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MEETING OF THE ADVISORY COMMITTEE  
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT  
FOR THE STATE OF ALABAMA  
FRIDAY, MARCH 12, 2021  
10:00 A.M.

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**ORIGINAL**

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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, March 12, 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 AMANDA COX, Esquire  
12 Staff Attorney, The Honorable Terry Moore  
13 Judge, Alabama Court of Civil Appeals  
14 Montgomery, Alabama

15 ANGELA S. CAMPBELL  
16 Child Support Program Manager  
17 Mobile County Department  
18 of Human Resources  
19 Mobile, Alabama

20 THE HONORABLE DON MCMILLAN  
21 Circuit Judge  
22 4th Judicial Circuit  
23 Marion, Alabama

THE HONORABLE AUBREY FORD  
Retired District Judge  
Macon County

KATIE STEINWINDER, Esquire  
Private Practice Attorney  
Montgomery, Alabama

LATHESIA MCCLENNEY  
Director  
Child Support Enforcement Division  
Alabama Department of Human Resources  
Montgomery, Alabama

1 PROFESSOR BRIAN GRAY  
Associate Dean  
2 Culverhouse College of Commerce  
The University of Alabama  
3 Tuscaloosa, Alabama

4 MALLORY HALL, Esquire  
Private Practice Attorney  
5 Birmingham, Alabama

6 OTHER APPEARANCES:

7 JEANA BOGGS, COURT REPORTER  
BOGGS REPORTING & VIDEO LLC  
8 MONTGOMERY, ALABAMA 36104

9 THE HONORABLE JULIA J. WELLER  
Clerk, Supreme Court of Alabama  
10 Montgomery, Alabama

11 STEPHANIE BLACKBURN, Esquire  
Central Staff Attorney  
12 Supreme Court of Alabama  
Montgomery, Alabama

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

16 APPEARANCES FROM THE PUBLIC:

17 CLIFFORD SMITH

18 TIFFANY GATES

19 LISA CLARK

20 LEE WOOD

21 RHONDA WILSON

22 CHERYL KIDD

23

1 MS. DAVIS: Well, good morning,  
2 everyone. We appreciate each of you  
3 spending your time with us to discuss the  
4 Child Support Guidelines. We first want to  
5 welcome and identify for anyone that's new.

6 Jeana Boggs, if you would, just  
7 kind of wave your hand there so everybody  
8 will be able to identify who she is.

9 THE COURT REPORTER: (Waving).

10 MS. DAVIS: Thank you. Let me  
11 remind you that since we are not in person  
12 that we are being -- Bob is recording this,  
13 of course, but Jeana is our person that's  
14 doing our --

15 MR. MADDOX: Record.

16 MS. DAVIS: -- record. Thank  
17 you. Our video --

18 MR. MADDOX: And transcript.

19 MS. DAVIS: -- and doing our  
20 transcript. And so, it would certainly  
21 help her if we will identify ourselves to  
22 her as we speak. She can see, but  
23 sometimes it's hard for her to recognize

1 names.

2 Also, we are a very numerically  
3 oriented committee. And it would help her  
4 and all of us, actually, if when you are  
5 speaking in terms of numbers, you would use  
6 three dollars and ninety-five cents instead  
7 of just saying three ninety-five, or you  
8 are talking about three point ninety-five  
9 percent, just be a little more specific  
10 than you might be otherwise.

11 At this point, Bob, would you call  
12 the roll for everyone?

13 MR. MADDOX: Yes, ma'am. So,  
14 when I call your name, just unmute yourself  
15 and let me know, say "present" or "here" if  
16 you don't mind, just so I can have a record  
17 of your attendance.

18 Honorable Sarah Stewart?

19 (No response).

20 MR. MADDOX: I didn't see her on  
21 the screen. Honorable Don McMillan?

22 (No response).

23 MR. MADDOX: I didn't see him

1 either. Honorable Michael Sherman?

2 (No response) .

3 MR. MADDOX: Honorable Aubrey

4 Ford?

5 (No response) .

6 MR. MADDOX: Honorable Julie

7 Palmer? I think she emailed us she may be

8 a little late this morning, but she will

9 join later.

10 Honorable Karen Dunn Burks?

11 (No response) .

12 MR. MADDOX: We know Professor

13 Penny Davis is on. She just spoke.

14 Amanda Cox?

15 MS. COX: Here.

16 MR. MADDOX: Thank you. Angela

17 Campbell?

18 MS. CAMPBELL: Here.

19 MR. MADDOX: Thank you. Drew

20 Whitmire?

21 (No response) .

22 MR. MADDOX: Greg Starkey? Greg

23 Starkey?

1 (No response).

2 MR. MADDOX: Jennifer Bush?

3 (No response).

4 MR. MADDOX: I didn't see her  
5 join yet.

6 Jessica Kirk Drennan?

7 (No response).

8 MR. MADDOX: Jim Jeffries?

9 (No response).

10 MR. MADDOX: Katie Steinwinder?

11 MS. STEINWINDER: Present.

12 MR. MADDOX: Thank you. Lathesia  
13 McClenney?

14 MS. MCCLENNEY: Here.

15 MR. MADDOX: Thank you, Lathesia.  
16 Melody Baldwin?

17 (No response).

18 MR. MADDOX: Professor Brian  
19 Gray?

20 PROFESSOR GRAY: I am here.

21 MR. MADDOX: Thank you. Stephen  
22 Arnold?

23 (No response).

1 MR. MADDOX: Mallory Hall?

2 MS. HALL: Present.

3 MR. MADDOX: Thank you. We know  
4 Jeana Boggs is on; that's the Court  
5 Reporter.

6 Honorable Julia Weller?

7 MS. WELLER: Here.

8 MR. MADDOX: Thank you.  
9 Stephanie Blackburn? Stephanie, can you  
10 speak up?

11 MS. DAVIS: There she is.

12 MS. BLACKBURN: I have an old  
13 laptop. Can y'all hear me?

14 MS. DAVIS: Yes. We can now.

15 MS. BLACKBURN: Okay.

16 MR. MADDOX: Thank you. Nathan  
17 Wilson?

18 (No response).

19 MR. MADDOX: Dr. Jane Venohr?  
20 She's here. She is waving.

21 Clifford Smith?

22 MR. SMITH: Present.

23 MR. MADDOX: Cliff, would you



1 like to speak at the end?

2 MR. SMITH: I would not. Thank  
3 you.

4 MR. MADDOX: Okay. Tiffany  
5 Gates?

6 MS. GATES: Here.

7 MR. MADDOX: Would you like to  
8 speak at the end?

9 MS. GATES: No, sir.

10 MR. MADDOX: Okay. Lisa Clark?

11 MS. CLARK: Here.

12 MR. MADDOX: Would you like to  
13 speak?

14 MS. CLARK: No, sir.

15 MR. MADDOX: Thank you. Lee  
16 Wood?

17 MS. WOOD: Here.

18 MR. MADDOX: Thank you. Would  
19 you like to speak, Ms. Wood? Did you hear  
20 me, Ms. Wood? Would you like to speak at  
21 the end?

22 MS. WOOD: Yes, please.

23 MR. MADDOX: Okay. Thank you.

1 Rhonda Wilson? Rhonda Wilson?

2 (No response).

3 MR. MADDOX: Alisha Ruffin?

4 (No response).

5 MR. MADDOX: Laura Clemons?

6 (No response).

7 MR. MADDOX: Stanna Guice?

8 (No response).

9 MR. MADDOX: Honorable Patricia  
10 Stephens?

11 (No response).

12 MR. MADDOX: I think she may be  
13 joining later. She has a hearing, I think,  
14 but she wanted to join. She is a judge in  
15 Jefferson County.

16 Cheryl Kidd?

17 MS. KIDD: Present.

18 MR. MADDOX: Would you like to  
19 speak at the end?

20 MS. KIDD: No, sir.

21 MR. MADDOX: Okay. Thank you.

22 DeOndre Morgan?

23 (No response).

1 MR. MADDOX: Honorable Don  
2 McMillan? I think I just admitted him. He  
3 is waving. He is here.

4 HON. MCMILLAN: Yes, sir. I am  
5 here.

6 MR. MADDOX: Thank you, sir.  
7 And may I ask who is B-J-F-O-R.  
8 Can you unmute yourself and identify  
9 yourself? B-J-F-O-R?

10 HON. FORD: Bob, this is Judge  
11 Ford.

12 MR. MADDOX: Oh, hey, Judge Ford.

13 HON. FORD: How are you doing?

14 MR. MADDOX: Good. How are you?

15 HON. FORD: That's my wife's  
16 initials.

17 MR. MADDOX: Thank you for  
18 identifying yourself.

19 All right. Penny, that's all I  
20 have for now.

21 MS. DAVIS: Welcome, Judge Ford.  
22 We are just so happy to have you even under  
23 your wife's pseudonym. We're always

1           delighted to have you join us. He is the  
2           leading expert in Alabama for sure.

3                     Let me turn our attention to  
4           Stephanie. And could you let us know if we  
5           have a quorum.

6                     MS. BLACKBURN: Can y'all hear  
7           me? Sorry. This is an old laptop. I  
8           didn't realize how old it was.

9                     I am actually counting that we do  
10          not have a quorum today.

11                    MS. DAVIS: Okay. Thank you. We  
12          may have -- We have some judges, like Judge  
13          Palmer and some of the others, that may  
14          join us. So, we may get a quorum. If we  
15          do, then, if you will let us know that --

16                    MS. BLACKBURN: I will.

17                    MS. DAVIS: -- for our record  
18          that we do have a quorum. Okay. Still, we  
19          have a good group of people.

20                    MS. BLACKBURN: I will.

21                    MS. DAVIS: Pardon?

22                    MS. BLACKBURN: I said I will.

23                    MS. DAVIS: Okay. Thank you.

1                   We do have a good group of both  
2                   Committee members and citizens. And so, I  
3                   am grateful that we are able to proceed  
4                   with Zoom, and hopefully our situation will  
5                   change in Alabama so that we can begin to  
6                   meet in person maybe in a few months.

7                   All right. Stephanie, I guess,  
8                   would you also just verify for the record  
9                   that we do have authorization from the  
10                  Court to videoconference our meeting today?

11                 MS. BLACKBURN: Yes. Yes. We  
12                 do. The order is still in effect.

13                 MS. DAVIS: I believe it's in  
14                 effect through the end of this -- through  
15                 August or September. I'm not sure.

16                 MR. MADDOX: Through September.

17                 MS. BLACKBURN: Through  
18                 September?

19                 MR. MADDOX: Yes.

20                 MS. BLACKBURN: Okay.

21                 MS. DAVIS: Thanks, Bob.

22                 MS. BLACKBURN: Thanks, Bob.

23                 MS. DAVIS: And, Bob, would you

1 confirm our notice to the media?

2 MR. MADDOX: Yes, ma'am. The  
3 news release for this meeting was sent out  
4 by email dated February 17th from Scott  
5 Hoyem, Public Information Officer in the  
6 Administrative Office of Courts, notifying  
7 persons of this meeting and asking them, if  
8 they wanted to submit written comments,  
9 they could do so by February 4th to the  
10 Supreme Court Clerk's Office. And they can  
11 also join by Zoom if they notify us  
12 by March 10th, which was Wednesday of this  
13 week.

14 As I stated previously, all the  
15 news releases, agenda -- meeting agendas,  
16 the transcripts and other documents are on  
17 our website at Alacourt.gov under Child  
18 Support and Child Support Guidelines Review  
19 Enforcement.

20 MS. DAVIS: Thank you, Bob. And  
21 I believe -- I want to mention that we did  
22 have several people that submitted written  
23 documents. And I think we have a couple of

1 people that want to speak today.

2 So, we do really appreciate the  
3 input we get from the members of the  
4 public. The guidelines that we are working  
5 with are certainly guidelines that affect  
6 so many people, and we do want to try to  
7 get everybody's opinion on these things.

8 At this point, we will need to ask  
9 for any corrections or changes relating to  
10 the transcript from the February 12th  
11 meeting, that was last month. Do I hear  
12 anyone wanting to speak on any corrections  
13 or changes to the transcript?

14 (No response).

15 MS. DAVIS: Okay. If not, may I  
16 get a motion to approve the transcript?

17 MS. STEINWINDER: I move to  
18 approve. This is Katie Steinwinder.

19 MS. DAVIS: Thank you, Katie.  
20 Can I have a second?

21 MS. HALL: I will second. This  
22 is Mallory Hall.

23 MS. DAVIS: Thank you, Mallory.

1 So, we have a motion and a second. All in  
2 favor please raise your hands.

3 (Committee members raising  
4 hands).

5 MS. DAVIS: Thank you. Thank  
6 you, Judge. Thank you, Judge. Mallory,  
7 thank you. All right. And Katie.

8 All right. Anybody who cannot --  
9 who we can't see, if you would like to  
10 unmute and vote, please do so at this time  
11 and identify who you are.

12 (No response).

13 MS. DAVIS: Okay. Thank you.  
14 Anyone opposed, please raise your hand.

15 (No response).

16 MS. DAVIS: Okay. Anyone who is  
17 opposed that cannot visually be seen, if  
18 you would, unmute and let us know of your  
19 opposition.

20 (No response).

21 MS. DAVIS: Okay. Well, we had  
22 no one to unmute and no hands. So, the  
23 approval of the transcript passes



1           unanimously.

2                     At this point, we will turn over  
3           the program to Dr. Venohr. Each of us  
4           received the information ahead of time and  
5           is on the website. If anyone in the public  
6           would like to, you can look on the website  
7           and follow the document. Although I think  
8           Bob will probably put it up on screen which  
9           may be easier for the people -- for all of  
10          us to follow.

11                    So, Jane, are you ready for Bob to  
12          put the screen up? Okay. Thank you.

13                    DR. VENOHR: You know, Bob,  
14          let's -- I changed my mind from what I told  
15          you earlier. Can we put that review  
16          Alabama's fulfillment of federal  
17          requirements up first? I realized we  
18          should talk about some of the --

19                    MR. MADDOX: Sure.

20                    DR. VENOHR: While Bob is putting  
21          up the document, so far since December, I  
22          provided you four memos. And two of them  
23          were on the self-support reserve, and today

1 I want to talk mostly about that  
2 self-support reserve. But as you can see,  
3 the first two agenda items I have to cover  
4 are reviewing Alabama's fulfillment of  
5 federal requirements. So, I wanted to just  
6 take a few minutes to discuss that and then  
7 just do a recap of the schedule adjustments  
8 for Alabama's prices and income.

9 And as you know, the federal  
10 requirements of state guidelines expanded  
11 in 2016, and they are effective for a state  
12 the year after completing the review  
13 commencing a year after 2016, and a state  
14 has a year after their review to meet them.  
15 So, it's a little convoluted.

16 But what that memo shows that Bob  
17 is pulling up is that Alabama is in good  
18 shape. Alabama is knocking out all those  
19 federal requirements. And there are just a  
20 few that would be good for the Committee to  
21 look at and see if you want to do anything  
22 else with that provision or that  
23 requirement. You don't need me as an

1 economist to do it.

2 And one of the things that I want  
3 to talk about that I realize I should talk  
4 about just is that we had some tax changes  
5 made this week at the federal level as you  
6 know. So, I just wanted to make people  
7 aware of that. And they are not long term.  
8 They are only this year, but I think it's  
9 good just to know about what's going on.

10 So, on that --

11 MR. MADDOX: Jane, is this the  
12 correct one? I apologize for interrupting.

13 DR. VENOHR: Yeah. You have got  
14 it, Bob.

15 MR. MADDOX: Is that good?

16 DR. VENOHR: Yeah. So, I will  
17 let him pull that up. Let's see. I am  
18 sure there's a timeline.

19 MR. MADDOX: Did you want me to  
20 go to the chart, Jane?

21 DR. VENOHR: I am sorry. Yeah,  
22 the chart. And if we do go to the first  
23 row --

1 MR. MADDOX: Can you see it yet?

2 DR. VENOHR: No, not yet. We are  
3 just still seeing your memo -- I mean, your  
4 list of files.

5 I will talk it out for the -- for  
6 a moment because I think everybody is kind  
7 of curious about the tax changes.

8 But before I talk about the tax  
9 changes and how they fit into the  
10 guidelines, I want to point out that row  
11 one -- there it is, the federal  
12 requirement. This is one that I think the  
13 Committee can talk about amongst yourselves  
14 without me is that the Child Support  
15 Guidelines under this paragraph they must  
16 provide the child support orders based upon  
17 the noncustodial parents' earnings income  
18 and other evidence of the ability to pay.  
19 And certainly Alabama meets that.

20 It's a very fuzzy federal  
21 requirement. The intent was to consider  
22 such things as quarterly wage data, include  
23 verbal testimony, those sort of things.

1           Some states have it in their guidelines.  
2           Some states have it in other parts of their  
3           rules or statute. What is evidence of  
4           income? They might say, you know, two pay  
5           stubs, the tax returns, those sort of  
6           things.

7                         So, I just want to highlight that.  
8           If you want to tweak it. But, again, you  
9           don't need me.

10                        If you go to page six, the other  
11           thing that I think the Committee -- I hope  
12           the Committee reviews -- and, again, you  
13           don't need me, an economist, to do this --  
14           is on page six, and it's row six is the  
15           deviation criteria. As you know, the  
16           federal requirements are that states are to  
17           keep Guidelines deviations at a minimum.  
18           Alabama is. It's about 9%. But I think  
19           it's also a really good opportunity to  
20           review what your deviation criteria are and  
21           whether they are appropriate for today.  
22           And you can do that without me, again.

23                        And the thing that I want to

1 highlight here is that there's one here  
2 that talks about taxes. It's Item (e) --  
3 1(e). It says, (as read) "The assumption  
4 under the Schedule of Basic Child-Support  
5 Obligations that the custodial parent will  
6 claim the federal and state income-tax  
7 exemptions for the children in his or her  
8 custody and will not be followed in the  
9 case."

10 And I think that's an important  
11 one. And the other one talks about  
12 child-care costs, the one right below that.  
13 And there's another one that talks about  
14 child-care costs. And I will explain why  
15 the child-care cost ones are important in a  
16 minute.

17 What I want to talk about with the  
18 tax assumptions is, in that schedule, we  
19 start with expenditures on child-rearing  
20 which are expressed as a percent of total  
21 family expenditures. So, we have to  
22 convert them to gross income. And how do  
23 we do that is we back them out assuming the

1 taxes of a single taxpayer, and we use the  
2 federal withholding formula and the Alabama  
3 withholding income formula. And by doing  
4 that, so I should probably give an example  
5 is, if the schedule shows a \$1,000.00 in  
6 gross income, then we compute what the tax  
7 amount would be for a single person. Let's  
8 say it's \$800.00. Then we calculate the  
9 schedule amounts, those amounts that appear  
10 on the schedule based on that \$800.00.

11 So, that assumption of how we get  
12 from a \$1,000.00 to \$800.00 is really  
13 important. And, again, that assumption is,  
14 we are assuming the tax rates of a single  
15 taxpayer, and that we are using the income  
16 withholding formula for federal and state  
17 taxes. And that's a favorable assumption  
18 to the obligated parent. If we assumed a  
19 married couple and included the child tax  
20 credit, which isn't included because it's  
21 not advanced now, then that would mean that  
22 there's more income. Instead of that  
23 \$1,000.00 converting to \$800.00, it might

1 convert to \$950.00. And then we would  
2 calculate support, the schedule amount  
3 based on that \$950.00, and all those  
4 amounts would rise. So, this assumption is  
5 very, very important.

6 In some states, we don't have data  
7 on the high income cases in Alabama. I am  
8 working with Arizona right now. But in  
9 those states, such as Arizona, I would say  
10 that the majority of the cases at the  
11 higher income are splitting the tax  
12 exemptions related to the children.

13 And probably the one that matters  
14 right now using 2021 tax rates before these  
15 changes that were made in the American  
16 Rescue Act matters the most is the tax  
17 assumption of the child tax credit which is  
18 \$2,000.00 a month per child currently, and  
19 that's only available to this narrow window  
20 of incomes. It is not available to very  
21 low incomes because it's a tax credit.  
22 Somebody has to have some tax liability  
23 before they can get the child tax credit.



1           And they will advance the first \$1,400.00,  
2           but it's really limited.

3                     For the very low income families,  
4           there's also the earned income tax credit,  
5           which that can't be signed from one parent  
6           to the other. The earned income tax credit  
7           goes to the parent that has the child that  
8           lives with them the majority of the time.  
9           If it's equal custody, it goes to the  
10          higher income parent, and this is pursuant  
11          federal IRS rules.

12                    So, there is an earned income tax  
13          credit to childless adults, but the one  
14          that's affected y'all this week that will  
15          be in effect really didn't hit that minimum  
16          wage income. What happened this week in  
17          the American Rescue Act is that earned  
18          income tax credit expanded for childless  
19          adults.

20                    So, it will probably -- I haven't  
21          done all the math, but it will affect that  
22          childless adult that's earning minimum  
23          wage. That's important to the Alabama

1 caseload, particularly since about a third  
2 of your cases are set using presumed income  
3 to the obligated parents at full-time  
4 minimum wage earnings.

5 So, essentially in that situation,  
6 the obligated parent is going to have more  
7 income in his or her pocket due to this tax  
8 change. Unfortunately or if -- who knows.  
9 I mean, it all depends on what perspective  
10 you take.

11 These tax changes that were  
12 enacted this week are only for this year.  
13 There is some talk about trying to change  
14 them for permanent, but this is why this  
15 deviation criteria is so important because,  
16 if there's a judge that's aware of some of  
17 these tax changes, to tweak it, do you make  
18 an adjustment assuming that any sort of  
19 Guidelines changes you make this year are  
20 still made in 2021 and in the same year  
21 that these tax changes are.

22 So, the earned income tax credit  
23 is one change. From what I have read so

1 far, it is not going to change the amount  
2 available to those with children, but those  
3 without children it's going to expand it.

4 The other changes that have been  
5 made is -- I will just go through the  
6 list -- is that the unemployment benefits  
7 they won't be taxable the first \$10,200.00.  
8 That could be applied to either parent.  
9 That seems like a lot of work to tweak, so  
10 I wouldn't recommend tweaking that.

11 There are going to be -- As you  
12 know, there's the \$1,400.00 stimulus check  
13 that's coming. That will not be  
14 intercepted by child support as it was in  
15 the spring. In the spring, that amount  
16 could be intercepted to pay for back due  
17 support. That can't happen under this  
18 American Rescue Act.

19 And then the child tax credit --  
20 and this is just for this year -- it's  
21 going to increase from \$2,000.00 to  
22 \$3,000.00, and then it's going to be  
23 \$3,600.00 for children under three. So,

1 that's an increase of about a \$1,000.00.

2 And it's also going to be refundable at  
3 lower incomes.

4 So, those that were eligible, you  
5 know, at that earned income tax credit  
6 range, they will be able to get it.

7 There are some other changes. It  
8 says that it has to be advanced before the  
9 child tax credit would come at the end of  
10 the year. It wasn't something that could  
11 be advanced. So, we didn't consider it in  
12 income withholding formulas. But there's  
13 some talk about whether the IRS can really  
14 do it technically and administratively.  
15 And if they can, you know, it's  
16 mathematically kind of hard to do it  
17 automatically. Automations is really  
18 difficult to do quickly. They are talking  
19 about it would occur after July. According  
20 to the law, it would have to occur before  
21 December 2021.

22 So, that, theoretically,  
23 whoever is claiming the child for tax

1 purposes and in other states at higher  
2 incomes -- I would say it's 50/50 as far  
3 as whether the mother is claiming the  
4 children or the father is claiming the  
5 children. There's obviously, you know,  
6 particularly in divorce settlements,  
7 there's some negotiation as to who gets  
8 to claim the children with the child tax  
9 credit. So, that will put some extra  
10 income into whoever gets to claim the  
11 child into their paycheck if the IRS can  
12 pull off the automation and so forth.

13 And so, you know, I would  
14 expect some conversation about that or  
15 some discussion. And, again, this is  
16 only good for 2021 although, you know,  
17 there's some of the people that have been  
18 advocating for it hope to make it  
19 permanent. And so, that's why I want to  
20 highlight it.

21 And then there's also the child  
22 and dependent care credit. So, that  
23 affects childcare -- any family that pays

1           childcare expenses and claims that child  
2           and dependent care credit, which is now  
3           up to 25% of that child-care costs or, if  
4           I remember off the top of my head, a  
5           maximum of about \$200.00 a month or a  
6           maximum of \$250.00 if there are two or  
7           more children.

8                        I haven't done the math yet,  
9           but the Rescue Act greatly expanded that.

10                      And as you know, one of the  
11           impacts of the pandemic is that we have  
12           had some people drop out of the labor  
13           force. I mean, not only have our  
14           unemployment rates skyrocketed and  
15           particularly for those in the leisure and  
16           hospitality industry, but we also have  
17           had some people just drop out because  
18           they don't want to get COVID, they have  
19           children at home, so forth, and there's  
20           some evidence that shows it's  
21           disproportionately females that are  
22           dropping out of the labor force and  
23           particularly those with younger children.

1           So, there are lots of things in  
2           this stimulus package to improve  
3           childcare both availability, make it  
4           affordable. This is just one component  
5           of it. And most of the stuff in the  
6           deviation criteria is limited -- is  
7           trying to limit childcare in the sense  
8           that those that, even though a family can  
9           get an add-on for childcare -- let me  
10          just back step and say that schedule does  
11          not include childcare expenses. Instead,  
12          what the parents are to do -- or the  
13          judges to do is consider childcare  
14          expenses on a case-by-case basis. And  
15          so, look at the actual amount that's  
16          spent for childcare in a family, and they  
17          can consider that amount in the  
18          Guidelines worksheet.

19                 So, these changes affect what  
20                 the out-of-pocket expenses are. And it  
21                 looks like the credit is very generous.  
22                 It looks like -- just my first read of  
23                 it -- is that it essentially doubles it.

1 But, again, the intent is to make it more  
2 affordable, get more people back in the  
3 workforce. That was the federal purpose.

4 But I want to highlight that  
5 just because it might being something  
6 that you want to consider tweaking even  
7 though this is just for one year, 2021.  
8 Look at the language here on the  
9 childcare expenses and consider whether  
10 you want to tweak it to consider that  
11 there are these things happening in 2021.

12 Again, the change in the child  
13 tax credit, which is different than the  
14 childcare tax credit because obviously  
15 they are not putting the child in  
16 daycare, there's hope on some legislators  
17 to make permanent. So, that's something  
18 that you also want to consider when you  
19 are reviewing this -- this deviation  
20 criteria.

21 And I am just looking to see if  
22 there are any other things I need to make  
23 you aware of.



1                   There's no change to the  
2                   federal tax code in general. The federal  
3                   tax rates aren't changing or the FICA  
4                   isn't changing due to this Rescue Act.  
5                   It's just the EITC which will be more  
6                   generous to single people without  
7                   children. It's going to increase the  
8                   child tax credit, and it's going to  
9                   increase the child and dependent care  
10                  credit. There's also -- It's going to  
11                  change unemployment benefits. The first  
12                  \$10,200.00 is not taxable, so that's  
13                  actually a windfall to both parents.

14                  So, I am going to stop there.  
15                  Are there any questions or any comments  
16                  about the taxes or anybody been thinking  
17                  about that? I know that this bill was  
18                  just signed. I think it was signed  
19                  yesterday.

20                                 (No response).

21                  DR. VENOHR: Okay. Hearing none,  
22                  I am going to just move on. So, I just  
23                  want to put placeholder on that and just a

1 kind reminder to encourage you-all to look  
2 at that when you review the deviation  
3 criteria.

4 Now, I am just going to turn to  
5 the second agenda item on my list, which is  
6 the recap of the schedule adjustment for  
7 Alabama's price income. And we don't need  
8 a slide for this before I go into the  
9 self-support reserve. And this is just a  
10 reminder that where we are at is the  
11 Committee is favoring -- there isn't a  
12 final vote yet -- favoring the schedule  
13 that is realigned for Alabama incomes. And  
14 when I say "favoring," that's important to  
15 our work because obviously we can't  
16 explore, you know, five or six options.  
17 You know, we have to limit it, but I don't  
18 want to make it sound like it's a  
19 definitive vote. So, I am trying to be  
20 really careful in my language there.

21 And where we are at on the  
22 schedule is that it's based on the -- the  
23 most recent Betson-Rothbarth measurements

1           which were released in 2020. They consider  
2           family expenditures in 2013 through 2019.  
3           And we just updated them for 2021 prices,  
4           January 2021 prices. The last time you  
5           looked at it in December, we had 2020 price  
6           levels, and it seemed appropriate to update  
7           them to 2021.

8                       And in the same respect, when you  
9           looked at the amounts in December, we used  
10          2020 federal and state tax rates. And it  
11          makes sense especially since we are going  
12          to talk about the 2021 federal poverty  
13          level that we use 2021 federal tax rates  
14          and state tax rates when we make the  
15          conversion that I described earlier.

16                      What this means is that there's  
17          been a little bit of inflation, not much.  
18          Since when we developed that schedule, we  
19          had November 2020 price levels, and now we  
20          have January 2021 price levels. It's made  
21          a few dollars difference at higher incomes.

22                      And as you might remember, there  
23          were some decreases at lower incomes. And

1 in the December memo, it shows a maximum  
2 decrease using that 2020 schedule adjusted  
3 for Alabama incomes was \$32.00 a month, was  
4 the maximum decrease.

5 And because of that little bit of  
6 inflation and some tweaking with the  
7 changes in the federal and state taxes,  
8 which have been changed, just to the income  
9 brackets have been changed, that's the only  
10 thing that changes now is that, instead of  
11 a maximum decrease of \$32.00, it's a  
12 maximum decrease of \$25.00.

13 So, it is not a huge change. And  
14 it certainly feels better for me to go with  
15 2021. And Penny, I asked her about it, and  
16 she sent me a very quick email essentially  
17 said, of course, go with 2021, you know, in  
18 preparing things.

19 So, the other thing I want to  
20 point out is there's still significant  
21 increases at the very, very high income.  
22 And we are talking, you know, incomes over  
23 \$10,000.00 gross a month. And some of

1 those are shown in the memo that we are  
2 going to pull up in a minute. And I did a  
3 check last night. And those increases are  
4 not more than the increases would be -- or  
5 the amounts would be under the USDA.

6 And as you know, we like to use  
7 other measurements of child-rearing  
8 expenditures as a barometer because  
9 economists don't always agree on the  
10 methodology that best measures  
11 child-rearing costs. Most states use the  
12 Betson-Rothbarth measurements, but the USDA  
13 are out there. There's only one state that  
14 uses them for their complete schedule.  
15 There's a couple of states that use them in  
16 one capacity or another for other parts of  
17 their schedule.

18 And the USDA has information for  
19 incomes about up to \$17,000.00 gross per  
20 month. For the proposed Alabama schedule  
21 that's based on 2021 incomes and taxes,  
22 those schedule amounts up to \$17,000.00 are  
23 never more than the USDA.

1                   So, in short they are appropriate.  
2                   They reflect amounts of what's being  
3                   expended on children. Some states have  
4                   capped it because it's a large increase at  
5                   higher incomes. Most of those states that  
6                   have capped it, they -- in their situation,  
7                   the USDA amounts are lower than the  
8                   Betson-Rothbarth, and that's for various  
9                   reasons. You know, they might not be  
10                  adjusted for their incomes similar to  
11                  Alabama. Alabama Guidelines haven't been  
12                  updated for about 13 or 14 years. So,  
13                  there's some price issues there. There's  
14                  some tax issues.

15                 So, the short of it is that, if  
16                 Alabama wants to put a cap on some of those  
17                 high incomes -- and we will talk about that  
18                 after I talk about the low income -- you  
19                 can, but there's no economic evidence that  
20                 says you have to or should.

21                 So, that's the bottom line. But I  
22                 want to put that out there just because  
23                 it's -- it's an obvious increase.

1                   So, any questions about what I  
2                   have said before I move on to the  
3                   self-support reserve or comments?

4                   (No response).

5                   DR. VENOHR: Okay. Hearing none,  
6                   I think, Bob, we are ready for that memo.

7                   And what this memo is, it's a  
8                   continuation of our conversation about  
9                   components of the self-support reserve  
10                  adjustment. And in December, we had the  
11                  part one memo. And this is the part two  
12                  memo. And in that December memo, there  
13                  were five questions. And the questions  
14                  were: Does the committee favor putting the  
15                  self-support reserve adjustment in the  
16                  worksheet or in the schedule as it is now?

17                  And the Committee was leaning  
18                  toward the worksheet, but they also wanted  
19                  to see what it looked like in the schedule  
20                  using the same methodology that was used  
21                  for the existing schedule but just using  
22                  updated economic data. So, eventually I  
23                  will show you that in the memo.

1                   The second question was: What  
2                   should the self-support reserve be? And  
3                   the third question was: Should the  
4                   self-support reserve be discretionary if  
5                   the receiving parent's income is below a  
6                   certain threshold?

7                   There was a great conversation  
8                   among the Committee members the last time  
9                   that's documented in the minutes. Thank  
10                  you, Jeana. And I don't think you need me  
11                  to review that and to come to any sort of  
12                  conclusion.

13                  The fourth question is whether the  
14                  self-support reserve adjustment should  
15                  occur before or after childcare expenses  
16                  and the health insurance. And to be  
17                  honest, I don't think this is a big issue  
18                  because it just doesn't happen that very  
19                  often that those expenses are considered in  
20                  the low income area of the schedule.

21                  And then the fifth question is:  
22                  Should there be an economic incentive to  
23                  the self-support reserve?



1                   So, with regard to that second  
2                   question: What should the amount of the  
3                   self-support reserve be. So, right now,  
4                   it's based on the 2007 poverty level, and  
5                   it ends up being about, if I remember off  
6                   the top of my head, \$702.00 net per month.

7                   And we had a lot of conversation  
8                   the last time about, when it's in the  
9                   schedule, we can make it based on net  
10                  income because we have that hidden column  
11                  that I described earlier, you know, where I  
12                  gave that example that when the schedule  
13                  shows an obligation for \$1,000.00 in gross  
14                  income that it is really calculating off of  
15                  a hidden column of after-tax income. And I  
16                  just made an example of \$800.00 to keep the  
17                  math simple. Actually it would be slightly  
18                  more than that for that income bracket.

19                  So, we can calculate it off of  
20                  that after-tax income rather than using the  
21                  gross income. That's a little awkward to  
22                  do when you put the self-support reserve in  
23                  a worksheet.

1                   So, in 2021, the federal poverty  
2                   level is \$1,073.00. And when we adjust  
3                   that for Alabama incomes, you know, because  
4                   Alabama incomes are lower, and we want to  
5                   be consistent in our methodology, so, we  
6                   adjusted the whole schedule for Alabama's  
7                   incomes being lower.

8                   So, when we do that, we take the  
9                   median Alabama income and divided it by the  
10                  median U.S. income, and that comes up with  
11                  a ratio of -- it's a little over 80%. And  
12                  we get \$877.00 a month.

13                  So, we put that in the schedule as  
14                  a net amount. And then we look at it as  
15                  the gross equivalent of \$877.00. So, we  
16                  back it out with what was taxed. That  
17                  would be equivalent to \$981.00. And for  
18                  that low income range that would be  
19                  affected by the self-support reserve, their  
20                  effective tax rate -- which means we are  
21                  adding FICA, we are adding federal taxes,  
22                  we are adding Alabama's -- it's roughly  
23                  between 10% to 18% in that tax range.

1                   And then one thing I was concerned  
2                   about was that things are changing. And  
3                   so, I wanted to see what it would look like  
4                   based on a predicted federal poverty level  
5                   in 2025.

6                   So, I just used 2% inflation,  
7                   which is rounding what we are at right now.  
8                   There's concern we might have even higher  
9                   inflation. So, I am looking at \$1,083.00.

10                  And then the last option was to  
11                  relate it to federal minimum wage, which is  
12                  quite the challenge. And one of the  
13                  reasons it's challenging on the federal  
14                  minimum wage is that there was a proposal  
15                  in the Rescue Act to change that federal  
16                  minimum wage. It's \$7.25 an hour now. The  
17                  proposal was not passed by the Senate, so  
18                  the whole federal minimum wage thing was  
19                  dropped. Although, it could become a  
20                  reality. It was pretty close. The  
21                  proposal was to increase it to \$9.50 by  
22                  this summer. And then it was about a \$1.00  
23                  or \$1.50 increments every year until it

1 reached \$15.00 an hour.

2 So, the proposal was to increase  
3 the federal minimum wage to \$15.00 an hour  
4 by 2025. And President Biden is still  
5 committed to that. And there has been a  
6 Congressional budget report that was  
7 released that makes that \$15.00 an hour  
8 controversial.

9 So, I am not sure even if there's  
10 an increase in federal minimum wage that it  
11 will reach \$15.00 an hour. That  
12 Congressional Budget Office report found  
13 that -- or they forecasted that, although  
14 the increase in the minimum wage to \$15.00  
15 would reduce the poverty for .9 million --  
16 I can't remember if it was households or  
17 individuals, it would also result in 1.4  
18 million in job losses, and that's just  
19 because we have a sector of our economy  
20 that, you know, it's a lot of small  
21 businesses, and increasing the minimum wage  
22 can cause them to hire less.

23 So, I just want to underscore this

1 just because it's very important since, as  
2 the data from ALECS shows, which is the  
3 Alabama automated system, it shows that  
4 about a third of your orders involve  
5 obligated parents with minimum wage income.  
6 So, that's really important. If you  
7 continue that practice, I mean, obviously  
8 that's kind of a shock. It would be a huge  
9 shock in the order amounts if you were to  
10 calculate them based on \$15.00 an hour for  
11 those that are in and out of the labor  
12 market. So, that's really important.

13 With that said, I was really  
14 puzzled on what to do in Alabama to account  
15 for possible federal minimum wage earnings.  
16 And I just feel very, very fortunate that  
17 this is a standing committee, and that the  
18 process that you have with the Alabama  
19 courts that you can change that  
20 self-support reserve amounts, especially if  
21 you have it in the worksheet and since you  
22 have an ongoing committee.

23 So, even though the federal

1 minimum wage is \$7.25 an hour, you can  
2 think about what's your self-support  
3 reserve for that situation. And you don't  
4 have to mentally prepare totally for that  
5 \$15.00 an hour because your committee is  
6 standing and you're pretty nimble -- very  
7 nimble compared to most states -- and able  
8 to make changes in your court rules on your  
9 Guidelines.

10 So, that made me feel a lot  
11 better. But still where I was going was  
12 that some states what they are doing or  
13 talking about -- there's only one state  
14 that does it -- is they tie their  
15 self-support reserve to their minimum wage.  
16 And you certainly could do that. Arizona  
17 uses 80% of their minimum wage. Arizona is  
18 one of 30 states that sets their minimum  
19 wage higher than the federal \$7.25, and it  
20 makes it really high self-support reserve.  
21 Arizona's state minimum wage is \$12.15 an  
22 hour.

23 So, and just as an aside, I think

1 the only place that has a \$15.00 minimum  
2 wage statewide -- there's some cities -- is  
3 the District of Columbia.

4 So, can we just scroll back to the  
5 first page? I just want to tell you one  
6 other thing we are going to play with a  
7 little bit is that the work incentive.

8 So, should there be an economic  
9 incentive to the SSR? Not only is an  
10 economic incentive where each dollar of  
11 income doesn't go to child support, each  
12 dollar or gross income doesn't go, rather  
13 there's a recognition of payroll taxes.  
14 That if the parent -- an obligated parent  
15 earns a dollar more, obviously he or she is  
16 going to have to pay some of that to  
17 federal or state income taxes. And he or  
18 she's going to want to keep some of it in  
19 his or her back pocket. He or she doesn't  
20 want to have it all assigned into child  
21 support.

22 So, what we looked at is  
23 different -- and we call this an economic

1 incentive where he or she gets to keep --  
2 or I am sorry, 80% of that income less the  
3 self-support reserve is assigned to child  
4 support.

5 So, if there's a \$50.00 increase  
6 in income, then that would mean \$40.00  
7 would be assigned to child support. And  
8 for this income, keep in mind that the tax  
9 rate particularly at low incomes is closer  
10 to 10%.

11 The next option is to include 70%.  
12 And the last option is to include 50%. And  
13 I know there was some discussion of that or  
14 a recommendation to consider taxes, then  
15 50%, meaning, you know, half of it goes to  
16 child support and half of it a parent  
17 keeps. But the math was just too  
18 difficult. So, we simplified it at 50%.

19 So, we are going to look at the  
20 combination of these, number two, what the  
21 amount of the self-support reserve should  
22 be and what number five should be where it  
23 looks at some various scenarios. And one



1           thing I want to point out is that, when you  
2           have a higher self-support reserve and you  
3           have a more generous economic incentive,  
4           say, the 50%, then it means that those  
5           schedule amounts that are the amounts that  
6           are adjusted for the self-support reserve  
7           are going to occur at higher and higher  
8           incomes. It could be over \$3,000.00 a  
9           month in incomes that are getting the  
10          adjusted amount, meaning that they are  
11          lower than what the economic evidence says  
12          is spent for a child of that income,  
13          particularly for six children.

14                        The vast majority of Alabama  
15          orders are one child, so we are going to  
16          focus on that. But there's -- you know, is  
17          \$3,000.00 a month of income, is that low  
18          income? Is it appropriate to have an  
19          adjustment?

20                        So, there's certainly a trade-off  
21          between making the adjustments more  
22          generous. And then because we have to  
23          slowly phase them out getting enough for

1           what a child should be comparable so that  
2           they have the same amount of expenditures  
3           or income coming in as a couple that is  
4           married or -- in a situation where the  
5           child is living in a married-like  
6           household.

7                        So, we can go down the next slide,  
8           or next page. And this just shows all the  
9           exhibits, you know, if you want to keep  
10          track and look at examples. This is the  
11          one that matters.

12                       Bob, it's on page three. And we  
13          can scroll up a little bit. This is page  
14          four, I am sorry. This is page four. I  
15          didn't number -- Can you scroll -- no, I am  
16          sorry. Scroll up on page three. I am  
17          getting my page numbers messed up. I  
18          apologize.

19                       So, these are all the adjustment  
20          options we are going to consider. First,  
21          we are going to look at the existing  
22          schedule, and that's based on a  
23          self-support reserve of \$702.00. And then

1 the way that it's phased out or the work  
2 incentive is 90% of net income above the  
3 self-support reserve.

4 So, let's say that he has an  
5 income of \$800.00, and we are going to  
6 assume that self-support reserve is  
7 \$700.00. So, he has a \$100.00 more than  
8 the self-support reserve, then 90% of that  
9 would be added on. So, it might be \$90.00  
10 plus \$50.00, you know, because the minimum  
11 order is \$50.00.

12 So, that's the way the existing  
13 schedule works, and it's in this schedule.  
14 This adjustment is incorporated in the  
15 schedule.

16 And Option A is the same approach  
17 where we are looking at the adjustment in  
18 the schedule, and we just updated these  
19 self-support reserve to \$877.00 a month,  
20 which is the 2021 Federal Poverty  
21 Guidelines for one person adjusted for  
22 Alabama income. And we are using that same  
23 sort of phaseout.

1           And the nice thing about having a  
2           variable percentage -- and there's a typo  
3           in there. The fifth child should be 94%.

4           The nice thing about having a  
5           variable percentage with the number of  
6           children is that it makes that phaseout  
7           happen quicker for six children. So, it  
8           might occur at about \$3,000.00 -- over  
9           \$3,000.00 if we were to have the same  
10          phaseout. But because we are using a  
11          higher percentage for six children, it  
12          occurs at, like, \$2,500.00, \$2,600.00. And  
13          that's because for one child, the average  
14          percent of net income expended on a child  
15          is about 20% or 25%, depending on where you  
16          are in the range of income. For six  
17          children, it's over 50% of net income.

18          So, it's harder to create that  
19          self-support reserve and phase it out when  
20          actual child-rearing expenditures account  
21          for about 50% of their income for six  
22          children. So, it's -- it's just something  
23          to think about.

1                   So, I have a bunch of options  
2                   called Option B, and there are sub-options,  
3                   one, two, three, four. And all these  
4                   scenarios, the self-support reserve is  
5                   \$981.00 gross. So, it's the gross  
6                   equivalent of the net in Option A. And  
7                   then the options consider different  
8                   phaseouts.

9                   And B.1, we are taking all that  
10                  additional gross income and assigning it to  
11                  child support, which I did not get a sense  
12                  the Committee was favoring the last time.

13                  B.2, B.3, B.4 are just different  
14                  percentages.

15                  And then Option C, it was really  
16                  bothering me what this could look like in  
17                  five years, particularly because Alabama  
18                  hasn't changed their Guidelines in about 10  
19                  years -- over 10 years.

20                  So, at first I was worried about  
21                  this, but I just confirmed with Stephanie  
22                  and Bob, and I am really thankful again  
23                  that this is a standing committee.

1                   So, if we get that self-support  
2                   reserve in the worksheet, you can change  
3                   it. You don't have to wait for five years,  
4                   particularly, you know, you might want to  
5                   consider it if the federal minimum wage  
6                   changes.

7                   And then for Option D, I took 70%  
8                   of the full-time minimum wage. I went a  
9                   little conservative on some of these  
10                  adjustments. I don't -- just because  
11                  Alabama is lower income, it didn't feel  
12                  like you -- and you have a \$702.00  
13                  self-support reserve right now. It didn't  
14                  feel right just to do a huge jump. So,  
15                  most of these adjustments are very  
16                  conservative.

17                  And just to make the adjustment  
18                  work, I -- for incomes below that 70% of  
19                  full-time minimum wage, I took 15% of the  
20                  gross income as a base schedule amount, and  
21                  then I added the following amount depending  
22                  on the number of children. So, you know,  
23                  25% for one child; 40% for two children.

1                   So, if you scroll down to the  
2 bottom of the page, it lists some of the  
3 advantages and disadvantages of each  
4 approach starting with incorporating a  
5 self-support adjustment in the schedule.  
6 The major advantage is it is not a change  
7 in methodology. It's simple to calculate.  
8 Everybody is used to it. The major  
9 disadvantages is it is not transparent, and  
10 it cannot apply to both the parents, and it  
11 can't be easily changed. You need to  
12 contact me or somebody else to make the  
13 changes or you could do them on your own,  
14 but mathematically it would probably be  
15 better if we did it.

16                   For Option B, you don't have that  
17 problem. You could change it on your own.  
18 It can apply to both parents. It's  
19 transparent. It can be seen. The  
20 disadvantage to including it in the  
21 worksheet is it is a change, so there's  
22 some education that you will have to do on  
23 for the Guidelines user.

1                   If you have an automated  
2                   Guidelines calculator, that creates another  
3                   issue and requires someone to do the  
4                   testing and to make the changes.

5                   Let's see if there's anything --  
6                   oh, and then you have to add another  
7                   line -- another line on the worksheet. And  
8                   particularly if you wanted to adjust for  
9                   the number of children, that even creates  
10                  more lines and more confusion. I mean, the  
11                  more lines you have in the worksheet, the  
12                  more confusing it is to users. Explaining  
13                  why it varies by the number of children can  
14                  be confusing. So, those are some of the  
15                  disadvantages.

16                  If we scroll to the next page, I  
17                  think I talk about -- this is the basing it  
18                  on minimum wage. Arizona is, again, the  
19                  only state. The advantage of it is it  
20                  addresses the uncertainty of the federal  
21                  minimum wage, but I have got to tell you I  
22                  played with different options using the  
23                  \$7.25 an hour to the \$15.00 an hour. I



1 mean, that's a doubling of the federal  
2 minimum wage over doubling in it. It just  
3 creates some anomalies. There's no way  
4 around it. There's no -- There's no  
5 algorithm or combination of the  
6 self-support reserve and the phaseout or  
7 that work incentive that's going to work  
8 for \$7.25 an hour and is going to work for  
9 \$15.00 an hour. I tried and I just could  
10 not do it mathematically.

11 So, it also suggests that using a  
12 variable percentage is appropriate. And  
13 again the disadvantage is that it makes the  
14 worksheet more complicated.

15 So, Exhibit 2 just goes through a  
16 calculation using Option B.2., which it's  
17 just a very straightforward self-support  
18 reserve and a work incentive. In this  
19 scenario, we have two parents earning the  
20 current federal minimum wage of \$7.25 an  
21 hour at 40 hours a week.

22 So, each of their gross incomes is  
23 \$1,257.00. Using the current schedule

1           online four, that would be \$500.00. Both  
2           parents are responsible for 50%. That  
3           means on line eight that each parent would  
4           be responsible for \$250.00.

5                        So, we create a section in the  
6           worksheet for the self-support reserve.  
7           The new line 10 would be that self-support  
8           reserve of \$981.00. The difference between  
9           \$1,257.00 and \$981.00 is \$276.00.

10                      So, that's the income that is  
11           available, the income after the  
12           self-support reserve. When we make --  
13           consider the work incentive, so we are only  
14           saying 80% of that is available for child  
15           support, we take line 11, multiply that by  
16           80%, we get \$221.00. If that was less than  
17           \$50.00, we would just enter \$50.00 for that  
18           minimum order on line 12.

19                      So, the new line 13 is a  
20           self-support reserve adjusted amount is  
21           \$221.00. We look at line eight. We  
22           compare it to line 13 for the parent that  
23           owes support, and that becomes our

1 recommended child support on line 14.

2 So, this is very simplified. I  
3 didn't do any of the adjustments to gross  
4 income or childcare expenses or health  
5 insurance. This is just a simple case.  
6 And that's a good way to look at it first  
7 because we don't want to confound it.

8 The monthly adjusted gross income,  
9 I am assuming you are not going to make any  
10 changes on that. I have never seen any  
11 state do that for the self-support reserve.  
12 When we get to the add-ons, we can discuss  
13 that later. Some states do the  
14 self-support reserve tests before the  
15 consideration of add-ons. Some do it  
16 after. I don't think it's a big deal in  
17 Alabama just because so few of your  
18 cases -- it's less than 5% -- of those with  
19 minimum wage incomes have some sort of  
20 add-ons.

21 Any questions at this point or  
22 comments?

23 MS. DAVIS: I have one comment.

1 On the 80%, I would assume that's because  
2 of the taxes that we talked about earlier.  
3 And so, we could just to a matter of  
4 transparency to the public, we could put  
5 some type of -- leaving in the chart here  
6 the 80% -- I mean, in the form here, we  
7 could put some kind of explanation  
8 somewhere in our documents that would allow  
9 people to understand where the 80% came  
10 from. Because that would probably be a  
11 question that someone who had not been  
12 involved in this process might have. That  
13 would be my only comment about it.

14 Does anyone else from the  
15 Committee have a comment or question  
16 regarding this example, which is Option  
17 B.2?

18 (No response).

19 MS. DAVIS: Okay, Jane. Thank  
20 you.

21 DR. VENOHR: Okay. And I think  
22 that's a very good idea, Penny. I think  
23 there is a state that does that. And I

1 think that's an excellent idea.

2 Okay. Moving on, and I promise I  
3 will go faster from here on. I just really  
4 wanted to take some time to explain some of  
5 the things particularly because I bet you  
6 are going to get questions down the road  
7 about the tax changes.

8 So, Exhibit 4, I think we are  
9 scrolling down. We have got to go the  
10 other direction. Let's see. Yeah, we are  
11 still -- keep going. You have got it.  
12 There it is, Exhibit 4.

13 So, these are the case scenarios  
14 that we are going to consider.

15 So, we have the current minimum  
16 wage of \$7.25, the \$9.50, which was  
17 proposed by summer 2021, but that bill --  
18 it didn't make it to the final version on  
19 the American Rescue Act.

20 And then I just picked \$11.00,  
21 \$12.00 an hour. As you know, we looked at  
22 what a food preparation worker earned the  
23 last time, and that's just under \$10.00 an

1 hour, and that was based on 2019 data.

2 So, I am thinking that there  
3 probably -- I think it's -- I am betting  
4 that there is going to be a federal minimum  
5 wage change. And it will probably land  
6 closer to \$11.00 or \$12.00 an hour. I  
7 don't think my -- my best bet it is not  
8 going to make \$15.00 by 2025.

9 But, again, you have flexibility  
10 because you are a standing committee. You  
11 can see that that's a huge difference.  
12 That's \$15.00 an hour would give a parent a  
13 gross income of \$2,600.00 a month. And  
14 then, when you look at our current minimum  
15 wage, it's only \$1,257.00.

16 So, the last column in that  
17 exhibit is whether we considered add-ons.  
18 We considered add-ons in the last two  
19 scenarios, but I don't think you should  
20 waste a lot of time talking about it. Go  
21 with your instinct whether to apply the  
22 self-support reserve before or after. It's  
23 just too few cases to spend a whole meeting

1 on is my two cents.

2 So, we are going to look at  
3 scenarios where both parents have full-time  
4 minimum wage earnings. And I am just going  
5 to read you the footnotes on what we found  
6 as far as in the ALECS data.

7 According to the preliminary  
8 analysis, exactly one-third of obligated  
9 parents have gross incomes equivalent to  
10 full-time 40 hours per week. And we use  
11 \$1,256.00 to \$1,260.00 for that definition  
12 because some judges round up.

13 Another 1% had income equivalent  
14 to 30 hours per week at minimum wage, which  
15 is \$942.00 per month. And I am sure those  
16 judges are recognizing that a lot of these  
17 service sector jobs don't offer a 40-hour  
18 work week, particularly in the hospitality  
19 industry. It's closer to 26 hours a week  
20 on average.

21 Two percent had incomes equivalent  
22 to 40 hours per week but assumed 4.3 weeks  
23 per month rather than 4.33. So, you know,

1           there's all sorts of variations to how  
2           income is imputed at minimum wage just  
3           because we don't have the consistent number  
4           of days in every month.

5                     Let's see. The other thing to  
6           note in this footnote, on the footnote  
7           nine, is that the receiving parent's income  
8           equal the obligor's income in 56% of the  
9           orders where the obligated parent's gross  
10          income was one \$1,256.00 to \$1,260.00. And  
11          that just means what's being done for the  
12          goose is being done for the gander; that  
13          there's equal treatment.

14                    There's also another 17% where the  
15          receiving parent's income was zero. And  
16          that's the last sentence of that line in  
17          footnote nine. And, you know, that  
18          probably happens because they were on TANF.  
19          Maybe they had a disabled child, or maybe  
20          they had, you know, an infant in the home  
21          that there was no income imputed in those  
22          cases.

23                    Since we are on this page --



1 MS. DAVIS: Jane, could I stop  
2 you for a second.

3 Are these statistics based on  
4 national numbers or Alabama numbers?

5 DR. VENOHR: ALECS. It's from  
6 the extraction of ALECS orders in 2018,  
7 newly established or modified orders.

8 MS. DAVIS: For Alabama?

9 DR. VENOHR: Yeah.

10 MS. DAVIS: Thank you.

11 DR. VENOHR: Good question.

12 Thank you.

13 MS. CAMPBELL: Excuse me. This  
14 is Angela Campbell. I am sorry for  
15 interrupting.

16 But you could also have a zero  
17 income for the custodial parent because  
18 they are a non-parent. It could be a  
19 grandparent or another relative.

20 DR. VENOHR: Good point. Any  
21 other comments why we -- I mean, I think  
22 this is good to reflect on how the data --  
23 what we find in the data and then have

1 explanation on why.

2 (No response).

3 DR. VENOHR: Okay. And then  
4 footnote 10, this just goes into that whole  
5 child-care issue. According to preliminary  
6 analysis, few -- 6% of obligated parents  
7 with incomes of \$1,260.00 or less involved  
8 cases where there was a Guidelines  
9 adjustment for childcare expenses paid by  
10 the receiving parent.

11 So, this just says it is not a big  
12 issue. When something occurs in a very  
13 small percentage of the caseload, less  
14 than -- for me, it's usually 5% to 10% is  
15 my barometer. I think you can handle it by  
16 deviation.

17 And then that second sentence in  
18 footnote 10 is also really important: "The  
19 preliminary analysis also found that 10% of  
20 extracted ALECS orders with automated  
21 Guidelines worksheet calculations had  
22 child-care add-ons."

23 So, we are limiting it to ones

1 with Guidelines calculations, and childcare  
2 expenses added on. And it could be very  
3 well that when you get into the non-ALECS  
4 population, that they are more likely to  
5 have childcare expenses added on,  
6 particularly at higher or middle incomes.  
7 In other states, we find that add-ons for  
8 childcare for the middle to higher incomes  
9 are at about -- I would say -- 25% to 40%  
10 of the cases depending on the state.

11 But because we are focusing right  
12 now on low income and that low income that  
13 is affected by the self-support reserve, we  
14 are focusing on low income. Those at  
15 middle and higher incomes, they have  
16 sufficient income that they can meet their  
17 self-support reserve and pay their full  
18 child support, including the childcare  
19 expenses, then this isn't an issue.

20 And then the last footnote was  
21 number 11. It's on the health insurance.  
22 It's the same information as footnote 10  
23 except it's the health insurance. Even a

1 smaller proportion of those obligated  
2 parents with minimum wage earnings had  
3 health insurance consider in their  
4 calculation. It was 4%. And the second  
5 sentence is that it's 12% of all extracted  
6 ALECS cases with all automated Guidelines  
7 calculator had an adjustment for the health  
8 insurance. And, again, when you get to  
9 those middle and higher incomes, it's going  
10 to be -- more likely it's going to be a  
11 higher percentage. I would say just based  
12 on my experiences with other states, it's  
13 going to be closer to 30 -- it's  
14 surprisingly not that high, and I think  
15 it's probably because of the expansion of  
16 Medicaid. But it's closer to 30%, maybe up  
17 to 40%. But that's just to give you an  
18 idea.

19 So, anyway, we are ready to look  
20 at the case scenarios. Are there any other  
21 questions or comments?

22 (No response).

23 DR. VENOHR: Okay. So, this is

1 looking at one child amounts equal incomes,  
2 which is going to be your most common  
3 scenario. And the big blue, the solid  
4 blue, the bright blue, that's existing  
5 Alabama.

6 So, you can see it -- the federal  
7 minimum wage keeps that \$7.25 an hour. All  
8 the options are going to result in a drop.  
9 Again, Option A is just to put it in the  
10 schedule. And then the Option Bs are to  
11 put it in the worksheet using the gross  
12 equivalent of what this updated schedule  
13 amount would be. And the sub-options are  
14 just differences in whether he retains 70%,  
15 80%, 50% in those work incentive options.

16 And then the very last two  
17 options, the Option C, which is that sky  
18 blue rectangle, that is if we forecasted  
19 the increase in the Federal Poverty  
20 Guidelines in 2025 and use that. So,  
21 obviously that self-support reserve is  
22 going to be a higher amount, and that's why  
23 it reduces it so much.

1                   And then Option D is when we base  
2                   the self-support reserve on minimum wage.

3                   Now, when you get to the other  
4                   scenarios, you can see that there really  
5                   isn't differences. And what you see here  
6                   is that the amount is \$26.00 less, and this  
7                   is because of falls into the schedule  
8                   amount. If we -- I don't know if you can  
9                   do this, Bob. If you scroll to page 12 for  
10                  a minute, if we can just look at that.

11                  And what that shows is the  
12                  schedule. We can go all the way down to  
13                  page 12, and it shows that, when we get to  
14                  higher wages, that that self-support  
15                  reserve no longer applies, you know, that  
16                  the order amount is only about \$20.00 or  
17                  \$25.00 less than the existing schedule.  
18                  Also, it's less than 20% of his or her  
19                  gross income.

20                  So, none of these are adjusted for  
21                  the self-support reserve. The reason we  
22                  see a decrease is that it's that little bit  
23                  of a decrease that occurs in that

1 Betson-Rothbarth estimates, the fifth  
2 estimates, that show a small decrease, and  
3 mainly it's because they have better  
4 information on income.

5 So, you can see that there's a  
6 little bit of a decrease for the \$9.50 an  
7 hour. It's a \$7.00 decrease for the case  
8 three, the \$11.00-an-hour scenario. A  
9 dollar decrease for the case four at \$12.00  
10 an hour. And case five when they both earn  
11 minimum wage of \$15.00 an hour, assuming  
12 that the federal law changes, and it would  
13 be an increase to \$390.00. So, not a lot  
14 of change.

15 So, if we scroll down on this  
16 page, I think there's some information  
17 that -- let's see. I will just look at my  
18 page.

19 So, the thing that's alarming to  
20 me -- and this is why I am so grateful that  
21 this is a standing committee and your  
22 Supreme Court is receptive to changes  
23 periodically. In most states, they make

1 changes every four years, every review.  
2 They can't make them along the way. Is  
3 that -- just alone, even if you were to  
4 change your schedule, when you impute  
5 minimum wage, which is appropriate, you  
6 know, with, he is able-bodied, she  
7 able-bodied, and there are jobs out there,  
8 and there's no disabilities, there's no  
9 small children. That even if you didn't  
10 change anything, your order amounts in  
11 these situations would increase from  
12 \$250.00 for one child to \$325.00 just  
13 because the minimum wage increased to  
14 \$9.50. Then if they increased to \$11.00 an  
15 hour, it would increase to \$336.00.

16 So, this is -- this is an issue.  
17 I mean, these are some big changes just  
18 because the federal government changed  
19 their minimum wage.

20 And if you scroll to the next  
21 page, this is a particular concern. And I  
22 am going to pause after saying this because  
23 I am sure there's more to this story.



1           As in 2019 -- and I am reading on  
2 page eight of this memo.

3           As is in 2019, Alabama ranks the  
4 highest among states in arrears per ordered  
5 case. It's \$20,000.00 arrears owed per  
6 ordered case. In contrast, the national  
7 average is \$9,882.00 in arrears owed per  
8 ordered state. So, about half as much as  
9 in Alabama.

10           And California has the second  
11 highest arrears owed per ordered case, and  
12 it's at about \$17,000.00. And, you know,  
13 there might be -- I mean, I don't want to  
14 say -- and certainly the Guidelines amount  
15 is not the only reason. It's actually  
16 probably one of the smaller reasons that  
17 causes the arrears.

18           A nine-state study found that the  
19 primary cause of arrears buildup is  
20 interest. In Alabama, like most states,  
21 does assess interest. And another reason  
22 that contributes to arrears is how far back  
23 you will order the support.

1                   So, for instance, let's say the  
2 child is age five and the father was never  
3 in the home. In some states -- and I don't  
4 know Alabama's policy. They might owe --  
5 They might calculate support from the date  
6 of birth, and other states might limit it  
7 to two years from when the petition is  
8 filed.

9                   And I am going to stop there to  
10 see if there are any comments about the  
11 arrears.

12                   PROFESSOR GRAY: Hi, Jane, this  
13 is Brian Gray. How are you?

14                   DR. VENOHR: Hi, Brian. You have  
15 such an announcer voice. I love it. You  
16 should be on radio.

17                   PROFESSOR GRAY: Yeah. I will do  
18 that later, maybe. Get retired first.

19                   So, here's a question I have got  
20 for you on this. When I first saw these  
21 numbers, I thought, wow, that's pretty  
22 incredible. And, of course, when you see a  
23 big average like that, you start thinking,

1 well, it's the high end that's sort of  
2 pulling it, you know, outliers, really big  
3 values on the high end of the scale. And I  
4 am thinking high incomes.

5 But what you said a minute ago  
6 made me think, well, maybe it actually is  
7 more towards the low end where you have  
8 people who are just way behind. Small  
9 amounts, but they are falling way behind.

10 So, I wonder would it be -- Do you  
11 have any sense of, if you take a look at  
12 different income levels from low incomes to  
13 high incomes or if you take a look at that  
14 obligation amount from low to high, what  
15 percentages are in default at those  
16 different levels so that you would know, is  
17 it the low income folks who are the ones  
18 who were, you know, most in default, or is  
19 it in the middle, or is it in the high  
20 ends?

21 DR. VENOHR: You know, Brian, I  
22 think that's a good question. I am going  
23 to write down some notes here. We have not

1 looked at it in the ALECS data, but I will  
2 tell you what the national data says. But  
3 I am going to make a note here. I can't  
4 remember exactly what we got on arrears  
5 data, but we can look at what income and at  
6 what compliance level, I think, is what you  
7 are getting at --

8 PROFESSOR GRAY: Right.

9 DR. VENOHR: -- by income. I  
10 just want to make sure I get that right.

11 And there have been lots of  
12 national studies on this. In fact, I was  
13 on a panel last week for the National Child  
14 Support Enforcement Association On Policy  
15 Forum On Arrears. I spoke more on  
16 guidelines. I only did a little bit of  
17 arrears.

18 But the research -- The same  
19 nine-state study found that 70% of the  
20 arrears is owed by obligated parents that  
21 have incomes of \$10,000.00 a year or  
22 less -- and this was an old study; it's  
23 about 10, 15 years old -- or no reported

1 income.

2 So, it's definitely the lower  
3 income that usually owe the arrears. And  
4 probably one of the reasons for that is  
5 that, when we look at proxies for whether  
6 income withholding is in effect, higher  
7 income folks are more stably employed, so  
8 they are more likely to have income  
9 withholding. It could be that they would  
10 voluntarily pay anyway.

11 But at the lowest run, those  
12 low-skilled jobs, those jobs that -- well,  
13 they are low-skilled, low-pay. When we  
14 find obligated parents in that situation,  
15 they are more likely to be in and out and  
16 changing jobs all the time. So, they are  
17 less likely to get that income withholding  
18 going.

19 So, that contributes to it because  
20 sometimes there's a delay between when some  
21 person stops one job and starts another  
22 job. And you can imagine, like, in the  
23 restaurant industry. I mean, particularly

1 in COVID times, you know, there's been  
2 restaurants that have unexpectedly closed  
3 overnight. You know, they tell their  
4 employees that they are going to make it  
5 and then, boom. I mean, at least that's  
6 what I've seen.

7 And so, you know, when that income  
8 withholding shuts down, that's going to  
9 force them into arrears too.

10 So, I am betting that it's the  
11 lower income and also based on what we see  
12 in other states.

13 And then the other research  
14 finding that is pretty salient is that the  
15 higher the arrears, you know, particularly  
16 with retro support. You know, I mentioned  
17 earlier that some states will do  
18 retroactive support back to the date of the  
19 birth, and other states will maybe limit it  
20 to two years. The more arrears that a  
21 parent has at the time of the order  
22 establishment, the less likely they are  
23 going to pay it in the future. And that's

1           been documented in a couple of studies, and  
2           there's an exception to that, though.

3                        If they have an attachment to the  
4           labor force, meaning that they were in the  
5           labor force before, you know, maybe they  
6           had a pretty good job, maybe they are  
7           making \$15.00 an hour, then that amount of  
8           arrears doesn't affect them as much. But  
9           if they weren't really attached to the  
10          labor market where they didn't have a lot  
11          of work history and then they have a big  
12          amount of arrears, that's kind of a sure  
13          sign that they are not going to pay in the  
14          future.

15                      I am going to pause there and see  
16          if there's any other questions or comments  
17          or concerns. And I will tell you one more  
18          fact about arrears, but I want to give it a  
19          break and give an opportunity to speak up.

20                      MS. DAVIS: I can't see exactly  
21          who all is on now because of the way our  
22          screen is.

23                      But, anyway, in the DHR sector or

1           either as a referee or someone that maybe  
2           deals with arrears, would y'all have some  
3           comments?

4                       MS. CAMPBELL: Penny, this is  
5           Angela Campbell. I missed a lot of that  
6           discussion because I am having phone  
7           issues.

8                       But I do think retroactive support  
9           is part of it. And like Jane was talking  
10          about with those who -- if we impute  
11          minimum wage and yet we go back and do  
12          retroactive child support, you know, they  
13          are starting off with an arrears amount.  
14          And then it automatically starts  
15          calculating interest; now it's at 7.5%.

16                      So, unless they pay extra on that  
17          more than enough to even check off, say,  
18          the interest amount, the arrears and the  
19          interests are going to keep getting higher.

20                      That's the one comment that I  
21          have.

22                      MS. DAVIS: Anybody else?

23                      DR. VENOHR: Any other questions?



1 (No response).

2 DR. VENOHR: Okay. The only  
3 other comment I have is, some states -- and  
4 I don't know what Alabama's situation is  
5 have -- how do you see this? The change in  
6 the modernization rule allowed for more  
7 generous case closure criteria. And so,  
8 some states have used that to close their  
9 arrears-only cases. This statistic, when I  
10 show arrears for an ordered case, it means  
11 ordered case, and that could be  
12 arrears-only case. It might not  
13 necessarily mean that there's an order for  
14 current support.

15 So, that's another factor to  
16 consider. I can't tease it out from the  
17 national data, but we will look into  
18 whether we can tease it out from our ALECS  
19 data, because our ALECS data only considers  
20 those orders for current support. It  
21 doesn't include those that are orders for  
22 arrears only. You know, it could be very  
23 well, and this happens in a lot of other

1 states. I don't have the data for it.

2 But the -- the case might start  
3 off in child support, meaning it could have  
4 been a referral from TANF for public  
5 assistance. And then the parent goes off  
6 public assistance, and there's only arrears  
7 owed to the state because the state gets to  
8 keep the TANF amount.

9 And so, there's no support being  
10 collected, you know, in the automated  
11 system for that case. But the arrears is  
12 still tallying up.

13 So, in short, what I am saying is,  
14 that \$20,000.00 could be inflated because  
15 of the arrears only. And I won't be able  
16 to tease that out, but that's just a  
17 caveat.

18 Any comments on that?

19 MS. CAMPBELL: Yeah. This is  
20 Angela Campbell again.

21 I can speak to that. Like, in  
22 Mobile County, not only do we have a lot of  
23 TANF arrears cases where the money is owed

1 to the State, but we have a lot of cases  
2 where all the children are emancipated for  
3 our non-TANF clients, and they are owed a  
4 lot of money, as well.

5 And so, in Mobile County, I would  
6 estimate that we probably have about 20% of  
7 our caseload is arrears-only cases where  
8 there's no current child support being  
9 paid. And with the federal -- the way the  
10 federal guidelines are on money being  
11 allocated to cases, it's going to go to  
12 those current support amounts first,  
13 current support cases first if a father has  
14 more than one case that maybe -- he might  
15 have arrears only or current support for  
16 another family. Then it will go to meet  
17 current first before it meets any kind of  
18 arrears. And the State's arrears are paid  
19 last with the exception of federal tax  
20 offset payments.

21 So, you are right, it could factor  
22 into that.

23 DR. VENOHR: Thank you. Yeah.

1           So, it's something -- you know, we will  
2           pull together some numbers, but it's  
3           something to consider. You know, you  
4           certainly don't want to contribute to the  
5           buildup of the arrears. But without a  
6           federal minimum wage change, it is not a  
7           consideration, but you are the ones that  
8           are going to have to educate the next  
9           committee. I mean, you might still be on  
10          the Committee, but, you know, who knows how  
11          long it's going to be before the federal  
12          government changes the minimum wage. But I  
13          do think it's imminent.

14                        So, any other comments before I  
15          move on? And we will just do the case  
16          examples real quick.

17                                (No response).

18                        DR. VENOHR: Okay. So, case --  
19          Exhibit 6, we are looking at equal incomes  
20          for two children, and it's the same  
21          patterns that -- and it hits the case one  
22          when both parents have \$7.25 an hour.  
23          But -- and it hits some -- oops, we can go

1 down, Bob, to page nine. Oh, you are  
2 there.

3 Okay. You knew better than me  
4 where you were going. So, thank you.

5 So, we see the same sort of  
6 pattern. We see a small decrease that case  
7 two for more at \$9.50 an hour. But it's  
8 not the self-support reserve isn't driving  
9 it for those Option Bs. It's \$452.00  
10 compared to \$470.00. But if you look at  
11 Option C and D, it's causing a decrease.

12 Option B.4 did cause a pretty big  
13 decrease for case two at that \$9.50, and  
14 that's because we are only taking 50% of  
15 the difference in the income and the  
16 self-support reserve and applying it to the  
17 child support order.

18 And the other case scenarios, when  
19 the wages get higher, it's really the  
20 change in the schedule amount, the change  
21 in the Betson-Rothbarth measurements that  
22 are driving it, not the low-income  
23 adjustment.

1                   So, we can move on to Exhibit 7,  
2                   which is the three-child amount. And this  
3                   shows a similar pattern that everything  
4                   causes a decrease now if we have the  
5                   current federal minimum wage at \$7.25 an  
6                   hour. When you get to case two, which is  
7                   \$9.50 an hour, so that could be in another  
8                   year or two. If the federal government is  
9                   able to change their minimum wage, this is  
10                  what it would look like.

11                  And then, Exhibit 8 goes to the  
12                  cases where there's one child and the  
13                  receiving parent has zero income.

14                  So, we can scroll down to the next  
15                  one. And the pattern looks kind of the  
16                  same where it's going to -- any of these  
17                  options affect the scenario where the  
18                  obligor earns \$7.25 an hour, but it doesn't  
19                  affect the \$9.50, and then \$11.00, and then  
20                  \$12.00 an hour. And that's because the  
21                  obligated parent has sufficient income to  
22                  meet his or her self-support reserve and  
23                  pay the schedule amounts. So, it's really

1 a non-issue for these higher minimum wages.

2 So, you know, you can look at it  
3 two ways. When we talk about the increase  
4 in the federal minimum wage, one is, oh, my  
5 gosh, it's going to increase the order  
6 amount when income is imputed. But on the  
7 other hand, that parent should have more  
8 income, and he or she should be able to  
9 better support his or her children. So, it  
10 does make sense from that perspective that  
11 the order amount would increase.

12 So, moving on to Exhibit 9, which  
13 is the two-child case where the receiving  
14 parent's income is zero. You will see that  
15 it makes a little bit more of a difference  
16 just because it costs more to raise two  
17 children. It's usually about 35% in net  
18 income at very, very low income. And then,  
19 by the time you get to very, very high  
20 incomes -- I am talking about \$20,000.00 a  
21 month -- it's closer to 12% of gross,  
22 because parents devote a smaller percentage  
23 of their income to child support or to

1 children as their income increases.

2 So, again, we see that there's a  
3 lot of variation at that \$7.25 but not as  
4 much for when -- if the federal minimum  
5 wage increases.

6 And then Exhibit 10 shows the same  
7 sort of analysis for three children.

8 So, my recommendation overall  
9 would be to think about that scenario of  
10 \$7.25 and \$9.50 and figure out how you are  
11 going to educate the ongoing Committee to  
12 prepare for minimum wage changes in the  
13 future. I wouldn't recommend plunging into  
14 this thinking, oh, my gosh, that minimum  
15 wage is going to increase to \$15.00 an hour  
16 in two or three years or trying to plan for  
17 2025 because there are just too many  
18 factors.

19 But you want to keep it simple  
20 enough so you can explain it to subsequent  
21 committees so they can address it,  
22 particularly if you put it in that  
23 worksheet.



1                   So, let's -- I think the next  
2                   topic is talking about the add-ons. Are  
3                   there any questions before I do the  
4                   add-ons? I took longer than I wanted to,  
5                   but hopefully will open it up pretty soon.

6                   Any questions or comments?

7                   (No response).

8                   DR. VENOHR: Okay. Let's just go  
9                   on to Exhibit 11. And, again, this  
10                  question four was whether you should  
11                  consider the self-support reserve before or  
12                  after add-ons. And what this does is it  
13                  compares the add-ons looking at the two  
14                  child amounts and -- that should be the one  
15                  child amount based on that schedule amount.  
16                  I must have had a typo in there.

17                 And the existing amount would be  
18                 \$250.00. And then Option A is to update  
19                 the schedule for the self-support reserve,  
20                 and that would get us \$237.00. And the  
21                 reason for the drop is the Betson-Rothbarth  
22                 measurements. It has nothing to do with  
23                 the self-support reserve.

1                   And then here we have the Option  
2                   B.1 with an add-on after adjustment for  
3                   self-support reserve. But in case one, we  
4                   have no add-ons, so there's no  
5                   consideration of the adjustment. And then  
6                   Option B.2 is the add-ons after the  
7                   self-support reserve.

8                   So, then, when we get to that case  
9                   10, we are looking at both parents earn  
10                  \$7.25 an hour and the receiving parent pays  
11                  \$250.00 for childcare. This was the median  
12                  amount for all cases across all incomes in  
13                  ALECS, but the probability of this  
14                  happening, this scenario is probably 1% --  
15                  less than 1% of the cases.

16                  So, we can look at what the order  
17                  amount would be under the existing  
18                  Guidelines would be \$487.00 because that  
19                  childcare expense is added on afterwards.  
20                  And then something is not quite right in  
21                  the math here. And then, yeah, I think I  
22                  pulled the wrong example for the \$250.00  
23                  there.

1           So, I am just looking at the math  
2 here. Yeah. Something is not right. I am  
3 going to have to look at that.

4           But the point is, is that you can  
5 see the major point is that the \$221.00,  
6 that last column that assumes that the  
7 add-ons are considered after, and there's a  
8 label missing here. You don't see that  
9 clear line so that the white line -- or the  
10 white column with the \$221.00, that should  
11 be an option where the add-ons are  
12 considered before the self-support reserve.

13           So, it means the self-support  
14 reserve is considered last. And I  
15 definitely have a typo in this exhibit.

16           But the major takeaway is that, if  
17 you consider the self-support last, then  
18 the amount will be the same regardless if  
19 there's an add-on for childcare. And,  
20 again, I don't think this is worth spending  
21 too much time on because it's unusual.

22           And that last case just considers  
23 if the obligated parent pays the health

1 insurance. So, he or she would get some  
2 sort of credit. And I just put that in  
3 there just because I thought somebody might  
4 ask it.

5 So, that's a little bit confusing.  
6 Just because I got some wrong numbers in  
7 there and missing labels that I will have  
8 to investigate. But the bottom line is  
9 that last column in case one, and case 10  
10 is the same. And that just means that the  
11 self-support reserve is determined last,  
12 which the benefit of that is that it  
13 preserves the self-support reserve.

14 The disadvantage of that is  
15 somebody has still got to pay those  
16 childcare expenses, which, you know, this  
17 year in 2021, I think this is the year to  
18 have childcare expenses just because of all  
19 the federal legislation that's going to  
20 make it easy to pay childcare expenses.

21 So, just to briefly go through the  
22 rest of the memo is the next page shows the  
23 schedule amounts if you were to update it

1 in the schedule. I really recommend  
2 against this just because you are not going  
3 to be able to be flexible if the federal  
4 minimum wage increases. As we scroll down  
5 to the next few pages, I just excerpted the  
6 schedule that's unadjusted for any  
7 self-support reserve.

8 And then the last few exhibits  
9 just show the schedule amounts and what  
10 they look like for the existing and the BR5  
11 adjusted for Alabama incomes. And you can  
12 see that at very, very high incomes when we  
13 get to, you know, about \$12,000.00 a month  
14 or more combined incomes, the disparity  
15 widens. And you certainly could put a cap  
16 on it from where I stand. As an economist,  
17 you don't need to, because there's other  
18 evidence that shows that those BR5 amounts  
19 that are in line with what is being spent  
20 on children, so I don't think it's  
21 necessary.

22 And the last two exhibits just  
23 show the same scenarios for two and three

1 children.

2 So, that leaves 20 minutes for a  
3 discussion almost. So, I am done. So, I  
4 am ready for questions and comments and  
5 hearing what people think.

6 And you could go back to page one,  
7 maybe a good way to frame the discussion is  
8 to look at those questions, those five  
9 questions, and see if you have any strong  
10 opinions. I don't think you can take a  
11 vote because of the quorum issue, but at  
12 least you can discuss it.

13 MS. DAVIS: Okay. We will open  
14 up for discussion. I think just to kind of  
15 get back to where we were relating to our  
16 straw polls we took before, I think the  
17 general consensus was to put the  
18 self-support reserve in the worksheet and  
19 maybe to include for both parents in part  
20 because we want to be able to include for  
21 both parents so that, when and if we go to  
22 more shared custody situations, it was  
23 easier. But we obviously cannot make

1 decisions.

2 Let me ask Stephanie at this  
3 point. Do we still -- Are we still without  
4 a quorum?

5 MS. BLACKBURN: Can you hear me?

6 MS. DAVIS: We can now, yeah.

7 MS. BLACKBURN: I checked just a  
8 minute ago and now I am having a hard time  
9 finding my way to get the full galleries  
10 for you.

11 MS. DAVIS: We may have to get  
12 Bob to switch back to a Brady bunch look  
13 for a minute if that helps you, Stephanie.  
14 We will go ahead while she is looking. She  
15 can look at who is here. I guess the  
16 little Brady cubicle look she can tell from  
17 that.

18 But let's go ahead and open up the  
19 discussion. And, Stephanie, you break in  
20 if you determine if we have one.

21 MS. BLACKBURN: We still don't  
22 have a quorum.

23 MS. DAVIS: Okay. I didn't think

1 we did. For example, I don't believe Judge  
2 Palmer got to join us yet as she had hoped.

3 Okay. So, let's open it up for  
4 discussion in terms of getting an idea  
5 of -- go back, Bob, and you can put your --  
6 as Jane had suggested, the page one, and we  
7 will just go through and see if anyone has  
8 comments.

9 Why don't we start by questions  
10 and ask if anyone has a comment with regard  
11 to question number one, which is: Does the  
12 Committee favor putting the self-support  
13 reserve adjustment in the worksheet so it  
14 can apply to each parent?

15 And our straw poll before  
16 indicated that. Does anybody have any  
17 seconds thoughts or other comments  
18 regarding that?

19 (No response).

20 MS. DAVIS: Okay. The second  
21 question is: What should the amount of the  
22 self-support reserve be? -- adjustment be.

23 (No response).



1 MS. DAVIS: Any comments?

2 MS. COX: Professor Davis, this  
3 is Amanda Cox.

4 I kind of lean towards the -- I  
5 guess the first equivalent of the \$877.00  
6 in the worksheet. I think that's the 2021  
7 that just adjusted for the -- so that it  
8 could go into the worksheet. I think I  
9 lean towards that one.

10 MS. DAVIS: Okay. Thank you,  
11 Amanda.

12 Anybody else want to comment?

13 MS. CAMPBELL: This is Angela  
14 Campbell.

15 I agree with that.

16 MS. DAVIS: That would be the  
17 second bullet point that you see on the  
18 right-hand column.

19 MS. CAMPBELL: Yes, ma'am.

20 MS. DAVIS: Okay. Any other  
21 comments?

22 (No response).

23 MS. DAVIS: Anybody have any

1 leanings in a different direction that you  
2 would like to share?

3 (No response).

4 MS. DAVIS: Okay. The third  
5 question that's posed was: Should the SSR  
6 be discretionary if the receiving parent's  
7 income is below a certain threshold, for  
8 example, poverty?

9 MS. CAMPBELL: This is Angela  
10 Campbell again.

11 I think it should be discretionary  
12 if it's below poverty level.

13 MS. DAVIS: And would that be  
14 done given a judge's discretion to deviate  
15 from the Guidelines, or is that what is  
16 normally done, Jane?

17 DR. VENOHR: Yeah. There's some  
18 language in the December 31st memorandum  
19 from other states. New Jersey provides for  
20 that, and Arizona. Let me see if I can put  
21 my fingers on it real quick. And  
22 Arizona -- let's see if I can find the  
23 sentence.

1                   (As read) "The Court may reduce  
2                   the current child support order to the  
3                   resulting amount after first considering  
4                   the financial impact the reduction would  
5                   have on the receiving parent's household."

6                   So, it doesn't have a threshold.  
7                   New Jersey has a threshold but Arizona  
8                   still gives discretion. And New Jersey's  
9                   is worded, "To ensure that the obligor  
10                  parent retains sufficient net income to  
11                  live at a minimum subsistence level and has  
12                  incentive to work, the parent's net child  
13                  support award is tested against 105% of the  
14                  U.S. Poverty Guidelines for one person."  
15                  And then let's see. Then it goes on.

16                  (As read) "No such adjustment  
17                  shall occur; however, the custodial  
18                  parent's net income minus the custodial  
19                  parent's child-support obligation is less  
20                  than the self-support reserve."

21                  And so, it's a little convoluted.  
22                  It has more than the federal poverty level.  
23                  But you could keep the language clean and

1           just relate it to the federal poverty  
2           level. New Jersey's is a little -- it  
3           requires a subtraction and a little bit  
4           more complicated.

5                        But there's also Georgia's  
6           language in this other memo that you might  
7           want to consult. I like Arizona's  
8           language, and you could put that threshold  
9           with that Arizona language. I think their  
10          language is a little simpler than  
11          Arizona's.

12                       MS. DAVIS: Okay. Anybody have  
13          any comments?

14                       HON. FORD: This is Aubrey Ford.  
15          Just a thought. I have been out of the  
16          game for awhile, but I think we should make  
17          it as simple as possible and probably just  
18          allow the judge to exercise his or her  
19          discretion when they are confronted with  
20          this issue.

21                       MS. DAVIS: Thank you, Judge.

22                       Angela, did you have a comment? I  
23          see you are unmuted.

1 MS. CAMPBELL: I am just staying  
2 that way in case I do have something. I am  
3 sorry.

4 MS. DAVIS: No. No. That's  
5 quite all right. I want to keep this up.  
6 I just don't see the Brady pictures this  
7 way.

8 Okay. Katie?

9 MS. STEINWINDER: I am coming at  
10 it from a private practitioner perspective  
11 where we settle a lot of cases, and we sit  
12 down and hammer out these issues. I just  
13 wonder if there's any input as to how this  
14 complicates that process because a lot of  
15 my child support -- a lot of my divorces  
16 never reach the judge. I just would like  
17 to practically maybe get other people's  
18 thoughts on how this complicates or doesn't  
19 complicate that process in working out the  
20 calculations between parties or between  
21 lawyers.

22 DR. VENOHR: You know, I do have  
23 a comment to respond to that. In some

1 states, that area of the schedule or that  
2 worksheet where I put in the self-support  
3 reserve, they say you only need to  
4 calculate it if their income is below a  
5 certain amount, such as, you know,  
6 \$3,000.00 a month or we can figure out that  
7 amount.

8 So, in those cases where they are  
9 agreeing and their incomes are higher, it  
10 wouldn't even be an issue for them.

11 MS. STEINWINDER: Thank you for  
12 that.

13 MS. DAVIS: On the form, you  
14 could have a set amount that's in there,  
15 and then you just say, skip lines blank  
16 through blank if your income is below X  
17 amount or something. Is that essentially  
18 how you would do it?

19 DR. VENOHR: Yes.

20 MS. DAVIS: Could you give us  
21 some examples of that for the next time for  
22 us to look at, Jane?

23 DR. VENOHR: Yes.

1 MS. DAVIS: Okay. Those are good  
2 thoughts. Any additional thoughts?

3 (No response).

4 MS. DAVIS: I do think it's  
5 important that we look at it from both the  
6 private practitioner's perspective, as well  
7 as the DHR perspective.

8 Do we have any of our judges that  
9 would like to comment?

10 (No response).

11 MS. DAVIS: All right. Let's  
12 move on to number four, then: Should the  
13 SSR adjustment occur after consideration of  
14 childcare and other additional expenses?

15 And generally the two we look at  
16 are the child support and -- excuse me, the  
17 childcare and insurance, the two.

18 (No response).

19 MS. DAVIS: Jane, you are muted.

20 DR. VENOHR: This is Jane just to  
21 clarify that.

22 If you consider the self-support  
23 reserve after, that means that the amounts

1 are going to be the same no matter if they  
2 have \$1,000.00 in childcare expenses, zero  
3 childcare expenses, \$500.00. It's still  
4 going to result in the same; that is, the  
5 self-support reserve is the last  
6 calculation, so it's after.

7 Now, if you do it before, it means  
8 that, you know, if the self-support reserve  
9 adjusted amount would be \$100.00 an order  
10 and there are childcare expenses and they  
11 have equal incomes, then let's say the  
12 childcare expenses were \$500.00, then  
13 \$250.00 would be added to that \$100.00, so  
14 it would be \$350.00.

15 So, again, the pro of after making  
16 it the last line calculation is you  
17 preserve that self-support reserve, and it  
18 prioritizes the subsistence needs of the  
19 obligated parent first.

20 The con of that is somebody has to  
21 pay childcare expenses or be responsible  
22 for them financially. And if that's the  
23 priority, then you want to do it before.



1 But you also have court discretion or are  
2 you talking about court discretion. And  
3 this happens so infrequent that these  
4 expenses are added on. I don't want you to  
5 spend a lot of time on it.

6 MS. DAVIS: I guess my general  
7 sense when I was rereading this last night  
8 was that it seems from a fairness  
9 perspective to allow for adjustments for  
10 both childcare and health insurance and  
11 also perhaps as an incentive for someone to  
12 provide, you know, health insurance if you  
13 feel like you are getting some economic  
14 credit for what you are doing or  
15 acknowledgment for the amount that you are  
16 providing to the child. And the same way,  
17 if you are imputing income for both people  
18 at minimum wage, one of them is having to  
19 pay the childcare and the other one is not,  
20 then that might be a disincentive to work.

21 So, I guess in light of that, my  
22 tendency would be to do the calculations  
23 before, if that would be the only way that

1           you could essentially acknowledge the  
2           amount of the payment that was being  
3           expended for the child even through the  
4           childcare or health insurance. But that's  
5           just sort of a knee-jerk reaction.

6                     Any other comments from someone  
7           else?

8                     MS. CAMPBELL: Penny, this is  
9           Angela.

10                    I agree with you on the before  
11           because, otherwise, it's going to be a  
12           needless expense for the custodial parent  
13           with the childcare and might possibly for  
14           the noncustodial parent with the insurance.  
15           Am I doing that right, Jane? I'm not sure.

16                    MS. DAVIS: I think that's  
17           correct.

18                    DR. VENOHR: Yeah, you have got  
19           it.

20                    MS. CAMPBELL: Okay.

21                    MS. DAVIS: So, it would  
22           potentially inure to both people's benefit  
23           if you do it before depending on the fact

1 patterns. It doesn't necessarily favor an  
2 obligor or obligee. It just favors  
3 whichever one is making the payment.  
4 "Favor" might not be the right word.

5 All right. Very quickly, the  
6 fifth one is: Should there be an economic  
7 incentive to the SSR?

8 And then the alternatives on the  
9 right were none, 80% of income less SSR,  
10 and 70% and 50%.

11 Do we have comments or questions?

12 (No response).

13 MS. DAVIS: I think we have had  
14 some discussion on this earlier, one of the  
15 earlier meetings.

16 (No response).

17 MS. DAVIS: Okay. Any general  
18 questions or comments that anyone would  
19 like to direct towards Jane or me or  
20 anybody else?

21 (No response).

22 DR. VENOHR: I think there might  
23 have been some information that it's

1           difficult to put your head around it. So,  
2           maybe we should look at the exhibit on page  
3           seven real quickly.

4                       MS. DAVIS: Okay. The footnote  
5           one with equal incomes?

6                       DR. VENOHR: Yes. And this is  
7           going to be the most common scenario.

8                       And so, right now you are favoring  
9           Option B as the self-support reserve, and  
10          there are several Option Bs proposed, and  
11          they vary by the percentage.

12                      So, that third one in shows the  
13          order amount would go down from \$250.00 to  
14          \$236.00, and this is driven by the BR5 just  
15          because we have new economic data, and we  
16          have better information on incomes, so  
17          that's lower.

18                      So, that third column in has 100%  
19          of that difference as being assigned for  
20          child support. So, we are totally ignoring  
21          that he or she has to pay additional  
22          payroll taxes.

23                      And then we get to the fourth one,

1 row, that's taking 80%. So, that's  
2 allowing 20% to be retained, and the tax  
3 rate is closer to 10% or 14% in the  
4 scenario. So, this is considering that he  
5 is going to have to pay some more payroll  
6 taxes.

7 And then the one that's kind of,  
8 like, has a straight line, the \$193.00,  
9 that's assigning 70% of the difference to  
10 child support.

11 And then the one that's got the  
12 dots on it, the \$138.00 is assigning 50% of  
13 the difference to child support. And then  
14 you wouldn't want to consider those last  
15 two columns.

16 So, I think you are leaning toward  
17 Option B as far as the amount of that  
18 self-support reserve, which is based on the  
19 2021 poverty adjusted for Alabama incomes.

20 So, it's really those four middle  
21 columns that show the differences of what  
22 you are considering. Again, that first  
23 middle column, the \$236.00, has no

1 adjustment for payroll taxes. And we  
2 certainly can use a different percentage.

3 So, you know, the \$221.00 or the  
4 \$193.00, one is 80% and the other one is  
5 70%. We could use 75%. I mean, that's  
6 another option, or we could -- you know, we  
7 can use whatever percentage you think would  
8 be appropriate.

9 MS. DAVIS: So, the -- I think --  
10 I wouldn't use "none" because it would cost  
11 them more money because of the taxes. 80%  
12 would be sort of a break-even amount. And  
13 the 70% would be taxes and maybe 10% or  
14 so -- 10% or 15% incentive, something like  
15 that.

16 All right. Comments from anyone?

17 MS. CAMPBELL: This is Angela  
18 again. It seems to be my day for comments.

19 But I am leaning towards either  
20 B.2 or B.3 depending upon what you want to  
21 do. I don't know if I would go to B --  
22 beat the other options. But B.1 or B.2 --  
23 I mean, B.2 or B.3, I am sorry. No, I am

1 saying it wrong again, one or two. So, I  
2 was either doing the 100% or the 80%. More  
3 likely B.2 is where I am headed.

4 MS. DAVIS: Yeah. And, frankly,  
5 that's kind of where I landed too just  
6 because of the tax aspect.

7 MS. COX: This is Amanda Cox.  
8 Were y'all saying y'all lean  
9 towards B.1 and B.2?

10 MS. DAVIS: I lean towards the  
11 80% figure.

12 MS. COX: Okay. I think  
13 definitely not the B.4 is kind of what I am  
14 thinking. Yeah. I kind of agree with  
15 y'all.

16 MS. DAVIS: If I am understanding  
17 the economics, then 80% would get you to  
18 what is more of the net that he takes home  
19 if he gets that -- it goes back to your  
20 example; if they get \$1,000.00 raise, they  
21 only take home around \$800.00 when you  
22 consider taxes and the Social Security, all  
23 the takeouts for taxes and governmental

1 expenses.

2 DR. VENOHR: Right. And even  
3 slightly more than that. It might be  
4 closer to \$84.00 of an additional \$100.00.  
5 So...

6 MS. DAVIS: Okay. So, there  
7 would be maybe a slight -- small amount  
8 would be pocketed above -- if you use the  
9 80%.

10 DR. VENOHR: Yeah. And it's  
11 always going to be variable. It depends  
12 on, you know, is his income a \$1,000.00 or  
13 is it \$1,500.00. So, yeah, I think that's  
14 a safe assumption.

15 MS. DAVIS: Does anyone else have  
16 a comment?

17 (No response).

18 MS. DAVIS: What else do you need  
19 from us, Jane? We really can't vote. But  
20 I think what we have said today from the  
21 Committee members are consistent with what  
22 previously has been said by the Committee  
23 when we did have quorums and straw votes.



1 So, I would think going forward that's kind  
2 of the direction we ought to take.

3 DR. VENOHR: Yeah. That's a good  
4 question, Penny. I am going to follow up  
5 on some stuff on the arrears, the  
6 self-support reserve, and the worksheet,  
7 you know, limiting that calculation for a  
8 certain amount of incomes.

9 So, the two questions I need from  
10 the Committee is, do you want to see any  
11 other incentive besides 80% and 70%? Do  
12 you want to see 85% or 75%? That's one  
13 question, whether you want to consider  
14 something else.

15 And the other question is whether  
16 you want to consider some sort of cap on  
17 income. I would have to develop some sort  
18 of algorithm for that for the next meeting.

19 MS. DAVIS: What's the pleasure  
20 of the Committee?

21 MS. CAMPBELL: This is Angela  
22 again.

23 I would like to see 75% and 85%,

1 as well.

2 MS. DAVIS: Okay.

3 DR. VENOHR: Okay.

4 MS. DAVIS: Anyone else?

5 MS. STEINWINDER: Penny, this is  
6 Katie.

7 My question for Jane would be,  
8 when she said caps on income, what do the  
9 other states use?

10 MS. DAVIS: Jane, you are muted  
11 now.

12 DR. VENOHR: It varies, and it  
13 depends on whether that state is based on  
14 gross income or net income. One state --  
15 and I can't remember if it was a gross or  
16 income guidelines or a net income  
17 guidelines. They use the percentage  
18 increase before it's -- I am trying to  
19 think of how they determine that threshold.  
20 Oh, where the USDA was more, then they use  
21 that percentage increase in the BR5 and  
22 applied it to higher incomes. You can't  
23 really do that in Alabama because your

1 amounts are lower than the USDA.

2 And then the other method that a  
3 state used was, they took the average  
4 increase at lower incomes, and then they  
5 said that the higher incomes couldn't  
6 increase by any more than the amount. I  
7 don't think it was the average. It might  
8 have been the median, but it might have  
9 been -- I am trying to think at what income  
10 range.

11 So, they said that the increase  
12 should be the same at lower incomes or  
13 middle incomes and higher incomes. So, if  
14 there was a 10% increase at the median  
15 income of Alabama households, you know,  
16 which would be \$80,000.00 or \$90,000.00, so  
17 right around that \$80,000.00, they would  
18 say that 10% should be applied to incomes  
19 above \$80,000.00 or \$90,000.00. I'm not  
20 sure if that means -- that gave you some  
21 examples. I am used to office teams, so I  
22 am not good on this mute.

23 MS. DAVIS: Did that help, Katie?

1 MS. STEINWINDER: It did. Thank  
2 you.

3 MS. DAVIS: Okay. If I remember  
4 correctly, Jane, you had said earlier that  
5 you didn't necessarily recommend caps from  
6 an economist standpoint; is that correct?

7 DR. VENOHR: I don't believe they  
8 are necessary from an economic point of  
9 view.

10 MS. DAVIS: I think that's just  
11 from a --

12 DR. VENOHR: And that's based on  
13 USDA evidence. There's other economic  
14 evidence on child-rearing costs that says  
15 those BR5 amounts are appropriate.

16 MS. DAVIS: Okay. Well, my  
17 thought was, if we would keep it simpler  
18 and not have to deal with the caps, and I  
19 don't know what percentage. Katie, you are  
20 one of the people representing the private  
21 practitioners here. I think it would be  
22 negotiated at higher levels anyway.

23 Okay. Any other questions or

1           comments? We are easing over into the time  
2           frame we need to start looking for our  
3           public comments. But we didn't have that  
4           many people that indicated they wanted to  
5           speak.

6                        PROFESSOR GRAY: Maybe one more  
7           quick comment. This is Brian Gray again.

8                        I think Dr. Venohr had provided  
9           this data to us before, but it might be  
10          interesting just to know what percentage of  
11          these cases are at the different income  
12          levels. So, we may very well be we are  
13          talking about a very small percentage of  
14          people who come into the cap situation if  
15          we were to have one.

16                      So, maybe it's something we really  
17          don't have to worry about.

18                      MS. DAVIS: You are unmuted now.  
19          You are unmuted.

20                      DR. VENOHR: Am I unmuted?

21                      MS. DAVIS: Yes, you are unmuted.

22                      DR. VENOHR: I have happy  
23          fingers.

1           I will find -- I will dig up that  
2 information. And that would just be for  
3 ALECS. So, I think all of you are making  
4 good points that the ALECS data indicates  
5 that few have incomes in this high income  
6 range. The private sector at higher  
7 incomes are more likely to negotiate some  
8 sort of agreement because they are more  
9 likely to be represented.

10           MS. DAVIS: Anyone else have sort  
11 of a last comment?

12                           (No response).

13           MS. DAVIS: Well, thank you,  
14 Jane, as always. You have done an  
15 outstanding job with a very complicated  
16 subject, and we appreciate that. You are  
17 welcome to stay if you have time. We are  
18 going to open it up for public comments.

19           MR. MADDOX: Yes, Penny, this is  
20 Bob. I wanted to point out Rhonda Wilson  
21 joined us after we had started the meeting.  
22 So, I didn't know if she wanted to make  
23 some comments.

1 MS. DAVIS: Okay. Thank you.

2 MR. MADDOX: Ms. Wilson, did you  
3 want to make some comments? Can you  
4 unmute? I have unmuted you. Rhonda  
5 Wilson, are you still on?

6 (No response).

7 MS. DAVIS: Yeah, I do see a  
8 Rhonda Wilson, yeah.

9 (No response).

10 MS. DAVIS: Okay. Well, we did  
11 have a few people that indicated they  
12 wanted to speak. And we generally ask  
13 people to limit their comments to three  
14 minutes. So, at one point, Ms. Wood had  
15 indicated that she wanted to speak.

16 Ms. Wood, are you still -- I am  
17 trying to look for your Brady bunch picture  
18 here. Ms. Wood, are you still on?

19 MR. MADDOX: She is on.

20 MS. WOOD: Yes, ma'am.

21 MS. DAVIS: Thank you. Would you  
22 like to address the Committee?

23 MS. WOOD: I want to thank the

1 Committee for the fantastic job that they  
2 are doing to start with.

3 And the meeting from today did  
4 address a lot of my questions and concerns  
5 that I was looking at.

6 The one thing that I am concerned  
7 with is where the cap is going to be for,  
8 like, the higher end of the incomes with  
9 the reserve. It looks like it's more  
10 related that the reserve cuts off at the  
11 lower income.

12 So, it still falls into question  
13 when it gets to the higher incomes of the  
14 noncustodial parent that they are being  
15 pushed into poverty still because there's  
16 no money left after the taxes and the child  
17 support, that it comes down to either they  
18 pay certain bills or do they go without  
19 food? I know in some cases that some of  
20 the higher income can't even afford to keep  
21 health insurance, because do you want them  
22 to eat or do you want to pay health  
23 insurance?



1           So, I think that, you know, it  
2           would be proper to ask that the reserve be  
3           looked at even for the higher end of the --  
4           the noncustodial parent, as well, or  
5           even -- I know it said that it wasn't  
6           looked upon a cap be put on an income. But  
7           if you get in a higher income, and they are  
8           taking out more taxes, and they still can't  
9           claim the child on income, you know, when  
10          it comes to filing taxes, you know, they  
11          are still out there and being pushed into  
12          poverty. It's like there's no incentive  
13          for them to continue to try and make --  
14          bring in more income. Because even if they  
15          get a second job, that second job's income  
16          is going to go straight to the child  
17          support.

18                 So, as far as, you know, the  
19          economics standpoint, it's just like even  
20          with the -- with the income tax that, you  
21          know, with the help that's coming through  
22          from these plans and all even from  
23          President Biden and all, this money -- the

1 noncustodial parent has, you know, expenses  
2 to take care of the child during their  
3 visitation, as well. So, you know, but  
4 they are not getting any incentive to even  
5 to be able to provide for the child when  
6 they have them, as well.

7 MS. DAVIS: Does anyone want to  
8 respond or have some thoughts? We  
9 certainly appreciate your comments, Ms.  
10 Wood.

11 Anybody on the Committee want to  
12 respond or have any questions for  
13 clarification?

14 (No response).

15 MS. DAVIS: Okay. Just as a  
16 reminder, Ms. Wood was kind enough to  
17 provide us with a written comment ahead of  
18 time that outlines some of her additional  
19 concerns.

20 So, if you would, make sure you --  
21 I'm sure most of the Committee members have  
22 looked at that. But please -- if you  
23 didn't have a chance to do it beforehand, I

1 am sure she would appreciate that you look  
2 at that and keep that in mind along with  
3 her comments that she made today and shared  
4 with us.

5 Again, I appreciate your taking  
6 the time to do that, Ms. Wood.

7 Do we have anyone else that would  
8 like to speak? Bob, has anyone else  
9 indicated to you?

10 MR. MADDUX: No, ma'am.

11 MS. DAVIS: We have a  
12 non-Committee member, if you would like to  
13 speak now, then if you would, unmute  
14 yourself and let us know -- identify who  
15 you are and that you would like to speak.

16 (No response).

17 MS. DAVIS: Okay. We will pause  
18 for just a few more seconds to see if  
19 anybody is maybe struggling to unmute.

20 (No response).

21 MS. DAVIS: Okay. Well, I am  
22 going to assume that no one else wants to  
23 speak. We did have -- Ms. Campbell?

1 MS. CAMPBELL: Yes?

2 MS. DAVIS: You lit up, so I  
3 thought maybe you wanted to speak.

4 MS. CAMPBELL: Oh, no. I am  
5 sorry, Penny. It's just me with the phone.

6 MS. DAVIS: That's quite all  
7 right. We all identify and feel your pain.

8 Okay. Well, it doesn't appear  
9 that we have anyone else from the public  
10 that wants to speak. We do appreciate the  
11 interest, and it looks like we have several  
12 new people that have not joined us in the  
13 past from the public, and we want to  
14 encourage you to continue to participate as  
15 your time allows.

16 We have set two future dates for  
17 April the 23rd and May 21st. Of course,  
18 that will be noted in the public notice  
19 that goes out. But please put that on your  
20 calendars, and the time frame will be as it  
21 generally is from 10:00 to 12:30.

22 So, we would certainly welcome any  
23 comments from the public, written comments

1 ahead of time, and certainly we will afford  
2 you an opportunity to speak again at those  
3 meetings if you would like to.

4 So, let me stop at this point and  
5 go back to the Committee members and see if  
6 anyone has any comments or questions. We  
7 still have Dr. Venohr here online. If you  
8 have any additional thoughts you would like  
9 to ask her?

10 (No response).

11 MS. DAVIS: There's her smiling  
12 face. Jane, anything else that you would  
13 like to say to us?

14 DR. VENOHR: No. Thank you for  
15 going through all that.

16 MS. DAVIS: All right. Well,  
17 thank you. It's been very helpful to us.

18 All right. Then we will stand  
19 adjourned. Thank y'all.

20 MR. MADDOX: Thank y'all.

21 PROFESSOR GRAY: Thanks  
22 everybody.

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(Conclusion of Advisory  
Committee Meeting at 12:21  
P.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, March 12, 2021, the foregoing 126  
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 24th day of March, in the year of  
5 our Lord, 2021.

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*15/Jeana S. Boggs*  
Jeana S. Boggs, CCR  
ACCR NO. 7 Exp 9/30/21  
Certified Court Reporter and  
Notary Public  
Commission expires: 8/9/2022

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**DR. VENOHR:**

[41] 17/13 17/20

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65/11 65/20 66/3

68/23 74/14 75/21

76/9 80/23 81/2

83/23 84/18 89/8

98/17 101/22

102/19 102/23

103/20 106/18

107/22 108/6 112/2

112/10 113/3 114/3

114/12 116/7

116/12 117/20

117/22 125/14

**HON. FORD: [4]**

11/10 11/13 11/15

100/14

**HON.**

**MCMILLAN: [1]**

11/4

**MR. MADDOX:**

[57] 4/15 4/18 5/13

5/20 5/23 6/3 6/6

6/12 6/16 6/19 6/22

7/2 7/4 7/8 7/10

7/12 7/15 7/18 7/21

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**MR. SMITH: [2]**

8/22 9/2

**MS.**

**BLACKBURN:**

[13] 8/12 8/15 12/6

12/16 12/20 12/22

13/11 13/17 13/20

13/22 95/5 95/7

95/21

**MS. CAMPBELL:**

[14] 6/18 65/13

80/4 82/19 97/13

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106/8 106/20

110/17 113/21

124/1 124/4

**MS. CLARK: [2]**

9/11 9/14

**MS. COX: [4]**

6/15 97/2 111/7

111/12

**MS. DAVIS: [88]**

3/23 4/10 4/16 4/19

8/11 8/14 11/21

12/11 12/17 12/21

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13/23 14/20 15/15

15/19 15/23 16/5

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59/23 60/19 65/1

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MS. DAVIS:... [6]	\$1,000.00 [8] 23/5	\$12.15 [1] 46/21
123/17 123/21	23/12 23/23 28/1	\$138.00 [1] 109/12
124/2 124/6 125/11	41/13 104/2 111/20	\$15.00 [15] 44/1
125/16	112/12	44/3 44/7 44/11
MS. GATES: [2]	\$1,073.00 [1] 42/2	44/14 45/10 46/5
9/6 9/9	\$1,083.00 [1] 43/9	47/1 56/23 57/9
MS. HALL: [2]	\$1,256.00 [2] 63/11	62/8 62/12 71/11
8/2 15/21	64/10	79/7 88/15
MS. KIDD: [2]	\$1,257.00 [3] 57/23	\$17,000.00 [3]
10/17 10/20	58/9 62/15	37/19 37/22 73/12
MS.	\$1,260.00 [3] 63/11	\$193.00 [2] 109/8
MCCLENNEY:	64/10 66/7	110/4
[1] 7/14	\$1,400.00 [2] 25/1	\$2,000.00 [2] 24/18
MS.	27/12	27/21
STEINWINDER:	\$1,500.00 [1]	\$2,500.00 [1] 52/12
[6] 7/11 15/17	112/13	\$2,600.00 [2] 52/12
101/9 102/11 114/5	\$1.00 [1] 43/22	62/13
116/1	\$1.50 [1] 43/23	\$20,000.00 [3] 73/5
MS. WELLER: [1]	\$10,000.00 [2]	82/14 87/20
8/7	36/23 76/21	\$20.00 [1] 70/16
MS. WOOD: [4]	\$10,200.00 [2] 27/7	\$200.00 [1] 30/5
9/17 9/22 119/20	33/12	\$221.00 [5] 58/16
119/23	\$10.00 [1] 61/23	58/21 91/5 91/10
PROFESSOR	\$100.00 [4] 51/7	110/3
GRAY: [6] 7/20	104/9 104/13 112/4	\$236.00 [2] 108/14
74/12 74/17 76/8	\$11.00 [5] 61/20	109/23
117/6 125/21	62/6 71/8 72/14	\$237.00 [1] 89/20
THE COURT	86/19	\$25.00 [2] 36/12
REPORTER: [1]	\$12,000.00 [1]	70/17
4/9	93/13	\$250.00 [8] 30/6
	\$12.00 [4] 61/21	58/4 72/12 89/18

\$	\$700.00 [1] 51/7	66/4 66/14 66/18
\$250.00... [4] 90/11	\$702.00 [3] 41/6	66/19 67/22 76/23
90/22 104/13	50/23 54/12	88/6 90/9 92/9
108/13	\$80,000.00 [3]	109/3 110/13
\$26.00 [1] 70/6	115/16 115/17	110/14 115/14
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