

16 MS. DAVIS: Right. So, let's open
17 it up for that discussion in general. And
18 let me stop and ask Stephanie. I assume we
19 still do not have a quorum; is that
20 correct?

21 MS. BLACKBURN: Sorry about that.
22 I was trying to figure it out. No, we do
23 not have a quorum.

1 MS. DAVIS: All right. So,
2 obviously we will not be voting on
3 anything. But we do want a general
4 consensus.

5 So, Bob, could you switch us to
6 the Brady bunch view and see if we can --
7 if anyone would like to discuss this point.

8 All right. So, we are addressing
9 the questions to the Committee members.
10 So, would anyone on the Committee like to
11 discuss the federal tax credit changes and
12 any idea with regard to putting it into a
13 deviation or addressing it some other way
14 than that?

15 HON. SHERMAN: Penny, I will make
16 a comment. This is Michael Sherman.

17 If we were going to address it, I
18 like the idea of addressing it in this
19 place in the Guidelines as a grounds for
20 deviation. I'm not sure that we need to.
21 But my concern is -- I say I am not sure we
22 need to because, like Dr. Venohr points
23 out, it's temporary right now. It may

1 become permanent. We don't know. But I'm
2 not sure -- I mean, speaking from the trial
3 judge's perspective -- that many, if any,
4 trial judges are going to have the context
5 and knowledge that she just gave us in
6 those three or four paragraphs to even
7 understand what the impact of those tax
8 credits would be to then intelligently
9 apply a deviation to the guidelines that
10 would be rationally related to the
11 financial difference it actually makes for
12 that family.

13 MS. DAVIS: Thank you, Judge.

14 Jane, I know you were focusing on the
15 Alabama data that you were sent. But that
16 relates primarily to what are the IV-D
17 cases, not the overall average -- you know,
18 average me, Minnie or Mo type of situation.

19 So, drawing on your expertise from
20 other states where you have a broader
21 amount of cases to pull from, are a lot --
22 are many -- what percentage would you
23 estimate roughly would be impacted by these

1 federal tax changes in a significant way?

2 DR. VENOHR: That's a good
3 question. I think it would probably be the
4 non-IV-D world that would be the most
5 affected, and it would be -- so, that's
6 roughly 50% or 40% of your cases, and then
7 a sub-group of that. So, I am working down
8 to it.

9 MS. DAVIS: Right.

10 DR. VENOHR: It is not going to be
11 all 40%. And then it would be those where
12 the custodial parent gets to claim the
13 children. And I don't have data. A lot --
14 So, it's private cases. Not in the Social
15 Security IV-D with the Roman numbers on
16 caseload.

17 And I don't have numbers in
18 Alabama to know if they are splitting the
19 tax credits. The only state I have ever
20 had numbers on that was in Arizona, and
21 they pretty much split the tax credits
22 equally in that state.

23 So, it would have to be a scenario

1 where they don't split the tax credits, and
2 that's also actually a big issue right now
3 is, you know, they don't know what to do
4 with those parents that are rotating the
5 tax credits every year.

6 Then it becomes a segment of that
7 percentage. And then I think it would
8 be -- you know, the case example that comes
9 in mind where the custodial parent might be
10 a school teacher, that would be about the
11 right income range, you know, where not a
12 nurse supervisor. But, you know, a nurse
13 with a few years of experience. They might
14 be at that income range that's affected.

15 And, then, if they had more
16 children, you know, obviously it's going to
17 be a bigger impact. And our ALECS data
18 showed us that the majority of cases are
19 one child.

20 So, as I talk this out, I am
21 thinking it's going to be maybe 10% of the
22 cases that there's a -- might be an equity
23 concern because they are getting that

1 additional \$200 per month statewide. That
2 would be my back of the envelope
3 calculation. And maybe some of the judges
4 know better that are hearing non-IV-D cases
5 on that situation I describe.

6 MS. DAVIS: Thank you. That was
7 helpful to me with your -- I understand I
8 put you on the spot. It's a rough
9 estimate. So, at 10% or so, I am probably
10 less inclined to think we ought to do
11 anything that would make a calculation very
12 complicated since it's going to impact only
13 on a small percentage.

14 And I would tend to think that
15 those that have the higher incomes are more
16 likely to have attorney representation so
17 they can negotiate with the tax
18 consequences. I see some heads nodding.
19 Would that be a fair statement from those
20 of you who are either practiced or on the
21 bench or both?

22 MS. KING: This seems accurate for
23 me. This is Rachel King.

1 MS. DAVIS: Thank you, Rachel.
2 Okay. And I guess -- I think I am leaning
3 towards not putting it in because of the
4 lesser number impacted and the fact that it
5 probably is already in a considered already
6 when the parties are negotiating.

7 Does anyone feel strongly that we
8 should include this as a deviation? If you
9 would, just go ahead and raise your hand or
10 unmute and let us know if you feel strongly
11 that you would like to.

12 (No response).

13 MS. DAVIS: Okay. Anyone -- just
14 to be fair, I am going to ask the other
15 side, anyone that feels strongly that we
16 should not, if you would raise your hand or
17 unmute and speak to that point.

18 (No response).

19 MS. DAVIS: Okay. Well, I don't
20 see that -- there's a lot of strong
21 feelings one way or the other. So, unless
22 anyone has any other questions, then I
23 think we will just go on to the next point,

1 Dr. Venohr. I think that was very helpful
2 information for all of us.

3 DR. VENOHR: Okay. If we scroll
4 down and just going to -- I don't think we
5 need to discuss this right now, but just to
6 save time because I want to -- but if we
7 scroll down to that same page, there's one
8 for addressing the federal childcare tax
9 credit.

10 And if you scroll down to the
11 bottom, I just have a sentence in there.
12 And you can talk about this more later
13 among yourself. I don't think you need me.

14 But this would be a place that if
15 you wanted to put in the federal child and
16 dependent childcare tax credit, you can
17 just say it may be considered. You know,
18 but for the same reasons that you are
19 thinking that it's a small percentage of
20 your caseload, we only found that 14% of
21 those with documented Guidelines
22 calculations in ALECS had childcare
23 expenses.

1 So, that would be the state child
2 support caseload that they had childcare
3 expenses. And all of them had too low of
4 an income to realize the childcare tax
5 credit.

6 So, you know, if they are thinking
7 about how many cases are affected, there
8 would probably be even fewer cases that
9 would be affected by the federal childcare
10 tax credit when talking about childcare
11 expenses.

12 So, if you are okay with it,
13 Professor Davis, I think we can just move
14 on unless the Committee wants to make a
15 comment real quick on that.

16 MS. DAVIS: Okay. I am going to
17 open it up for discussion. Anybody want to
18 comment or ask Jane a question before we
19 move on?

20 (No response).

21 MS. DAVIS: Okay. Jane, I think
22 we are ready to move on. Thank you.

23 DR. VENOHR: Okay. So, then, we

1 are moving on to the next page, and this
2 just show that what we do when we do the
3 tax -- the conversion from -- we convert up
4 to gross income. So, instead of
5 calculating from gross income to after-tax
6 income, we -- our measurements of
7 child-rearing costs are expressed as a
8 percentage of expenditures. We convert
9 that to after-tax income, and then we gross
10 it up to develop the schedule. And we use
11 income withholding formulas. And we use
12 the income withholding formula for single
13 taxpayer which is pretty much the same as a
14 head of household. There's just a little
15 bit difference in the brackets. But -- and
16 we use the formula for 2021, which does not
17 have this advanced child tax credit.

18 So, this is what we get when we
19 look at the payroll tax calculated from the
20 federal and state income withholding
21 formulas as published as of December or
22 January 2021. So, this just shows you
23 that, again, that the percentage that we

1 want to talk about if we are concerned
2 about every single additional dollar in
3 gross income going to child support, we
4 want to reduce that by at least 80%,
5 because about roughly 20% were going to go
6 to taxes.

7 So, if we scroll down a little
8 bit, the last time somebody asked about the
9 federal requirement. And one of the
10 reasons that we are taking so much time on
11 this on the self-support reserve is that
12 there's a new federal requirement that
13 requires states to consider the basic
14 subsistence needs of the noncustodial
15 parent (and at the State's discretion, the
16 custodial parent and children) who has a
17 limited ability to pay by incorporating a
18 low-income adjustment, such as a
19 self-support reserve or some other method
20 determined by the State.

21 So, that's one of the reasons that
22 the Committee is refining the self-support
23 reserve. Not only are you talking about

1 updating with that amount of that
2 self-support reserve is, but you are
3 talking about making it transparent obvious
4 in the schedule and applying it to both
5 parents.

6 So, this next table, and this is
7 something you can look at on your own
8 without me later is this just as a markup
9 of where you probably would want to put
10 some language to address it and how. And
11 one of the things that I am going to
12 mathematically show you in a minute when we
13 get to the worksheet is that you have to
14 move those additional expenses for health
15 insurance and childcare to make this all
16 work.

17 So, there's a considerable amount
18 of markup in the language to accommodate
19 putting that self-support reserve in the
20 worksheet. So -- and that language
21 continues on the next page.

22 I also inserted some of the
23 language from other states because one of

1 the things that the Committee was favoring
2 was making that adjustment discretionary.
3 And discretionary meaning that you consider
4 the custodial parent's income too. And
5 that makes it a little bit more tricky in
6 the language in the worksheet.

7 So, I was playing around with some
8 of the language. There really isn't too
9 much that you can adopt from other states.
10 I have included Arizona, Georgia, what we
11 proposed in Kentucky, New Jersey, because
12 all of these states, what they do is they
13 do that self-support adjustment at the very
14 end.

15 So, they do it after a
16 consideration of childcare and health
17 insurance, where Alabama is talking about
18 doing the self-support reserve
19 consideration, then doing the add-ons for
20 childcare and health insurance. And you
21 can change it up. That's a policy
22 decision. You know, I am just trying to
23 work out the math on doing that.

1 So, I think probably the best
2 thing to do right now is -- Bob, do you
3 mind flipping to Angela's worksheet because
4 she's got -- she caught some of my typos.
5 And that's probably a better place to look
6 at it.

7 So, this is -- Here's a draft
8 worksheet where we have a monthly gross
9 income of \$1,907. So, that's assuming that
10 the federal minimum wage increases to
11 \$9.50, or you can look at it as, you know,
12 what the -- it approximates what a
13 restaurant person would make, a cook. And
14 then we have the defendant making minimum
15 wage in this example.

16 And then I programmed this on
17 Excel. So, when I do it, it takes that
18 basic child support obligation from the
19 schedule. And I have to do a million other
20 steps to get Excel to round off, and I was
21 more concerned about getting the math right
22 for those add-ons, the childcare and the
23 health insurance.

1 So, when you see that Angela
2 scribbled out those -- the dollar amounts,
3 you can see that she's got \$344, and I have
4 \$346. She is using the round-off, the 60%,
5 the 40%. And if you go to the Excel, I
6 have it to an infinite amount of decimal
7 points.

8 So, that's why you see the
9 discrepancy there. And I would be glad to
10 share my Excel spreadsheet with anybody.

11 And then, you see that New Line 6,
12 or if you look, you say, Consideration of
13 Subsistence Needs, Self-Support Reserve.
14 And you can word this however you feel is
15 appropriate. You may skip if each parent's
16 income is above XXX. And we don't know
17 what XXX is until you decide what that
18 percentage, that work incentive should be.

19 So, then, our new Line 6 would be
20 the self-support reserve. And a beautiful
21 thing about this is that it applies to both
22 parents, to each parent. And you can
23 change that \$981. The Committee can do it

1 on their own. You don't have to hire me
2 back to make the change in the schedule.
3 It's going to work. The math is all there
4 that's going to work.

5 And Angela suggested that we
6 clarify Line 1, minus Line 6 or Line 7 to
7 get -- to understand the directions.

8 And then the New 8 would be the
9 percentage of adjustment. So, this is how
10 it would look like. And you could put some
11 instructions on it. Here we have a
12 variable percentage. And one concern was
13 whether this would be confusing. And then
14 New Line 9 is the maximum share of basic
15 obligation --

16 MS. DAVIS: Jane?

17 DR. VENOHR: Go ahead.

18 MS. DAVIS: Just this is a little
19 confusing to me on Line 8. We used 75% for
20 one person, but on the third, over on the
21 right-hand side where it says 100%?

22 DR. VENOHR: Oh, we should take
23 that out. I am sorry.

1 MS. DAVIS: I think it should just
2 be a blank there, shouldn't it?

3 DR. VENOHR: Right. Good comment.

4 MS. DAVIS: I think that's a
5 little bit confusing to people.

6 DR. VENOHR: Yeah. I agree. And
7 I am just going to make a note of it. It's
8 a very good comment.

9 And then, so, then new Line 9
10 would be the maximum share of basic
11 obligation if SSR applies. And I really
12 had trouble wording this because, in most
13 states, it's the preliminary order. But
14 the preliminary order considers the
15 childcare and the health insurance. So, I
16 just thought -- I am just going to use the
17 language that it really truly means. But I
18 think other people on the Committee are in
19 a better position to get the -- refine the
20 language. And so, it's consistent with
21 your laws and regulations.

22 So, but I think for now you
23 understand that that's the maximum. And I

1 put less than \$50, add \$50. So, that means
2 that there's always a minimum order of \$50.

3 And so, then, the new Line 10 is
4 just whether the parents have -- or the
5 party has sufficient income to cover his or
6 her share of the basic obligation and the
7 SSR. And all it does is that it compares
8 that Line 9 with that Line 7. And you can
9 see that the -- the parent -- the plaintiff
10 that her Line 7 is more than Line 9. So,
11 yeah, the plaintiff has enough income.

12 And you can use different wording.
13 Some states like Tennessee, they use a
14 little bit different language, whether he
15 is eligible for the self-support reserve,
16 but they have already identified which
17 parent is the obligated parent at this
18 point.

19 So, there's some playing around
20 that could be done. Now, when you look at
21 the defendant, you will see that his or her
22 Line 7, the defendant's Line 7, is more
23 than the maximum share of the SSR. So,

1 actually that's not how it works. It
2 should be compared to the New Line 5. I
3 told you the wrong line to compare it to.

4 So, I was comparing it to Line 7,
5 but it's actually the Line 5 that we are
6 comparing it to.

7 So, the -- for the plaintiff, you
8 can see that \$695 is greater than \$344.
9 So, yes, the plaintiff can afford to pay
10 \$344.

11 And then for the defendant, the
12 New Line 9 is \$207, and the obligated
13 parent cannot afford to pay that New Line 5
14 of \$230. So, he or she has a "no" in that
15 New 10.

16 And then this is where it gets
17 different is that now we do the
18 consideration, the additional expenses.
19 And Angela filled this in. Most states do
20 not do this. They do it the way that
21 Angela has it where they put the
22 information right -- they don't have that
23 shading there. They actually put each

1 parent's information right there.

2 And then Angela and I, obviously,
3 you know, because I am using Excel, we have
4 a little bit of a difference on New Line
5 14. She caught a little error in my
6 multiple line. I have got Excel that has
7 its numbering which isn't consistent with
8 the numbering here. So, it's always a
9 challenge to get it consistent.

10 So, again, I can't thank Angela
11 enough. She did a similar thing in New
12 Line 15. And this is --

13 MS. DAVIS: Jane, before you quit,
14 I am thinking that if we are going to use
15 something like this, that on the total
16 additional expenses on New Line 13, we may
17 want to have the same sort of suggested
18 language that she had before and just say,
19 add lines 12 and -- you would add lines 11
20 and 12 to get -- where you say, new lines?

21 DR. VENOHR: Right.

22 MS. DAVIS: A total new line. You
23 do a parenthesis and said add lines 11 and

1 12.

2 DR. VENOHR: Right. Okay. That's
3 easy. And I am happy if there's -- you
4 know, if you decide to do a work group, I
5 am happy to give you the Excel spreadsheet,
6 you know, if there's other language changes
7 and stuff you want or I can make them too.

8 So, then, when you get to New Line
9 16, you see what the obligor's adjusted
10 share of additional expense is. And that's
11 similar to how you have the worksheet
12 established.

13 And then I don't know how you want
14 to do this last part because you are making
15 the deviation -- I mean, the self-support
16 reserve discretionary. So, I put it both
17 ways. I put in the recommended child
18 support order with no SSR adjustment. And
19 then I put in the recommended child support
20 order with the SSR adjustment. And you can
21 that see there's a difference of, you know,
22 \$247 and \$226. And Angela noted that I
23 didn't correct that Line 16. I am sorry,

1 Professor Davis. Go ahead.

2 MS. DAVIS: I had a question. On
3 Line 17, it says the sum of Line 9, Line 9
4 is \$207, and Line 16 -- and Line 16 is the
5 \$20.

6 DR. VENOHR: So, that's --

7 MS. DAVIS: Is that \$227?

8 DR. VENOHR: That's another typo.
9 It should be sum of Line 5. Sorry about
10 that. Because Line 5 is the amount without
11 the self-support reserve.

12 MS. DAVIS: Line 5. Okay.

13 DR. VENOHR: So, yeah. So, on
14 that -- instead of Line 9 in that
15 directions of New Line 17, it should be
16 Line 5. That was another thing Angela
17 picked up.

18 Again, I am doing this in Excel,
19 so I don't -- I don't have -- I have to
20 manually do the line numbers.

21 MS. DAVIS: So, it would be \$230
22 plus the -- under her, it's \$230 plus the
23 \$20, it would be \$250; is that correct?

1 DR. VENOHR: Right. Right. And
2 the difference is just the round-off.

3 MS. DAVIS: Yeah. Thank you.
4 That makes more sense.

5 DR. VENOHR: And then you can see
6 at the bottom the existing would be \$259
7 for this case. And the difference is just
8 because we have a little bit of a decrease
9 in that proposed schedule.

10 So, I am using the updated
11 schedule. We have -- I think it's about a
12 decrease of \$20 around that point. That's
13 about the maximum.

14 Bob, do you mind flipping back to
15 the memo, or do people want to make a
16 comment on this before they -- because I
17 want to show this just a slightly different
18 way to do the worksheet.

19 MS. DAVIS: Anybody have any
20 questions?

21 (No response).

22 MS. DAVIS: Okay. Go ahead.

23 DR. VENOHR: So, this is on page

1 11. Then, if you go to the add-ons, what
2 is different here -- and I color coded it
3 yellow because on the -- on the Excel
4 spreadsheet, this is where you would enter
5 the information.

6 So, if anybody wants to use that
7 Excel spreadsheet, they can look at where I
8 have the yellow. And that's where you
9 would enter the case circumstances.

10 And here I have done it a little
11 bit different than your existing worksheet.
12 This is more what Angela was kind of
13 getting at, that you could put that
14 information in that column for each party.
15 And then as Professor Davis pointed out,
16 that New Line 13 should be the sum of Line
17 11 and Line 12. And then you would -- and
18 Line 14, you multiply it by each parent's
19 additional share -- pro rata share of
20 income.

21 And then that New Line 15 is the
22 obligor's credit only. And so, you pull
23 that down. And then you take the net of

1 New Line 14 and 15. And that's the add-on
2 for additional expenses is \$19 or \$20 if we
3 were rounding off.

4 The one thing that this does that
5 we are seeing in other cases -- in other
6 states is that new Line 11, that
7 work-related childcare expenses, it allows
8 for them to be incurred by the obligated,
9 or the defendant, and be considered in the
10 calculation which is a reality in a lot of
11 states. I mean, and this happens just
12 because they might have some sort of
13 time-sharing arrangement where the obligor
14 has the child and puts the child in
15 childcare expenses.

16 So, this achieves and ends up with
17 the same end result, the same dollar
18 amount. We are not changing it at all.
19 It's just the sequence and the order of the
20 worksheet. It's a little bit different,
21 and the directions are a little bit
22 different.

23 So, my suggestion would be, if I

1 could have it any way, is to have some sort
2 of workgroup. If you are thinking about
3 putting it in the worksheet, have some sort
4 of workgroup refine the language in the
5 worksheet so it's appropriate for your
6 rules and legislation.

7 I am going to stop there. No
8 comments?

9 (No response).

10 DR. VENOHR: Do you want to go to
11 the percentage if there's no comments? Do
12 you want to look at the percentages then?

13 And then we can move on to the
14 comparisons because that's another issue.

15 So, there's a couple of other
16 issues we are bringing up to today: One is
17 whether you want to make any changes to
18 your Guidelines to accommodate the federal
19 tax changes. Two is on that -- getting a
20 draft of a worksheet and the language in
21 your Guidelines to accommodate so they mesh
22 together. That's another issue. And then
23 the third issue that we still have to deal

1 with is those percentages assuming that you
2 are going to go with the adjustment in the
3 worksheet.

4 So, these are our case scenarios.
5 And the first case scenario, the ones that
6 we've been looking at quite awhile is our
7 current minimum wage, which is \$7.25 an
8 hour. It's been that way since about 2006.
9 And there was a federal proposal to
10 increase that to \$9.50 by the summer. It
11 didn't make it into the House bill. But
12 there is still a lot of movement to
13 increase the federal wage, minimum wage.
14 So, I won't be surprised if it goes up to
15 somewhere between \$9.50, \$11 or \$12 an
16 hour.

17 The proposal earlier this year was
18 to go up to \$15 an hour by 2025. I would
19 be surprised if it went there, I mean, just
20 based on my reading. It's something that I
21 track pretty closely. But that's where we
22 get these case examples.

23 So, if we go down to Figure 1, we

1 have -- these are the options. And you
2 don't need to flip back to the options.
3 The options are listed on page two of the
4 memo.

5 So, there's an existing order
6 amount. And Option B.4a is to use 80% for
7 one child, and 85% for two or more
8 children.

9 And then Option B.4b is to use 75%
10 for one child, 80% for two children, and
11 85% for three or more children.

12 And then Option B.4c is to use 70%
13 for one child, 75% for two children, and
14 80% for three or more children.

15 And then Option B.4d is to use 65%
16 for one child, 70% for two children, and
17 then 75% for three children.

18 And in this -- because of case
19 scenario, you can see that the obligor's
20 gross income is \$1,257. The Federal
21 Poverty Level for one person is \$1,073.
22 When we adjust it for Alabama incomes, it's
23 \$981. So, we have payroll taxes of \$159.

1 So, roughly there's about \$200
2 of -- I'll use the term "spendable income"
3 more because it's after-tax income and
4 after the self-support reserve.

5 And you will see that any of these
6 options are going to result in a lower
7 amount than the existing amount. And the
8 "a" is the most conservative option, and
9 then "d" is the most generous option.

10 So, you can see that it's a small
11 decrease for Option B.4a for one child,
12 which is the vast majority of the orders.
13 They would go from \$246 to \$221. And
14 probably where there's a little bit of pain
15 is that three-child amount, that that now
16 it would be \$419, and it would go down to
17 \$235. And that would be Option B.4a or
18 Option B.4b. It didn't make any
19 difference.

20 And -- but remember that it's very
21 unlikely that that federal minimum wage is
22 going to keep at \$7.25 an hour. So, this
23 is probably the most painful scenario to

1 consider because this is where you are
2 going to see the precipitous decreases.

3 So, if we go down to Figure 2,
4 which is more likely a scenario that when
5 and if minimum wage increases, so this
6 would be \$9.50 an hour. And what you will
7 see is that for the scenario for one child
8 and for two children, the order isn't even
9 affected by the self-support reserve. And
10 that's because both parents essentially got
11 an increase in their income because of the
12 increase in the federal minimum wage.

13 If you look at that side box, if
14 they are working full time at minimum wage,
15 their income would be \$1,647, and their
16 payroll taxes would be only \$245 a month
17 for an obligated parent assuming the
18 federal income withholding formula, the
19 state income withholding formula and FICA.
20 So, there's no consideration of the EITC
21 being advanced.

22 And so, you know, if you take
23 \$1,647 and subtract \$245, that roughly

1 means there's about \$400 that he or she has
2 available for -- I am sorry, and then you
3 subtract the self-support reserve. There's
4 about \$400 available. And I am rounding
5 down.

6 So, that's why you see that it's
7 met in the one child and the two child.
8 So, it's just roughly -- it's a little over
9 \$400, but I rounded down when I gave you
10 that number.

11 When you do see the self-support
12 reserve as an impact, you see it for the
13 three-child. It doesn't impact the Option
14 B.4a or B.4b, but it does impact B.4c and
15 B.4d which are more generous.

16 So, again, I want to emphasize
17 that that one-child amount decreasing from
18 \$312 to \$299 is just that new
19 Betson-Rothbarth measurements are showing a
20 little bit of a decrease at those incomes,
21 and only a small increase for the two-child
22 amount.

23 So, then, if we scroll down to \$11

1 an hour, the next scenario, this
2 self-support reserve is not kicking in for
3 any of these scenarios. As we go -- you
4 can see because all of them result in the
5 same dollar amount. And this means that
6 the parent has sufficient income -- both
7 the parents have sufficient income to meet
8 that \$981 self-support reserve.

9 And then you see a little bit of a
10 decrease for one child. And, again, that's
11 just because the new Betson-Rothbarth
12 measurements are coming out a little bit
13 lower for one kid at very low incomes, not
14 at higher incomes.

15 And then we can scroll down to the
16 \$12-an-hour example, and they see this same
17 outcome. And then the next page we see the
18 \$15 an hour, and it's the same outcome.

19 And then we scroll down to the
20 scenario -- and this happens in a few
21 cases -- where the obligated parent's
22 income is \$7.25 an hour, and the receiving
23 parent's income is zero instead of using

1 \$1,257.

2 And there's a footnote on page 13
3 that I am reading to tell you what the
4 percentage of orders are. Among those
5 cases where it's about 33 -- let's see. It
6 may be 65% of the cases that would fall
7 into this scenario. But, again, you can
8 see that there's bigger differences at that
9 \$7.25 an hour that it's going to result in
10 some decreases to what you currently do no
11 matter what percentage you use.

12 When we go to the next scenario,
13 which is the \$9.50 per hour case where the
14 obligated parent earns \$9.50 and the
15 receiving parent has zero income -- and
16 again this is probably less than 1% of your
17 cases. You just don't have this happen
18 particularly with two and more children.
19 You see that, for the three-child, there's
20 going to be some decreases if you go with
21 the more generous options. But there are
22 no decreases. It's all -- You can just
23 apply the schedule amount as you would

1 normally for mostly one and two children
2 regardless of the percentages.

3 So, then the last set of
4 comparisons, assume what happens when the
5 receiving parent has more income, which is
6 actually we are finding this to be more
7 common in other states and more so. And
8 still the more typical situation is, if
9 both parents have equal income, if income
10 is imputed at minimum wage for the
11 obligated parent, it's usually imputed at
12 minimum wage for the receiving parent. And
13 that's usually over 50% of the cases.

14 And then, the other cases are
15 mixed as far as where they land when the
16 income is imputed to the obligated parent.
17 But there are some cases where it's more
18 common for the income to be more of the
19 receiving parent than zero in these cases.

20 So, this just shows the impact.
21 And, again, it's that \$7.25 an hour that
22 would have the most impact. But once
23 minimum wage increases, it's -- it

1 really -- the self-support reserve won't
2 kick in.

3 So, in short, you know, even
4 though I am suggesting that you are going
5 to have to change your language to
6 accommodate that self-support reserve in
7 the worksheet, and you are going to have to
8 put some thought into that worksheet and
9 how you want it structured, if the feds
10 raise minimum wage, you are probably rarely
11 going to use it, particularly if you keep
12 that self-support reserve at \$981 a month.
13 You know, that the increase in minimum wage
14 is just going to take care of that whole
15 issue.

16 So, I guess what I am saying is,
17 you know, you only have so much time. So,
18 think about that when you are thinking
19 about what you do. I still really love the
20 idea of you putting it in the worksheet
21 because it gives you the opportunity to
22 change that self-support reserve. I think
23 that \$981, I think that is a good

1 self-support reserve. You might gain some
2 experience from it and want to change it
3 later.

4 You know, if we get blind-sided by
5 a bunch of inflation, which I think we are
6 going to have a little bit of inflation,
7 but unless we have something crazy happen,
8 I don't think it's going to be like 10%,
9 20%. I mean, that might be something that
10 you might say, look, we have got to change
11 this amount, and you can do that without
12 me.

13 So, I love this approach, but I
14 don't want you to over-think it just
15 because of the -- I think there's an
16 imminent change in the federal minimum
17 wage.

18 So, I am going to stop there and
19 let people discuss and ask questions.

20 MS. DAVIS: Bob, why don't we go
21 back to the Brady bunch view and see if
22 anyone wants to respond.

23 (No response).

1 MS. DAVIS: Okay. Does anyone
2 have any questions? If you would, just
3 raise your hand and unmute.

4 MS. CAMPBELL: Penny, this is
5 Angela Campbell. I had one question, and I
6 may have just missed it.

7 When you were talking about on the
8 worksheet, Jane, with the consideration of
9 subsistence needs may skip of each parent's
10 income as above certain XXX. You said we
11 would have to determine that once we got
12 the percentage, correct?

13 DR. VENOHR: Right. And that
14 would be something I would give you, you
15 know. And that was brought up -- I forgot
16 who brought it up. But they said: Do we
17 have to make this calculation for
18 everybody?

19 And I said, no. You know, like,
20 if you look at the West Virginia worksheet,
21 which is in the April materials, they
22 say -- I forgot what income. But they say
23 you only need to do this calculation if the

1 income is below this.

2 So, that is just to ease those
3 that are calculating it manually. You
4 could calculate it for everybody and it
5 won't affect a thing.

6 MS. CAMPBELL: All right. Thank
7 you.

8 MS. DAVIS: Other questions or
9 comments?

10 HON. SHERMAN: I'll just -- I will
11 make a comment, Penny.

12 I am interested to hear others, on
13 the Committee, thoughts. And I have missed
14 the last couple of meetings because I had
15 conflicts with the JIC.

16 But, when I look at these draft
17 worksheets, it is a little intimidating.
18 And I am concerned about -- let me put it
19 this way: It has me -- like, I was a
20 proponent of putting it in the worksheet.
21 I like the flexibility and sort of the
22 nimbleness it would allow us to respond to
23 future events. But it's got me

1 reconsidering that position, to be quite
2 frank, because I think -- it's mitigated
3 somewhat by the answer that Dr. Venohr just
4 gave Angela about, you know, there was some
5 way to say you don't even need to worry
6 about all of this unless the income is X.
7 You know, that would mitigate it somewhat.

8 But -- and in particular when I
9 hear Dr. Venohr say the impact of this
10 essentially goes to nil as soon as the
11 federal -- or as soon as the minimum wage
12 goes up or at least maybe that's not how
13 she put it, but that's sort of the way I
14 interpreted it.

15 And so, I don't know. It's just
16 giving me some pause about the complexity,
17 the layers of complexity, we will be adding
18 to include the self-support reserve in the
19 worksheet.

20 MS. COX: This is Amanda Cox. I
21 agree with Judge Sherman. I was also in
22 favor of putting it in the worksheet. I
23 like the transparency. But if that's about

1 to go away, that's several lines there that
2 I think could come out. And I am not sure
3 about having the layers of the percentages
4 either, if that's even necessary.

5 But, yeah, I think it needs to
6 come out.

7 HON. SHERMAN: Let me just -- if I
8 can add a comment, Dr. Venohr, to give you
9 some context.

10 So, a lot of times when I am
11 trying cases, it is a source of eternal
12 frustration for a trial judge. But often
13 the lawyers are not calculating child
14 support until they are in the courtroom.
15 Sometimes that is necessary because they
16 learn something during the trial that
17 impacts what income figure they think the
18 evidence has proven.

19 And so, they are hand doing these
20 worksheets on the fly, so to speak, in the
21 courtroom frequently.

22 And so, with the -- what I think
23 are very simple worksheets we have now, you

1 would be surprised -- and this is not meant
2 as any insult to any lawyer on this call.
3 I am a lawyer. But the difficulty they
4 seem to have filling out the worksheets we
5 have right now in doing them by hand would
6 maybe surprise an economist.

7 MS. KING: This is Rachel King.
8 Oh, I am sorry. Go ahead, Dr. Venohr. Go
9 ahead.

10 DR. VENOHR: I think if you don't
11 put it in the worksheet, you have two
12 options: One is you go back to putting it
13 in the schedule, which isn't that great. I
14 mean, you have already identified the
15 issues with that.

16 The second would be that you just
17 have a provision, but you don't put it in
18 the worksheet. And if you look at page six
19 and seven on the memo, you can use the
20 language like Arizona or even Georgia.

21 Arizona at first didn't have --
22 they used to have this language but no
23 adjustment in their worksheet. They now

1 have an adjustment in their worksheet. But
2 they just used to have this language.

3 And then Georgia does not have
4 anything in their worksheet, but they
5 clearly have a self-support reserve.

6 So, what that does is it puts the
7 burden on whoever wants that adjustment.
8 You know, it's almost like -- if you look
9 at Georgia, it's a deviation, you know,
10 instead, but Arizona's isn't a deviation.
11 It's just not in the worksheet.

12 I am going to stop there. I am
13 sorry, Rachel. I probably jumped the gun.
14 I should have let you talk.

15 MS. KING: I'm like Judge Sherman.
16 I've missed the last two meetings because
17 of trial conflicts. And I guess I don't
18 necessarily deal within my practice as a
19 private litigator with the self-support
20 reserve from the standpoint of my clients
21 earning a minimum wage. But what often
22 happens is we have, you know, one parent
23 who works primarily at home as a homemaker

1 and taking care of the children.

2 And my question is -- and you may
3 have already addressed it. If so, I
4 apologize. But my question is: What do we
5 do when we are now imputing income at
6 minimum wage? Do we also provide that
7 self-support? I mean, I don't understand
8 how if you are imputing they also get that
9 benefit. Does that makes sense? Does my
10 question makes sense?

11 DR. VENOHR: Yeah. I think the
12 federal rule changes, what it does is it's
13 highly encouraging. It states to use real
14 income, actual income. So, they want to
15 minimize income imputation. And, then, so,
16 from there, though, they also want you to
17 have states to have a self-support reserve.
18 And just the way the math is happening, the
19 Federal Poverty Level, which is what most
20 states use for their self-support reserve
21 and minimum wage, federal minimum wage, are
22 very, very close together right now. The
23 gap is -- it's less than \$200.

1 So, I don't -- I have never seen a
2 state say that, if we impute income, we
3 can't apply the self-support reserve. I'm
4 not sure if that's what you are getting at.

5 MS. KING: Yeah. I mean, it seems
6 counter-productive, though. I mean, what's
7 the point of then imputing income I guess
8 is my question. I guess my question stems
9 more from my private practice representing
10 parties where there is a higher income but
11 perhaps one party is working at home and,
12 so, is not actually receiving, you know, a
13 direct income. But when we go in and we
14 impute it for trial purposes, are we then
15 also going to say that they get that
16 adjustment?

17 DR. VENOHR: Well, would you
18 impute at minimum wage, or would you be
19 imputing at other --

20 MS. KING: Well, I think that if
21 they have -- I mean, in my experience, if
22 they have a history of work somewhat
23 recently, then we would impute -- the Court

1 tends to impute what they were earning.
2 But if they don't, if they have been a
3 homemaker for quite some time or have never
4 worked during the marriage, then you are
5 looking at more of a minimum wage
6 irrespective of what the other party may
7 earn.

8 DR. VENOHR: Right. And I think
9 the federal intent would -- would be that
10 that's just a labor market issue. You
11 know, let's say that you have that minimum
12 wage of \$1,257 and the Federal Poverty
13 Level for one person is \$1,073 --

14 MS. KING: It's by that
15 imputation?

16 DR. VENOHR: Yeah. It's just --
17 you know, if they were working that job,
18 they would be.

19 MS. KING: But I don't think it's
20 intended -- what I am saying is, to me it
21 is not intended. Let's say the other
22 spouse is earning over a \$100,000. For
23 calculating child support, it's not -- it

1 seems like this provision is not intended
2 to be used on that type of situation even
3 though the spouse may not be earning any
4 actual income; is that correct?

5 DR. VENOHR: I'm not sure I
6 understood it. But, yeah, the self-support
7 reserve, if somebody is making a \$100,000 a
8 year, they have sufficient income. But I
9 don't --

10 MS. KING: The spouse. And I am
11 saying let's say for purposes of talking,
12 the husband is earning roughly a \$100,000,
13 the wife is a homemaker. If we are
14 imputing minimum wage to her, are we also
15 saying that this provision is intended to
16 apply to her despite the fact that her
17 spouse may be making a \$100,000?

18 DR. VENOHR: I'm not sure I
19 understood it. But if you are doing equal
20 treatment, which, you know, the
21 goose/gander thing, then if you are
22 imputing minimum wage, you are assuming
23 that they have the capacity to make minimum

1 wage, and it wouldn't matter if they are
2 the receiving or the paying party is the
3 way I was thinking.

4 And this is a -- really is a
5 policy decision. But that's what I heard
6 you guys saying before. I mean, you
7 might -- I have never seen -- I haven't
8 seen a state that treats it differently
9 just because the obligated parent has
10 higher income imputed.

11 MS. KING: Okay.

12 DR. VENOHR: But you could, I
13 suppose. I am just kind of racking my
14 brain to think if I have ever seen that.
15 You know, to me it's kind of a slippery
16 slope. I am thinking spousal maintenance,
17 you know, in that case.

18 MS. KING: Sure.

19 DR. VENOHR: I'm not sure I am
20 answering your question. I guess I am just
21 racking my brain to think if I have ever
22 seen that.

23 MS. BALDWIN: This is Melody

1 Baldwin.

2 Rachel, I don't know which
3 meetings you missed. But, you know, I
4 think -- and somebody can correct me if I
5 am wrong. But one of the primary reasons
6 we were talking about putting the
7 self-support reserve in the worksheet is
8 because -- and it's probably going to be on
9 the minimum wage cases for both parents or
10 close to that for both parents is that the
11 mother wasn't getting any credit for it,
12 and her percentage might be the higher --
13 there was just some concern that -- well,
14 the custodial parent might be disadvantaged
15 by not putting it in the worksheet versus
16 just putting it in the schedule. I think
17 that's why we even started looking at it.
18 And then we started talking about one, two,
19 three children after that.

20 MS. KING: Well, I think that kind
21 of answers it because I think that that --
22 if that's the intent, I guess that's where
23 I was heading is, it doesn't seem like --

1 you know, are we going to have a provision
2 where it applies only if both parents are
3 at minimum wage or if only one parent is.

4 MS. BALDWIN: Because if we put it
5 in the schedule and not the worksheet, it
6 can only apply to the noncustodial parent.
7 That's where the whole -- that's where this
8 whole thing hinged.

9 MS. KING: Okay.

10 MS. BALDWIN: I understand you.

11 MS. KING: Thank you.

12 MS. BALDWIN: Somebody can correct
13 me if I am wrong.

14 MS. CAMPBELL: Hey, this is Angela
15 Campbell.

16 MS. DAVIS: Go ahead, Angela.

17 MS. CAMPBELL: I actually practice
18 with the worksheet. That's with -- that's
19 how I found some of the typos. And it did
20 not take me significantly longer to
21 actually calculate and do it. And I think
22 if we put enough instructions like this
23 line minus this line, or whatever, actually

1 physically on the worksheet, it would make
2 it easier for those who are actually
3 calculating the Guidelines.

4 MS. DAVIS: I have another
5 thought, and it may be -- I don't know if
6 it's more complicated or not. But the
7 self-support reserve calculation only comes
8 into play if -- would not come to play at
9 all if both parents' income is above X
10 amount. So, I think there's a possibility
11 that we could have two forms and use Form A
12 if -- which would be the majority of the
13 cases. Form A if both parties' income is
14 above X amount. And then you use Form B if
15 either party's income is less than X
16 amount.

17 So, you would still keep the very
18 simple -- simpler form that we are
19 accustomed to for the majority of the cases
20 which would help the attorneys that are
21 having to do their manual calculation and
22 the judges indicate, because the majority
23 of the cases would still be using the very

1 shorter, less complicated form.

2 But if you did have situations
3 where one was the less than X amount, then
4 they would use -- that would be the only
5 time they would use the Form B. I don't
6 know. That would at least take the aspect
7 of the complication in the form out of the
8 equation in terms of whether to use the
9 dual self-support reserve test that we had
10 wanted to earlier.

11 And I am going to pause here to
12 see if anybody wants to comment, including
13 Jane. Is that an easy doable thing to do,
14 or is that more complicated in terms of --

15 DR. VENOHR: Oh, no. I like the
16 idea. I think that's a good compromise. I
17 mean, you know, you might get a third
18 worksheet when you get your time-sharing
19 adjustments. So, that's my only hesitancy.

20 But I actually love the idea of
21 putting it in the worksheet. I think the
22 Committee has come up with so many good
23 reasons to do it. And I apologize.

1 You know, the only way the math
2 could get a little bit simpler is if we do
3 the childcare and the add-ons at the very
4 end. I mean, do the -- if we move that
5 section, we flip them, and then it would
6 shorten it, but I'm not sure you want to go
7 there.

8 So, we actually have four options
9 now: One is the worksheet sort of like I
10 have got it structured. Two work sheets
11 like Penny suggested keeping it in the
12 schedule. And the other option is just
13 doing like Arizona and Georgia language and
14 have nothing in the worksheet. And then a
15 fourth option is to do it -- do the
16 self-support reserve after the add-ons, and
17 that would make the math simpler, and you
18 could just have one worksheet.

19 MS. DAVIS: What is the
20 disadvantage to doing -- just doing the
21 worksheets as they are and then doing the
22 self-support reserve at the end if it's
23 applicable from a con-standpoint?

1 DR. VENOHR: Then the add-ons, if
2 we do it at the end like all the other
3 states do, then the order amounts are going
4 to be less because it considers the
5 childcare expenses. You know, like if mom
6 has got \$200 of childcare expenses and
7 there are equal incomes, the way this
8 proposed worksheet, the one that's in the
9 memo, dad is going to have to pay that \$100
10 no matter what.

11 And in other states, if he is low
12 income, he is not going to have to pay that
13 \$100 for his share of the childcare. So,
14 that's a disadvantage of doing the
15 simplified, that Option 5.

16 And, then, if you have no
17 adjustment at all, if you just put the
18 language like Arizona or Georgia, those
19 states that don't have it on their
20 worksheet it never gets applied. I mean,
21 it's sort of what Judge Sherman was saying
22 that -- you know, implying that, you know,
23 you really have to spell things out for

1 people to use them and make it really user
2 friendly. I mean, I think that was his
3 overarching message, you know, how
4 important simplicity is.

5 MS. DAVIS: Well, Judge Sherman
6 indicated he is about to have to leave. He
7 has another meeting he has to go to. So, I
8 want to give you an opportunity, Judge, to
9 speak if you would like to before you have
10 to leave.

11 HON. SHERMAN: I don't really have
12 anything else to add. I do kind of like,
13 Penny, your suggestion as a possibility.
14 You would still have a simple form for the
15 majority of cases where the SSR wouldn't
16 apply.

17 And then we still allow it on the
18 worksheet for all the beneficial reasons we
19 have already identified for the cases and
20 the families where it does apply. So, I
21 kind of like that as a possibility.

22 MS. DAVIS: Thank you, Judge.

23 HON. SHERMAN: Thank you.

1 MS. DAVIS: Would it be helpful to
2 the Committee if we get Jane to do a mock
3 of the current Alabama worksheet and then
4 do another mock where the self-support
5 reserve is calculated based only on -- and
6 we will just use X dollars, whatever you
7 want to put in there for the time being. I
8 guess -- What amount would you use for the
9 X dollars at the current economic
10 structure?

11 DR. VENOHR: It depends on the
12 percentages. So, I am going to say it's
13 going to be somewhere between \$2,000 and
14 \$3,000.

15 HON. SHERMAN: By monthly gross
16 incomes?

17 DR. VENOHR: Probably individual.
18 Both of them would have to have income
19 above that.

20 HON. SHERMAN: Okay.

21 MS. DAVIS: By percentages, you
22 are talking about whether we use the -- you
23 are talking about the 80% --

1 DR. VENOHR: (Nodding in the
2 affirmative).

3 MS. DAVIS: -- if we go with 80%,
4 say? And that's -- we haven't made that
5 decision. But if we went with 80% or
6 85% -- or 80% for one child, is that the
7 percentage you are talking about there?

8 DR. VENOHR: Yeah. Yeah. That
9 would affect it. And, you know, I mean,
10 it's always -- to be honest, for one child,
11 it's probably going to be closer to maybe
12 \$1,800 a month. But to consider six
13 children, you know, because that
14 self-support reserve would be effective at
15 a very, very -- at a higher income. You
16 know, that's where it would be closer to
17 \$3,000.

18 So, we could say something like --
19 this just gets more complicated. If both
20 parties' incomes are less than \$1,600 and
21 there's one child, use worksheet B, or else
22 we could just say if -- and then if their
23 incomes are six children and each income is

1 above or below \$2,600 -- and I am just
2 pulling out where I think the numbers might
3 land -- use worksheet B. Or you could just
4 come up with a general rule that says, if
5 the parties' incomes -- each party's income
6 is below \$2,600, use worksheet B. But
7 chances are that because of that one child
8 amount, remember I was showing you that the
9 one-child amount that self-support reserve
10 doesn't affect the amount. You know, you
11 probably could get by with only calculating
12 the worksheet B and for less than \$1,600.

13 I'm not sure if that makes sense.
14 It's a little nuance just to help you
15 simplify it.

16 MS. DAVIS: Okay. So, you could
17 do something like -- you could say if both
18 parties' income is greater than X amount,
19 use -- or less, either way, you say X
20 amount being one particular amount or you
21 could do it based on the number of children
22 that are being calculated. And it would
23 still be -- you just look and see if it's

1 two children, it might be -- I'll make it
2 up. If it's one child, it's \$1,600. If
3 it's two children, it's \$1,800. If it's
4 three children -- I am making up numbers
5 obviously -- \$2,000, whatever.

6 DR. VENOHR: You're in the
7 ballpark. You're definitely in the
8 ballpark with the incomes you are talking
9 about.

10 MS. DAVIS: So, it would be fairly
11 simple just to have that up there even if
12 you wanted -- instead of just using a flat
13 amount if you did it per child, that would
14 still be simple. It would be one little
15 box you decide, you know, whether you had
16 the number of children. So, still fairly
17 simple to do that.

18 I think I would kind of like to
19 see that, and then maybe the next time we
20 will have a quorum so we can kind of vote
21 on that issue and then go forward.

22 DR. VENOHR: I think -- go ahead.

23 MS. CAMPBELL: I am sorry. This

1 is Angela Campbell again.

2 And I may be -- the numbers maybe
3 just rolling in my head, and I am not
4 getting it right.

5 But if we -- I think it was
6 Stephanie that said that if we just do one
7 percentage instead of the graduated
8 percentages, that would also simplify the
9 worksheet, correct?

10 DR. VENOHR: Yes.

11 MS. CAMPBELL: Okay.

12 HON. SHERMAN: That was one of the
13 areas, when I was looking at it, that I
14 was, like, here's a spot people are going
15 to make a mistake when they are filling out
16 the form.

17 MS. CAMPBELL: This is Angela
18 again. I think that's the way we need to
19 go, then, instead of the graduated
20 percentages. Let's just settle on a
21 percentage that we think is reasonable and
22 that will work mathematically and then go
23 with it.

1 MS. COX: This is Amanda Cox. I
2 wonder if we even need the percentages. It
3 didn't look like it was making that much of
4 a difference in the examples. But that's
5 just a thought too. That could take out a
6 whole -- whole lot of calculation.

7 MS. DAVIS: Well, Alabama's -- you
8 said the vast majority of the data that you
9 received was calculated based on one child.
10 Is that true of other states, as well, or
11 just the data that you received which was
12 the IV-D data?

13 DR. VENOHR: I think in Alabama we
14 saw a higher proportion of one-child orders
15 than other states, but it's definitely the
16 majority in Social Security IV-D -- Title
17 IV-D cases. And non-IV-D cases are a
18 little bit less, but it's still -- I would
19 say it's one or two children in -- in
20 non-IV-D cases with one child just having a
21 slightly -- slight edge.

22 MS. DAVIS: So, in our
23 calculation, if we are going to come up

1 with a figure, then we would consider it's
2 going to be a household that's probably
3 going to have no more than two children at
4 most, the majority of the cases?

5 DR. VENOHR: Right. Right.

6 MS. DAVIS: Both IV-D and private
7 cases, correct?

8 DR. VENOHR: Right. I would say
9 we are pretty safe assuming that less than
10 7%, maybe 9%, of Alabama cases, IV-D and
11 non-IV-D are three or more children.

12 MS. DAVIS: Okay.

13 DR. VENOHR: You know, regarding
14 Amanda's comment on taking all of it, a lot
15 of states do that. They don't have that
16 percentage to account for payroll taxes. I
17 mean, it's a sensitive thing. I mean, it's
18 a nice thing to do, but you don't have to.
19 Nebraska doesn't. Nebraska doesn't even
20 put it in their worksheet, but it never
21 gets applied either.

22 You know, one other thing, I can
23 correct that worksheet for the next time,

1 but I really can't finalize it until you
2 come up with a percentage. So -- but I
3 can't come up with that income threshold.

4 MS. DAVIS: Okay. I am going to
5 suggest that you use 80% because that's
6 somewhere -- that gives people credit for
7 their taxes, just as an example.

8 Does anybody have another
9 suggestion they think would be a better
10 percentage to use just for an example for
11 us to look at?

12 (No response).

13 MS. DAVIS: Okay. Jane, could you
14 base it on 80%? Maybe do one with 80% and
15 one with a 100%.

16 DR. VENOHR: (Nodding in the
17 affirmative).

18 MS. DAVIS: Okay. Any other
19 considerations that we would like for Jane
20 to look at the next time as far as the
21 worksheets are concerned?

22 (No response).

23 MS. DAVIS: Okay. Any other

1 questions regarding what we have discussed
2 in general so far, or comments?

3 (No response).

4 MS. DAVIS: Okay. Dr. Venohr, did
5 you have something else you wanted to
6 discuss with us?

7 DR. VENOHR: I think the only
8 thing, Penny, is we had on the agenda to
9 talk about the schedule. I am not sure if
10 you want to do that or wait.

11 MS. DAVIS: Well, we don't have a
12 whole lot of time. I just put that on the
13 agenda so that we would be alerted to --
14 the public would be alerted to the fact
15 that we might speak beyond the May 13th
16 memo.

17 Does anyone have any other
18 questions or comments regarding just the
19 overall approach to the Child Support
20 Guidelines? I know there's some thought
21 that we may want to address the joint
22 custody cases because there is an increase
23 in that. And I guess the question that I

1 would have to you, Dr. Venohr, is, do we
2 need to address that in any way now while
3 we are looking at adjusting the child
4 support amount, the calculations relating
5 to the amount per child with the age
6 categories, the economic aspect of it?

7 DR. VENOHR: No. Most states make
8 the adjustment in the worksheet. They
9 don't make it in the schedule. In fact,
10 one of the few lingering states that made
11 it in the schedule, Pennsylvania pulled it
12 out, and they think it's going to be
13 finalized. They just posted it up for a
14 public comment earlier in this year. But I
15 think it will be finalized later this year.

16 And the reason they pulled it out
17 was they assumed 30% time-sharing. And
18 that's just -- it's so highly variable from
19 case to case. I mean, 20% of the cases are
20 interstate cases. So, there's no way that
21 obligated parent has 30% of the time with
22 the child.

23 So, I would highly recommend

1 against putting it in the schedule. I
2 mean, but what it means is it makes that
3 worksheet more complicated, and it is not
4 uncommon. If you look at South Carolina, I
5 think they have three worksheets.

6 So, you know, right now you are
7 talking about a worksheet for sole custody
8 with those no self-support reserve, and
9 then the self-support reserve adjusted one,
10 and then possibly a third one for shared
11 parenting. But I would recommend not -- I
12 think the math is cleaner if you let a
13 state -- a party that gets the adjustment
14 for shared parenting or the self-support
15 reserve, not one on top of the other.

16 So, in short, what I am saying is,
17 even though you're talking about different
18 worksheets for the self-support reserve and
19 then possibly a shared parenting adjustment
20 down the road, at maximum, it would be
21 three worksheets, not four.

22 MS. DAVIS: So, if you do a shared
23 reserve calculation, you would not have the

1 self-support reserve; is that what you are
2 saying?

3 DR. VENOHR: Right. If there's a
4 shared custody adjustment or -- you know,
5 it's such -- what term to use. Parenting
6 time adjustment.

7 MS. DAVIS: Right.

8 DR. VENOHR: That you get the
9 parent -- you can't have a self-support
10 reserve adjustment on top of that.

11 MS. DAVIS: So, you could have --
12 and I am trying to think in terms of what
13 we would do with regard to the two --
14 trying to have two forms relating to the
15 self-support reserve.

16 So, you could have the -- we'll
17 call it the primary form, Form A, would --
18 if we decide to do a shared custody type
19 calculation, you could do that on the Form
20 A as an -- that would be -- you would
21 figure out all your current calculations,
22 and then you would stop there. But if it
23 wound up being a joint custody type shared

1 arrangement, then you would go on to the
2 next calculation, or would you suggest just
3 having a total different form? Isn't it
4 based on percentages usually or days of
5 the --

6 DR. VENOHR: It depends on what
7 formula you use. Most states -- the most
8 popular formula is cross-credit or an
9 offset which essentially means you -- and
10 that requires two forms. And that's you
11 calculate an order -- a theoretical order
12 for one parent. You calculate a
13 theoretical order for the other parent.
14 You weigh each by the time with the child
15 has with the other parent, and then you
16 look at the difference. And the parent
17 owing the larger of the theoretical order
18 is the payer. That requires another form.
19 That's the most common method. It's used
20 maybe in -- oh, it's changed, but used in
21 maybe 25, 28 states.

22 If you use a simple percentage --
23 and the states I would recommend looking at

1 are Iowa -- they only have about three or
2 four time ranges. I like Missouri the
3 best. Then you can put it on one form.
4 And Arizona has a percentage range too.
5 Then you can get it all on one form.

6 Oregon has a percentage, but it's
7 a two-page table where the intervals for
8 the number of overnights are something like
9 three overnights. So, it's like zero to
10 three overnights, and then four to seven
11 overnights. So -- and their worksheet is
12 so complicated, it's like four pages.

13 So, I would highly recommend
14 Missouri. I would recommend looking at
15 Missouri, and I would recommend looking at
16 South Carolina. Missouri for a percentage.
17 I like the way they do it. I think it's
18 very clean. South Carolina's is very clean
19 if you are going to have a separate
20 worksheet.

21 MS. DAVIS: Okay. I think you
22 have answered my question. So, at this
23 juncture if -- we will do the two forms

1 based on whether it's a self-support
2 reserve is in play. And then, if we decide
3 later to deal with the shared parenting,
4 then we would have a third form. And
5 then -- so the initial question that the
6 parties would have to decide if we go this
7 format to try to keep it as streamlined as
8 possible, they would have to make the
9 initial determination of whether to use
10 Form A, B or C. And then once they have
11 made that determination, then they would
12 use that calculation.

13 So, Form A would be the one we
14 have now with no self-support reserve
15 because of the person's income level is
16 above that amount. Form B, for example,
17 the one you will be working on now, would
18 be where you have your traditional
19 obligor/obligee relationship, and you have
20 self-support that does apply.

21 And then the third form, if we do
22 decide to take up that later, would be --
23 you would have no self-support reserve

1 circumstances, but you would have the
2 shared custody arrangement.

3 And so, depending on what the
4 child custody arrangement was and the
5 economics of the parties, you would select
6 either Form A, B or C; is that correct?

7 DR. VENOHR: (Nodding in the
8 affirmative).

9 MS. DAVIS: Okay. All right.
10 Anybody have any questions? Any other
11 questions?

12 (No response).

13 MS. DAVIS: All right. Well,
14 that's very helpful information. Thank
15 you, Jane. You do a great job of
16 explaining things.

17 All right. At this point, I think
18 we will turn to the public. Let me ask
19 this: Does anybody else on the Committee
20 have any other comments or questions before
21 we do turn to the public comment?

22 (No response).

23 MS. DAVIS: Okay. At this time,

1 Bob, if you would read the list of the
2 public members, and we will see if anyone
3 now would like to speak.

4 MR. MADDOX: Yes, ma'am. Cliff
5 Smith, would you like to speak at this
6 time?

7 MR. SMITH: No, I would not.

8 MR. MADDOX: Thank you. Lisa
9 Clark, would you like to speak?

10 MS. CLARK: No, sir.

11 MR. MADDOX: Thank you. Lee Wood,
12 would you like to speak?

13 MS. WOOD: No thank you.

14 MR. MADDOX: Thank you.

15 Ms. Wright, Tina Wright, would you like to
16 speak?

17 MS. WRIGHT: No thanks.

18 MR. MADDOX: Thank you. That's
19 all I had, Penny.

20 MS. DAVIS: Okay. Thank you, Bob.
21 I think we had Tiffany Gates was -- had
22 not --

23 MR. MADDOX: Correct.

1 MS. DAVIS: -- indicated she was
2 here before. And I don't think Judge Fridy
3 was able to join us.

4 So, Stephanie, we never did have a
5 quorum, did we, to vote on anything?

6 MS. BLACKBURN: No. No quorum.

7 MS. DAVIS: Okay. Thank you. All
8 right. Well, no quorum, so we can't vote
9 on things. But I think we have advanced
10 the ball down the field a little bit with
11 Jane's help.

12 So, we will meet next week -- I
13 mean, next month. Bob, do you have that
14 date handy?

15 MR. MADDOX: I am sorry. Friday,
16 June 11, 10:00 o'clock to 12:30. I believe
17 I have got enough responses. Hopefully we
18 will have a quorum at that meeting.

19 MS. DAVIS: Okay. That's great.

20 MR. MADDOX: I think we have
21 scheduled Thursday, August 12, as well, if
22 you-all want to put that on your calendar.
23 That is not really set in stone. I haven't

1 gotten a lot of responses on that one. So,
2 that's still up in the air. But if you
3 want to go ahead and pencil it in,
4 Thursday, August 12, 10:00 o'clock.

5 Also, again, I apologize to Katie
6 and Rachel for that mixup earlier.

7 MS. DAVIS: Didn't we also pick
8 September the 2nd?

9 MR. MADDOX: I don't have that on
10 my list.

11 MS. DAVIS: Okay. I guess that's
12 my list. My thoughts. Okay. No, that's a
13 different one. I am sorry. I was looking
14 at the wrong committee. I am on so many
15 committees it seems like.

16 All right. Thank you. My
17 apologies to the group. You would have
18 been joining us on an adoption committee
19 meeting, which you are welcome to do that
20 if you are interested in that also.

21 All right. Thank you each one of
22 you for your time. And I appreciate the
23 public, particularly, for joining us.

1 Again, even though you didn't choose to
2 speak today, if you have any comments that
3 you would like to express to the Committee
4 members, as you think about this, then feel
5 free to write them down and submit them to
6 the Committee, and we will disperse those
7 to the Committee members.

8 All right. Thank you-all for
9 participating. Bob, thank you so much for
10 your wonderful efforts on the Zoom.

11 MR. MADDOX: No problem. I am
12 getting better at it, I hope.

13 MS. DAVIS: You are. Thank you.

14 PROFESSOR GRAY: Good job, Bob.

15 MS. DAVIS: We are adjourned then.
16 Thank you.

17 MR. MADDOX: Thank you. Have a
18 good weekend.

19 MS. DAVIS: Thank you. Bye-bye.

20
21 (Conclusion of Advisory

22 Committee Meeting at 11:58

23 A.M.)

1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MONTGOMERY COUNTY,

4 I, Jeana S. Boggs, Certified Court Reporter
5 and Commissioner for the State of Alabama at Large,
6 do certify that I reported the proceedings in the
7 matter of:

8 BEFORE THE STATE OF ALABAMA

9 ADVISORY COMMITTEE ON CHILD SUPPORT

10 GUIDELINES AND ENFORCEMENT

11 * * * * *

12 on Friday, May 21st, 2021, the foregoing 107
13 computer-printed pages contain a true and correct
14 transcript of the statements by the Committee
15 members and other persons via Zoom.

16 I further certify that I am neither of
17 relative, employee, attorney or counsel of any of
18 the Committee members and other persons, nor am I a
19 relative or employee of such Committee members and
20 other persons, nor am I financially interested in
21 the results thereof. All rates charged are usual
22 and customary.

23 I further certify that I am duly licensed

1 by the Alabama Board of Court Reporting as a
2 Certified Court Reporter as evidenced by the ACCR
3 number following my name found below.

4 This 7th day of June, in the year of our
5 Lord, 2021.

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Commission expires: 8/9/2022

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DR. VENOHR:

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