MEMORANDUM

TO: Advisory Committee on Child Support Guidelines and Enforcement

FROM: Subcommittee on Non-parent Custodian Income and Child Support

Calculation

RE: Recommendation of Subcommittee on Non-parent Custodian Income and

Child Support Calculation

DATE: October 13, 2023

The Subcommittee proposes that the Advisory Committee on Child Support Guidelines and Enforcement recommend to the Supreme Court of Alabama that subsection (7) be added to Rule 32 (C) to address the calculation of child support when a non-parent has custody of the child. The recommendation for the proposed amendment is as follows:

"(7) In those situations where neither parent has physical custody of one or more children, the income of the non-parent custodian(s) shall not be used to calculate support. Support shall be calculated by treating one parent as the plaintiff and the other parent as the defendant on the Child-Support Guidelines form (Form CS-42), regardless of their actual party status in the case. The monthly gross income of each parent shall be their actual or imputed income. Income shall not be imputed to a deceased parent. Work-related childcare costs or health care coverage paid by a parent shall be included on the Child-Support Guidelines form (Form CS-42) as provided for elsewhere in this rule. Work-related childcare costs or health care coverage paid by a non-parent custodian shall be included on the Child-Support Guidelines form (Form CS-42) in the "Combined" column of lines 5 and 6, however, the parent's child support obligation shall not be adjusted as provided for in lines 9 and 10 of the Child-Support Guidelines form (Form CS-42). Upon completion of the Child-Support Guidelines form (Form CS-42), each parent(s) shall pay to the non-parent custodian(s) the "Recommended Child-Support Order" designated for that parent on Line 13 of the Child-Support Guidelines. A parent may receive credit for their support obligation for third-party payments paid for the children based on the support obligor's earnings record or other eligibility requirement. Nothing in this subsection precludes a court from deviating from the guidelines as provided in subsection (A)(1) of this rule."

Proposed Committee Comments to Amendment to Rule 32, Ala.R.Jud.Admin.

"Committee	Comments to	Amendment	to	Rule	32,	Ala.R.Jud.Admin.	effective	
N	, 202 Rul	e 32 was amend	led o	effectiv	re	. 202	to clarify	
how support should be calculated when a non-parent has custody of the child(ren). These								
changes adhere as closely as possible to the traditional method of calculating support when one or both parents have custody and all provisions of Rule 32 apply except as provided								
one or both p	parents have cus	stody and all pr	ovis	sions of	Rule	e 32 apply except as	provided	

for in this subsection. These changes support the public policy that parents have a duty to support their children even if they themselves do not have custody and that non-parent custodians should not be discouraged from assuming custody because of lack of financial support from the parent(s)."

State of Alabama Unified Judicial System Form CS–42 Rev. 5/2022		CHILD SUPP	Case Number		
IN THE COURT O			(Name of Cou	Y, ALABAMA	
_		V. Plaintiff			Defendant
	Children	Chi	Date of Birth		
					Sate of Birth
1:		Number			
Line	MONTHLY CROSS INCOME	Plaintiff	Defendant	Combined	
1	MONTHLY GROSS INCOME	\$	\$	\$ 0	
1a 1b	Minus Preexisting Child Su Minus Preexisting Periodic	-	-	- 0	
2	MONTHLY ADJUSTED GROSS I (Line 1 – Line 1a – Line 1b)	\$	\$	<u> </u>	
3	PERCENTAGE SHARE OF INCOI	0 %	0%	100%	
4	(Income on Line 2 divided by Combin BASIC CHILD SUPPORT OBLIGA (Apply Line 2 Combined to Schedule	370	078	\$ 0	
5	WORK-RELATED CHILD-CARE	\$	\$		
6	HEALTH-CARE-COVERAGE COSTS	\$	\$	+ 0	
7	TOTAL CHILD-SUPPORT OBLIG (Combined Line 4 + Line 5 + Line 6)	0	0	\$ 0	
8	EACH PARENT'S CHILD SUPPOR	\$	\$		
9	TOTAL COSTS PAID BY EACH PA	_	_		
10	EACH PARENT'S ADJUSTED C (Line 8 – Line 9. If less than \$0, enter	\$	\$		
	Self-Support Reserve (SSR)				
11	INCOME AVAILABLE AFTER SSR (Line 2 – SSR of \$981. If less than \$0, enter \$0.)		\$	\$	
12	INCOME AVAILABLE FOR SUPPORT (85% of Line 11. If less than \$50, enter \$50 minimum obligation.)		4	_	
	Recommended Child Support	\$	\$		
13	RECOMMENDED CHILD-SUPPO (Lesser of Lines 10 and 12)	\$	\$		
Comm	ents, Calculations, or Rebuttals	to Guidelines:			
repar	ed By:			Date:	