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

FRIDAY, APRIL 10, 2026

10:00 a.m. CDT

**LOCATION HELD:
Heflin-Torbert Judicial Building
Mezzanine
300 Dexter Avenue
Montgomery, AL 36104**

FINAL COPY

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APPEARANCES:

**Honorable Michael D. Sherman Circuit Judge,
13th Judicial
Circuit, Court
of Civil Appeals
(Mobile County)**

**Honorable Patricia Stephens Circuit Judge,
10th Judicial
Circuit, Jefferson
County**

**Honorable Donald McMillan Circuit Judge,
4th Judicial
Circuit Bibb, Hale,
Dallas, Perry &
Wilcox Counties**

**Professor Penny A. Davis The University of
Alabama
School of Law,
Tuscaloosa (Chair)**

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**Professor J. Brian Gray Professor Emeritus
of Statistics,
Culverhouse College
of Business, The
University of
Alabama, Tuscaloosa**

**Ms. Jennifer M. Bush Esquire, Attorney,
Legal Division,
Alabama Department
of Human Resources,
Montgomery**

**Honorable Joshua James Senior Staff
Attorney to
Honorable
Christy Edwards,
Court of
Civil Appeals,
Montgomery**

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**Ms. Katie Steinwinder Esquire, Attorney,
Montgomery**

**Ms. Jessica Hardy Esquire, Attorney,
Birmingham**

**Ms. Lathesia S. McClenney Director, Child
Support Enforcement
Division, Alabama
Department of Human
Resources,
Montgomery**

**Ms. Melody Baldwin Esquire, District
Attorney's
Office, 5th
Judicial Circuit,
Dadeville**

**Ms. Kintisha Matthews Esquire, Attorney,
Birmingham**

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1 **Ms. Heather Fann Esquire Attorney,**
2 **Mountain Brook**
3
4 **Ms. Stephanie Blackburn Esquire, Staff**
5 **Attorney,**
6 **Supreme Court**
7 **Clerk's Office,**
8 **Montgomery**
9
10 **Ms. Jillian Peek Esquire, Staff**
11 **Attorney, Legal**
12 **Division, the**
13 **Alabama**
14 **Administrative**
15 **Office of**
16 **Courts, Montgomery**
17
18 **Ms. Christy Brown Program Specialist,**
19 **Child Support**
20 **Enforcement**
21 **Division, Alabama**
22 **Department of Human**
23 **Resources, Montgomery**

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1 **Ms. Vernecia Howell Program Specialist,**
2 **Child Support**
3 **Policy and**
4 **Procedures Unit, Child**
5 **Support Enforcement**
6 **Division, Alabama**
7 **Department of Human**
8 **Resources, Montgomery**
9
10 **Ms. Lisa Clark Program Manager,**
11 **Policy and**
12 **Procedures, Child**
13 **Support Enforcement**
14 **Division, Alabama**
15 **Department of Human**
16 **Resources, Montgomery**
17
18 **Ms. Beverly Slack Court Reporter**
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1 * * * * *
2
3 **PROFESSOR DAVIS: So, welcome to**
4 **everybody. I appreciate each of you coming. This is**
5 **the first time we've met in 2026. So, it's good to see**
6 **everybody. It's a beautiful spring day for traveling**
7 **so it made it nice.**
8 **And, we do have some new Committee members.**
9 **So, I would like for us to go ahead and get started.**
10 **Most of you will have met Beverly before.**
11 **She's our court reporter. Unlike most Supreme Court**
12 **Committee Meetings, we do have a court reporter, which**
13 **is nice.**
14 **And, the reminder again is that we need to**
15 **tell her who we are so that she can -- particularly,**
16 **the Committee members will do that. I forget to do**
17 **that myself.**
18 **So, we're going to start. We'll start with**
19 **Brian and ask you as we go through to introduce**
20 **yourself and any special connection you have to the**
21 **family law area or Rule 32.**
22 **PROFESSOR GRAY: I'm Brian Gray. I'm a**
23 **Professor of Emeritus of Statistics, which means I'm**

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1 **retired from the University of Alabama.**
2 **MS. HARDY: I'm Jessie Hardy. My legal**
3 **name is Jessica, but I'm only called that when I'm in**
4 **trouble.**
5 **I'm a practicing domestic lawyer in**
6 **Birmingham, Alabama, and I've been licensed for fifteen**
7 **years, going on sixteen years. And I deal with the**
8 **Child Support Guidelines daily and read them often, as**
9 **well as the comments. So, I'm happy to be here.**
10 **MS. BLACKBURN: Stephanie Blackburn, Staff**
11 **Attorney with the Supreme Court and the Liaison for the**
12 **Supreme Court.**
13 **MS. BUSH: Jennifer Bush, DHR Legal.**
14 **MS. MCCLENNEY: Lathesia McClenney,**
15 **Director of Child Support Enforcement Division with**
16 **DHR.**
17 **MS. STEINWINDER: Katie Steinwinder,**
18 **Private Practice Attorney in Montgomery.**
19 **HONORABLE STEPHENS: Patricia Stephens,**
20 **Circuit Court Judge, Jefferson County Domestic**
21 **Relations.**
22 **MS. MATTHEWS: Kintisha Matthews. When I**
23 **first was on the Committee, well, first appointed to**

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1 the Committee, I was with Legal Services here in
2 Montgomery. I have now transitioned to Birmingham,
3 still a non-profit area with Volunteer Lawyers of
4 Birmingham.

5 MS. PEEK: Jillian Peek, AOC Liaison to
6 the Committee.

7 HONORABLE JAMES: Joshua James, Alabama

8 Court of Civil Appeals.

9 HONORABLE SHERMAN: I'm Michael Sherman.

10 I'm a Circuit Judge in Mobile County, Domestic
11 Relations.

12 MS. BALDWIN: Melody Baldwin, Assistant
13 District Attorney for the Child Support Division in the
14 5th Judicial Circuit.

15 PROFESSOR DAVIS: And, I'm Penny Davis and

16 I'm the Chair of the Committee.

17 MS. FANN: Heather Fann, I'm practicing in
18 private practice in Birmingham. I don't know what the
19 name of the Committee I am chair of -- about over the
20 Guidelines Support.

21 PROFESSOR DAVIS: And, we have some
22 members of the public joining us. Some are regular
23 members, as regular as our Committee members.

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1 So, would you introduce yourself to our
2 court reporter, particularly, and the Committee, also.

3 MS. CLARK: I'm Lisa Clark. I'm the Child
4 Support Program Manager over Policy and Procedures for
5 DHR.

6 MS. HOWELL: I'm Vernecia Howell, Program
7 Specialist in the Child Support Enforcement Division at
8 Alabama Department of Human Resources.

9 MS. BROWN: I'm Christy Brown. I'm a
10 Program Specialist for Child Support Enforcement
11 Division with DHR.

12 PROFESSOR DAVIS: Okay. Thank you. And,
13 I will ask you this now and also at the end and I'm
14 going to stand because I can't see everybody. Does
15 anybody in the member of the public want to speak at
16 the end?

17 MS. BROWN: No.
18 (No audible responses from the public.)

19 PROFESSOR DAVIS: Okay. As we go through,
20 I'll ask that again when we get at the end to see if
21 you all would like to speak because we certainly
22 encourage all the participation from our public, if at
23 all possible.

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1 All right, let's see, where's Stephanie?
2 There you are. Okay. Thank you. Did we receive any
3 comments from the public?

4 MS. BLACKBURN: No, not that I received.

5 PROFESSOR DAVIS: So, no written comments

6 and nothing inadvertently that came to the Court.

7 MS. PEEK: No comments from me, either.

8 PROFESSOR DAVIS: Okay. Thank you. All
9 right. Is there a quorum?

10 MS. BLACKBURN: There is.

11 PROFESSOR DAVIS: There is a quorum.

12 MS. BLACKBURN: Yes. We just made the
13 quorum, so that's good.

14 PROFESSOR DAVIS: Well, whoever was last
15 coming in. Thank you. We're waiting for a quorum.
16 Always save the last for best, so we appreciate that.
17 And, Jillian, would you tell us about the notice to the
18 public?

19 MS. PEEK: Yes. Notice of this meeting
20 was provided to all media outlets around the State by
21 e-mail, dated March 11th, 2026. The meeting agenda and
22 the other materials for this meeting will be posted to
23 the Child Support Guidelines Review web page of AOC's

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1 website at www.alacourt.gov.

2 PROFESSOR DAVIS: Thank you. Okay. In
3 your packet, if you'll look, is the thickest document
4 here is the transcript from our last meeting, was held
5 November the 7th, 2025.

6 So, I'm sure this has been posted and
7 everybody has had an opportunity to look, but we'll
8 take just thirty seconds, or so if anybody wants to
9 flip through and note on the page or anything that you
10 need to talk about.

11 So, my question to the Committee is, does
12 anybody have any suggestions for changes to the draft
13 presented in front of you? Any changes?

14 (No audible responses from Committee
15 members.)

16 PROFESSOR DAVIS: If there's no changes or
17 corrections, then do I hear a motion that we accept
18 this as drafted?

19 MS. STEINWINDER: I move to accept. Katie
20 Steinwinder.

21 PROFESSOR DAVIS: So, Katie has moved. Do
22 we have a second?

23 HONORABLE SHERMAN: Second, Judge Sherman.

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1 PROFESSOR DAVIS: So, we have a motion for
 2 a second. All in favor, please say, "Aye".
 3 (Committee members respond affirmatively.)
 4 PROFESSOR DAVIS: Any opposed?
 5 (No audible responses from Committee
 6 members.)
 7 PROFESSOR DAVIS: Okay. Well, thank you
 8 for doing that. And, again, we appreciate the hard
 9 work that goes into developing the transcript.
 10 We decided this meeting would be kind of a
 11 recap of what we had been discussing over the last two
 12 to three years prior to us stopping to gear up and look
 13 at the schedules as all of the returning Committee
 14 members know and probably all of the new Committee
 15 members know and the public who reads the script will
 16 know that every four years by operation of law, we have
 17 to review the guidelines, the schedules, which we've
 18 just completed that last year. The recommendation that
 19 was sent to the Supreme Court was accepted by the
 20 Supreme Court.
 21 So, at this point, we thought it would be
 22 appropriate to go back to those issues that we had
 23 previously discussed, but had decided not to deal with

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1 because of the timing of the schedule. So, there are
 2 several issues that you see that were on the agenda
 3 today, I felt like that it would not be fair for the
 4 new Committee members, particularly, to have to vote on
 5 issues that would be or suggestions to the Supreme
 6 Court without having the benefit of looking at them
 7 ahead of time. And, at least, a discussion, or
 8 overview of those issues.
 9 So, we will not be voting today. That's
 10 not what our intent was, but to have an opportunity to
 11 refresh our own recollection because as I said, it's
 12 been a year, or two on some of these issues. And to
 13 give the new people time to understand what we've
 14 talked about, but also for us to receive input from the
 15 new Committee members about these topics because --
 16 well, a lot of public policy issues are intertwined in
 17 those as well. It's just some pragmatic aspects that
 18 we've dealt with before that we can certainly enjoy the
 19 input from that.
 20 So, that's why we're approaching this as
 21 we have. So, it will be kind of a recap and quick
 22 review and a reminder for the Committee members that
 23 have been involved. And then also for the new

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1 Committee members and for the public, also.
 2 So, we'll start with the first issue.
 3 Heather Fann will be talking about it. So, Heather?
 4 MS. FANN: So, I'm the least to report,
 5 but we just kind of decided to form a committee to
 6 think through, at least, explore what other states do
 7 with people who are over the charts on support or what
 8 we call over the chart, exceeding what the guidelines
 9 provide for.
 10 And, I think, initially, what we were
 11 going to look into, when we're trying to schedule a
 12 meeting through Jillian is just finding out through --
 13 if it's possible to use the CS-43 forms, the Compliance
 14 forms to get an idea of like what is the percentage of
 15 cases where this is actually an issue, so that we can
 16 gauge from there how much effort we want to put into
 17 addressing the issue.
 18 Looking at the 43s, it seems like a good
 19 way to do that, but I'm not sure that there's an easy
 20 way to cull that information. So, that's what we're
 21 really starting with.
 22 PROFESSOR DAVIS: One aspect of that that
 23 relates to this topic is the -- as you bump up the

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1 amounts, then the number -- the percentage of people,
 2 the number of people that are impacted by this topic
 3 will obviously decrease some; but, of course, incomes
 4 continue to rise, too.
 5 MS. FANN: Sure. And those of us who
 6 practice know, it just makes it very, very difficult to
 7 settle a case when you have no guidance whatsoever for,
 8 of the guidelines incomes.
 9 So, just seeing what other people are
 10 doing and looking at possibilities for how we might
 11 provide some guidance. We figure it was worth looking
 12 at.
 13 PROFESSOR DAVIS: So, let me open up the
 14 questions. The first of the bench, any of the judges
 15 that are here, do you all have any thoughts or any
 16 comments that would help the Subcommittee members.
 17 Do you remember who all was on the
 18 Subcommittee?
 19 MS. FANN: Candi is on it and I don't
 20 remember -- were any of you present on it?
 21 MS. STEINWINDER: I think I am.
 22 MS. FANN: Okay. Katie's on it, too.
 23 PROFESSOR DAVIS: So, let me --

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1 MS. FANN: And, anyone else is welcome who
2 is interested in this topic, of course.
3 PROFESSOR DAVIS: That was what I was
4 going to say, particularly, to the new Committee
5 members, I know that not everyone, I think that's the
6 only one.

7 Anyway, anybody that would like to be on
8 it, whether you're a new or an old Committee member;
9 now, is the opportunity and if those are not --

10 MS. FANN: Or later is also an
11 opportunity.

12 PROFESSOR DAVIS: Unlimited opportunity.

13 MS. FANN: Unlimited opportunity.

14 PROFESSOR DAVIS: So, if anybody wants to
15 serve on that Subcommittee, just get in touch with
16 Heather and we'll do that. Judge Stephens.

17 MS. FANN: Thank you.

18 PROFESSOR DAVIS: So, opening up to the
19 members on the bench here. Do you have any comments
20 about this topic that you would like to share with the
21 Committee at this time?

22 HONORABLE STEPHENS: This is Judge
23 Stephens. I don't, that's why I wanted to be on that

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1 Committee because I'd like to see how people across the
2 country are handling that issue.

3 It's a very small percentage of cases, but
4 it is something that needs to be addressed in turn.
5 Thank you.

6 HONORABLE SHERMAN: This is Judge Sherman.

7 So, I agree, it's a tiny fraction of the cases that I
8 see. Like, I can remember maybe two in the past year
9 or two, I mean, it just doesn't come up very
10 frequently.

11 I don't think there will be an easy
12 mechanism for you all to utilize CS-43s as any
13 indication. For a lot of reasons, one being, sometimes
14 they're not filed. Two, being there's no, that I know
15 of, there's no central depository. They're essentially
16 scanned in either as a court exhibit, if the case is
17 tried, which means they're sitting in a court
18 reporter's file cabinet somewhere or into Alacourt in
19 an individual case.

20 MS. FANN: Well, they're now marked
21 confidential as well.

22 MS. STEINWINDER: And, can we talk about
23 that, please?

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1 MS. FANN: We need those. We can't access
2 them once they're scanned in.

3 HONORABLE SHERMAN: Why are you telling me
4 that?

5 MS. FANN: Because your version is a
6 different version from our version. It came up this
7 week. I had to call Judge William's office.

8 MS. BALDWIN: I used to complain to Bob.
9 So, I guess, now it's Jillian.

10 MS. PEEK: So, that is a programming
11 thing.

12 HONORABLE SHERMAN: Right.

13 MS. PEEK: It is being considered. It has
14 been discussed, definitely, but most of the programming
15 manpower right now is being dedicated towards moving
16 away from the main frame, SJIS, as you may have heard
17 it called to UJIS, which will be a cloud-based
18 platform.

19 So, that will be very exciting for the
20 system, but it has put, most of our manpower has been
21 diverted into that. So, I think when we have the UJIS
22 roll-out, we're hoping that we will be able to have a
23 public case, because child support cases are public,

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1 but have private images.

2 Right now, in our system, that's not --
3 we're not capable of doing that, but we hope with
4 updates that we'll be able to make specific images
5 private. So, that income information is not just
6 floating around for like creditors that are bad faith.

7 MS. FANN: I think it's great that it's
8 not public information and --

9 MS. PEEK: Yes. But you all need to have
10 access to it.

11 MS. BALDWIN: Yes. Tyler, at least, needs
12 to be able to see it, right?

13 HONORABLE SHERMAN: So, there's not going
14 to be a way for you all to like mass review? I mean,
15 even if they were made public, there's not going to be
16 -- I can't mass review CS-43s as a Judge in Alacourt.

17 But, I can go to one case, drill down, try
18 to locate the CS-43 and then pull it up. So, I don't
19 know of any way that you'll be able to get it from the
20 information, but --

21 MS. FANN: That was just our first idea.

22 HONORABLE SHERMAN: Yes -- no --

23 MS. FANN: There's clearly a yes and no.

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1 Did you follow those guidelines or did you not follow
2 the guidelines? So, we thought that might be a place
3 to start.

4 MS. PEEK: So, do you think that that
5 could be an education issue with the court specialists
6 and people in the Clerk's offices as to how they filed
7 some things into the record so that maybe it could -- I
8 know it would only be going forward and not backwards.

9 HONORABLE SHERMAN: But, I don't know
10 where they would, I mean, so you would have to set up
11 some separate depository for CS-43 Forms for this
12 purpose, I think because right now it's got to be filed
13 in the case number of the case, which is only going to
14 put it into that particular case. And, the only way to
15 access it, so far as I know.

16 Now, maybe on the programming end,
17 depending on how they tag it when they file it, how
18 they categorize the document that they scan in. It
19 could be that on the programming end, they could write
20 a script or something that would begin to allow them to
21 pull up all documents indexed as a CS-43 or something.

22 But, I don't know that any of them that
23 have been input right now have been indexed as a CS-43.

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1 MS. FANN: Right. On our end, there is a
2 choice for the 43, but each of the forms has its own
3 drop down.

4 HONORABLE SHERMAN: So, if a conscientious
5 lawyer does it the way it should be done, then you
6 would be able to access them. But, for example, I get
7 lawyers that file motions as exhibits.

8 They tag them as an exhibit, but it's a
9 motion. I get lawyers that file proposed orders as an
10 exhibit, so -- or a miscellaneous document.

11 So, that would be where the education piece
12 would come in if there was a mechanism for the
13 programmer to do some type of search based query, then
14 you might can do that.

15 MS. FANN: Sure. The Clerk's could mark
16 something as either a deviation 43, or a non-deviation,
17 or a compliance 43. You know, there might be a way to
18 do it. I don't know if it's worth the manpower that
19 we're talking about, but that was our first idea about
20 just sort of accessing it.

21 HONORABLE SHERMAN: And then, again, the
22 other problem is like if you try the case, they're not
23 always getting scanned in into Alacourt. If you're

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1 trying the case, it could just be that it's an exhibit
2 in evidence, which is not scanned into Alacourt,
3 necessarily. It depends on the individual judge's
4 practice.

5 So, that's probably fewer cases. I mean,
6 the majority of cases settle. So, even if it was
7 incomplete data, it would give you some data if you
8 were able to get it, but I think you'll find it's a
9 very tiny amount.

10 I mean, if Mobile -- I did a training
11 recently or last week, actually, training judges on
12 domestic relations. And when I talked to judges
13 outside of Jefferson, Mobile, Madison, maybe
14 Montgomery, like there's not a lot of cases that are
15 over the guidelines. And, if in Mobile, we have so
16 few, I don't think you're going to have very many
17 statewide.

18 MS. FANN: Jessie and I, for example,
19 fortunately or unfortunately, deal with these cases on
20 a regular basis in the Mountain Brook area.

21 HONORABLE SHERMAN: That's because you all
22 are a big money lawyer.

23 MS. FANN: Sure. So --

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1 HONORABLE SHERMAN: How many cases do we
2 have?

3 MS. FANN: And, you know, again, I don't
4 know, we're talking about people who can afford
5 lawyers. So, we're conscious of the fact that this is
6 not going to be as widespread in effect as the rest of
7 this Committee deals with.

8 MS. HARDY: If I may -- this is Jessie
9 Hardy. When we increased the threshold and it was
10 thirty thousand gross a month, I think that also helped
11 us not exceed the Rule 32 Guidelines.

12 HONORABLE SHERMAN: Right.

13 MS. HARDY: But it also gave us the
14 framework because we were probably negotiating cases
15 that were hitting that \$20,000.00 threshold and then
16 when we saw the Child Support Guidelines came out and
17 almost reaffirmed, we were doing something similar, or
18 correct, but yes, I think that's going to lessen the
19 amount since that entry of the increased guidelines.

20 And, the best way to address it may
21 ultimately be just to get the data that we need overall
22 to get the number of cases that this covered, that our
23 current guidelines would cover up, get the numbers

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1 higher.

2 PROFESSOR DAVIS: It would seem to me
3 based on just what I'm hearing that probably Jefferson
4 County and now Madison because of the sheer numbers and
5 the higher income folks would probably be the ones that
6 are impacted the most. I'm trying to think -- Emily's
7 up in the area, but not in Madison County.

8 MS. HARDY: Rebecca Cullman is the new
9 Committee member.

10 PROFESSOR DAVIS: Yes.

11 MS. HARDY: But she's not here today.
12 She's in Madison County.

13 PROFESSOR DAVIS: Madison County. Okay.
14 So, maybe you might want to reach out to her and see if
15 she could serve on that Committee.

16 MS. HARDY: Yes.

17 PROFESSOR DAVIS: And, again, anybody else
18 that wants to. Any other comments from the bar
19 members, particularly, those that practice in that area
20 that have the issues?

21 (No audible responses from Committee
22 members.)

23 PROFESSOR DAVIS: Okay. Since we've sort

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1 of touched on potential suggested changes as it relates
2 to the computer aspect of the Child Support practice
3 and we know they're working on doing some updates.
4 Would it be appropriate, Jillian, for any of the
5 Committee members, bench or bar Committee members or
6 the public, if they have suggestions for changes that
7 would be helpful in the programming while we're working
8 on that.

9 And I'm also thinking about Jane because
10 you're always having to -- with DHR, we're always
11 having to get information every four years that when
12 we're redoing the -- or revisiting the schedules, is
13 there information that we haven't been able to get for
14 Jane and Jane's groups or whoever, we do it each year,
15 that with a programming change so that you drop a --
16 this is not the right terminology, but you drop a pin
17 in something so that you can come back to it later,
18 four years from now if we need information.

19 So, if you all would be thinking about
20 that, could they send that to you?

21 MS. PEEK: Sure.

22 PROFESSOR DAVIS: And then you would be
23 sort of the repository for those types of issues. In a

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1 sense that's -- well, I started to say it's not exactly
2 our charge, but in a way I think it really is our
3 charge to help with the whole process and anything that
4 we can do that helps the public, particularly, as well
5 as the people that deal with that.

6 So, if you think of anything and Jennifer,
7 I know you've got some other DHR people that are here
8 and Child Support people do it regularly, if there's
9 components of the way we deal with that aspect
10 electronically that you have seen from the way the
11 other states do it or just that you've seen is
12 problematic or from the perspective from the bench.
13 Then if we can get it -- and, get it on their radar,
14 initially, that might be helpful to do that. Okay.

15 Any other points about that topic before
16 we move on to that?

17 (No audible responses from Committee
18 members.)

19 PROFESSOR DAVIS: Well, thank you, for
20 those who volunteered or got volunteered to serve,
21 which sort of happens on this Committee quite a bit.

22 All right, our next topic is the one that
23 Melody's going to be talking about here, which is the

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1 pre-existing Child Support Obligation.

2 MS. BALDWIN: So, I didn't do a memorandum
3 to pass out for this meeting, but I made some notes and
4 I gave it to Beverly. I'm just going to read straight
5 from them and then you can ask questions at the end or
6 I'll send back to Jillian all the material that I sent
7 to Bob before about this is if anybody wants it.

8 So, this is a, "Review of Rule 32 (B)(6)
9 on the treatment of Preexisting Child-Support
10 Obligations. At its meeting on May 17th of 2024, the
11 Advisory Committee on Child Support Guidelines was
12 presented with a letter from Dr. Cynthia Rena Wright,
13 who is an attorney in Madison County, regarding her
14 concerns that -- that Rule 32 doesn't cover other
15 children of the parties who are not subject to the
16 litigation."

17 "Specifically, her example involved the
18 custodial parent/mother, who had a total of five
19 children, two of whom were not subject of the
20 litigation, but were being supported by her client."

21 "In the calculation of support, her client
22 wasn't given any credit against her income for the
23 other children she was supporting." Of course, we know

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1 that's discretionary with the Court. And maybe the
2 court used its discretion and decided not to do that
3 or --

4 HONORABLE SHERMAN: Were these after born
5 children or --

6 MS. BALDWIN: I took it they probably
7 were.

8 HONORABLE SHERMAN: Okay.

9 MS. BALDWIN: I took it they probably --
10 she didn't have that. I don't recall, but so either
11 her court didn't realize that it also applied to
12 custodial parents and I have to tell you, I did not
13 either. So, when this issue came up, I was interested
14 in it.

15 So, the discussion we had that day at the
16 meeting was that, "Rule 32 does, in fact, include a
17 provision for consideration of other children of the
18 parties, particularly, of non-custodial/obligor
19 parents, but it also is to obligee parents."

20 But, "It is possible to see, especially,
21 if you read the 2008 Committee comments first
22 paragraph, that the provision of, 'imputing
23 pre-existing support' to the custodial parents might be

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1 overlooked."

2 "And that particular paragraph reads, 'The
3 Supreme Court's Advisory Committee on Child-Support
4 Guidelines and Enforcement considered the issue of
5 allowing the deduction beyond what is provided in Rule
6 32 (B)(6) for a parent paying child support if that
7 parent has other children who are not the subject of
8 the particular child-support determination being made."

9 They said, "After many discussions, the
10 Advisory Committee decided not to recommend an
11 amendment to Rule 32 (B)(6), which allows a parent
12 paying child support to deduct from that parent's gross
13 income, the amount of child support actually being paid
14 by the person pursuant to a Child Support Order for
15 Other Children or an imputed amount if the parent is
16 legally responsible for and is actually providing child
17 support for other children not covered by the Child
18 Support Order."

19 Now, I've said all that to say, it keeps
20 referring to the paying parent. When the Committee
21 comment talks about who we're giving credit for, it
22 talks about the paying parent.

23 Now, "that provision of Rule 32 (B)(6), in

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1 fact, does apply to both parents." But, and if you
2 read the sentence, so the sentence that applies to both
3 parents as the second sentence. If a parent, meaning
4 either parent is legally responsible for and is
5 actually providing the child support for the other
6 children, but not pursuant to an order of child
7 support, a deduction for imputed, pre-existing Child
8 Support Obligation may be made for that parent's gross
9 income. So, it doesn't say, "paying parent." But,
10 nevertheless, the comments talk about paying parents.

11 And so I don't know if it's confusion
12 anywhere else, but I can tell you, we've never given
13 credit to a custodial parent for other children. Now,
14 I know over the years, there had to have been several
15 and we do it for paying parents all the time.

16 So, that's how that conversation got
17 started by Dr. Wright's letter and her concern. But,
18 from that discussion, other points got raised and the
19 discussion about Rule 32(B)(6). "So, a Subcommittee to
20 review the current treatment of pre-existing Child
21 Support Obligations were formed from appointees and
22 volunteers."

23 So, for the new folks, if you want -- if

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1 you have a particular interest and you start talking
2 about it, just know you're going to be the Subcommittee
3 chair.

4 PROFESSOR DAVIS: You weren't supposed to
5 tell them that.

6 MS. BALDWIN: I know, right. Well, but --
7 you will, you will speak up because that's why you're
8 here.

9 PROFESSOR DAVIS: All right.

10 MS. BALDWIN: But there were other issues
11 that came out of that. The first thing that we talked
12 about was Alabama has a -- when you're somewhere doing
13 it for the paying parent, while we're doing the credit,
14 we do it at a hundred percent for that parent.

15 We worked the guidelines as if they were
16 doing it, paying a hundred percent. Other states do
17 seventy-five, other states do fifty.

18 So, there was a discussion about should we
19 do another number, percentage because oftentimes, there
20 might be another parent helping support that child.
21 That was the first issue we discussed.

22 The second one was, "What's the real
23 definition of legally responsible?" And, that was

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discussed at length in 2006, 2007 and 2008 when this -- when the Advisory Committee reviewed this section again and submitted to the Supreme Court recommendations for change and those were rejected by the Supreme Court.

And, Dr. Venohr did briefs on these particular, on Rule 32 (B)(6) covering everything that was discussed.

We basically rehashed all that in the Subcommittee without ever having looked at her memorandums to the Advisory Committee before.

So, the same issues keep coming up. I say that because even if we do nothing, again, the same issues will come up.

I mean, the Supreme Court may want to leave it at a hundred percent. The Supreme Court may not want to say anything different about what is a definition of legally responsible.

HONORABLE SHERMAN: Yes.

MS. BALDWIN: And, another thing was, do we keep it First Family? That's the -- by the way, if you read everything, it looks, the Supreme Court wanted to keep it and intended to keep the rule, the First Family Rule.

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HONORABLE SHERMAN: Right.

MS. BALDWIN: But, it doesn't work like a First Family Rule. We know because if you get a Child Support Order and your child is the youngest child, that order gets credited even if we're doing an order for the oldest child. So, it ends up being a First Order Rule, not a First Family Rule.

So, those were questions we posed to Dr. Venohr in a memo that I drafted. Those were some she had already addressed in 2007 and 2008.

We weren't -- the majority, the way we handle it, there wasn't a majority on every issue, so there are other states who do things very differently. She summarized different states and how they handle it.

So, basically, our request was, will you update everything that you did in 2007 and 2008 for this committee, for us to reconsider whether or not now we're in the minority and need to do some changing. That's basically how that is.

PROFESSOR DAVIS: And, I think that would be a helpful memo, if you're comfortable with that being sent out to them.

MS. BALDWIN: Oh, sure. It was just my

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notes for this and it's more in detail.

PROFESSOR DAVIS: Yes. Okay. That would give a good background for, I think, for everyone. And, that has been -- I've been a member of the committee for a long time and it has been a recurring issue.

And now may be an appropriate time to revisit some of those issues and there may be additional issues that have occurred to the Committee members in the past that were talked about and nothing was done. Occasionally, we set things up and the Court will give us direction as to what they want us to do, so that could also happen.

So, again, at this point, let's open it up for discussion from -- we'll start with the bench again. Do you have any comments about the way the rule is working and/or any comments specifically related to what Melody had brought up?

HONORABLE STEPHENS: This is Judge Stephens. I don't have anything to say about it.

HONORABLE SHERMAN: This is Judge Sherman.

So, I think, as far as the initial question that was raised, that the rule and the Committee comments in my

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view with the way I read it, are consistent and they allow a custodial parent's pre-existing child support to be deducted from their gross income when I'm calculating child support.

I've done that exactly one time because a good lawyer raised it and made the argument. And, I felt it was appropriate. I thought it was discretionary, but the rule allowed it and I did it, but it doesn't get raised very much.

But, I don't know, like you said, if lawyers even realized --

MS. BALDWIN: I'll tell you why it doesn't -- well, for me, my worker's -- they don't really, I mean, we just don't do it because it's not the focus of the rule, it really isn't.

HONORABLE SHERMAN: Yes. Yes.

MS. BALDWIN: So, but I know that we've had cases where the custodial parent also had other children and we're given credit to the non-custodial parent, but we don't even ask about the custodial parent.

HONORABLE SHERMAN: So, as far as that question is concerned, I think the rule is fine as it

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1 is. The other questions you raised, I mean, I think
2 are legitimate questions. Like, "Do we need to
3 reconsider whether a hundred percent is appropriate or
4 not?" I mean, I think it is, personally, but it may be
5 worth looking at.

6 And, what does it mean? That question,
7 like legally responsible for, I think, is ambiguous and
8 maybe would be helpful to have to find, somehow, if the
9 Supreme Court was willing to do that.

10 MS. BALDWIN: I think we all think we know
11 what it means, but it could be different.

12 HONORABLE SHERMAN: Right. I mean, some
13 people might question whether does that apply in the
14 stepparent's situation, for example.

15 MS. BALDWIN: Right. That issue came up
16 in the discussion in 2007 and 2009.

17 HONORABLE SHERMAN: Yes. So, I think
18 maybe looking at -- I mean, I think it's a -- probably,
19 a useful endeavor to go back into and explore these
20 issues, at least.

21 MS. BALDWIN: And, maybe in the Committee
22 comments, if nothing else, then you could say as to the
23 custodial parent children, just make sure that that's

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1 not overlooked.

2 HONORABLE SHERMAN: Yeah. Make it more
3 explicit.

4 MS. BALDWIN: Just one short comment that
5 this particular sentence in Rule 32 (B)(6) also applies
6 to -- when it says a parent, it means both parents,
7 both or either parent.

8 HONORABLE STEPHENS: And, this is Judge
9 Stephens. In Jefferson County, the attorneys usually
10 bring it up that there's a pre-existing Child Support
11 Order and they ask for credit for it.

12 HONORABLE SHERMAN: Yes.

13 PROFESSOR DAVIS: It could be the
14 terminology, the paying parent and the comments. We
15 may want to revisit that or add a comment to the
16 comment or amend the comments to clarify that.

17 HONORABLE SHERMAN: Yes.

18 PROFESSOR DAVIS: It goes on both sides to
19 the paying or the recipient parent.

20 HONORABLE SHERMAN: As I read -- this is
21 Judge Sherman. As I read the comment, it's referring
22 to the support that that person is actually paying for
23 the children that you're trying to get the credit for

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1 the pre-existing Child Support Order, not the parent
2 who paid child support in the case.

3 MS. BALDWIN: That's right.

4 HONORABLE SHERMAN: So, but people may be
5 confused about that and maybe some clarification,
6 explicit clarification of that might be helpful. I
7 mean, as far as that part goes, I think it's education,
8 like a lawyer education issue, apparently. And it may
9 be a judge education issue.

10 MS. BALDWIN: Well, and I'm thinking maybe
11 a judge's education because this is only an assumption
12 from Doctor -- I mean, Dr. Wright's question and her
13 fact scenario. And, her assumption was after she dealt
14 with that case, that basically, she believed, I guess,
15 after dealing with that judge, that it wasn't available
16 for a custodial parent because she posed the question
17 to us as it's not available.

18 HONORABLE SHERMAN: The rule is also made,
19 so it is discretionary. The judge doesn't have to do
20 it.

21 MS. BALDWIN: Right, exactly.

22 HONORABLE SHERMAN: But he doesn't have to
23 do it for either parent, if it's discretionary, right,

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1 but we do for the paying. I don't know if any judge
2 does it for the paying spouse. So ...

3 MS. BALDWIN: I don't think we would have

4 gotten that question if the judge had said -- and I
5 don't know what he ruled or what his thought process
6 was, but whether he couldn't do it because it wasn't
7 optional or he didn't do it because he used this
8 discretion and he didn't think he should.

9 HONORABLE SHERMAN: Right.

10 MS. BALDWIN: But, I'm assuming if it was
11 discretionary and he said, no, for that reason, she
12 wouldn't have posed the question to us.

13 HONORABLE SHERMAN: That's probably an
14 accurate assumption.

15 PROFESSOR DAVIS: Comments from any
16 other Committee members?

17 MS. FANN: This is Heather Fann, again. I
18 just want to echo, I think, the definitions of maybe
19 more than one of these terms would certainly be awful
20 because there are a lot of assumptions, people are
21 making that are probably not on the line for that.

22 MS. STEINWINDER: Katie Steinwinder. I
23 guess Judge Sherman, I am directing questions at you

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1 today, but when you say you think we all know generally
2 what the legally responsible, is that in terms of an
3 actual Child Support Order Obligation or legally
4 responsible for the expenses?

5 HONORABLE SHERMAN: I'm a parent of this
6 kid. I've got to raise it.

7 MS. STEINWINDER: Okay. I just wanted to
8 make sure I understood.

9 HONORABLE SHERMAN: I think the rule,
10 itself, distinguishes between whether there is a
11 pre-existing order or not and it allows it in either.
12 I mean, that's why you have an imputed child support
13 amount.

14 So, like in the case I did and I guess this
15 is what you do when you say the lawyers bring it up, is
16 that we calculated what her Child Support Obligation
17 would be for those children and that's the amount we
18 subtracted, even though there was no order.

19 MS. FANN: Okay. Thank you.

20 HONORABLE SHERMAN: They were her kids and
21 so I found out she had a -- she was legally obligated
22 to support them.

23 PROFESSOR DAVIS: Okay. If you all have a

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1 comment, you're welcome to share with each other, but
2 if you have a comment that you want to share with the
3 Committee, that's fine, too.

4 MS. HARDY: I'm just wondering, like, if
5 the CS-42s where we have -- where you have to put in if
6 you have a pre-existing Child Support Order.

7 I mean, are we talking about, also, giving
8 pre-existing, just supporting of a child?

9 MS. BALDWIN: I mean, an imputed amount.

10 HONORABLE SHERMAN: That's what the rule
11 is about. Yes.

12 MS. FANN: Are you changing the CS-42
13 wording?

14 HONORABLE SHERMAN: Well, it says the
15 pre-existing child support payments on the form.

16 MS. FANN: Yes.

17 HONORABLE SHERMAN: You might could say
18 pre-existing Child Support Obligation. I mean, it
19 doesn't need to be ordered because it doesn't -- an
20 obligation sort of implies order, so I don't know if
21 that helps.

22 MS. FANN: But, it also -- it's not the
23 same thing as payment.

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1 HONORABLE SHERMAN: No. That's right.

2 MS. FANN: Since we've had cases where
3 someone has an obligation, but they're not paying and
4 therefore they don't get the credit.

5 MS. HARDY: True.

6 MS. FANN: Because they have to be
7 actually paying the support.

8 HONORABLE SHERMAN: Well, that's required
9 under the rule.

10 MS. FANN: Right. Yes.

11 HONORABLE SHERMAN: So, I would think that
12 would apply in the imputed situation, too, like I'm not
13 going to impute -- I don't even know how that would
14 come up, but I'm not going to impute something that
15 somebody is not paying.

16 MS. FANN: Yes.

17 HONORABLE SHERMAN: So, maybe it doesn't
18 help to change the language on the form.

19 MS. BALDWIN: Even for non-custodial
20 parents that we've done this imputed credit for, I've
21 asked the courts to require them to -- since it is
22 discretionary, to not do a hundred percent. To find
23 out if there is another paying parent that's helping

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1 support that child.

2 HONORABLE SHERMAN: But, why would you not

3 do a hundred percent if the child -- if it's
4 specifically -- are you talking about in the -- where
5 there is an order?

6 MS. BALDWIN: I mean, the deduction from
7 his gross income.

8 HONORABLE SHERMAN: Are you saying where
9 there is an order?

10 MS. BALDWIN: No. I'm not saying where
11 there is an order, I'm talking about imputed. This
12 whole thing is about imputed.

13 HONORABLE SHERMAN: Okay.

14 MS. BALDWIN: I'm not -- in none of this
15 am I talking about orders.

16 HONORABLE SHERMAN: Okay.

17 MS. BALDWIN: Orders are a solid -- that's
18 not really even discretionary.

19 HONORABLE SHERMAN: Okay. That's why I
20 was confused because if there's an order, we've already
21 done a percentage.

22 MS. BALDWIN: That's right. And, I'm not
23 talking about orders.

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1 **HONORABLE SHERMAN:** Okay.
 2 **MS. BALDWIN:** We don't -- when we do the
 3 -- when I'm talking to the workers, I expect them to --
 4 if we've got an order who's paying it, it comes off.
 5 We don't have a discussion.
 6 It's just if he's asking for credits for
 7 other children, he's legally responsible for
 8 supporting. And we have a discussion on how we're
 9 going to do that.
 10 And they were like, "Oh, well, the policy
 11 says we're going to do a hundred percent because the
 12 rule says to do a hundred percent, his income or hers,
 13 if that happens to be the non-custodial parent."
 14 But, then we find out, oh, well, you know,
 15 mama, she makes more money than he does and is really
 16 providing more support.
 17 **HONORABLE SHERMAN:** Yes.
 18 **MS. BALDWIN:** But, we're not considering
 19 that at all.
 20 **HONORABLE SHERMAN:** Yes. That makes
 21 sense. I understand what you're saying, I was confused
 22 when you said a hundred percent. So, if there is no
 23 pre-existing order, this was actually a question I

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1 raised so that lawyer that brought it up to me.
 2 **MS. BALDWIN:** That's right.
 3 **HONORABLE SHERMAN:** I'm like, "Why would I
 4 give him a hundred percent credit without even
 5 considering what the mother is paying?"
 6 **MS. BALDWIN:** Right.
 7 **HONORABLE SHERMAN:** And, nobody here is
 8 telling me what that mother is paying, like I don't
 9 what her income is. She's not a party to this case.
 10 So, I do think that would be very helpful to look at.
 11 I'm sorry I was confused about the original framing of
 12 the issue.
 13 **MS. BALDWIN:** So, this whole issue is
 14 about nothing but imputed. I'm not even talking about
 15 a court order at all.
 16 **HONORABLE SHERMAN:** Okay. Understood.
 17 **MS. BALDWIN:** Although, court orders,
 18 whether it's the youngest child, the middle child or
 19 the oldest child and get credited, even if you're doing
 20 a child support order for the oldest child. And, I've
 21 actually seen scenarios where that occurred.
 22 So, just because the mama of the youngest
 23 got to the courthouse, first. So, it's not a First

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1 **Family.**
 2 **MS. FANN:** I had a case where the mistress
 3 got to the courthouse before the wife.
 4 **MS. BALDWIN:** I had a friend who had that
 5 exact situation. Didn't know there was a baby in
 6 another state with a Child Support Order. The daddy
 7 had been paying for years.
 8 And then when she got a divorce from him,
 9 her kids were second in line, even though they were
 10 much older.
 11 **MS. FANN:** Well, and from a policy
 12 standpoint, divorces can be much more difficult to
 13 settle, to try, than just straight child support case.
 14 So, that mom was in a bad position all around. Not
 15 that either -- not that any of that behavior is either
 16 of those children's fault.
 17 **MS. BALDWIN:** Right. But the oldest's
 18 ones are going to pay for it.
 19 **MS. FANN:** Right.
 20 **MS. BALDWIN:** So, it is a First -- we can
 21 call it a First Family Rule. And when I first started
 22 doing this, it was like -- all the judges were like,
 23 first in time, first in right. First in time, first in

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1 right.
 2 And I was doing research and I was like,
 3 "No, that's not true."
 4 **HONORABLE SHERMAN:** So, that could be
 5 something that the Committee could consider changing.
 6 **MS. BALDWIN:** And, I don't know how
 7 different -- I keep remembering those old memos that
 8 Dr. Venohr did, the briefs that she did looking at all
 9 the states, how many -- and so, when I did the
 10 questions in the memo to send to her in 2024, it
 11 included, even though we purport to be the First Family
 12 Rule, it worked like the First Order Rule.
 13 **HONORABLE SHERMAN:** Yes.
 14 **MS. BALDWIN:** Is there any language in
 15 anybody's rule anywhere in the country that would help
 16 us, either if we're going to keep it First Family and
 17 make it clear that it is and how would we do that or
 18 just leave it the way that it -- you know.
 19 **HONORABLE SHERMAN:** And, did they find
 20 some?
 21 **MS. BALDWIN:** Well, we started doing
 22 Quadrennial Reviews.
 23 **PROFESSOR DAVIS:** Did she ever complete

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1 that memo?
 2 MS. BALDWIN: I sent it to her and Bob
 3 sent it -- I sent it to Bob and Bob sent it to her.
 4 PROFESSOR DAVIS: But, did you get the
 5 results back?
 6 MS. BALDWIN: No, because we were
 7 immediately doing Quadrennial Reviews.
 8 PROFESSOR DAVIS: So, now would be a good
 9 time to say and, I guess this is to Jennifer, as well
 10 as the co-worker thing. Do we want to, you have to
 11 have a contract. So, do we want to deal with that? I
 12 think we need to.
 13 So, what steps do we need to do, just ask
 14 -- is this enough to say we'd like to be able to engage
 15 Jane in what -- do we have to advertise or can we just
 16 already --
 17 MS. BALDWIN: No, no.
 18 MS. PEEK: I think we do have to make a
 19 public bid. I know we did for the review --
 20 PROFESSOR DAVIS: I know we did for
 21 reviews.
 22 MS. PEEK: Yes.
 23 PROFESSOR DAVIS: And, I didn't know since

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1 that had previously been posed --
 2 MS. PEEK: Right.
 3 PROFESSOR DAVIS: -- and sent to her. Can
 4 you follow-up and see if we need to do that? And if
 5 the Committee is good, we'll let her and Jennifer,
 6 that's part of DHR. Who has the DHR money?
 7 MS. BUSH: Lathesia McClenney is our Child
 8 Support Enforcement Director.
 9 PROFESSOR DAVIS: Okay. So, Lathesia,
 10 will you work with Jillian because in the past, it's
 11 been dual money, right? No -- wrong.
 12 MS. PEEK: I think so --
 13 MS. MCCLENNEY: Yes, right.
 14 MS. PEEK: -- according to that.
 15 MS. MCCLENNEY: Lathesia McClenney. It
 16 would be a review of the budget.
 17 PROFESSOR DAVIS: Right.
 18 MS. MCCLENNEY: And looking at the
 19 budgetary cost and all of that that goes along with it,
 20 in addition to corresponding with our commissioner to
 21 ensure that she is on board.
 22 PROFESSOR DAVIS: So, again, just sort of
 23 thinking out loud. I believe the Subcommittee can --

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1 there's so many different components of this issue that
 2 we could go ahead and be working on that, but in the
 3 meantime, if we could be getting the -- determining if
 4 there's a possibility to get this independent research
 5 from Jane or whoever winds up, if we bid it out, to
 6 give the Committee some guidance if we do want to move
 7 to what the court -- the information that we have about
 8 what the court initially said which was a First Family
 9 Rule as opposed to what we'd call the First Order Rule,
 10 if we want to make it more aligned with that; then I
 11 think it would be helpful to get other states
 12 information.
 13 HONORABLE SHERMAN: I would strongly
 14 support that. I can think of a lot of policy reasons
 15 why it should be First Family and no policy reasons why
 16 it should be First Order.
 17 PROFESSOR DAVIS: Okay.
 18 HONORABLE SHERMAN: Personally.
 19 PROFESSOR DAVIS: And I think that's --
 20 that's certainly what I perceived it to be when I first
 21 became a member of the committee. All of this
 22 educational experience for all of us, I think.
 23 HONORABLE SHERMAN: I am the same. I

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1 assumed, I mean, from the time I started practicing
 2 domestic relations, I -- that's the only thing that
 3 made sense.
 4 PROFESSOR DAVIS: And I'm sure I taught it
 5 that way a number of years ago.
 6 HONORABLE SHERMAN: Well, you taught it to
 7 me.
 8 PROFESSOR DAVIS: I know.
 9 MS. FANN: Yes.
 10 PROFESSOR DAVIS: He's my star pupil.
 11 Everything he has accomplished. Okay. Well, I don't
 12 want to cut off our discussion. So, the other points
 13 that are relating to this issue are pre-existing.
 14 Of course, we've got alimony, too, not just
 15 pre-existing child support. Any comments about that
 16 from --
 17 MS. BLACKBURN: There's no imputed
 18 alimony, though, right?
 19 PROFESSOR DAVIS: Not that I'm aware of,
 20 but it does -- it's still a policy issue that it, I
 21 guess, when we consider the concept of how pre-existing
 22 orders should impact on current child support. Does
 23 anybody have any comments about the alimony or child

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1 support, additional comments?

2 All right. So, Melody is on that
3 Subcommittee. Who else -- do you recall? Does anybody
4 that's here recall of their own Committee or
5 Subcommittee, or want to be?

6 MS. STEINWINDER: I think I was on that
7 one.

8 MS. BALDWIN: So, I know Shirlee, I think
9 was, but she's not here and Rhonda Wilson. And Rhonda
10 Wilson, she's gone and Judge Sherman.

11 HONORABLE SHERMAN: Yes. I think I was on
12 it.

13 MS. BALDWIN: I'm pretty sure you were
14 because you were the one that said -- well, you and I
15 talked about the hundred percent, fifty percent.

16 HONORABLE SHERMAN: Yes.

17 PROFESSOR DAVIS: So, would anybody else
18 like to serve on that? Again, some broad aspects and a
19 lot of them are policy related, but some of them are
20 the practical aspects of it, too.

21 MS. MATTHEWS: I, Kintisha Matthews would
22 like to serve on the Committee.

23 PROFESSOR DAVIS: And, Jillian, maybe once

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1 we get the transcript back, we'll look at the people
2 that volunteered. We'll have a -- send a list of all
3 of the Subcommittees out and then ask for those that
4 were not here if they would like to be a member of that
5 Subcommittee going forward, so that would give
6 everybody an opportunity to do that.

7 As Heather said, we want to make sure
8 everybody has plenty opportunities to serve on these
9 new committees. Anybody else -- and, let me say this
10 to the Subcommittees. It's easy for me to do this and
11 I'm going to suggest, as you're thinking about it, if
12 you think we need to tinker with the forms, for the new
13 Committee members, Brian is our go-to person on all
14 things form related.

15 So, if you -- so, I'm going to -- I'm
16 volunteering him to serve as a form expert on any of
17 these Subcommittees. So, as you do your research and
18 you decide that maybe the wording should be changed on
19 the form, if you would pull Brian into that discussion,
20 then, as early on as you go through, that would
21 probably be helpful. So, the earlier, the better. So,
22 any other comments about that?

23 (No audible responses from Committee)

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1 members.)

2 PROFESSOR DAVIS: Okay. The next area and
3 really the next two areas, we've asked Judge Sherman to
4 be the lead person on discussing that, but the first
5 issue is the multiple children issue.

6 HONORABLE SHERMAN: Yes. So, you have
7 a -- the last memorandum that was circulated among the
8 Committee at large, was it's dated May 17th, 2024. You
9 have it in front of you with a proposed rule change and
10 proposed Committee comments to that rule change.

11 Essentially, this is an issue that Judge
12 Terry Moore, now presiding Judge of the Court of Civil
13 Appeals first raised several years ago to this
14 Committee. He had had a couple of cases on appeal
15 where there were some pretty -- what he perceived as
16 and I think were unjust results that had resulted from
17 the common scenario we see where there are multiple
18 children that are put under a Child Support Order,
19 let's say, three children at the time of the divorce
20 and then one child, or at the time of the court order,
21 if they weren't married and one of the children ages
22 out, soon after that order is put in place and the
23 paying party, the non-custodial parent and sometimes

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1 the custodial parent agrees with this, thinks that they
2 can do a pro rata reduction in their child support, so
3 they start paying less.

4 And that example I just gave and started
5 paying a third less child support and that rocks on for
6 some years. And then somebody catches the issue and
7 they end up filing a contempt petition and there's this
8 huge arrearage. And there's really nothing you can do
9 about it at that point.

10 So, he had asked us to try to -- his idea
11 was to come up with some type of easier administrative
12 process where if we know -- if we can see that that's
13 going to happen within some period of time that's
14 fairly close to when we're establishing child support.
15 He had originally suggested five years and we landed on
16 three years.

17 That we see -- that this kid is going to
18 age out within a year or two to three years. That to
19 give the trial court the discretion, it is
20 discretionary under the proposed rule to calculate the
21 child support both ways and go ahead and figure out
22 this is what it is now. And two years from now when
23 that child reaches 19, this is the new child support

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1 amount.

2 And, so we've done that in this proposed
3 rule. That's -- that part is easy. The reason why
4 we're still talking about this five years after he
5 first raised it is because of the Income Withholding
6 Order. If there's an Income Withholding Order in
7 place, how are we going to get rid of that or might
8 amend it?

9 And what happens if it doesn't get amended?
10 In other words, they do the administrative process,
11 the judge does this and says, "Okay, it's \$750.00 now,
12 but in two years from now, it's \$600.00, unless
13 otherwise modified."

14 And, the IWO goes in for \$750. The
15 obligation now becomes \$600, but the IWO doesn't get
16 amended. He's now -- I'm saying, he's the
17 non-custodial parent, now, paying a \$150.00 more than
18 he's ordered to pay. What happens?

19 So, we've tried to -- we've addressed it.
20 It's -- the way we're proposing to address it is what
21 we currently do to terminate an Income Withholding
22 Order. There's a -- basically, you can file an
23 affidavit. There's a very -- I think a very small fee,

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1 like \$25.00 or something. I don't even know what it
2 is, about \$25.00 bucks.

3 And, the non or the custodial parent has
4 some number of days to file an objection. If there is
5 no objection, the termination order gets signed by the
6 Judge.

7 That process is in place, now. This
8 process mirrors that and, basically, the same thing
9 would happen, they would file the affidavits since the
10 Judge ordered the X, Y and Z, that's now happened. I'm
11 asking for the order, for the IWO to be amended and
12 then assuming there's no objection, it goes out and if
13 there is an objection, there has to be a hearing on it.

14 So, that's what's proposed. That's what
15 this rule has attempted to do. We put it on the back
16 burner once we started the Quadrennial Review. It's
17 still not perfect. I mean, I still think there's going
18 to be a lot of problems, administratively.

19 And, there are some policy issues like what
20 happens if he follows the procedure or the
21 non-custodial parent follows the procedure and for some
22 reason, the Income Withholding Order doesn't get
23 amended in a timely fashion. Who bears the cost of

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1 that? If there's over payment, how do we apportion
2 that and give him credits without the child being
3 harmed in some way?

4 All of that is addressed. I'm not sure
5 that it's perfectly addressed, but I don't know any
6 better way to address it, other than what is here.

7 So, that's what that Subcommittee is
8 discussing and I would assume the next steps would be
9 to see if there needs to be any further changes to it.
10 And then either the Committee -- I was kind of at this
11 point last time, the Committee voted up or down and
12 made the decision.

13 PROFESSOR DAVIS: And, certainly, we would
14 like to hear input from the new Committee members, in
15 particular. As I said, the concept, we're all, I
16 think, the prior Committee members were existing, prior
17 and existing Committee members were a bit comfortable
18 with the change. It was the process to work out that
19 change and what happens if that process is not
20 followed.

21 HONORABLE SHERMAN: On the IWOs.

22 PROFESSOR DAVIS: Right.

23 HONORABLE SHERMAN: The other issue I

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1 didn't mention, but on Page 4 of the memo, this is very
2 simple, but this is additional language that Judge
3 Moore and I together had come up with, along with other
4 members of the Subcommittee. And, this is language
5 that basically is like an educational piece that this
6 amendment to the rule would require, it would not be
7 discretionary, but if this situation existed, there's a
8 child support order covering multiple children, you
9 must put in this language and that language, basically,
10 is telling the folks your child support is not
11 automatically modified. And it's just really an
12 educational piece.

13 PROFESSOR DAVIS: Yes.

14 MS. HARDY: Jessie Hardy. One thing I
15 love is that this is something that comes up in
16 practice all the time, so I like the equitability of
17 the three years. I realize five years is too long.
18 Two years might be too short, three years to me seems
19 equitable, just as a practitioner.

20 A lot of times, in your child bearing
21 years, your kids are usually within three years of each
22 other.

23 I do like in the proposed Committee

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comment, bottom of Paragraph 1, however, nothing in this amendment prohibits either party from pursuing the modification of child support based on material change of circumstances, otherwise allowed under Rule 32.

One question I have just as a practitioner given the current, say, of the Court of Civil Appeals Case Law under Turner v. Turner, there is a case before that a decision came out that denied a modification of support based on a child aging out, which was obviously assumed at the time that this multiple child support calculation went into affect.

And, I think the assumption on this Committee recommendation is that the income then stayed the same, essentially, possibly, between zero and three years when this is going to be modified because it's using income from three years ago to essentially make a step down later.

I would want to make sure that the interpretation of the comments on that sentence are a less income as substantially changed from the time it was entered three years prior, if that makes sense, but I think that that's really covered by case law and I think that's obvious if you believed that the other

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person's income is highly increased, or if that other person's income is substantially decreased from the time that the CS-42s were calculated, then yes, you have access to justice. You can consult with the lawyer or not and file a petition and it can be calculated at that time, but I love that it gives the framework for people to kind of know, okay, in three years, when my oldest ages out, this is going to be the Child Support Obligation because I think a lot of people don't understand, you have to go to court to change that.

Just because you have two children, you can't just cut that child support amount in half. When one ages out because we get this all the time, as practitioners. So ...

HONORABLE SHERMAN: So, the rule is expressly not saying -- it's expressly not prohibiting you from coming back and getting some other modification that might be appropriate.

MS. HARDY: Yes.

HONORABLE SHERMAN: And it might not be because non-custodials income has gone up. I mean, there's four levers on the guidelines that the income

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for the payor, the income for the payee, the cost of work related childcare, the cost of medical insurance.

So, any of those numbers. That's why I'm sure you all get it where we get parties that think that because the child aged out and the order is seven years old, they should pay less. And, in fact, they're going to pay more under the guidelines.

MS. HARDY: Yes.

HONORABLE SHERMAN: Because for one thing, we've updated the guidelines with new economic data and also, those numbers change.

So, the rule is to say this is what it's going to be if nobody else does anything.

MS. HARDY: Yes.

HONORABLE SHERMAN: But, if somebody wants to file something, you can still file something. I thought where you were going to go with your comment is that there is some case law that says you cannot make a prospective modification.

MS. HARDY: Yes.

HONORABLE SHERMAN: And, so that's an issue that the subcommittee has wrestled with and in talking with Judge Moore, the thought was and we

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include a Committee comment at the end of Paragraph 1, it says it's intended to provide an express and a limited exception to the general rule against a prospective modification.

If the Supreme Court says, "This is now the law," then, I don't think and Judge Moore agreed that it would not be a problem on appeal to have this prospective because it is still a prospective modification. I think, Heather, you had brought that up before.

MS. FANN: Right.

HONORABLE SHERMAN: Yes.

MS. FANN: Well, I was just comparing it when we talked about this before, too. I mean, we all know if there's only one child and the child support terminates, we don't want anybody to pay lawyers to go back and get some formal order.

HONORABLE SHERMAN: Right. Right.

MS. FANN: This is just a natural thing that's going to occur.

HONORABLE SHERMAN: Yes. Yes. So, that's what that's -- that's what that's all about.

MS. STEINWINDER: Judge, can you remind --

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1 Katie Steinwinder, can you remind us what the
2 discussion was behind it being discretionary? Was that
3 in case a payor just wasn't paying child support and
4 they shouldn't get the benefit?

5 HONORABLE SHERMAN: Yes, exactly. That
6 was an issue that I think some of the -- I can't
7 remember if it was within the subcommittee or the
8 committee at large when we discussed it, but there were
9 several people that had raised the question of a common
10 situation where they're not paying what they were
11 ordered to pay to begin with. So, should they get the
12 benefit of an automatic reduction and sometimes those
13 issues would be a prompt to get into court on the
14 contempt to try to address the arrearage and maybe a
15 payback?

16 I think the common thing is if the child
17 support is being reduced and there's an arrearage and
18 you keep paying what you were paying, but now we're
19 going to take a part of it and credit your arrearage or
20 something. So, I think that was the discussion that we
21 had had.

22 MS. STEINWINDER: Thanks.
23 PROFESSOR DAVIS: Okay. Any other

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1 comments? Well, again, to the --

2 HONORABLE JAMES: To that point, I don't
3 have it in front of me, but doesn't the current
4 affidavit for termination of the Income Withholding
5 Order, have a statement that the movant is asserting
6 that they are current on everything?

7 And, if so, would an analogous thing get
8 out ahead of that particular issue and file an
9 objection? No, that they aren't paying like they're
10 supposed to, they shouldn't enjoy it and the issue is
11 equitably held under that circumstance.

12 HONORABLE SHERMAN: Yes, Josh. I think
13 you're right, that it is in the current -- the current
14 rule on termination.

15 Another issue would be, of course, I'm a
16 trial judge so I prefer discretion on everything.

17 MS. FANN: Using it wisely.

18 HONORABLE SHERMAN: But, if it's -- I
19 imagine there could be circumstances where you've got a
20 person that has maybe just made a recent change in the
21 type of work they do, or they just started a new job,
22 or a person's whose income history shows wild
23 fluctuations.

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1 There's a lot of factual situations where I
2 think as a trial judge, I would like the ability to
3 say, "This isn't one of those cases." Like, maybe I'm
4 going to assume that most of them, this would apply,
5 but because of X, Y, Z facts, it wouldn't be
6 appropriate in this case.

7 I would feel more comfortable that the
8 children were being provided for at the level they
9 should be if we make them come back and deal with it
10 based on the circumstances. And particularly if it's
11 farther out, closer to the three year mark.

12 So, that's another reason I would prefer
13 discretion as a trial judge.

14 PROFESSOR DAVIS: Okay. And, who is on
15 this Committee?

16 HONORABLE SHERMAN: I know Katie was.

17 PROFESSOR DAVIS: Okay.

18 HONORABLE SHERMAN: You weren't on that
19 one, were you, Melody?

20 MS. BALDWIN: No.

21 HONORABLE SHERMAN: Were you -- Heather
22 was, weren't you?

23 MS. FANN: I think I -- if not, I'm happy

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1 to be because I don't like this change. And, I want to
2 be careful.

3 MS. HARDY: Attorney Jessie Hardy. I'd
4 love to join the Committee if you're taking applicants.

5 PROFESSOR DAVIS: Okay. I'm hoping we're
6 about done with this, right?

7 HONORABLE SHERMAN: I'm done with it. The
8 Committee needs to decide what they want to do with it.

9 PROFESSOR DAVIS: Okay. If anybody else
10 would like to, then we would certainly welcome them to.

11 Are there any other questions or comments
12 about that topic before we move on to the -- Judge
13 Sherman's second topic?

14 (No audible responses from Committee
15 members.)

16 PROFESSOR DAVIS: Okay.

17 HONORABLE SHERMAN: All right. So, I'll
18 move on then to the next issue. This is a -- it says,
19 "new discussion."

20 I think we discussed this. I don't know
21 how far we got with it in the Committee, but it's my
22 view that we need to amend Rule 32 (A)(1), which is
23 reasons for deviating from the Guidelines when we

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1 amended. The last significant amendment we did was
2 crafting a mechanism for calculating child support in
3 true 50/50 joint physical custody situations.

4 When we made that change, we created an
5 entire new subsection of the rule and our focus, I
6 think, as a Committee was on that section and I'm
7 really pleased with the work that we did on that
8 subsection.

9 However, what we didn't do that I think we
10 should have done and should do now is strike from the
11 reasons for deviating shared physical custody.

12 And, my reason for saying that, so
13 basically before we created this new way, we didn't
14 have a way of accounting for the fact that the parents
15 are having substantially equal parenting time or even
16 far in excess of what most judges might call standard
17 visitation, there was no way to do that in the form, in
18 the calculation.

19 And so we left it and we had it as a reason
20 to deviate, but now we have a way. And, it should be
21 the way. Like, that's why we have the way and a lot of
22 work went into it and I'm very confident in the data
23 that underlines it or forms a foundation for it that we

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1 got from Dr. Venohr.

2 And, I know that there are many, many
3 Judges. I'm assuming lawyers, too, because this came
4 up at the Judge's Conference that we had back in
5 January, that they think that if you submit, if you
6 have 50/50 shared physical custody and you submit the
7 CS-42-S and it says that the husband now should be
8 paying \$300.00 a month under the new calculation.

9 They still think that they can deviate from
10 that based on the fact that they're doing shared
11 physical custody. And, personally, I don't think
12 that's right. I don't think that is the intent of the
13 rule.

14 And, if you want to leave, like, if you
15 want to leave -- I said, "Strike it." I mean, you
16 probably should have some room in there for, we're not
17 at the 50/50 custody.

18 It's in excess of the standard visitation,
19 that's fine, but if it is a true 50/50 custody. They
20 should -- the rule, the presumption under the rule
21 should be this thing and the reason -- that should not
22 be a reason to deviate.

23 And so, I think the Committee, this

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1 Committee needs to address that issue and try to make a
2 recommendation to the Supreme Court to try to correct
3 that, in my view.

4 PROFESSOR DAVIS: I think we did have,
5 maybe, even on more than one occasion meet some
6 discussion on that. I'm not sure. It may or may not
7 have been the memo, I don't remember.

8 MS. FANN: Certainly, a discussion is in
9 the most recent transcript that we've just adopted.

10 PROFESSOR DAVIS: Right.

11 MS. FANN: There's a brief discussion
12 where we were asking some of the trial judges if they
13 were rejecting those. And, I think you said you were
14 rejecting those.

15 HONORABLE SHERMAN: I do, but I know a lot
16 of Judges do not.

17 PROFESSOR DAVIS: Yes. I think Judge
18 Williams may have been the one who said that.

19 HONORABLE SHERMAN: He said he takes them.

20 PROFESSOR DAVIS: Yes.

21 MS. HARDY: I would -- this is Jessie
22 Hardy. Say, just in Jefferson County, I've experienced
23 at least two Judges in Jefferson/Shelby County, believe

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1 that they have the discretion not to order that shared
2 custody child support.

3 Now, of course, if the party's agree, I
4 have a lot of clients who agree to shared custody and
5 when they see what the CS-42-S elicits, it's so low
6 that they make a compromise, a negotiation for somebody
7 to pay more of non-covered medicals or extracurricular.
8 So, that's different, but I have seen Trial Judges in
9 the last year think that they can still deviate from a
10 CS-42 as after trial and testimony because of that
11 exception still existing in Rule 32.

12 HONORABLE SHERMAN: And, I think they're
13 right about that as the rule reads right now. And
14 that's why I think we need to address it.

15 MS. STEINWINDER: Katie Steinwinder. What
16 if we have a situation where we have a 42-S and a true,
17 somewhere very close to 50/50 split, but you've got a
18 parent paying private school tuition, for instance.
19 And that -- eliminating that language would eliminate
20 the ability for them to make a bargain based on that.
21 I mean, we're in Montgomery County, so we have a lot of
22 private school tuition cases. So, that comes to mind.

23 Whether they're paying a disproportionate

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1 or a higher share, really expensive,
 2 **extracurriculars --**
 3 **HONORABLE SHERMAN:** Judge Sherman, none of
 4 that in my view has changed by what I'm suggesting.
 5 What I'm suggesting is what cannot be a reason to
 6 deviate is the shared physical custody, itself.
 7 **But, we can't -- we can't calculate shared**
 8 **physical custody on a CS-42-S and then deviate from the**
 9 **number it gives you based on the shared physical**
 10 **custody, itself. Any other grounds that ever existed**
 11 **to deviate, would still be reason to deviate.**
 12 **MS. STEINWINDER:** All right. We're just
 13 **cherry picking out that, specifically.**
 14 **HONORABLE SHERMAN:** Yes. We're saying
 15 when we have shared physical custody, this is how you
 16 calculate child support.
 17 **MS. STEINWINDER:** And, if there are no
 18 other grounds, that cannot be the grounds.
 19 **HONORABLE SHERMAN:** Yes.
 20 **MS. STEINWINDER:** Those grounds would have
 21 been on the other side.
 22 **HONORABLE SHERMAN:** You can still deviate
 23 for anything -- all of that.

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1 **MS. BALDWIN: Extraordinary --**
 2 **HONORABLE JAMES:** So, basically killing a
 3 **double deal.**
 4 **HONORABLE SHERMAN:** Say that, again?
 5 **HONORABLE JAMES:** Basically killing a
 6 **double deal.**
 7 **HONORABLE SHERMAN:** Yes. Kill the double
 8 **deal, agreed.**
 9 **MS. FANN:** It's a little bit of a back
 10 door when I'm experiencing it in trial court because
 11 you are trying to settle. You are negotiating. You're
 12 getting to trial and you're going well, "The Judge
 13 can't really deviate on this."
 14 **Once they submit that CS-42-S and then**
 15 **you're getting a court order and you're like, "Huh."**
 16 **HONORABLE SHERMAN:** Yes.
 17 **MS. FANN:** So, that's the issue that we
 18 see.
 19 **HONORABLE SHERMAN:** And, it's being taught
 20 that way to the Judges because that's what the rule
 21 says.
 22 **MS. FANN:** And, it does say that, now.
 23 **HONORABLE SHERMAN:** Yes.

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1 **MS. FANN:** Well, I'll just say, Heather
 2 Fann, I agree that it should be addressed, clarified,
 3 maybe just something that wasn't thought about at the
 4 time, but should have been.
 5 **PROFESSOR DAVIS:** Penny Davis. I think
 6 the intent of the Committee was that once we had worked
 7 through the schedules and had the proffered amounts
 8 based on what the economics was, but that would be the
 9 form just like the regular CS-42 Form would be and the
 10 other elements that would lead to deviation would still
 11 remain, but that otherwise, that would be the one
 12 that's --
 13 **HONORABLE SHERMAN:** It's like, it's
 14 analogous. It would be like me saying okay. Husband
 15 and wife are getting divorced. Wife is getting primary
 16 physical custody and husband is getting standard
 17 visitation.
 18 **And so I run a CS-42 and it says the**
 19 **husband should pay \$750.00 and then I decided to**
 20 **deviate as a Judge because the wife is getting primary**
 21 **physical custody and the husband is getting standard**
 22 **visitation.**
 23 **Like, that's the same thing. Like no,**

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1 **we've calculated it. You've got to have some**
 2 **extraordinary reason to deviate, right?**
 3 **PROFESSOR DAVIS:** And, that's really an
 4 **underlying rationale for having child support**
 5 **guidelines is the continuity that you have from one**
 6 **Judge to another --**
 7 **HONORABLE SHERMAN:** Correct.
 8 **PROFESSOR DAVIS:** -- and from one area to
 9 **the other.**
 10 **HONORABLE SHERMAN:** It encourages
 11 settlement, as Jessie was saying, it encourages
 12 settlement. If you have a presumptive child support
 13 amount. And, if that presumptive child support amount
 14 isn't real, then why do we have it in the rule?
 15 **PROFESSOR DAVIS:** And, one of the
 16 discussions that I recall with Jane and the information
 17 we get is one of the things that the feds look at is
 18 the amount of time there's a deviation from the rules.
 19 **HONORABLE SHERMAN:** Right.
 20 **PROFESSOR DAVIS:** Because of the
 21 underlying principle of continuity between courts and
 22 if two identical brothers, one is in Mobile and one is
 23 in Huntsville and their exact economic situation is the

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1 same. They both have twins. They're the same, born
2 the same day.

3 The map should be the same, not
4 substantially different. So, I think that would be
5 consistent with that underlying policy, too.

6 Are there any other comments or
7 suggestions? I'm certain the Subcommittee will
8 continue to work on that.

9 And then, anything else, Judge?

10 HONORABLE SHERMAN: No. That's all I
11 have.

12 PROFESSOR DAVIS: All right. Well, we
13 were hoping to have time to get to the CS-42 forms and
14 we have -- can everybody see the screen where you are?

15 Can we turn that on?

16 PROFESSOR GRAY: We'll just? Is this --

17 PROFESSOR DAVIS: Yes. We'll turn it on
18 and you have a form in front of you. And so we're
19 going to turn it over to Brian. He doesn't really have
20 a Subcommittee, he's the Subcommittee of one.

21 But, he likes taking directions from the
22 Committee as to what they really want.

23 PROFESSOR GRAY: Sure.

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1 PROFESSOR DAVIS: So, I'm going to turn it
2 over to Brian and let him say what he wants to about
3 the forms in general, or maybe a two minute overview of
4 the forms and then --

5 PROFESSOR GRAY: Okay. So, like some of
6 the other topics that we've been discussing, there are
7 a lot of things that were left on the table once we
8 started the Quadrennial Review and this is one of them.

9 So, I guess, looking at the forms, you have
10 the three forms in your packet. The shared custody
11 form, it looks like we wrapped that up around the
12 middle of 2023.

13 And, not too long after that, probably,
14 toward the end of 2024, the beginning of 2025, we
15 started having some discussion about the third party
16 considerations, third party custodians. And, so I
17 think the discussion was fairly limited but we had
18 enough to go on that I went ahead and drafted this form
19 CS-42-T. It's the third one in your packet.

20 And, as I said, I don't think we really
21 had a complete discussion about it, but this was sort
22 of where we left things. And so I'd be more than happy
23 to go over some of the old forms or go over to this

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1 form, if you like.

2 On the way up here, Penny and I had some
3 discussion about some of the various topics that we
4 might be discussing.

5 PROFESSOR DAVIS: But, the committee and I
6 think it was Jennifer, was it your committee that was
7 working on these third parties? Who was the chair? I
8 kind of think it was Jennifer, but maybe not.

9 MS. BUSH: I'm very suspicious that it
10 was.

11 HONORABLE SHERMAN: I don't want to throw
12 her under the bus, but it was Jennifer.

13 PROFESSOR DAVIS: So, we didn't ask her to
14 be on or prepared to speak today on that topic, but we
15 do have a Subcommittee. And some of the underlying
16 issues were discussed, but was not totally decided what
17 to do about third party custodial parents.

18 So, I think it's not a topic that's been
19 totally fleshed out to the point that we're going to
20 make any specific, nor are we making a decision about
21 anything else, but I thought it was appropriate for
22 Brian to talk about the form and that would help remind
23 us of some of the issues that we had.

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1 The typical scenario that I think about
2 with the third party custodial parents is when the
3 grandparent has assumed that role, maybe because of the
4 death of a one or well, let's say, one of the parents
5 and so you still have a surviving parent that's legally
6 obligated to pay child support, but he or she has not
7 been maybe involved in that child's life. And so it's
8 more appropriate for the child to stay with, or has
9 always been with the custodial parent and grandparent
10 live in that same household.

11 And now the custodial biological parent is
12 deceased and the grandparent steps up to form that, or
13 it could be circumstances where neither biological
14 parents have been taking care of that child for
15 whatever reason and the grandparent, or aunt or whoever
16 is doing that. So, the third party has been the
17 custodial parent.

18 HONORABLE SHERMAN: It's going to be a
19 dependency case, right? That's where we're --

20 PROFESSOR DAVIS: Right. Typically, those
21 scenarios are where you have that. So, we're trying to
22 deal with the idea of how to -- with regard to the
23 rule, how to deal with the income of those third

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1 parties and the deductions to merit whether we should
2 be mirroring those so that if, as a matter of public
3 policy, if a grandparent, let's say, is going to be
4 assuming the custodial role, but in order to do so,
5 they're working. They can't not work and so then
6 they're going to have to put that child, for example,
7 in childcare in order to be the custodial parent.

8 And, should there be a credit for that
9 grandparent for work related childcare cost, as it is
10 for the other two biological parents. That's part of
11 the issue. There may be others.

12 Again, not to throw Jennifer under the bus,
13 it's just not on the topic. I mean, not on the agenda.

14 On -- anything else you want to add?

15 MS. BUSH: I was going to say, we also
16 contemplated a situation, especially, when you're
17 talking about grandparents where maybe they are
18 retired, but just physically, they physically need some
19 daycare or childcare for the child because they're not
20 physically able to take care of that child 24/7.

21 They need that childcare to help give them
22 a break. And, so, it was -- it was from that
23 perspective, or childcare was not more employment

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1 related.

2 HONORABLE SHERMAN: So, we might need to
3 know we're ahead doing the form, but it says, "work
4 related childcare." So, the actual rule would address
5 when it would be appropriate to deduct it.

6 MS. BUSH: Yes. My memory is that, yes,
7 we did discuss all of that.

8 HONORABLE SHERMAN: Yes.

9 PROFESSOR DAVIS: And, again, that's one
10 of the committees that we start or stopped because of
11 our time frame that was guided by the feds. And so I
12 think there's several issues like that that haven't
13 been quite fleshed out. Go ahead.

14 MS. BUSH: I'm sorry. I didn't mean to
15 interrupt you, but there was also an issue of what if
16 you have both parents as a dependency case and you have
17 both parents and they can -- maybe they can contribute
18 income or maybe they have insurance, or childcare,
19 however account for that in this form without deducting
20 the child support?

21 You're the father. You're going to
22 provide insurance and you're the mother, you're going
23 to provide childcare, but I'm the grandparent keeping

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1 the child, does that deduct, just how those numbers
2 play out in increasing, or deducting because you
3 wouldn't necessarily and he'll go over the form, but
4 you wouldn't necessarily get a deduction where you
5 think you might get a deduction.

6 PROFESSOR DAVIS: So, just as we talked
7 about earlier, it's good to get Brian involved as we go
8 through the process to think out some areas, like when
9 we were driving down, we're talking about the minimum
10 of \$50.00 that you have, but what if one of the parents
11 is dead, the way it's set up, it's sort of
12 automatically in there because you presume they're
13 alive.

14 There's some issues that once you get into
15 the forms, you begin to -- that plays into this. So,
16 this is not and one of the issues was do we want
17 another form and because we've gone from one to two and
18 now all of a sudden, do we want to introduce a third,
19 but if we don't, then you'd have to go back to the one,
20 the original one and kind of redo that.

21 So, we wanted Brian to talk about where
22 he's working and that will help kind of direct the
23 Subcommittee as they're thinking about some of those

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1 issues, too. So, I'm going to go turn it back over to
2 Brian.

3 PROFESSOR GRAY: So, again, we had fairly
4 limited discussions. The Subcommittee had met maybe a
5 little bit and gave me enough direction to, at least,
6 get things started.

7 And that was February of 2025. And so we
8 went quite a period of time there, even before the
9 Quadrennial Review started. So, this has really been
10 sitting on the back burner for a pretty good bit.

11 But, basically, what this form does is it
12 takes the original CS-42 form and just adds a third
13 column, essentially.

14 And so if you look over here on the right,
15 you look over here on the right and there's that third
16 column for the third party. If you notice, it will be
17 where we greyed out the areas for the income.

18 PROFESSOR DAVIS: Yes.

19 PROFESSOR GRAY: And, that's one of the
20 things we were discussing coming down the road today to
21 include the income, or not include the income. I mean,
22 realistically, it seems like you would not, it would
23 depend on the situation.

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1 I'm sort of managing the situation where
2 the child has not necessarily been living with the
3 grandparents right then and there. The decisions made
4 they would live with the grandparents. It seems like
5 you were just looking at parents income to decide what
6 level has the child been living at, what should the
7 grandparents be receiving in order to maintain that
8 lifestyle?

9 I don't see why the parents income would
10 come into the picture, but, again it's possible point
11 of discussion. And, down here we have the section
12 where we allow for the childcare cost, for the
13 healthcare coverage cost that the third party could
14 pay.

15 So, when I was playing with this a little
16 bit last night to kind of refresh my memory, I thought,
17 a nice example to think about here is just to see how
18 it works, is to go ahead and give both parents, say,
19 equal income about \$2,000. We got pre-existing things
20 and you'll see it comes to a 50/50 share, which makes
21 sense.

22 And, the look up to, oh by the way, let me
23 take out the childcare and the health insurance. Okay.

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1 So, basically, you're left with \$685.00 that's coming
2 off the schedule.

3 And, as you might expect, if you work your
4 way down, the two parents end up just splitting that
5 amount. And, they would be paying that amount to the
6 third party and the third party is able to continue the
7 standard of living that they had before.

8 And, some of you think, well, now what
9 happens if the third party is contributing something?
10 Let's say a \$100.00 in either of these two categories,
11 then what happens is, the total obligation jumps up to
12 \$685.00, I'm sorry, \$785.00 from the \$685.00 which
13 makes sense and down at the bottom, the parents are
14 basically taking that \$100.00 and splitting it.

15 And, so, it works out pretty much like you
16 would expect it to. And so as Penny was mentioning,
17 there's much more that we need to discuss about how we
18 want to do this. And, I assume we'll pick that up
19 somewhere in the near future.

20 PROFESSOR DAVIS: And, just thinking about
21 Jennifer's scenario on Number 5, it does talk about
22 work related childcare cost, which says paid by either
23 parent or the third party, but in scenario where it's

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1 truly more respite childcare, however you can call it,
2 whatever you can call it. Then, we might need to
3 tinker with that line on this form, which still would
4 only be limited to presuming it would be otherwise, it
5 would still be only work related childcare cost on CS,
6 the main 42 and then the S, the shared custody, but
7 this one, the wording might be a little bit different
8 to encompass if that's the direction the Committee goes
9 for what I'm calling, the respite childcare.

10 PROFESSOR GRAY: Another possibility we
11 could consider the issue is too many forms. You could
12 have this form and the original CS-42 together, is one
13 form. You have the third party column, but if you
14 don't need the third party column, then you can leave
15 that out.

16 HONORABLE SHERMAN: I suggest the third
17 form.

18 PROFESSOR GRAY: Yes. I concur with you
19 on that.

20 HONORABLE SHERMAN: I think you would get
21 confusion on the -- in the cases where you would really
22 use the CS-42, I think you would get confusion.
23 Although, it's good you've got it blacked out, but like

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1 on the work related -- I don't know. I just think -- I
2 think it --

3 PROFESSOR GRAY: Yes.

4 HONORABLE SHERMAN: I have a hard enough
5 time getting people to fill out the forms we have. I
6 don't know that if we make it more complicated where
7 they have to make decisions about what goes in if
8 that's going to make it, if that would be feasible.

9 PROFESSOR GRAY: And you would have to
10 change that language, too, on the last line about how
11 much is being paid and who it is being paid to.

12 HONORABLE SHERMAN: Yes. Right. That's
13 right.

14 MS. HARDY: Jessie Hardy. If you go
15 forward with this form, which I don't think is a bad
16 idea, but I'm with Judge Sherman, please don't add it
17 to our CS-42.

18 It's a confusing thing, so I think this is
19 going to come up in dependency cases. And, one parent
20 may or may not be deceased.

21 I think you automatically have to change
22 Plaintiff and Defendant to Parent 1 and Parent 2. And,
23 I also think that you have to consider because I know

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1 dependency judges, a couple have come up to me and
2 asked me, would you consider this? I'm glad you guys
3 are, but they have said what about the social security
4 survivor benefits that the third party receives on
5 behalf of the children if one of the parents is
6 deceased?

7 Shouldn't that be factored in so there
8 might have to be an income number or some sort of
9 government support that they're receiving that would
10 offset because maybe one of the parents, say it's
11 Parent 2, this column would be empty because they're
12 deceased.

13 PROFESSOR DAVIS: Yes. We actually talked
14 -- Brian and I talked about that on the way down. If
15 the income flowed to the child on the work record of
16 that parent, it should be treated as if it came from
17 that parent on that form.

18 MS. HARDY: Right.

19 PROFESSOR DAVIS: Whereas, if it's through
20 that stepparent or some --

21 HONORABLE SHERMAN: So, we had that rule,
22 now, right?

23 PROFESSOR DAVIS: Yes.

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1 HONORABLE SHERMAN: I'm not talking about
2 in the third party cases, just in a normal case.

3 PROFESSOR DAVIS: Right.

4 HONORABLE SHERMAN: We had that rule, but
5 it's not on the form.

6 PROFESSOR DAVIS: Right.

7 HONORABLE SHERMAN: So, I don't know that

8 we would need it on the form. I think we would need to
9 make sure we specifically address it in the Rule.

10 I mean, in other words, like right now, if
11 I calculate that, I don't want to say this wrong. Am I
12 right? It's in the rule, right?

13 MS. FANN: It's in the Rule.

14 HONORABLE SHERMAN: They get an offset.

15 MS. FANN: But, the parent has to properly
16 include it in their CS-41 for you to consider it.

17 MS. BALDWIN: And, what we do is we added
18 them as parent's income to that parent.

19 HONORABLE SHERMAN: Give credit.

20 MS. BALDWIN: And then at the bottom, we
21 credit.

22 MS. FANN: Yes.

23 MS. HARDY: Right.

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1 MS. BALDWIN: So, that they're not having
2 to pay, essentially, twice, you credit it against that.

3 HONORABLE SHERMAN: So, that if the
4 benefit exceeds the child support amount, they're not
5 required to pay anything, but that's how we do it.

6 MS. FANN: That's right.

7 HONORABLE SHERMAN: But, that's not in the
8 form was really my point. So, I don't know that we
9 need to -- maybe we do, but it definitely needs to be
10 clear in the rule, but if that's what we're saying.

11 MS. FANN: I just think if you have a
12 deceased parent and they're receiving on behalf of that
13 deceased parent and the third party custodian is
14 receiving it because of that deceased parent, in
15 practice, they're not going to know where to put that
16 income number at.

17 MS. STEINWINDER: Well, but there's a new
18 -- Katie Steinwinder. There's a case on March 20th
19 that came out, that speaks directly to that issue and
20 to the fact that if it's not flowing from the parent,
21 who is listing their gross income, it speaks directly
22 to it.

23 In other words, if you are the adoptive

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1 parent of a child who is receiving social security
2 benefits that are derived from their deceased parent,
3 that the individual in this case, who took it up on
4 appeal wanted to get the benefit of half of those
5 benefits. Anyway, it really goes through the history
6 of all of that case law. So, I can't remember, it's
7 like --

8 PROFESSOR DAVIS: If you think about it,
9 can you send it to Jillian and she can --

10 MS. STEINWINDER: Yes.

11 PROFESSOR DAVIS: -- just send it out to
12 the Committee.

13 MS. STEINWINDER: In fact, I have a copy
14 in the car, but yes, it's directly on point and it
15 really walks you through that.

16 PROFESSOR DAVIS: Well, and, again we know
17 that a lot. You all may feel like you all fill out all
18 the forms for the whole world for child support, but a
19 lot of the parents will take the forms and fill them
20 out pro se and hand them to the judges. And so, you
21 know, that may be an issue that if there's something
22 not on the form that they might not be getting credit
23 for, but they should, then that maybe something we

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1 revisit, or at least, in the instructions to the form
2 say, "Hey, by the way, if this is your situation, this
3 needs to be included," or whatever we feel like is
4 appropriate to do.

5 And, that's one of the things I think that
6 one of the benefits of going through the form when we
7 see it and I really appreciate it. I like the
8 simplicity in which the way he does things. So, if you
9 wanted to take one of the steps, would understand and
10 that would be fine.

11 Anybody have any other questions about the
12 form? This is not necessarily the form that you will
13 -- we will be seeing because he'll be working with
14 Jennifer and other members on the Subcommittee.

15 Do you remember Jennifer? I'd hate to --
16 does anybody else here remember if they were on the
17 Subcommittee with Jennifer?

18 MS. BALDWIN: Well, if she had one, I was
19 probably on it because this is an issue, really, I
20 could go back and look. I don't remember. I think you
21 were.

22 MS. FANN: I probably was.

23 MS. BALDWIN: Because it's an issue I deal

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1 with quite a bit, obviously.

2 PROFESSOR DAVIS: Do you remember if you
3 were on it, too?

4 MS. BUSH: She's a smart --

5 PROFESSOR DAVIS: So, very quickly to
6 affirm, no, it was not me. It's the other guy, not me.
7 Okay. Anybody else want to be on this Subcommittee
8 that was not or can't remember if you were or not, but
9 willing to serve on it.

10 MS. BALDWIN: As a matter of fact, I think
11 you had the language all pretty much.

12 PROFESSOR DAVIS: She had a lot of the
13 language, well --

14 MS. BUSH: Well, we had a lot of -- the
15 Subcommittee had come up with a proposal and we may
16 have even submitted it to the Committee as a whole.
17 But, again, as others have mentioned, the Quadrennial
18 Review took precedence.

19 PROFESSOR DAVIS: Right.

20 MS. BUSH: So, there were policy decisions
21 that had to be made that I don't think were made, such
22 as childcare that's not work related.

23 So, I mean -- so we did come up with a

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1 proposal. We had proposed language, but it had not
2 been going to be discussed.

3 PROFESSOR DAVIS: If I remember correctly,
4 you worked on it maybe two or three different times
5 because we had some discussion and you can go back and
6 tinker with the language.

7 MS. BUSH: Yes.

8 PROFESSOR DAVIS: And I don't remember if
9 that was just in the Subcommittee Meetings or if it was
10 an entire Committee.

11 HONORABLE SHERMAN: We discussed it in the
12 Committee at large, but I think you're right. There
13 was sort of a framework, but there was still some
14 policy discussions that I think were open.

15 PROFESSOR DAVIS: Because I kind of think
16 you were on that Committee.

17 HONORABLE SHERMAN: No.

18 PROFESSOR DAVIS: I don't remember that.
19 Now, that you've talked -- now, that you've mentioned
20 it, I don't remember any of that.

21 HONORABLE SHERMAN: I don't know anything
22 about it.

23 PROFESSOR DAVIS: All right.

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1 PROFESSOR GRAY: And, I do remember
2 putting together this draft and I sent it to be
3 distributed to the Committee, but I don't think we ever
4 actually looked at it in the Committee.

5 PROFESSOR DAVIS: No. I don't think we
6 did, either.

7 HONORABLE SHERMAN: I do like the
8 simplicity of the form. And, I like that it is
9 basically, what they're already accustomed to with just
10 a couple of extra boxes. I think that's really good.

11 PROFESSOR DAVIS: So, I think, at least
12 one take away from our discussion so far is we don't
13 want Brian to spend his time working on, adapting the
14 CS-42 regular form to that. We are leaning toward the
15 third form, like what you have here. So, I think
16 that's helpful to him and the Committee at large.

17 Any other thoughts about this?

18 (No audible responses from Committee
19 members.)

20 PROFESSOR DAVIS: So, that would be not --
21 not really another topic because we do have it here in
22 the form of Brian talking about the -- and, if you
23 scroll up, we'll see that it was typically labeled as a

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1 CS-42-T form for the third party.
2 And, so, if somebody has other thoughts
3 about labeling, then you can mention that to the
4 Subcommittee and then to Brian, but if I'm under -- if
5 I'm following the flow of the Committee comments, we
6 would like Brian to continue to tinker with what we're
7 now calling at this point a CS-42-T Form. Okay.

8 All right. So, anybody that has any
9 questions or comments or follow-up with Jennifer and
10 her Subcommittee, we'll determine who all that is, to
11 get back with you on that? As far as the and we'll get
12 to the comments from the public in just a minute.

13 But, let's talk about prioritizing these
14 for our next meeting. We have the first one that
15 Heather had, which is the non-custodial parent with
16 higher income.

17 I think there's a smaller percentage of
18 people that that will impact. And, I don't think you
19 all had had time to do the research. So, I would put
20 that as a low priority.

21 MS. FANN: Agreed.

22 PROFESSOR DAVIS: Is that okay with you
23 all?

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1 MS. HARDY: Yes.
2 PROFESSOR DAVIS: Okay. And, then Melody
3 talked about the pre-existing Committee support
4 obligations, which does impact a lot of different
5 people.

6 It has multiple components to it. So, I
7 would put that on the front burner, although, I don't
8 know that y'all would necessarily be ready for our next
9 meeting. But, so maybe medium priority in terms of
10 timing, to keep occurring.

11 And then the multiple children's issue,
12 that's --

13 HONORABLE SHERMAN: I think that's ready
14 to be --

15 PROFESSOR DAVIS: -- pretty much, so that
16 would be at our next Committee Meeting, but we
17 certainly want to, we'll leave it up to the call of the
18 chair as to whether we'll have another Subcommittee
19 Meeting on that one.

20 HONORABLE SHERMAN: And, I'll just say if
21 there's any particular new members that have some
22 suggestive changes or even other people that have been
23 on the Committee that have thought of new issues,

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1 please let me know.

2 PROFESSOR DAVIS: Okay.

3 HONORABLE SHERMAN: As you're thinking
4 through priorities, I'm curious -- like, we have
5 potentially, realistically, four proposed rule changes
6 to the Supreme Court and one including a new form. I'm
7 wondering how you would present -- how would it be best
8 to present that to the Supreme Court? I mean, do we
9 want to present them all separately, like,
10 individually, so they could vote them up or down,
11 individually?

12 Do we want to say we've got multiple
13 changes and here they are, which ones do you like or
14 what?

15 PROFESSOR DAVIS: In the past, we have --
16 in the most recent past, when we had several issues
17 that we knew we were going to be approaching, unless it
18 was a substantially large change. And, I consider
19 these more minor, but they're significant because they
20 impact.

21 My suggestion would be that we -- unless,
22 there's one that's just hanging out there, we can't
23 decide, but we'd look in terms of presenting them as a

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1 package, even though they're not all -- I mean, they
2 stand on their own legs, but do not --

3 HONORABLE SHERMAN: They're independent of
4 one another. So, we would have sort of -- we would
5 establish priorities as to our reaching our conclusions
6 on them, but maybe not yet present them to the Supreme
7 Court until we've worked through at least a few of
8 them.

9 PROFESSOR DAVIS: Right and we've done
10 that before, right?

11 HONORABLE SHERMAN: Okay. I was just
12 curious.

13 PROFESSOR DAVIS: If the committee is
14 ordering it that way and Justice Cook is not with us
15 today, but we could certainly ask --

16 HONORABLE SHERMAN: I would assume -- I
17 mean, I don't presume to speak on behalf of the Supreme
18 Court by any stretch. But, I would presume that they
19 would want fewer request from the Committee, than --

20 PROFESSOR DAVIS: Right.

21 HONORABLE SHERMAN: Instead of us going

22 back and going back and going back.

23 PROFESSOR DAVIS: Yeah. I think that's

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1 probably correct.

2 MS. HARDY: You don't have to hold off if
3 you're waiting on one.

4 PROFESSOR DAVIS: I will say that they've
5 always been very receptive.

6 MS. HARDY: Yes.

7 PROFESSOR DAVIS: And, they deal with our
8 issues timely because they have historically viewed
9 them as being very important and they are aware it's
10 important to the public.

11 MS. HARDY: Yes.

12 PROFESSOR DAVIS: So, they are very quick
13 to do that, but it's also appropriate for us to be time
14 sensitive to their Wednesday meetings when they -- when
15 they -- okay, so, yes, I'm glad -- it sort of
16 clarifies. We're talking about priorities in terms of
17 our Committee working on that.

18 So, we think we're almost ready with that
19 one, anyway. So, the next one that's on the agenda is
20 really Judge Sherman's, also, which is the language
21 related to the shared custody deviations. And, that's
22 pretty up and down, I feel like.

23 HONORABLE SHERMAN: I don't think it will

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1 take long at all.

2 PROFESSOR DAVIS: So, that would
3 be --

4 HONORABLE SHERMAN: And it won't be
5 difficult to draft, either.

6 PROFESSOR DAVIS: Okay. So, again --

7 HONORABLE SHERMAN: Do we know how long it

8 is before our next meeting?

9 PROFESSOR DAVIS: No. We haven't set that

10 and that's what I was kind of getting towards is to see
11 what we need to do.

12 So, and then the third issue, Brian
13 presented it in the form of the forms, but it's also a
14 Jennifer chair issue.

15 So, I think, ideally, we'll want both of
16 them to be ready to go when we talk about it.

17 HONORABLE SHERMAN: Yes.

18 PROFESSOR DAVIS: So, how much time do you

19 think -- is this a one meeting done, or I see this as
20 more of a moderate one, kind of like yours, you may
21 have to deal with it a little bit more, timewise. I
22 don't know.

23 MS. BUSH: So, we did discuss the proposed

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1 changes, but it has been awhile. So, I don't know that
2 it's ready to be voted on. It might be, but I think
3 the Committee needs to review everything one more time
4 to make sure, yes, there are more changes, or no, it's
5 not, it's ready to go.

6 So, I don't think you could vote on it the
7 next time. I've got one more run through.

8 PROFESSOR DAVIS: Okay. All right. So
9 far, I see us as being able to move quickly on Judge
10 Sherman's issues. I may be wrong, I guess.

11 I think Melody has so many components that
12 yours is going to take the longest to deal with those
13 issues.

14 MS. BALDWIN: Probably.

15 PROFESSOR DAVIS: Than Jennifer's, but
16 yours may get more into -- when you get into the weeds,
17 they may have some more issues.

18 And then also I want to just say that,
19 particularly, to our new Committee members, we welcome
20 new topics to bring forward to the Committee and as
21 well as the public when you read the transcript, that
22 we welcome these, the suggestions for us to review the
23 aspects of the rule.

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1 And, I think yours came from a public
2 member that started, initiated from that.

3 MS. BALDWIN: It did, an attorney in
4 Madison County.

5 PROFESSOR DAVIS: Right. So, that's a
6 good example of what we hope to, so we're not
7 precluding new topics as we go forward and certainly
8 Judge Moore and some other members of the bench have
9 been very good about sharing their concerns.

10 So, for our next committee meeting, I think
11 we'll be able to take Judge Sherman's and perhaps,
12 Jennifer's and I thought maybe, at least, a part of the
13 issues relating to your topic.

14 So, this is April. So, how much time and I
15 know we're starting at the end of May, people have
16 summer breaks. I don't see this as being real time
17 sensitive, but on the other hand, we do have some
18 issues, like the shared custody issue which is a
19 lingering issue that we could address quickly, too.

20 So, how much time do you all think you
21 would need between now and when the Committee needs to
22 meet, again? I don't like meeting just for the sake of
23 meeting. Sometime this summer?

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1 MS. BUSH: So, from my perspective, I have
2 the language ready from where we left off and if there
3 were no changes, it would be good to go. And, it would
4 be good to go, but it just depends on if you want any
5 changes to where we are.

6 So, I could be ready technically now
7 because I'm going to -- because we had done a lot of
8 work on it.

9 PROFESSOR DAVIS: Okay. And, that will
10 put the whole burden on you to think about how much
11 time before our next Committee for you to -- your
12 Subcommittee needs to meet.

13 MS. BALDWIN: Right. I guess, we just --
14 we're going to have to have a general idea as to
15 whether or not --

16 PROFESSOR DAVIS: What directions you want
17 to go.

18 MS. BALDWIN: I mean, you wouldn't
19 necessarily -- well --

20 PROFESSOR DAVIS: All right. Let me ask
21 you this --

22 MS. BALDWIN: I want to have a meeting
23 with -- you know, we may have the Subcommittee Meeting

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1 and everybody say, "No. We want to leave it at a
2 hundred percent. We don't even care what everybody
3 else is doing."

4 PROFESSOR DAVIS: Yes.

5 MS. BALDWIN: I mean, and present it.

6 PROFESSOR DAVIS: Right. What is the
7 realistic time frame for us to get Jane, since that was
8 put on her radar before, but if you have to
9 advertise --

10 MS. BALDWIN: The hardest part, I think,
11 for us, I mean, because the percentage thing, that
12 question would not be hard to have it, to iron out, if
13 they wanted to change or leave it.

14 The hardest part is probably going to be
15 trying to draft something if it's possible to make it a
16 true First Family Rule.

17 PROFESSOR DAVIS: Yes.

18 MS. BALDWIN: Versus a First Order Rule.
19 I think that's going to be the hardest thing to do and
20 I would like to know if there's -- what other states
21 are doing, to do that.

22 And, I can look at everything that we've
23 got already from Dr. Venohr back from 2007 and 2008 and

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1 see if -- or just do my own research, but I --

2 PROFESSOR DAVIS: 2008. That was a long
3 time ago.

4 MS. BALDWIN: Yes, it is. And I'm sure
5 there's been a lot of changes since then.

6 PROFESSOR DAVIS: So, if you do -- if you
7 have to do all of the advertising and all that, what's
8 the time frame? Are you talking about several months,
9 I would think.

10 MS. PEEK: I think so. I think it's sixty
11 to ninety days. I'm not positive on that because the
12 last time it went up for bid, Bob was still here, so he
13 did most of that, but I think it was a couple of
14 months.

15 PROFESSOR DAVIS: Yes. All right. So --

16 MS. BALDWIN: Whenever you do have your
17 next meeting, we'll have a Subcommittee meeting in
18 between and at least have some answers as to where they
19 want to -- where the Subcommittee --

20 PROFESSOR DAVIS: I don't see us voting on
21 that one and maybe not even yours. We could meet, say
22 early -- late May, early June. We do run into that or
23 we could push it on back to the -- the fall.

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1 It's really kind of what the Committee
2 wants to do. It may be helpful if we do meet one more
3 time and we go into a little more detail about your two
4 to get directions.

5 We wouldn't have the benefit of Jane's
6 information by that time, but that would give us, as a
7 Committee, a time to talk about whether we want to
8 approach the issue of -- the first -- the first one
9 that shows up at the courthouse or the first baby
10 that's born, which I think is an important issue.

11 So, we'll send out some dates that are in
12 the -- the end of May, the first of June, some time
13 frame to see, when the majority of the people can meet.

14 And, that will give you all time in the interim to get
15 a Subcommittee Meeting under your belt before then.

16 And, if you have any drafts, I think you
17 would probably have a draft at that time. Judge
18 Sherman would have two drafts at that time.

19 And, we could probably go ahead and vote on
20 those two unless something comes up, or some case comes
21 down, that makes us want to rethink that. We would not
22 vote on, necessarily these two issues. And, then if
23 somebody presents a third, another issue between now

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1 and then, we'll take that up.
 2 So, does that sound okay to everybody?
 3 Okay. Again, I want to be mindful of you all's time
 4 because I certainly appreciate it.
 5 All right. Let's go back. At the end of
 6 our schedule agenda is when we ask the public if they
 7 have any comments. And, again, I can't see you all so
 8 I'm going to stand up and I'll ask any of the public
 9 members and we have a Committee member sitting with you
 10 all, so we are glad you could join us.
 11 So, of the public, do you all have any
 12 questions, or comments, or statements that you all
 13 would like to make?
 14 MS. HOWELL: No, ma'am.
 15 MS. BROWN: No.
 16 MS. CLARK: No.
 17 PROFESSOR DAVIS: Okay. So, if the
 18 transcript will reflect that they said no. So, okay.
 19 Do the Committee members have anything else
 20 that we need to discuss, any new aspects, or
 21 suggestions for topics for us to look at?
 22 (No audible responses from Committee
 23 members.)

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1 PROFESSOR DAVIS: Okay. Well, again, I
 2 appreciate your time and your travel. Is there
 3 anything else you need to tell us about the travel? Do
 4 you have the travel vouchers?
 5 MS. PEEK: So, a few of you, I have
 6 already tagged and given your forms. I have one for
 7 you, Judge Sherman.
 8 I do have blank forms as well, if you are
 9 registered in the STAARS System. That's the Department
 10 of Finance's System to process everything, pretty much.
 11 So, if you're in that, I'll be happy to give you a
 12 sheet, then we can figure out your mileage.
 13 PROFESSOR DAVIS: Is there anything from
 14 the court's perspective that we need to be dealing
 15 with?
 16 MS. BLACKBURN: Not that I know of.
 17 PROFESSOR DAVIS: Is there anything else?
 18 (No audible responses from Committee
 19 members.)
 20 PROFESSOR DAVIS: Well, we will adjourn.
 21 Thank you all.
 22
 23

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1 (Whereupon, the meeting of the Advisory
 2 Committee on Child Support Guidelines and Enforcement
 3 was concluded at approximately 11:55 a.m. CDT.)
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 15 I certify that I am not related by either
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**HONORABLE
JAMES: [4] 9/7
66/2 74/2 74/5
HONORABLE
SHERMAN: [128]
HONORABLE
STEPHENS: [4]
8/19 17/22 35/19
38/8
MS. BALDWIN:
[64] 9/12 19/8 20/11
28/2 29/6 29/9 32/6
32/10 33/19 34/2
34/23 36/12 36/17
37/10 37/15 37/21
38/4 39/3 39/10
39/21 40/3 40/10
42/9 43/19 44/6
44/10 44/14 44/17
44/22 45/2 45/18
46/2 46/6 46/13
46/17 47/4 47/17
47/20 48/6 48/14
48/21 49/2 49/6
49/17 53/8 53/13
67/20 74/1 90/17
90/20 91/1 93/18
93/23 94/10 103/14
104/3 105/13
105/18 105/22
106/5 106/10**

**106/18 107/4
107/16
MS.
BLACKBURN: [6]
8/10 11/4 11/10
11/12 52/17 110/16
MS. BROWN: [3]
10/9 10/17 109/15
MS. BUSH: [12]
8/13 50/7 79/9
81/15 82/6 82/14
94/4 94/14 94/20
95/7 102/23 105/1
MS. CLARK: [2]
10/3 109/16
MS. FANN: [51]
9/17 15/4 16/5
16/19 16/22 17/1
17/10 17/13 17/17
18/20 19/1 19/5
20/7 20/21 20/23
22/1 22/15 23/18
23/23 24/3 40/17
41/19 42/12 42/16
42/22 43/2 43/6
43/10 43/16 47/2
47/11 47/19 52/9
64/11 64/13 64/19
66/17 67/23 71/8
71/11 74/9 74/17
74/22 75/1 90/13
90/15 90/22 91/6**

**91/11 93/22 97/21
MS. HARDY: [22]
8/2 24/8 24/13 25/8
25/11 25/16 42/4
43/5 60/14 62/20
63/8 63/14 63/20
68/3 71/21 88/14
89/18 90/23 98/1
101/2 101/6 101/11
MS. HOWELL:
[2] 10/6 109/14
MS.
MATTHEWS: [2]
8/22 53/21
MS.
MCCLENNEY:
[4] 8/14 50/13 50/15
50/18
MS. PEEK: [15]
9/5 11/7 11/19
19/10 19/13 20/9
21/4 26/21 49/18
49/22 50/2 50/12
50/14 107/10 110/5
MS.
STEINWINDER:
[16] 8/17 12/19
16/21 18/22 40/22
41/7 53/6 64/23
65/22 72/15 73/12
73/17 73/20 91/17
92/10 92/13**

	/	26 [2] 113/20 113/22
PROFESSOR	/s [1] 113/15	
DAVIS: [137]	0	3
PROFESSOR	04-10-26 [1] 113/22	300 [1] 1/15
GRAY: [11] 7/22	1	32 [14] 7/21 24/11
77/16 77/23 78/5	10 [1] 1/6	28/8 28/14 29/16
84/3 84/19 87/10	10:00 [1] 1/9	30/6 30/11 30/23
87/18 88/3 88/9	10th [1] 2/9	31/19 33/6 38/5
96/1	11:55 [1] 111/3	61/4 68/22 72/11
\$	11th [1] 11/21	36104 [1] 1/16
\$100.00 [2] 86/10	13th [1] 2/3	4
86/14	17th [2] 28/10 55/8	41 [1] 90/16
\$150.00 [1] 57/17	19 [1] 56/23	42 [11] 42/12 72/10
\$2,000 [1] 85/19	2	75/9 75/18 77/13
\$20,000.00 [1]	2006 [1] 33/1	84/12 87/6 87/12
24/15	2007 [5] 33/1 34/10	87/22 88/17 96/14
\$25.00 [2] 58/1 58/2	34/16 37/16 106/23	42-S [1] 72/16
\$300.00 [1] 70/8	2008 [6] 29/21 33/1	42s [2] 42/5 62/3
\$50.00 [1] 83/10	34/10 34/16 106/23	43 [8] 15/13 20/18
\$600 [1] 57/15	107/2	21/11 21/21 21/23
\$600.00 [1] 57/12	2009 [1] 37/16	22/2 22/16 22/17
\$685.00 [3] 86/1	2023 [1] 78/12	43s [3] 15/18 18/12
86/12 86/12	2024 [4] 28/10	20/16
\$750 [1] 57/14	48/10 55/8 78/14	4th [1] 2/14
\$750.00 [2] 57/11	2025 [3] 12/5 78/14	5
75/19	84/7	50 [6] 69/3 70/6
\$785.00 [1] 86/12	2026 [3] 1/6 7/5	70/17 70/19 72/17
'	11/21	85/20
'imputing [1] 29/22	20th [1] 91/18	50/50 [6] 69/3 70/6
'The [1] 30/2	24/7 [1] 81/20	70/17 70/19 72/17
		85/20

5	52/15 52/23 53/15	112/11
525 [1] 113/19	54/11 54/22 56/9	accustomed [1]
5th [2] 4/16 9/14	57/4 58/2 64/14	96/9
7	64/22 68/6 68/12	across [1] 18/1
7th [1] 12/5	72/13 75/3 78/2	acted [1] 112/18
9	78/15 78/21 79/3	actual [2] 41/3 82/4
9-30-26 [1] 113/20	79/17 79/20 79/22	actually [11] 15/15
A	80/1 81/17 83/7	23/11 30/13 30/16
a.m [2] 1/9 111/3	83/9 83/21 83/23	31/5 38/22 43/7
ability [2] 67/2	85/17 85/19 86/17	45/23 46/21 89/13
72/20	86/20 86/21 88/7	96/4
able [12] 19/22 20/4	88/10 89/3 89/14	actually talked [1]
20/12 20/19 22/6	90/1 92/8 93/11	89/13
23/8 26/13 49/14	95/22 96/17 96/22	adapting [1] 96/13
81/20 86/6 103/9	97/3 97/13 98/3	add [3] 38/15 81/14
104/11	101/16 102/16	88/16
about [93] 9/19	104/9 105/10 107/8	added [1] 90/17
11/17 12/10 14/14	108/3 108/7 110/3	addition [1] 50/20
14/15 15/3 17/20	accept [2] 12/17	additional [3] 35/9
18/22 22/19 22/19	12/19	53/1 60/2
24/4 26/9 26/19	accepted [1] 13/19	address [9] 24/20
27/15 27/23 28/7	access [5] 19/1	57/20 59/6 65/14
30/21 30/22 31/10	20/10 21/15 22/6	71/1 72/14 82/4
31/19 32/2 32/12	62/4	90/9 104/19
32/18 33/16 35/10	accessing [1] 22/20	addressed [6] 18/4
35/16 35/20 36/20	accomplished [1]	34/10 57/19 59/4
39/5 42/7 42/11	52/11	59/5 75/2
44/4 44/11 44/12	according [1] 50/14	addressing [1]
44/15 44/23 46/11	account [1] 82/19	15/17
46/14 46/14 51/7	accounting [1]	adds [1] 84/12
	69/14	adjourn [1] 110/20
	accurate [2] 40/14	administrative [3]

A	82/9 84/3 85/10	Alacourt [4] 18/18
administrative... [3]	92/16 94/17 102/6	20/16 22/23 23/2
5/14 56/11 57/10	104/22 109/3 109/7	aligned [1] 51/10
administratively [1]	110/1	alimony [3] 52/14
58/18	against [3] 28/22	52/18 52/23
adopted [1] 71/9	64/3 91/2	alive [1] 83/13
adoptive [1] 91/23	age [1] 56/18	all [78] 10/21 10/22
advertise [2] 49/15	aged [1] 63/5	10/23 11/1 11/8
106/9	agenda [5] 11/21	11/20 13/2 13/13
advertising [1]	14/2 81/13 101/19	13/14 16/15 16/17
107/7	109/6	18/12 20/9 20/14
ADVISORY [7]	ages [3] 55/21 62/8	21/21 23/21 26/19
1/1 28/11 30/3	62/14	27/22 28/6 30/19
30/10 33/2 33/10	aging [1] 61/9	31/15 32/9 33/8
111/1	ago [4] 52/5 55/13	37/10 41/1 41/23
affect [1] 61/11	61/16 107/3	45/19 46/15 47/14
affidavit [2] 57/23	agree [4] 18/7 72/3	47/22 48/8 50/19
66/4	72/4 75/2	51/21 51/22 53/2
affidavits [1] 58/9	agreed [3] 64/6	54/2 54/13 59/4
affirm [1] 94/6	74/8 97/21	59/15 60/16 62/14
affirmatively [1]	agrees [1] 56/1	63/4 64/14 64/22
13/3	ahead [10] 7/9 14/7	68/17 73/12 73/23
afford [1] 24/4	51/2 56/21 66/8	77/10 77/12 82/7
after [8] 29/4 30/9	78/18 82/3 82/13	83/18 92/6 92/17
39/13 39/15 55/22	85/18 108/19	92/17 92/17 94/11
57/4 72/10 78/13	aided [1] 112/9	95/23 97/8 97/10
again [26] 7/14	AL [1] 1/16	97/19 97/23 99/9
10/20 13/8 22/21	ALABAMA [15]	100/1 102/1 103/8
24/3 25/17 33/2	1/3 2/20 3/6 3/10	104/20 105/20
33/12 35/14 35/16	4/9 5/13 5/21 6/6	107/7 107/7 107/15
40/17 50/22 53/18	6/14 8/1 8/6 9/7	108/14 109/5 109/7
66/1 74/4 81/12	10/8 32/12 112/4	109/10 109/11

A	80/9 101/5	any [51] 7/20 11/2
all... [3] 109/12	am [8] 9/19 16/21	12/12 12/13 13/4
110/21 112/12	40/23 44/15 51/23	16/14 16/15 16/15
all's [1] 109/3	90/11 112/15	16/20 17/19 18/12
allow [3] 21/20	112/20	20/19 21/22 25/18
36/2 85/12	ambiguous [1] 37/7	26/4 27/15 28/22
allowed [2] 36/8	amend [3] 38/16	35/16 35/17 40/1
61/4	57/8 68/22	40/15 47/15 48/14
allowing [1] 30/5	amended [5] 57/9	52/15 52/23 54/16
allows [2] 30/11	57/16 58/11 58/23	54/22 59/5 59/9
41/11	69/1	63/3 65/23 68/11
almost [2] 24/17	amendment [4]	73/10 77/6 79/20
101/18	30/11 60/6 61/2	93/11 95/20 96/17
along [2] 50/19	69/1	97/8 98/21 100/18
60/3	among [1] 55/7	105/4 108/16 109/7
already [6] 34/10	amount [15] 23/9	109/8 109/11
44/20 49/16 96/9	24/19 30/13 30/15	109/20 112/16
106/23 110/6	41/13 41/17 42/9	112/18 113/2 113/3
also [25] 10/2 10/13	57/1 62/13 76/13	anybody [17] 10/15
14/14 14/23 15/1	76/13 76/18 86/5	12/8 12/12 17/7
17/10 24/10 24/13	86/5 91/4	17/14 25/17 28/7
26/9 29/11 29/19	amounts [2] 16/1	52/23 53/3 53/17
35/13 36/18 38/5	75/7	54/9 64/16 68/9
39/18 42/7 42/22	analogous [2] 66/7	93/11 93/16 94/7
63/11 81/15 82/15	75/14	97/8
88/23 101/13	another [14] 32/19	anybody's [1]
101/20 102/13	32/20 33/19 43/23	48/15
103/18	47/6 66/15 67/12	anyone [1] 17/1
although [3] 46/17	76/6 83/17 87/10	anything [16] 12/9
87/23 98/7	96/21 98/18 100/4	27/3 27/6 33/16
always [6] 11/16	108/23	35/20 63/13 73/23
22/23 26/10 26/10	answers [1] 107/18	77/9 79/21 81/14

A	14/20 99/17	105/5 106/21 107/8
anything... [6] 91/5	appropriate [12]	108/11 109/10
95/21 109/19 110/3	13/22 26/4 35/7	110/8
110/13 110/17	36/7 37/3 62/19	area [7] 7/21 9/3
anyway [3] 17/7	67/6 79/21 80/8	23/20 25/7 25/19
92/5 101/19	82/5 93/4 101/13	55/2 76/8
anywhere [2] 31/12	approximately [1]	areas [3] 55/3 83/8
48/15	111/3	84/17
AOC [1] 9/5	APRIL [2] 1/6	aren't [1] 66/9
AOC's [1] 11/23	104/14	argument [1] 36/6
apparently [1] 39/8	are [71] 7/15 9/22	around [4] 11/20
appeal [3] 55/14	11/2 14/1 14/16	20/6 47/14 78/11
64/7 92/4	15/7 16/2 16/9	arrearage [4] 56/8
Appeals [5] 2/5	16/15 17/9 18/2	65/14 65/17 65/19
3/19 9/8 55/13 61/6	19/3 19/23 20/6	as [104] 7/19 8/8
APPEARANCES	23/14 23/22 25/6	8/9 9/23 9/23 10/19
[1] 2/1	27/7 28/15 30/7	12/18 13/13 14/11
applicants [1] 68/4	34/13 36/1 37/2	14/17 14/20 15/23
applied [1] 29/11	40/20 40/20 40/21	18/12 18/16 18/21
applies [2] 31/2	42/7 42/12 44/4	19/16 20/16 21/6
38/5	44/8 44/17 47/18	21/15 21/21 21/23
apply [4] 31/1	52/13 52/13 53/19	22/7 22/8 22/9
37/13 43/12 67/4	53/19 55/17 55/18	22/16 24/6 24/6
appointed [1] 8/23	57/7 58/19 60/21	26/1 27/4 27/5 31/3
appointees [1]	61/19 66/6 68/11	32/15 35/12 35/22
31/21	69/15 70/2 73/17	35/22 36/22 36/22
apportion [1] 59/1	74/11 74/11 75/15	36/23 37/22 38/20
appreciate [6] 7/4	77/6 77/14 78/6	38/21 39/7 39/7
11/16 13/8 93/7	79/20 80/21 81/17	39/17 42/23 49/9
109/4 110/2	86/13 89/3 91/23	49/10 51/9 54/7
approach [1] 108/8	92/2 96/14 99/13	54/11 54/16 54/17
approaching [2]	101/9 101/12 103/4	54/20 54/20 55/15

A as... [49] 59/15 60/19 61/5 61/20 62/14 67/2 67/13 69/6 69/19 72/10 72/13 75/20 76/11 77/22 78/20 81/2 81/9 82/16 83/6 83/7 83/23 86/3 86/16 89/16 90/18 94/10 94/16 94/17 94/22 96/23 97/11 97/11 97/20 98/18 99/3 99/23 100/5 101/9 102/19 103/9 103/20 103/21 104/7 104/16 105/14 107/18 108/6 110/8 112/18 ask [13] 7/19 10/13 10/20 28/5 36/20 38/11 49/13 54/3 79/13 100/15 105/20 109/6 109/8 asked [4] 43/21 55/3 56/10 89/2 asking [3] 45/6 58/11 71/12 aspect [3] 15/22 26/2 27/9 aspects [5] 14/17 53/18 53/20 103/23	109/20 asserting [1] 66/5 assistance [1] 113/5 Assistant [1] 9/12 assume [4] 59/8 67/4 86/18 100/16 assumed [3] 52/1 61/10 80/3 assuming [4] 40/10 58/12 70/3 81/4 assumption [4] 39/11 39/13 40/14 61/12 assumptions [1] 40/20 attempted [1] 58/15 attended [2] 113/6 113/9 attorney [15] 3/8 3/15 4/1 4/4 4/15 4/20 5/1 5/5 5/11 8/11 8/18 9/13 28/13 68/3 104/3 attorneys [1] 38/9 audible [10] 10/18 12/14 13/5 25/21 27/17 54/23 68/14 96/18 109/22 110/18 aunt [1] 80/15 AUTAUGA [1]	112/3 automatic [1] 65/12 automatically [3] 60/11 83/12 88/21 available [2] 39/15 39/17 Avenue [1] 1/15 aware [2] 52/19 101/9 away [2] 19/16 96/12 awful [1] 40/19 awhile [1] 103/1 Aye [1] 13/2 B baby [2] 47/5 108/9 back [24] 13/22 26/17 28/6 37/19 49/5 54/1 58/15 62/18 64/17 67/9 70/4 74/9 83/19 84/1 84/10 93/20 95/5 97/11 100/22 100/22 100/22 106/23 107/23 109/5 background [1] 35/3 backwards [1] 21/8 bad [3] 20/6 47/14 88/15 Baldwin [2] 4/14
---	--	---

B		
Baldwin... [1] 9/12	62/9 62/12 62/14	100/10 102/8
bar [2] 25/18 26/5	62/22 63/5 63/9	105/11 106/8
bargain [1] 72/20	64/8 67/5 68/1 70/3	108/15
based [10] 19/17	72/10 74/10 74/20	begin [3] 21/20
22/13 25/3 61/3	75/20 76/20 80/3	65/11 83/15
61/9 67/10 70/10	81/19 82/10 83/2	beginning [1] 78/14
72/20 73/9 75/8	83/12 83/17 88/23	behalf [3] 89/5
basically [15] 33/8	89/10 89/11 91/14	91/12 100/17
34/15 34/19 39/14	93/13 93/19 93/23	behavior [1] 47/15
57/22 58/8 60/5	95/5 95/15 96/21	behind [1] 65/2
60/9 69/13 74/2	99/19 101/8 105/7	being [19] 18/13
74/5 84/11 86/1	105/7 106/11	18/14 19/13 19/15
86/14 96/9	107/11 109/4	28/20 30/8 30/13
basis [1] 23/20	becomes [1] 57/15	34/6 34/22 59/2
be [173]	been [37] 8/6 12/6	65/2 65/17 67/8
bearing [1] 60/20	13/11 14/12 14/23	74/19 88/11 88/11
bears [1] 58/23	19/14 19/20 21/23	101/9 103/9 104/16
beautiful [1] 7/6	21/23 26/13 31/14	believe [2] 50/23
became [1] 51/21	35/4 35/4 35/5 47/7	71/23
because [72] 10/14	50/1 50/11 71/7	believed [2] 39/14
10/21 14/1 14/11	71/18 73/21 75/4	61/23
14/15 18/1 19/5	78/6 79/18 80/7	belt [1] 108/15
19/23 21/12 23/21	80/9 80/14 80/16	bench [6] 16/14
24/14 25/4 26/9	82/13 84/9 85/2	17/19 26/5 27/12
32/7 32/19 33/12	85/6 95/2 98/22	35/15 104/8
34/3 36/5 36/14	101/5 103/1 104/9	benefit [6] 14/6
39/11 39/16 40/6	107/5	65/4 65/12 91/4
40/7 40/20 42/19	before [18] 7/10	92/4 108/5
43/6 44/20 45/11	14/18 27/15 28/7	benefits [4] 89/4
46/22 49/6 50/10	33/10 47/3 61/7	92/2 92/5 93/6
53/14 57/5 61/15	64/10 64/14 68/12	best [3] 11/16 24/20
	69/13 84/8 86/7	99/7

B	bonded [1] 112/7	50/19
better [2] 54/21 59/6	born [3] 29/4 77/1 108/10	Building [1] 1/13
between [6] 41/10 61/14 76/21 104/21 107/18 108/23	both [11] 31/1 31/2 38/6 38/7 38/18 56/21 77/1 82/16 82/17 85/18 102/15	bump [1] 15/23
Beverly [6] 6/18 7/10 28/4 112/6 113/15 113/16	bottom [3] 61/1 86/13 90/20	burden [1] 105/10
beyond [1] 30/5	boxes [1] 96/10	burner [3] 58/16 84/10 98/7
Bibb [1] 2/15	break [1] 81/22	bus [2] 79/12 81/12
bid [3] 49/19 51/5 107/12	breaks [1] 104/16	Bush [2] 3/8 8/13
big [1] 23/22	Brian [17] 3/1 7/19 7/22 54/13 54/19 77/19 78/2 79/22 83/7 83/21 84/2 89/14 96/13 96/22 97/4 97/6 102/12	Business [1] 3/4
biological [3] 80/11 80/13 81/10	brief [1] 71/11	C
Birmingham [6] 4/5 4/21 8/6 9/2 9/4 9/18	briefs [2] 33/5 48/8	cabinet [1] 18/18
bit [9] 27/21 59/17 74/9 84/5 84/10 85/16 87/7 94/1 102/21	bring [3] 38/10 41/15 103/20	calculate [4] 56/20 73/7 73/16 90/11
Blackburn [2] 5/4 8/10	broad [1] 53/18	calculated [4] 41/16 62/3 62/6 76/1
blacked [1] 87/23	Brook [2] 5/2 23/20	calculating [2] 36/4 69/2
blank [1] 110/8	brothers [1] 76/22	calculation [4] 28/21 61/11 69/18 70/8
blood [1] 112/16	brought [3] 35/18 46/1 64/9	call [8] 15/8 19/7 47/21 51/9 69/16 87/1 87/2 98/17
board [1] 50/21	Brown [2] 5/18 10/9	called [2] 8/3 19/17
Bob [6] 19/8 28/7 49/2 49/3 49/3 107/12	bucks [1] 58/2	calling [2] 87/9 97/7
	budget [1] 50/16	came [11] 11/6 19/6 24/16 29/13 32/11 37/15 61/8 70/3 89/16 91/19 104/1
	budgetary [1]	can [45] 7/15 14/18

C	21/13 21/13 21/14	certify [3] 112/8
can... [43] 15/15	22/22 23/1 39/2	112/15 113/1
18/8 18/22 20/17	39/14 41/14 46/9	chair [7] 2/22 9/16
22/14 24/4 26/17	47/2 47/13 61/7	9/19 32/3 79/7
27/4 27/13 28/5	61/7 61/22 63/18	98/18 102/14
31/12 47/12 47/20	65/3 67/6 80/19	change [17] 26/15
49/15 50/3 50/23	82/16 90/2 91/18	33/4 43/18 55/9
51/14 56/2 56/8	92/3 92/6 108/20	55/10 59/18 59/19
56/12 57/22 62/4	cases [19] 15/15	61/3 62/11 63/11
62/5 63/16 64/23	18/3 18/7 19/23	66/20 68/1 69/4
65/1 70/9 72/9	23/5 23/6 23/14	88/10 88/21 99/18
73/22 77/14 77/15	23/19 24/1 24/14	106/13
82/17 82/17 87/1	24/22 36/18 43/2	changed [3] 54/18
87/2 87/14 92/9	55/14 67/3 72/22	61/20 73/4
92/9 95/5 97/3	87/21 88/19 90/2	changes [14] 12/12
106/22 108/13	catches [1] 56/6	12/13 12/16 26/1
110/12	categories [1] 86/10	26/6 59/9 98/22
can't [13] 10/14	categorize [1]	99/5 99/13 103/1
19/1 20/16 62/13	21/18	103/4 105/3 105/5
65/6 73/7 73/7	cause [1] 112/9	107/5
74/13 81/5 92/6	CDT [2] 1/9 111/3	changing [3] 34/18
94/8 99/22 109/7	central [1] 18/15	42/12 48/5
Candi [1] 16/19	certain [1] 77/7	charge [2] 27/2
cannot [3] 63/18	certainly [11] 10/21	27/3
73/5 73/18	14/18 40/19 51/20	chart [1] 15/8
capable [1] 20/3	59/13 68/10 71/8	charts [1] 15/7
car [1] 92/14	98/17 100/15 104/7	cherry [1] 73/13
care [3] 80/14	109/4	child [105] 1/2 4/7
81/20 106/2	CERTIFICATE [1]	5/19 6/2 6/4 6/12
careful [1] 68/2	112/1	8/8 8/15 9/13 10/3
case [29] 16/7 18/16	certified [2] 112/7	10/7 10/10 11/23
18/19 19/23 20/17	113/21	19/23 24/16 26/2

C	child-support [3] 28/9 30/3 30/8	9/8 55/12 61/6
child... [89] 27/8	childcare [16] 63/2	clarification [2]
28/1 28/9 28/11	81/7 81/9 81/19	39/5 39/6
30/3 30/6 30/8	81/21 81/23 82/4	clarified [1] 75/2
30/12 30/13 30/14	82/18 82/23 85/12	clarifies [1] 101/16
30/16 30/17 31/5	85/23 86/22 87/1	clarify [1] 38/16
31/6 31/7 31/20	87/5 87/9 94/22	Clark [2] 6/10 10/3
32/20 34/3 34/4	children [23] 28/15	clear [2] 48/17
34/4 34/6 36/2 36/4	28/19 28/23 29/5	91/10
38/10 39/1 39/2	29/17 30/7 30/15	clearly [1] 20/23
41/3 41/12 41/16	30/17 31/6 31/13	Clerk [1] 5/7
42/6 42/8 42/15	36/19 37/23 38/23	Clerk's [2] 21/6
42/18 44/1 44/3	41/17 45/7 55/5	22/15
46/18 46/18 46/19	55/18 55/19 55/21	client [2] 28/20
46/20 46/20 47/6	60/8 62/12 67/8	28/21
47/13 50/7 52/15	89/5	clients [1] 72/4
52/22 52/23 55/18	children's [2] 47/16	close [2] 56/14
55/20 56/2 56/5	98/11	72/17
56/14 56/21 56/23	choice [1] 22/2	closer [1] 67/11
56/23 59/2 60/8	Christy [3] 3/17	cloud [1] 19/17
60/10 60/20 61/3	5/18 10/9	cloud-based [1]
61/9 61/10 62/9	Circuit [10] 2/2 2/4	19/17
62/13 63/5 64/15	2/8 2/10 2/13 2/15	co [1] 49/10
64/15 65/3 65/16	4/17 8/20 9/10 9/14	co-worker [1]
69/2 72/2 73/16	circulated [1] 55/7	49/10
76/4 76/12 76/13	circumstance [1]	College [1] 3/3
80/6 80/8 80/14	66/11	column [5] 84/13
81/6 81/19 81/20	circumstances [4]	84/16 87/13 87/14
82/20 83/1 85/2	61/4 66/19 67/10	89/11
85/6 89/15 91/4	80/13	come [13] 18/9
92/1 92/18 111/2	Civil [5] 2/5 3/19	22/12 26/17 33/13
child's [1] 80/7		43/14 56/11 60/3

C	8/23 9/1 9/6 9/16	103/20 104/10
come... [6] 67/9	9/19 9/23 10/2	104/21 105/11
85/10 88/19 89/1	12/11 12/14 13/3	108/1 108/7 109/9
94/15 94/23	13/5 13/13 13/14	109/19 109/22
comes [6] 45/4	14/4 14/15 14/22	110/18 111/2
60/15 72/22 85/20	15/1 15/5 17/4 17/8	112/16 112/19
108/20 108/20	17/21 18/1 24/7	113/6 113/8
comfortable [3]	25/9 25/15 25/21	committees [2]
34/21 59/17 67/7	26/5 26/5 27/17	54/9 82/10
coming [6] 7/4	27/21 28/11 29/21	common [3] 55/17
11/15 33/11 62/18	30/3 30/10 30/20	65/9 65/16
84/20 86/1	33/2 33/10 34/17	comparing [1]
comment [10]	35/5 35/9 35/23	64/13
30/21 38/4 38/15	37/21 40/16 42/3	complain [1] 19/8
38/16 38/21 42/1	48/5 50/5 51/6	complete [2] 48/23
42/2 61/1 63/17	51/21 53/4 53/22	78/21
64/1	54/13 54/23 55/8	completed [1]
comments [30] 8/9	55/10 55/14 59/10	13/18
11/3 11/5 11/7	59/11 59/14 59/16	compliance [2]
16/16 17/19 25/18	59/17 60/23 61/13	15/13 22/17
29/21 31/10 35/16	64/1 65/8 67/15	complicated [1]
35/17 35/23 37/22	68/4 68/8 68/14	88/6
38/14 38/16 40/15	68/21 69/6 70/23	components [4]
52/15 52/23 53/1	71/1 75/6 77/22	27/9 51/1 98/6
54/22 55/10 61/19	79/5 79/6 87/8	103/11
66/1 68/11 77/6	92/12 94/16 95/10	compromise [1]
97/5 97/9 97/12	95/12 95/16 96/3	72/6
109/7 109/12	96/4 96/16 96/18	computer [2] 26/2
commissioner [1]	97/5 98/3 98/16	112/9
50/20	98/23 100/13	concept [2] 52/21
committee [114]	100/19 101/17	59/15
1/1 7/8 7/12 7/16	103/3 103/19	concern [1] 31/17

C	29/17	correctly [1] 95/3
concerned [1]	considerations [1]	corresponding [1]
36/23	78/16	50/20
concerning [1]	considered [2]	cost [9] 50/19 58/23
113/3	19/13 30/4	63/1 63/2 81/9
concerns [2] 28/14	considering [2]	85/12 85/13 86/22
104/9	45/18 46/5	87/5
concluded [1]	consistent [2] 36/1	could [32] 21/5
111/3	77/5	21/7 21/19 21/19
conclusions [1]	consult [1] 62/4	22/15 23/1 25/15
100/5	contains [1] 112/11	26/20 35/13 37/11
concur [1] 87/18	contemplated [1]	37/22 38/13 42/17
Conference [1]	81/16	48/4 48/5 51/2 51/3
70/4	contempt [2] 56/7	66/19 80/13 85/13
confident [1] 69/22	65/14	87/11 87/11 93/20
confidential [1]	continue [4] 16/4	99/10 100/15 103/6
18/21	77/8 86/6 97/6	104/19 105/6
confidentiality [1]	continuity [2] 76/5	107/21 107/23
113/2	76/21	108/19 109/10
confused [4] 39/5	contract [1] 49/11	couldn't [1] 40/6
44/20 45/21 46/11	contribute [1]	counsel [1] 112/18
confusing [1] 88/18	82/17	Counties [1] 2/17
confusion [3] 31/11	contributing [1]	country [2] 18/2
87/21 87/22	86/9	48/15
connection [1] 7/20	conversation [1]	County [15] 2/6
conscientious [1]	31/16	2/11 8/20 9/10 25/4
22/4	Cook [1] 100/14	25/7 25/12 25/13
conscious [1] 24/5	copy [2] 1/18 92/13	28/13 38/9 71/22
consider [7] 48/5	correct [4] 24/18	71/23 72/21 104/4
52/21 87/11 88/23	71/2 76/7 101/1	112/3
89/2 90/16 99/18	corrections [1]	couple [4] 55/14
consideration [1]	12/17	89/1 96/10 107/13

C	60/8	CS-42-T [3] 78/19
course [6] 16/3 17/2	crafting [1] 69/2	97/1 97/7
28/23 52/14 66/15	created [2] 69/4	CS-42s [2] 42/5
72/3	69/13	62/3
court [49] 2/4 3/18	credit [16] 28/22	CS-43 [5] 15/13
5/6 6/18 7/11 7/11	30/21 31/13 32/13	20/18 21/11 21/21
7/12 8/11 8/12 8/20	36/19 38/11 38/23	21/23
9/8 10/2 11/6 13/19	43/4 43/20 46/4	CS-43s [2] 18/12
13/20 14/6 18/16	65/19 81/8 90/19	20/16
18/17 21/5 29/1	90/21 91/2 92/22	cull [1] 15/20
29/2 29/11 33/3	credited [2] 34/5	Cullman [1] 25/8
33/4 33/14 33/15	46/19	Culverhouse [1]
33/21 35/11 37/9	creditors [1] 20/6	3/3
46/15 46/17 51/7	credits [2] 45/6	curious [2] 99/4
51/8 55/12 55/20	59/2	100/12
56/19 61/6 62/10	CS [28] 15/13 18/12	current [8] 24/23
64/5 65/13 71/2	20/16 20/18 21/11	31/20 52/22 61/6
74/10 74/15 99/6	21/21 21/23 42/5	66/3 66/6 66/13
99/8 100/7 100/18	42/12 62/3 70/7	66/13
112/7 113/17	72/5 72/10 73/8	currently [1] 57/21
court's [2] 30/3	74/14 75/9 75/18	custodial [26]
110/14	77/13 78/19 84/12	28/18 29/12 29/18
courthouse [3]	87/5 87/12 87/22	29/23 31/13 36/2
46/23 47/3 108/9	88/17 90/16 96/14	36/18 36/19 36/20
courts [3] 5/16	97/1 97/7	37/23 39/16 43/19
43/21 76/21	CS-41 [1] 90/16	45/13 55/23 56/1
cover [2] 24/23	CS-42 [10] 42/12	57/17 58/3 58/21
28/14	72/10 75/9 75/18	79/17 80/2 80/9
coverage [1] 85/13	77/13 84/12 87/12	80/11 80/17 81/4
covered [4] 24/22	87/22 88/17 96/14	81/7 97/15
30/17 61/22 72/7	CS-42-S [4] 70/7	custodials [1] 62/22
covering [2] 33/6	72/5 73/8 74/14	custodian [1] 91/13

C	dead [1] 83/11	deducting [2] 82/19
custodians [1]	deal [16] 8/7 13/23	83/2
78/16	23/19 27/5 27/9	deduction [5] 30/5
custody [18] 69/3	49/11 67/9 74/3	31/7 44/6 83/4 83/5
69/11 70/6 70/11	74/6 74/8 80/22	deductions [1] 81/1
70/17 70/19 72/2	80/23 93/23 101/7	Defendant [1]
72/4 73/6 73/8	102/21 103/12	88/22
73/10 73/15 75/16	dealing [2] 39/15	definitely [2] 19/14
75/21 78/10 87/6	110/14	91/9
101/21 104/18	deals [1] 24/7	definition [2] 32/23
cut [2] 52/12 62/13	dealt [2] 14/18	33/17
Cynthia [1] 28/12	39/13	definitions [1]
D	death [1] 80/4	40/18
daddy [1] 47/6	deceased [8] 80/12	denied [1] 61/8
Dadeville [1] 4/18	88/20 89/6 89/12	Department [7]
daily [1] 8/8	91/12 91/13 91/14	3/10 4/10 5/22 6/7
Dallas [1] 2/16	92/2	6/15 10/8 110/9
data [5] 23/7 23/7	decide [4] 54/18	depend [1] 84/23
24/21 63/10 69/22	68/8 85/5 99/23	dependency [4]
Date [1] 113/21	decided [7] 13/10	80/19 82/16 88/19
dated [2] 11/21	13/23 15/5 29/2	89/1
55/8	30/10 75/19 79/16	depending [1]
dates [2] 108/11	decision [3] 59/12	21/17
112/12	61/8 79/20	depends [2] 23/3
Davis [3] 2/19 9/15	decisions [3] 85/3	105/4
75/5	88/7 94/20	depository [2]
day [3] 7/6 29/15	decrease [1] 16/3	18/15 21/11
77/2	decreased [1] 62/2	derived [1] 92/2
daycare [1] 81/19	dedicated [1] 19/15	detail [2] 35/1
days [2] 58/4	deduct [3] 30/12	108/3
107/11	82/5 83/1	determination [1]
	deducted [1] 36/3	30/8

D	40/8 47/5 49/23	109/20
determine [1]	60/1 69/9 69/13	discussed [10]
97/10	79/13 82/14	13/23 19/14 32/21
determining [1]	different [11] 19/6	33/1 33/7 65/8
51/3	33/16 34/14 37/11	68/20 79/16 95/2
developing [1] 13/9	48/7 51/1 72/8 77/4	95/11
deviate [12] 69/20	87/7 95/4 98/4	discussing [6]
70/9 70/22 72/9	differently [1]	13/11 55/4 59/8
73/6 73/8 73/11	34/13	78/6 79/4 84/20
73/11 73/22 74/13	difficult [3] 16/6	discussion [24]
75/20 76/2	47/12 102/5	14/7 29/15 31/18
deviating [2] 68/23	direct [1] 83/22	31/19 32/18 35/15
69/11	directing [1] 40/23	37/16 45/5 45/8
deviation [4] 22/16	direction [3] 35/12	52/12 54/19 65/2
22/16 75/10 76/18	84/5 87/8	65/20 68/19 71/6
deviations [1]	directions [3] 77/21	71/8 71/11 78/15
101/21	105/16 108/4	78/17 78/21 79/3
Dexter [1] 1/15	directly [3] 91/19	85/11 95/5 96/12
DHR [8] 8/13 8/16	91/21 92/14	discussions [4] 30/9
10/5 10/11 26/10	Director [3] 4/7	76/16 84/4 95/14
27/7 50/6 50/6	8/15 50/8	disproportionate
did [26] 11/2 21/1	disclosing [1] 113/2	[1] 72/23
21/1 23/10 29/12	discretion [6] 29/2	distinguishes [1]
33/5 34/16 36/8	40/8 56/19 66/16	41/10
41/14 48/8 48/8	67/13 72/1	distributed [1] 96/3
48/9 48/19 48/23	discretionary [10]	District [2] 4/14
49/4 49/19 49/20	29/1 36/8 39/19	9/13
69/1 69/7 71/4 82/7	39/23 40/11 43/22	diverted [1] 19/21
94/23 96/6 102/23	44/18 56/20 60/7	Division [10] 3/9
104/3 107/13	65/2	4/9 5/12 5/21 6/6
didn't [12] 28/2	discuss [4] 82/7	6/14 8/15 9/13 10/7
29/10 29/11 40/7	86/17 102/23	10/11

D divorce [2] 47/8 55/19 divorced [1] 75/15 divorces [1] 47/12 do [119] Doctor [1] 39/12 document [3] 12/3 21/18 22/10 documents [1] 21/21 does [22] 10/14 12/11 22/5 29/16 31/1 37/6 37/13 40/2 45/15 52/20 52/22 53/3 57/11 63/13 74/22 83/1 84/11 86/21 93/8 93/16 98/4 109/2 doesn't [16] 18/9 28/14 31/9 34/2 36/9 36/12 39/19 39/22 42/19 42/19 43/17 57/9 57/15 58/22 66/3 77/19 doing [19] 13/8 16/10 20/3 24/17 26/3 32/12 32/13 32/16 34/5 46/19 47/22 48/2 48/21 49/7 70/10 80/16 82/3 106/3 106/21	domestic [5] 8/5 8/20 9/10 23/12 52/2 don't [72] 9/18 16/19 17/23 18/11 20/18 21/9 21/22 22/18 23/16 24/3 29/10 31/11 35/20 36/10 36/13 36/14 36/20 40/1 40/3 40/5 42/20 43/4 43/13 45/2 45/5 46/8 48/6 52/11 58/1 59/5 62/10 64/6 64/16 66/2 68/1 68/20 70/11 70/12 71/7 78/20 79/11 83/19 85/9 87/14 88/1 88/6 88/15 88/16 90/7 90/11 91/8 93/20 94/21 95/8 95/18 95/20 95/21 96/3 96/5 96/12 97/18 98/7 100/17 101/2 101/23 102/22 103/1 103/6 104/16 104/22 106/2 107/20 Donald [1] 2/13 done [12] 22/5 35/11 36/5 43/20	44/21 57/2 68/6 68/7 69/10 100/9 102/19 105/7 door [1] 74/10 double [3] 74/3 74/6 74/7 down [13] 20/17 22/3 59/11 61/17 83/9 84/20 85/11 86/4 86/13 89/14 99/10 101/22 108/21 Dr [8] 28/12 31/17 33/5 34/9 39/12 48/8 70/1 106/23 draft [5] 12/12 96/2 102/5 106/15 108/17 drafted [3] 12/18 34/9 78/18 drafts [2] 108/16 108/18 drill [1] 20/17 driving [1] 83/9 drop [3] 22/3 26/15 26/16 dual [1] 50/11 E e-mail [1] 11/21 each [5] 7/4 22/2 26/14 42/1 60/21 earlier [2] 54/21
--	--	---

E	72/19	engage [1] 49/14
earlier... [1] 83/7	else [18] 17/1 25/17	enjoy [2] 14/18
early [3] 54/20	31/12 37/22 53/3	66/10
107/22 107/22	53/17 54/9 63/13	enough [4] 49/14
easier [1] 56/11	68/9 77/9 79/21	78/18 84/5 88/4
easy [4] 15/19	81/14 93/16 94/7	ensure [1] 50/21
18/11 54/10 57/3	106/3 109/19 110/3	entered [1] 61/21
echo [1] 40/18	110/17	entire [2] 69/5
economic [2] 63/10	Emeritus [2] 3/1	95/10
76/23	7/23	entry [1] 24/19
economics [1] 75/8	Emily's [1] 25/6	equal [2] 69/15
education [6] 21/5	employment [1]	85/19
22/11 39/7 39/8	81/23	equitability [1]
39/9 39/11	empty [1] 89/11	60/16
educational [3]	encompass [1] 87/8	equitable [1] 60/19
51/22 60/5 60/12	encourage [1]	equitably [1] 66/11
Edwards [1] 3/17	10/22	especially [2] 29/20
effect [1] 24/6	encourages [2]	81/16
effort [1] 15/16	76/10 76/11	Esquire [8] 3/8 4/1
either [19] 11/7	end [14] 10/13	4/4 4/14 4/20 5/1
18/16 22/16 29/10	10/16 10/20 21/16	5/4 5/10
29/13 31/4 38/7	21/19 22/1 28/5	essentially [6]
39/23 41/11 47/15	56/7 64/1 78/14	18/15 55/11 61/14
47/15 48/16 59/10	86/4 104/15 108/12	61/16 84/13 91/2
61/2 86/10 86/22	109/5	establish [1] 100/5
96/6 102/5 112/15	endeavor [1] 37/19	establishing [1]
electronically [1]	ends [1] 34/6	56/14
27/10	ENFORCEMENT	even [24] 20/15
elements [1] 75/10	[11] 1/3 4/8 5/20	23/6 33/12 34/5
elicits [1] 72/5	6/5 6/13 8/15 10/7	36/11 36/20 41/18
eliminate [1] 72/19	10/10 30/4 50/8	43/13 43/19 44/18
eliminating [1]	111/2	46/4 46/14 46/19

E	72/11	37/19
even... [11] 47/9 48/11 58/1 69/15 71/5 84/8 94/16 98/22 100/1 106/2 107/21	excess [2] 69/16 70/18 exciting [1] 19/19 exhibit [4] 18/16 22/8 22/10 23/1 exhibits [1] 22/7 existed [2] 60/7 73/10 existing [21] 28/1 29/23 31/7 31/20 36/2 38/10 39/1 41/11 42/6 42/8 42/15 42/18 45/23 52/13 52/15 52/21 59/16 59/17 72/11 85/19 98/3	express [1] 64/2 expressly [2] 62/17 62/17 extra [1] 96/10 extracurricular [1] 72/7 extracurriculars [1] 73/2 extraordinary [2] 74/1 76/2
ever [4] 33/9 48/23 73/10 96/3 every [3] 13/16 26/11 34/12 everybody [10] 7/4 7/6 10/14 12/7 54/6 54/8 77/14 106/1 106/2 109/2 everyone [2] 17/5 35/3 everything [9] 33/6 33/21 34/16 52/11 66/6 66/16 103/3 106/22 110/10 evidence [1] 23/2 exact [2] 47/5 76/23 exactly [4] 27/1 36/5 39/21 65/5 example [8] 22/6 23/18 28/17 37/14 56/4 81/6 85/17 104/6 exceed [1] 24/11 exceeding [1] 15/8 exceeds [1] 91/4 exception [2] 64/3	expect [3] 45/3 86/3 86/16 expenses [1] 41/4 expensive [1] 73/1 experience [1] 51/22 experienced [1] 71/22 experiencing [1] 74/10 expert [1] 54/16 expire [1] 113/20 explicit [2] 38/3 39/6 explore [2] 15/6	F fact [10] 24/5 29/16 31/1 39/13 63/6 69/14 70/10 91/20 92/13 94/10 factored [1] 89/7 facts [1] 67/5 factual [1] 67/1 fair [1] 14/3 fairly [3] 56/14 78/17 84/3 faith [1] 20/6 fall [1] 107/23 family [12] 7/21 33/20 33/23 34/3 34/7 47/1 47/21 48/11 48/16 51/8 51/15 106/16 Fann [5] 5/1 9/17 15/3 40/17 75/2 far [9] 21/15 35/22

F	fill [3] 88/5 92/17 92/19	flowed [1] 89/15
far... [7] 36/22 39/7 68/21 69/16 96/12 97/11 103/9	FINAL [1] 1/18	flowing [1] 91/20
farther [1] 67/11	Finance's [1] 110/10	fluctuations [1] 66/23
fashion [1] 58/23	find [5] 23/8 37/8 43/22 45/14 48/19	focus [2] 36/14 69/5
father [1] 82/21	finding [1] 15/12	folks [3] 25/5 31/23 60/10
fault [1] 47/16	fine [4] 36/23 42/3 70/19 93/10	follow [4] 21/1 21/1 50/4 97/9
favor [1] 13/2	first [42] 7/5 8/23 8/23 15/2 16/14 20/21 22/19 29/21 32/11 32/21 33/20 33/22 34/3 34/6 34/7 46/23 46/23 47/20 47/21 47/21 47/23 47/23 47/23 47/23 48/11 48/12 48/16 51/8 51/9 51/15 51/16 51/20 55/4 55/13 57/5 97/14 106/16 106/18 108/8 108/8 108/9 108/12	follow-up [2] 50/4 97/9
feasible [1] 88/8	five [5] 28/18 32/17 56/15 57/4 60/17	followed [1] 59/20
February [1] 84/7	fleshed [2] 79/19 82/13	following [1] 97/5
feds [2] 76/17 82/11	flip [1] 12/9	follows [2] 58/20 58/21
fee [1] 57/23	floating [1] 20/6	foregoing [2] 112/9 112/11
feel [4] 67/7 92/17 93/3 101/22	flow [1] 97/5	forget [1] 7/16
felt [2] 14/3 36/7		form [43] 15/5 42/15 43/18 54/14 54/16 54/19 69/17 75/9 75/9 77/18 78/11 78/18 79/1 79/22 80/12 82/3 82/19 83/3 83/17 84/11 84/12 87/3 87/12 87/13 87/17 88/15 89/17 90/5 90/8 91/8 92/22 93/1 93/6 93/12 93/12 96/8 96/14 96/15 96/22 97/1
few [3] 23/16 100/7 110/5		
fewer [2] 23/5 100/19		
fifteen [1] 8/6		
fifty [2] 32/17 53/15		
figure [3] 16/11 56/21 110/12		
file [11] 18/18 21/17 22/7 22/9 57/22 58/4 58/9 62/5 63/16 63/16 66/8		
filed [3] 18/14 21/6 21/12		
filing [1] 56/7		

F	18/10	87/22 90/14 92/4
form... [3] 97/7	FRIDAY [1] 1/6	97/11 97/11 103/16
99/6 102/13	friend [1] 47/4	103/16 106/7 108/4
formal [1] 64/17	front [5] 12/13 55/9	108/14
formed [1] 31/21	66/3 77/18 98/7	gets [2] 34/5 58/5
forms [20] 15/13	fully [1] 112/6	getting [13] 22/23
15/14 21/11 22/2	further [2] 59/9	51/3 62/18 74/12
54/12 69/23 77/13	113/1	74/15 75/15 75/15
78/3 78/4 78/9	future [1] 86/19	75/16 75/20 75/21
78/10 78/23 83/15	G	88/5 92/22 102/10
87/11 88/5 92/18	gauge [1] 15/16	give [15] 14/13 23/7
92/19 102/13 110/6	gave [4] 24/13 28/4	35/3 35/12 46/4
110/8	56/4 84/5	51/6 54/5 56/19
fortunately [1]	gear [1] 13/12	59/2 81/21 85/18
23/19	general [3] 64/3	90/19 108/6 108/14
forward [5] 21/8	78/3 105/14	110/11
54/5 88/15 103/20	generally [1] 41/1	given [5] 28/22
104/7	get [54] 7/9 10/20	31/12 36/19 61/6
found [1] 41/21	15/14 17/15 20/19	110/6
foundation [1]	22/6 22/9 23/8	gives [2] 62/6 73/9
69/23	24/21 24/22 24/23	giving [2] 30/21
four [5] 13/16	26/11 26/13 27/13	42/7
26/11 26/18 62/23	27/13 34/3 36/9	glad [3] 89/2
99/5	38/23 43/4 46/19	101/15 109/10
fraction [1] 18/7	49/4 51/4 51/11	go [34] 7/9 7/19
frame [5] 19/16	54/1 57/7 57/9	10/19 13/22 20/17
82/11 106/7 107/8	57/15 58/22 62/14	37/19 51/2 54/13
108/13	63/4 63/4 64/17	54/20 56/21 62/10
framework [3]	65/4 65/11 65/13	63/17 64/16 78/18
24/14 62/7 95/13	66/7 76/17 77/13	78/23 78/23 82/13
framing [1] 46/11	83/4 83/5 83/7	83/3 83/7 83/19
frequently [1]	83/14 84/6 87/20	84/1 85/18 88/14

G	109/8	44/7 91/21
go... [11] 93/20 95/5	gone [3] 53/10	grounds [4] 73/10
102/16 103/5 104/7	62/22 83/17	73/18 73/18 73/20
105/3 105/4 105/17	good [15] 7/5 11/13	groups [1] 26/14
108/3 108/19 109/5	15/18 35/3 36/6	guess [9] 19/9 39/14
go-to [1] 54/13	49/8 50/5 83/7	40/23 41/14 49/9
goes [9] 13/9 38/18	84/10 87/23 96/10	52/21 78/9 103/10
39/7 50/19 57/14	104/6 104/9 105/3	105/13
58/12 87/8 88/7	105/4	guidance [3] 16/7
92/5	got [21] 21/12 27/7	16/11 51/6
going [62] 7/18 8/7	27/20 31/16 31/18	guided [1] 82/11
10/14 15/11 17/4	41/6 45/4 46/23	guidelines [23] 1/2
20/13 20/15 21/8	47/3 47/8 52/14	8/8 9/20 11/23
21/13 23/16 24/6	66/19 68/21 70/1	13/17 15/8 16/8
24/18 27/23 28/4	72/17 76/1 85/19	21/1 21/2 23/15
32/2 43/13 43/14	87/23 99/12 103/7	24/11 24/16 24/19
45/9 45/11 47/18	106/23	24/23 28/11 30/4
48/16 54/5 54/11	gotten [1] 40/4	32/15 62/23 63/7
54/15 56/13 56/17	government [1]	63/10 68/23 76/5
57/7 58/17 61/15	89/9	111/2
62/8 63/7 63/13	grandparent [7]	guy [1] 94/6
63/17 64/20 65/19	80/3 80/9 80/12	guys [1] 89/2
67/4 74/12 77/19	80/15 81/3 81/9	
78/1 79/19 80/18	82/23	H
81/3 81/6 81/15	grandparents [4]	had [57] 12/7 13/11
82/21 82/22 84/1	81/17 85/3 85/4	13/22 13/23 19/7
88/8 88/19 91/15	85/7	28/18 29/15 31/14
93/6 95/2 99/17	Gray [2] 3/1 7/22	34/10 35/18 36/18
100/21 100/22	great [1] 20/7	36/18 40/4 41/21
100/22 103/12	greyed [1] 84/17	43/2 47/2 47/4 47/4
105/7 105/14	gross [6] 24/10	47/7 50/1 55/14
106/14 106/19	30/12 31/8 36/3	55/14 55/16 56/10
		56/15 60/3 64/9

H	106/14 106/19	80/6 93/8 107/12
had... [30] 65/9	Hardy [7] 4/4 8/2	he'll [2] 83/3 93/13
65/21 65/21 69/19	24/9 60/14 68/3	he's [8] 45/6 45/7
70/4 75/6 75/7	71/22 88/14	52/10 57/16 57/16
78/17 78/21 79/2	harmed [1] 59/3	57/18 77/20 83/22
79/23 84/3 84/4	has [35] 12/6 12/7	health [1] 85/23
86/7 89/21 90/4	12/21 19/13 19/20	healthcare [1]
93/18 94/11 94/12	19/20 22/2 30/7	85/13
94/14 94/15 94/21	32/12 35/4 35/5	hear [2] 12/17
95/1 95/1 95/5	43/3 50/6 52/11	59/14
97/15 97/19 97/19	54/8 58/3 58/13	heard [1] 19/16
99/16 105/7	58/15 62/22 63/22	hearing [2] 25/3
Hale [1] 2/15	66/20 73/4 80/3	58/13
half [2] 62/13 92/4	80/6 80/8 80/16	Heather [11] 5/1
hand [2] 92/20	84/9 85/2 85/6	9/17 15/3 15/3
104/17	90/15 97/2 97/8	17/16 40/17 54/7
handle [2] 34/12	98/6 103/1 103/11	64/9 67/21 75/1
34/14	hate [1] 93/15	97/15
handling [1] 18/2	have [168]	Heflin [1] 1/13
hanging [1] 99/22	haven't [3] 26/13	Heflin-Torbert [1]
happen [3] 35/13	82/12 102/9	1/13
56/13 58/9	having [8] 14/6	held [3] 1/12 12/4
happened [1] 58/10	26/10 26/11 33/9	66/11
happens [8] 27/21	69/15 76/4 78/15	help [7] 16/16 27/3
45/13 57/9 57/18	91/1	43/18 48/15 79/22
58/20 59/19 86/9	he [24] 39/22 40/5	81/21 83/22
86/11	40/6 40/7 40/7 40/8	helped [1] 24/10
happy [4] 8/9 67/23	40/8 40/11 45/15	helpful [10] 26/7
78/22 110/11	52/11 55/14 55/15	27/14 34/21 37/8
hard [3] 13/8 88/4	56/10 56/15 57/4	39/6 46/10 51/11
106/12	58/20 71/19 71/19	54/21 96/16 108/2
hardest [3] 106/10	77/19 77/21 78/2	helping [2] 32/20

H	historically [1] 101/8	4/10 5/22 6/7 6/15 10/8
helping... [1] 43/23	history [2] 66/22	hundred [12] 32/14
helps [2] 27/4 42/21	92/5	32/16 33/15 37/3
her [25] 7/15 25/14	hitting [1] 24/15	43/22 44/3 45/11
28/13 28/17 28/20	hold [1] 101/2	45/12 45/22 46/4
28/21 28/22 29/11	Honorable [5] 2/2	53/15 106/2
31/17 33/9 39/12	2/8 2/13 3/14 3/16	Huntsville [1]
39/13 41/16 41/20	hope [2] 20/3 104/6	76/23
46/9 47/9 48/10	hoping [3] 19/22	husband [5] 70/7
49/2 49/3 50/3 50/5	68/5 77/13	75/14 75/16 75/19
79/12 79/13 97/10	household [1]	75/21
106/8	80/10	I
here [24] 8/9 9/1	how [34] 15/16	I'd [4] 18/1 68/3
12/4 16/15 17/19	16/10 18/1 21/6	78/22 93/15
25/11 27/7 27/23	21/17 21/17 24/1	I'll [8] 10/20 28/6
32/8 46/7 53/4 53/9	31/16 34/14 34/19	36/12 68/17 75/1
54/4 59/6 79/2	43/13 45/8 48/6	98/20 109/8 110/11
84/14 84/15 85/11	48/9 48/17 52/21	I'm [84] 7/22 7/22
85/17 93/16 96/15	57/7 59/1 68/21	7/23 8/2 8/3 8/3 8/5
96/21 99/13 107/12	73/15 80/22 80/23	8/9 9/9 9/10 9/15
hereby [1] 112/8	83/1 85/17 86/17	9/16 9/17 10/3 10/3
herein [1] 112/12	88/10 91/5 99/7	10/6 10/9 10/9
hers [1] 45/12	99/7 102/7 102/18	10/13 12/6 15/4
Hey [1] 93/2	104/14 104/20	15/19 25/3 25/6
higher [4] 25/1 25/5	105/10	26/9 28/4 36/3
73/1 97/16	Howell [2] 6/1 10/6	39/10 40/10 41/5
highly [1] 62/1	however [4] 61/1	42/4 43/12 43/14
him [6] 46/4 47/8	69/9 82/19 87/1	44/10 44/11 44/14
54/16 59/2 78/2	huge [1] 56/8	44/22 45/3 46/3
96/16	Huh [1] 74/15	46/11 46/14 52/4
his [5] 40/5 44/7	Human [6] 3/11	52/19 53/13 54/11
45/12 56/10 96/13		

I	implies [1] 42/20	16/8
I'm... [39] 54/15	important [3]	incomplete [1] 23/7
54/15 57/16 58/10	101/9 101/10	increased [3] 24/9
59/4 63/3 66/15	108/10	24/19 62/1
67/3 67/23 68/5	impute [2] 43/13	increasing [1] 83/2
68/7 69/6 69/22	43/14	independent [2]
70/3 71/6 73/4 73/5	imputed [10] 30/15	51/4 100/3
74/10 77/7 78/1	31/7 41/12 42/9	indexed [2] 21/21
79/9 82/14 82/23	43/12 43/20 44/11	21/23
84/1 85/1 86/12	44/12 46/14 52/17	indicated [1]
87/9 88/16 89/2	inadvertently [1]	112/13
90/1 97/4 97/5 99/4	11/6	indication [1] 18/13
99/6 101/15 105/7	include [5] 29/16	individual [3]
107/4 107/11 109/8	64/1 84/21 84/21	18/19 23/3 92/3
I've [9] 8/6 30/19	90/16	individually [2]
35/4 36/5 41/6	included [2] 48/11	99/10 99/11
43/20 46/20 71/22	93/3	information [12]
103/7	including [1] 99/6	15/20 20/5 20/8
idea [7] 15/14 20/21	income [37] 20/5	20/20 26/11 26/13
22/19 56/10 80/22	25/5 28/22 30/13	26/18 51/7 51/12
88/16 105/14	31/9 36/3 44/7	76/16 108/6 113/3
ideally [1] 102/15	45/12 46/9 57/5	initial [1] 35/22
identical [1] 76/22	57/6 57/21 58/22	initially [3] 15/10
images [2] 20/1	61/13 61/16 61/20	27/14 51/8
20/4	62/1 62/2 62/22	initiated [1] 104/2
imagine [1] 66/19	62/23 63/1 66/4	input [5] 14/14
immediately [1]	66/22 80/23 82/18	14/19 21/23 59/14
49/7	84/17 84/21 84/21	113/5
impact [4] 52/22	85/5 85/9 85/19	instance [1] 72/18
97/18 98/4 99/20	89/8 89/15 90/18	Instead [1] 100/21
impacted [2] 16/2	91/16 91/21 97/16	instructions [1]
25/6	incomes [2] 16/3	93/1

I insurance [4] 63/2 82/18 82/22 85/23 intended [2] 33/22 64/2 intent [3] 14/10 70/12 75/6 interest [1] 32/1 interested [3] 17/2 29/13 112/20 interim [1] 108/14 interpretation [1] 61/19 interrupt [1] 82/15 intertwined [1] 14/16 introduce [3] 7/19 10/1 83/18 involved [4] 14/23 28/17 80/7 83/7 iron [1] 106/12 is [224] isn't [3] 36/15 67/3 76/14 issue [46] 15/2 15/15 15/17 18/2 21/5 29/13 30/4 32/21 34/12 35/6 37/15 39/8 39/9 46/12 46/13 51/1 52/13 52/20 55/5 55/5 55/11 56/6	59/23 63/22 65/6 66/8 66/10 66/15 68/18 71/1 74/17 81/11 82/15 87/11 91/19 92/21 93/19 93/23 98/11 102/12 102/14 104/18 104/19 108/8 108/10 108/23 issues [31] 13/22 14/2 14/5 14/8 14/12 14/16 25/20 26/23 32/10 33/11 33/13 35/8 35/9 37/20 58/19 65/13 79/16 79/23 82/12 83/14 83/16 84/1 98/23 99/16 101/8 103/10 103/13 103/17 104/13 104/18 108/22 it [327] it's [83] 7/5 7/6 14/11 14/17 15/13 18/3 18/7 19/9 20/7 20/7 21/12 22/8 22/18 23/1 23/8 27/1 31/11 35/1 36/14 37/18 38/21 39/7 39/17 39/23 42/22 44/3 45/6 46/18 46/23 50/10	52/20 54/10 55/8 57/11 57/12 57/20 58/16 59/5 60/11 61/15 62/17 63/12 64/2 66/18 67/10 68/21 70/18 72/5 74/9 74/19 75/13 75/13 78/19 79/18 80/7 80/18 81/13 83/7 83/11 83/11 85/10 86/23 87/23 88/18 89/10 89/19 90/5 90/12 90/13 91/20 92/6 92/14 93/23 94/6 101/9 101/13 102/13 103/2 103/4 103/5 106/15 107/10 108/1 its [3] 22/2 28/10 29/2 itself [3] 41/10 73/6 73/10 IWO [3] 57/14 57/15 58/11 IWOs [1] 59/21 J James [2] 3/14 9/7 Jane [6] 26/9 26/14 49/15 51/5 76/16 106/7 Jane's [2] 26/14
---	--	---

J	18/6 19/7 20/16 35/19 35/21 38/8 38/21 39/9 39/15 39/19 40/1 40/4 40/23 53/10 55/3 55/11 55/12 57/11 58/6 58/10 60/2 63/23 64/6 64/23 66/16 67/2 67/13 68/12 71/17 73/3 74/12 75/20 76/6 77/9 88/16 101/20 103/9 104/8 104/11 108/17 110/7	24/21 25/3 27/11 28/4 32/2 34/23 36/14 37/23 38/4 40/18 41/7 42/4 42/8 45/6 46/22 47/13 48/18 49/13 49/15 50/22 52/14 56/4 60/11 60/19 61/5 62/12 62/13 64/13 64/19 65/3 66/20 66/21 71/9 71/22 73/12 75/1 75/3 75/9 77/16 81/13 81/18 83/1 83/6 84/12 85/5 85/17 86/4 86/20 88/1 90/2 91/11 92/11 95/9 96/9 97/12 98/20 99/22 100/11 103/18 104/22 105/4 105/13 107/1
Jane's... [1] 108/5 January [1] 70/5 Jefferson [7] 2/10 8/20 23/13 25/3 38/9 71/22 71/23 Jefferson/Shelby [1] 71/23 Jennifer [14] 3/8 8/13 27/6 49/9 50/5 79/6 79/8 79/12 81/12 93/14 93/15 93/17 97/9 102/14 Jennifer's [3] 86/21 103/15 104/12 Jessica [2] 4/4 8/3 Jessie [8] 8/2 23/18 24/8 60/14 68/3 71/21 76/11 88/14 Jillian [10] 5/10 9/5 11/17 15/12 19/9 26/4 28/6 50/10 53/23 92/9 job [1] 66/21 join [2] 68/4 109/10 joining [1] 9/22 joint [1] 69/3 Josh [1] 66/12 Joshua [2] 3/14 9/7 judge [49] 2/2 2/8 2/13 8/20 9/10 12/23 17/16 17/22	judge's [3] 23/3 39/11 70/4 judges [13] 16/14 23/11 23/12 47/22 69/16 70/3 71/12 71/16 71/23 72/8 74/20 89/1 92/20 Judicial [6] 1/13 2/3 2/9 2/14 4/17 9/14 jumps [1] 86/11 June [2] 107/22 108/12 just [77] 11/12 12/8 13/18 14/17 15/5 15/12 16/6 16/9 17/15 18/9 20/5 20/21 22/20 23/1	justice [2] 62/4 100/14
	K	
		Katie [9] 4/1 8/17 12/19 12/21 40/22 65/1 67/16 72/15 91/18 Katie's [1] 16/22 keep [8] 33/11 33/20 33/22 33/22

K	49/20 49/23 52/8 53/8 56/12 58/1 59/5 62/7 64/15 67/16 68/20 70/2 71/15 82/3 88/1 88/6 88/23 90/7 91/8 91/15 92/16 92/21 95/21 98/8 99/1 102/7 102/22 103/1 104/15 105/23 106/20 110/16	26/17 61/17 Lathesia [5] 4/7 8/14 50/7 50/9 50/15 law [9] 2/21 7/21 13/16 61/7 61/22 63/18 64/6 92/6 113/4 lawyer [7] 8/5 22/5 23/22 36/6 39/8 46/1 62/5 lawyers [8] 9/3 22/7 22/9 24/5 36/11 41/15 64/16 70/3 lead [2] 55/4 75/10 leaning [1] 96/14 least [12] 14/7 15/4 15/6 20/11 37/20 71/23 84/5 93/1 96/11 100/7 104/12 107/18 leave [8] 33/14 48/18 70/14 70/15 87/14 98/17 106/1 106/13 left [5] 69/19 78/7 78/22 86/1 105/2 legal [5] 3/9 5/11 8/2 8/13 9/1 legally [10] 30/16 31/4 32/23 33/17
keep... [4] 48/7 48/16 65/18 98/10 keeping [1] 82/23 keeps [1] 30/19 kid [2] 41/6 56/17 kids [3] 41/20 47/9 60/21 Kill [1] 74/7 killing [2] 74/2 74/5 kind [13] 13/10 14/21 15/5 59/10 62/7 79/8 83/20 83/22 85/16 95/15 102/10 102/20 108/1 Kintisha [3] 4/20 8/22 53/21 knew [1] 99/17 know [69] 9/18 13/14 13/15 13/16 16/6 17/5 18/14 20/19 21/8 21/9 21/15 21/22 22/17 22/18 24/3 24/4 26/3 27/7 28/23 31/11 31/14 32/2 32/6 34/3 36/10 36/17 37/10 40/1 40/5 41/1 42/20 43/13 45/14 47/5 48/6 48/18 49/19	L labeled [1] 96/23 labeling [1] 97/3 landed [1] 56/15 language [14] 43/18 48/14 60/2 60/4 60/9 60/9 72/19 88/10 94/11 94/13 95/1 95/6 101/20 105/2 large [6] 55/8 65/8 95/12 96/16 99/18 113/18 last [13] 11/14 11/16 12/4 13/11 13/18 23/11 55/7 59/11 69/1 72/9 85/16 88/10 107/12 late [1] 107/22 later [3] 17/10	

L	36/10 37/2 37/7	litigation [2] 28/16
legally... [6] 37/7	39/8 41/14 42/4	28/20
41/2 41/3 41/21	43/12 45/10 46/3	little [6] 74/9 84/5
45/7 80/5	46/8 47/22 47/22	85/15 87/7 102/21
legitimate [1] 37/2	48/2 48/12 49/14	108/3
legs [1] 100/2	53/18 53/22 54/4	live [2] 80/10 85/4
length [1] 33/1	58/1 58/19 59/14	living [3] 85/2 85/6
less [4] 56/3 56/5	60/5 60/16 60/23	86/7
61/20 63/6	66/9 67/2 67/3 68/1	locate [1] 20/18
lessen [1] 24/18	68/10 69/21 70/14	LOCATION [1]
let [8] 16/13 16/23	74/15 75/9 75/13	1/12
50/5 54/9 78/2	75/14 75/23 75/23	long [6] 35/5 60/17
85/22 99/1 105/20	78/5 78/11 79/1	78/13 102/1 102/7
let's [8] 11/1 35/14	82/12 83/8 84/22	107/2
55/19 80/4 81/3	85/4 86/15 87/23	longest [1] 103/12
86/10 97/13 109/5	90/10 92/7 92/17	look [14] 12/3 12/7
letter [2] 28/12	93/3 93/7 96/7 96/8	13/12 15/11 46/10
31/17	96/15 97/6 99/4	54/1 76/17 84/14
level [2] 67/8 85/6	99/9 99/13 101/22	84/15 85/22 93/20
levers [1] 62/23	102/20 104/18	99/23 106/22
Liaison [2] 8/11 9/5	104/22 106/20	109/21
License [2] 113/19	109/13	looked [2] 33/9
113/20	likes [1] 77/21	96/4
licensed [2] 8/6	limited [4] 64/3	looking [10] 14/6
112/7	78/17 84/4 87/4	15/18 16/10 16/11
life [1] 80/7	line [4] 40/21 47/9	37/5 37/18 48/8
lifestyle [1] 85/8	87/3 88/10	50/18 78/9 85/5
like [78] 7/9 10/21	lingering [1]	looks [2] 33/21
14/3 15/14 15/18	104/19	78/11
17/7 17/20 18/1	Lisa [2] 6/10 10/3	lot [22] 14/16 18/13
18/8 20/6 20/14	list [1] 54/2	23/14 40/20 51/14
22/22 23/14 34/2	listing [1] 91/21	53/19 58/18 60/20

L	54/7 61/16 61/18 63/18 67/9 71/1 72/6 72/20 79/20 88/6 88/7 88/8 90/9 103/4 106/15 109/13 makes [7] 16/6 45/15 45/20 61/21 85/20 86/13 108/21 making [2] 40/21 79/20 mama [2] 45/15 46/22 Manager [2] 6/10 10/4 managing [1] 85/1 manpower [3] 19/15 19/20 22/18 many [9] 23/16 24/1 30/9 48/9 51/1 70/2 70/2 87/11 103/11 map [1] 77/3 March [2] 11/21 91/18 mark [2] 22/15 67/11 marked [1] 18/20 marriage [1] 112/16 married [1] 55/21 mass [2] 20/14	20/16 material [2] 28/6 61/3 materials [1] 11/22 matter [3] 81/2 94/10 113/3 Matthews [3] 4/20 8/22 53/21 may [32] 19/16 24/8 24/20 28/10 31/8 33/14 33/15 35/7 35/8 37/4 38/15 39/4 39/8 55/8 71/6 71/6 71/18 81/11 88/20 88/20 92/17 92/21 94/15 102/20 103/10 103/16 103/17 104/15 105/23 107/22 108/2 108/12 maybe [36] 18/8 21/7 21/16 23/13 25/14 29/1 37/8 37/18 37/21 39/5 39/10 40/18 43/17 53/23 54/18 65/14 66/20 67/3 71/5 75/3 78/3 79/8 80/3 80/7 81/17 82/17 82/18 84/4 89/10 91/9 92/23 95/4
lot... [14] 62/9 67/1 69/21 71/15 72/4 72/21 78/7 92/17 92/19 94/12 94/14 98/4 105/7 107/5 loud [1] 50/23 love [3] 60/15 62/6 68/4 low [2] 72/5 97/20		
M		
ma'am [1] 109/14 made [15] 7/7 11/12 20/15 28/3 30/8 31/8 36/6 39/18 52/3 59/12 66/20 69/4 85/3 94/21 94/21 Madison [7] 23/13 25/4 25/7 25/12 25/13 28/13 104/4 mail [1] 11/21 main [2] 19/16 87/6 maintain [1] 85/7 maintained [1] 113/1 majority [4] 23/6 34/11 34/12 108/13 make [23] 20/4 37/23 38/2 41/8 48/17 49/18 51/10		

M	meantime [1] 51/3	51/21 54/4 104/2
maybe... [4] 98/9	mechanism [3]	109/9
100/6 104/12	18/12 22/12 69/2	members [44] 7/8
107/21	media [1] 11/20	7/16 9/22 9/23 9/23
McClenney [4] 4/7	medical [1] 63/2	12/15 13/3 13/6
8/14 50/7 50/15	medicals [1] 72/7	13/14 13/15 14/4
McMillan [1] 2/13	medium [1] 98/9	14/15 14/22 15/1
me [22] 11/7 16/13	meet [6] 71/5	16/16 17/5 17/19
16/23 19/3 25/2	104/22 105/12	25/19 25/22 26/5
36/13 46/1 46/8	107/21 108/2	26/5 27/18 35/10
52/7 54/9 54/10	108/13	40/16 54/13 55/1
60/18 66/3 75/14	meeting [29] 11/19	59/14 59/16 59/17
84/5 85/22 89/1	11/21 11/22 12/4	60/4 68/15 93/14
89/2 94/6 94/6 99/1	13/10 15/12 28/3	96/19 98/21 103/19
105/20	28/10 29/16 97/14	104/8 109/9 109/19
mean [36] 18/9	98/9 98/16 98/19	109/23 110/19
20/14 21/10 23/5	102/8 102/19	112/16 112/19
23/10 33/14 36/14	104/10 104/22	113/6 113/8
37/1 37/4 37/6	104/23 105/22	memo [6] 34/9
37/12 37/18 39/7	105/23 107/17	34/21 48/10 49/1
39/12 41/12 42/7	107/17 108/15	60/1 71/7
42/9 42/18 44/6	111/1 112/17	memorandum [2]
52/1 58/17 62/22	112/20 112/21	28/2 55/7
64/14 70/15 72/21	113/7 113/9	memorandums [1]
81/13 82/14 84/21	meetings [3] 7/12	33/10
90/10 94/23 99/8	95/9 101/14	memory [2] 82/6
100/1 100/17	Melody [7] 4/14	85/16
105/18 106/5	9/12 35/18 53/2	memos [1] 48/7
106/11	67/19 98/2 103/11	mention [2] 60/1
meaning [1] 31/3	Melody's [1] 27/23	97/3
means [4] 7/23	member [8] 10/15	mentioned [2]
18/17 37/11 38/6	17/8 25/9 35/4	94/17 95/19

M	Mobile [6] 2/6 9/10	102/21 103/3 103/4
mentioning [1]	23/10 23/13 23/15	103/7 103/16
86/16	76/22	103/17 108/2 108/3
merit [1] 81/1	moderate [1]	most [10] 7/10 7/11
met [3] 7/5 7/10	102/20	19/14 19/20 25/6
84/4	modification [6]	67/4 69/16 71/9
Mezzanine [1] 1/14	61/3 61/8 62/19	99/16 107/13
Michael [2] 2/2 9/9	63/19 64/4 64/9	mother [4] 28/18
middle [2] 46/18	modified [3] 57/13	46/5 46/8 82/22
78/12	60/11 61/15	motion [3] 12/17
might [25] 16/10	mom [1] 47/14	13/1 22/9
21/2 22/14 22/17	money [4] 23/22	motions [1] 22/7
25/14 27/14 29/23	45/15 50/6 50/11	Mountain [2] 5/2
32/20 37/13 39/6	Montgomery [14]	23/20
42/17 57/7 60/18	1/16 3/12 3/20 4/2	movant [1] 66/5
62/19 62/21 69/16	4/12 5/8 5/16 5/23	move [6] 12/19
79/4 82/2 83/5 86/3	6/8 6/16 8/18 9/2	27/16 51/6 68/12
87/2 87/7 89/8	23/14 72/21	68/18 103/9
92/22 103/2	month [2] 24/10	moved [1] 12/21
mileage [1] 110/12	70/8	moving [1] 19/15
mind [1] 72/22	months [2] 107/8	Ms [13] 3/8 4/1 4/4
mindful [1] 109/3	107/14	4/7 4/14 4/20 5/1
minimum [1] 83/9	Moore [5] 55/12	5/4 5/10 5/18 6/1
minor [1] 99/19	60/3 63/23 64/6	6/10 6/18
minority [1] 34/18	104/8	much [14] 15/16
minute [2] 78/3	more [28] 35/1 38/2	36/9 47/10 47/12
97/12	40/19 45/15 45/16	86/15 86/17 88/11
mirroring [1] 81/2	47/12 51/10 57/17	94/11 98/15 102/18
mirrors [1] 58/8	63/7 67/7 71/5 72/7	104/14 104/20
miscellaneous [1]	78/22 80/8 81/23	105/10 110/10
22/10	86/17 87/1 88/6	multiple [7] 55/5
mistress [1] 47/2	99/19 102/20	55/17 60/8 61/10

M	20/11 59/9 68/8 71/1 91/9 93/3 103/3 104/21 105/12	11/4 11/5 11/7 12/14 12/16 13/5 16/7 18/14 18/15 20/22 20/23 25/21 27/17 40/11 41/18 43/1 44/10 45/22 48/3 49/6 49/17 49/17 50/11 51/15 52/17 54/23 58/5 58/12 66/9 67/20 68/14 69/17 73/17 75/23 77/10 94/6 95/17 96/5 96/18 102/9 103/4 105/3 106/1 109/14 109/15 109/16 109/18 109/22 110/18
multiple... [3] 98/6 98/11 99/12 must [1] 60/9 my [17] 8/2 12/11 34/23 35/23 36/13 52/10 62/8 68/21 69/12 71/3 73/4 82/6 85/16 91/8 99/21 105/1 107/1 myself [1] 7/17	negotiating [2] 24/14 74/11 negotiation [1] 72/6 neither [1] 80/13 never [1] 31/12 nevertheless [1] 31/10 new [28] 7/8 13/14 14/4 14/13 14/15 14/23 17/4 17/8 25/8 31/23 54/9 54/12 56/23 59/14 63/10 66/21 68/19 69/5 69/13 70/8 91/17 98/21 98/23 99/6 103/19 103/20 104/7 109/20 next [14] 27/22 55/2 55/3 59/8 68/18 97/14 98/8 98/16 101/19 102/8 103/7 104/10 105/11 107/17 nice [3] 7/7 7/13 85/17 night [1] 85/16 ninety [1] 107/11 no [51] 10/17 10/18	11/4 11/5 11/7 12/14 12/16 13/5 16/7 18/14 18/15 20/22 20/23 25/21 27/17 40/11 41/18 43/1 44/10 45/22 48/3 49/6 49/17 49/17 50/11 51/15 52/17 54/23 58/5 58/12 66/9 67/20 68/14 69/17 73/17 75/23 77/10 94/6 95/17 96/5 96/18 102/9 103/4 105/3 106/1 109/14 109/15 109/16 109/18 109/22 110/18 nobody [2] 46/7 63/13 non [13] 9/3 22/16 29/18 36/19 43/19 45/13 55/23 57/17 58/3 58/21 62/22 72/7 97/15 non-covered [1] 72/7 non-custodial [7] 36/19 43/19 45/13 55/23 57/17 58/21 97/15 non-custodial/oblig or [1] 29/18
N		
name [2] 8/3 9/19 natural [1] 64/19 near [1] 86/19 necessarily [8] 23/3 83/3 83/4 85/2 93/12 98/8 105/19 108/22 need [29] 7/14 12/10 19/1 20/9 24/21 26/18 34/18 37/2 42/19 49/12 49/13 50/4 54/12 68/22 72/14 81/18 81/21 82/2 86/17 87/2 87/14 90/8 90/8 91/9 102/11 104/21 109/20 110/3 110/14 needs [10] 18/4		

N	95/19 95/19 97/7 104/21 105/6 108/23 number [11] 16/1 16/2 21/13 24/22 32/19 52/5 58/4 73/9 86/21 89/8 91/16 numbers [5] 24/23 25/4 63/3 63/11 83/1	occurred [2] 35/9 46/21 occurring [1] 98/10 off [5] 45/4 52/12 86/2 101/2 105/2 office [4] 4/16 5/7 5/15 19/7 offices [1] 21/6 offset [2] 89/10 90/14 often [1] 8/8 oftentimes [1] 32/19 oh [4] 34/23 45/10 45/14 85/22 okay [50] 10/12 10/19 11/2 11/8 12/2 13/7 16/22 25/13 25/23 27/14 29/8 35/2 41/7 41/19 41/23 44/13 44/16 44/19 45/1 46/16 50/9 51/17 52/11 55/2 57/11 62/7 65/23 67/14 67/17 68/5 68/9 68/16 75/14 78/5 85/23 94/7 97/7 97/22 98/2 99/2 100/11 101/15 102/6 103/8 105/9 109/2 109/3 109/17
non-custodials [1] 62/22 non-deviation [1] 22/16 non-profit [1] 9/3 none [2] 44/14 73/3 normal [1] 90/2 not [134] Notary [1] 113/17 note [1] 12/9 notes [2] 28/3 35/1 nothing [7] 11/6 33/12 35/10 37/22 46/14 56/8 61/1 notice [3] 11/17 11/19 84/16 November [1] 12/5 now [47] 9/2 10/13 17/9 18/20 19/9 19/15 20/2 21/12 21/16 21/23 25/4 26/18 30/19 30/23 31/13 34/17 35/7 49/8 55/12 56/22 56/22 57/11 57/12 57/15 57/16 57/17 58/7 58/10 64/5 65/18 69/10 69/20 70/7 72/3 72/13 74/22 80/11 83/18 86/8 89/22 90/10	O objection [5] 58/4 58/5 58/12 58/13 66/9 obligated [2] 41/21 80/6 obligation [10] 28/1 31/8 41/3 41/16 42/18 42/20 43/3 57/15 62/9 86/11 obligations [3] 28/10 31/21 98/4 obligee [1] 29/19 obligor [1] 29/18 obvious [1] 61/23 obviously [3] 16/3 61/9 94/1 occasion [1] 71/5 Occasionally [1] 35/11 occur [1] 64/20	

O	101/19 102/19	51/16 55/18 55/20
okay... [2] 109/18	102/20 103/3 103/7	55/22 57/6 57/6
110/1	107/21 108/2 108/8	57/22 58/5 58/11
old [4] 17/8 48/7	110/6	58/22 60/8 63/5
63/6 78/23	ones [3] 25/5 47/18	64/17 66/5 72/1
older [1] 47/10	99/13	74/15 81/4 81/7
oldest [4] 34/6	only [10] 8/3 17/6	85/7 106/18
46/19 46/20 62/8	21/8 21/13 21/14	ordered [4] 42/19
oldest's [1] 47/17	39/11 52/2 64/15	57/18 58/10 65/11
once [7] 19/2 53/23	87/4 87/5	ordering [1] 100/14
58/16 74/14 75/6	open [3] 16/13	orders [6] 22/9
78/7 83/14	35/14 95/14	44/15 44/17 44/23
one [67] 15/22 17/6	opening [1] 17/18	46/17 52/22
18/13 20/17 27/22	operation [1] 13/16	original [4] 46/11
32/22 36/5 38/4	opportunities [1]	83/20 84/12 87/12
40/19 53/7 53/14	54/8	originally [1] 56/15
55/20 55/21 60/14	opportunity [7]	other [62] 11/22
61/5 62/14 63/9	12/7 14/10 17/9	15/6 16/9 22/22
64/15 67/3 67/19	17/11 17/12 17/13	25/18 27/7 27/11
71/5 71/18 75/11	54/6	27/15 28/14 28/23
76/5 76/8 76/15	opposed [2] 13/4	29/17 30/7 30/15
76/17 76/22 76/22	51/9	30/17 31/5 31/13
77/20 78/8 78/19	optional [1] 40/7	31/18 32/10 32/16
80/4 80/4 82/9	order [45] 30/14	32/17 34/13 36/18
83/10 83/16 83/17	30/18 31/6 34/4	37/1 40/16 42/1
83/19 83/20 84/19	34/5 34/5 34/7	45/7 51/11 52/12
87/7 87/12 88/19	38/11 39/1 41/3	54/22 57/10 59/6
89/5 89/10 93/5	41/11 41/18 42/6	59/23 60/3 60/22
93/6 93/9 93/18	42/20 44/5 44/9	61/23 62/1 62/18
96/12 97/14 98/19	44/11 44/20 45/4	65/23 68/11 73/10
99/6 99/22 100/4	45/23 46/15 46/20	73/18 73/21 75/10
101/3 101/19	47/6 48/12 51/9	76/9 77/6 78/6

O other... [16] 81/10 90/10 91/23 93/11 93/14 94/6 96/17 97/2 98/22 104/8 104/17 106/20 112/17 112/19 113/6 113/8 others [2] 81/11 94/17 otherwise [5] 57/13 61/4 75/11 87/4 112/20 our [38] 7/11 9/23 10/1 10/22 12/4 14/10 14/11 19/6 19/20 20/2 20/21 22/1 22/19 24/22 27/2 27/2 27/22 34/15 50/7 50/20 52/12 54/13 69/5 82/11 88/17 96/12 97/14 98/8 98/16 100/5 100/5 101/7 101/17 102/8 103/19 104/10 105/11 109/6 out [44] 15/12 19/22 24/16 25/14 28/3 32/11 34/22 41/21 43/23 45/14 50/23 51/5 54/3	55/22 56/18 56/21 58/12 59/18 61/8 61/9 62/8 62/14 63/5 66/8 67/11 73/13 79/19 82/13 83/2 83/8 84/17 85/23 86/15 87/15 87/23 88/5 91/19 92/11 92/17 92/20 99/22 106/12 108/11 110/12 outcome [1] 112/21 outlets [1] 11/20 outside [1] 23/13 over [16] 9/19 10/4 13/11 15/7 15/8 23/15 31/14 59/1 77/19 78/2 78/23 78/23 83/3 84/1 84/14 84/15 overall [1] 24/21 overlooked [2] 30/1 38/1 overview [2] 14/8 78/3 own [5] 14/11 22/2 53/4 100/2 107/1 P package [1] 100/1 packet [3] 12/3 78/10 78/19 page [3] 11/23 12/9	60/1 paid [5] 30/13 39/2 86/22 88/11 88/11 paragraph [4] 29/22 30/2 61/1 64/1 parent [55] 28/18 30/6 30/7 30/11 30/15 30/20 30/22 31/3 31/4 31/9 31/13 32/13 32/14 32/20 36/18 36/20 36/21 37/23 38/6 38/7 38/14 38/19 39/1 39/16 39/23 41/5 43/23 45/13 55/23 56/1 57/17 58/3 58/21 72/18 80/5 80/9 80/11 80/17 81/7 86/23 88/19 88/22 88/22 89/11 89/16 89/17 90/15 90/18 91/12 91/13 91/14 91/20 92/1 92/2 97/15 parent's [4] 30/12 31/8 36/2 90/18 parent/mother [1] 28/18 parenting [1] 69/15 parents [27] 29/12 29/19 29/19 29/23
---	---	--

P	86/23 87/13 87/14 89/4 90/2 91/13 97/1 party's [1] 72/3 pass [1] 28/3 past [5] 18/8 35/10 50/10 99/15 99/16 Patricia [2] 2/8 8/19 pay [12] 47/18 57/18 63/6 63/7 64/16 65/11 72/7 75/19 80/6 85/14 91/2 91/5 payback [1] 65/15 payee [1] 63/1 paying [35] 30/6 30/12 30/20 30/22 31/9 31/10 31/15 32/13 32/16 38/14 38/19 38/22 40/1 40/2 43/3 43/7 43/15 43/23 45/4 46/5 46/8 47/7 55/23 56/3 56/5 57/17 65/3 65/10 65/18 65/18 66/9 70/8 72/18 72/23 86/5 payment [2] 42/23 59/1 payments [1] 42/15	payor [2] 63/1 65/3 Peek [2] 5/10 9/5 penalty [1] 113/4 Penny [5] 2/19 9/15 75/5 79/2 86/16 people [24] 14/13 15/7 16/1 16/2 16/9 18/1 21/6 24/4 27/5 27/7 27/8 37/13 39/4 40/20 54/1 62/7 62/10 65/9 88/5 97/18 98/5 98/22 104/15 108/13 perceived [2] 51/20 55/15 percent [13] 32/14 32/16 33/15 37/3 43/22 44/3 45/11 45/12 45/22 46/4 53/15 53/15 106/2 percentage [7] 15/14 16/1 18/3 32/19 44/21 97/17 106/11 perfect [1] 58/17 perfectly [1] 59/5 perhaps [1] 104/11 period [2] 56/13 84/8 permitted [1] 113/7 Perry [1] 2/16
----------	--	---

P		
person [6] 30/14 38/22 54/13 55/4 66/20 113/3	playing [1] 85/15 plays [1] 83/15 please [4] 13/2 18/23 88/16 99/1 pleased [1] 69/7 plenty [1] 54/8 point [10] 13/21 35/14 56/9 59/11 66/2 79/19 85/10 91/8 92/14 97/7	12/6 potential [1] 26/1 potentially [1] 99/5 practical [1] 53/20 practice [8] 8/18 9/18 16/6 23/4 25/19 26/2 60/16 91/15
person's [3] 62/1 62/2 66/22	points [3] 27/15 31/18 52/12	practicing [3] 8/5 9/17 52/1
personally [3] 37/4 51/18 70/11	policy [15] 6/3 6/11 10/4 14/16 45/10 47/11 51/14 51/15 52/20 53/19 58/19 77/5 81/3 94/20 95/14	practitioner [2] 60/19 61/5 practitioners [1] 62/15
persons [4] 112/17 112/19 113/6 113/8	portions [1] 112/12	pragmatic [1] 14/17
perspective [4] 27/12 81/23 105/1 110/14	posed [4] 34/8 39/16 40/12 50/1	pre [18] 28/1 29/23 31/7 31/20 36/2 38/10 39/1 41/11 42/6 42/8 42/15 42/18 45/23 52/13 52/15 52/21 85/19 98/3
petition [2] 56/7 62/5	position [1] 47/14	pre-existing [18] 28/1 29/23 31/7 31/20 36/2 38/10 39/1 41/11 42/6 42/8 42/15 42/18 45/23 52/13 52/15 52/21 85/19 98/3
physical [10] 69/3 69/11 70/6 70/11 73/6 73/8 73/9 73/15 75/16 75/21	positive [1] 107/11	precedence [1] 94/18
physically [3] 81/18 81/18 81/20	possibilities [1] 16/10	
pick [1] 86/18	possibility [2] 51/4 87/10	
picking [1] 73/13	possible [5] 10/23 15/13 29/20 85/10 106/15	
picture [1] 85/10	possibly [1] 61/14	
piece [3] 22/11 60/5 60/12	posted [2] 11/22	
pin [1] 26/16		
place [4] 21/2 55/22 57/7 58/7		
Plaintiff [1] 88/22		
platform [1] 19/18		
play [1] 83/2		

P	75/20	40/5 56/12 57/10
precluding [1]	principle [1] 76/21	58/7 58/8 59/18
104/7	prior [4] 13/12	59/19 83/8 110/10
Preexisting [1] 28/9	59/16 59/16 61/21	113/2
prefer [2] 66/16	priorities [3] 99/4	Professor [4] 2/19
67/12	100/5 101/16	3/1 3/1 7/23
prepared [2] 79/14	prioritizing [1]	proffered [1] 75/7
113/4	97/13	profit [1] 9/3
present [8] 16/20	priority [2] 97/20	Program [6] 5/18
99/7 99/8 99/9	98/9	6/1 6/10 10/4 10/6
100/6 106/5 112/17	private [6] 8/18	10/10
112/19	9/18 20/1 20/5	programmer [1]
presented [3] 12/13	72/18 72/22	22/13
28/12 102/13	pro [2] 56/2 92/20	programming [6]
presenting [1]	probably [20]	19/10 19/14 21/16
99/23	13/14 23/5 24/14	21/19 26/7 26/15
presents [1] 108/23	25/3 25/5 29/6 29/9	prohibiting [1]
presiding [1] 55/12	37/18 40/13 40/21	62/17
presume [3] 83/12	54/21 70/16 78/13	prohibits [1] 61/2
100/17 100/18	93/19 93/22 101/1	prompt [1] 65/13
presuming [1] 87/4	103/14 106/14	properly [1] 90/15
presumption [1]	108/17 108/19	proposal [2] 94/15
70/20	problem [2] 22/22	95/1
presumptive [2]	64/7	proposed [10] 22/9
76/12 76/13	problematic [1]	55/9 55/10 56/20
pretty [8] 53/13	27/12	57/2 58/14 60/23
55/15 84/10 86/15	problems [1] 58/18	95/1 99/5 102/23
94/11 98/15 101/22	procedure [2]	proposing [1] 57/20
110/10	58/20 58/21	prospective [4]
previously [2]	Procedures [3] 6/4	63/19 64/4 64/8
13/23 50/1	6/12 10/4	64/8
primary [2] 75/15	process [11] 27/3	provide [5] 15/9

P provide... [4] 16/11 64/2 82/22 82/23 provided [3] 11/20 30/5 67/8 providing [4] 30/16 31/5 45/16 113/7 provision [3] 29/17 29/22 30/23 public [25] 9/22 10/15 10/18 10/22 11/3 11/18 13/15 14/16 15/1 19/23 19/23 20/8 20/15 26/6 27/4 49/19 81/2 97/12 101/10 103/21 104/1 109/6 109/8 109/11 113/17 pull [3] 20/18 21/21 54/19 pupil [1] 52/10 purport [1] 48/11 purpose [1] 21/12 pursuant [2] 30/14 31/6 pursuing [1] 61/2 push [1] 107/23 put [14] 15/16 19/20 21/14 42/5 55/18 55/22 58/15 60/9 81/6 91/15	97/19 98/7 105/10 106/8 putting [1] 96/2 Q Quadrennial [6] 48/22 49/7 58/16 78/8 84/9 94/17 query [1] 22/13 question [13] 12/11 35/22 36/23 37/6 37/13 39/12 39/16 40/4 40/12 45/23 61/5 65/9 106/12 questions [11] 16/14 28/5 34/8 37/1 37/2 40/23 48/10 68/11 93/11 97/9 109/12 quick [2] 14/21 101/12 quickly [3] 94/5 103/9 104/19 quite [4] 27/21 82/13 84/8 94/1 quorum [4] 11/9 11/11 11/13 11/15 R radar [2] 27/13 106/8 raise [1] 41/6 raised [9] 31/18	35/23 36/6 36/9 37/1 46/1 55/13 57/5 65/9 rata [1] 56/2 rationale [1] 76/4 reach [1] 25/14 reaches [1] 56/23 reaching [1] 100/5 read [9] 8/8 28/4 29/21 31/2 33/21 36/1 38/20 38/21 103/21 reads [3] 13/15 30/2 72/13 ready [8] 98/8 98/13 101/18 102/16 103/2 103/5 105/2 105/6 reaffirmed [1] 24/17 real [3] 32/22 76/14 104/16 realistic [1] 106/7 realistically [2] 84/22 99/5 realize [2] 29/11 60/17 realized [1] 36/11 really [28] 15/21 27/2 36/13 36/15 44/18 45/15 55/3 56/8 60/11 61/22
--	---	--

R	recipient [1] 38/19	rejected [1] 33/4
really... [18] 69/7	recollection [1]	rejecting [2] 71/13
73/1 74/13 76/3	14/11	71/14
77/19 77/22 78/20	recommend [1]	related [13] 35/17
84/9 87/21 91/8	30/10	53/19 54/14 63/2
92/5 92/15 93/7	recommendation	81/9 82/1 82/4
93/19 96/10 96/21	[3] 13/18 61/13 71/2	86/22 87/5 88/1
101/20 108/1	recommendations	94/22 101/21
reason [12] 40/11	[1] 33/3	112/15
57/3 58/22 67/12	reconsider [2]	relates [2] 15/23
69/12 69/19 70/21	34/17 37/3	26/1
70/22 73/5 73/11	record [2] 21/7	relating [2] 52/13
76/2 80/15	89/15	104/13
reasons [5] 18/13	recurring [1] 35/5	relations [4] 8/21
51/14 51/15 68/23	redo [1] 83/20	9/11 23/12 52/2
69/11	redoing [1] 26/12	remain [1] 75/11
Rebecca [1] 25/8	reduced [1] 65/17	remember [16]
recall [4] 29/10	reduction [2] 56/2	16/17 16/20 18/8
53/3 53/4 76/16	65/12	65/7 71/7 92/6
recap [2] 13/11	referring [2] 30/20	93/15 93/16 93/20
14/21	38/21	94/2 94/8 95/3 95/8
receive [2] 11/2	reflect [1] 109/18	95/18 95/20 96/1
14/14	refresh [2] 14/11	remembering [1]
received [1] 11/4	85/16	48/7
receives [1] 89/4	regard [1] 80/22	remind [3] 64/23
receiving [5] 85/7	regarding [1] 28/13	65/1 79/22
89/9 91/12 91/14	registered [1] 110/9	reminder [2] 7/14
92/1	regular [5] 9/22	14/22
recent [3] 66/20	9/23 23/20 75/9	Rena [1] 28/12
71/9 99/16	96/14	report [1] 15/4
recently [1] 23/11	regularly [1] 27/8	reporter [7] 6/18
receptive [1] 101/5	rehashed [1] 33/8	7/11 7/12 10/2

R	results [2] 49/5 55/16	50/13 50/17 52/18 53/2 59/22 64/11
reporter... [3] 112/1 112/7 113/17	rethink [1] 108/21	64/18 64/18 66/13
reporter's [1] 18/18	retired [2] 8/1 81/18	68/6 68/17 70/12 71/10 72/13 72/13
repository [1] 26/23	returning [1] 13/13	73/12 76/2 76/19 77/12 80/19 80/20
request [2] 34/15 100/19	review [16] 11/23 13/17 14/22 20/14	84/14 84/15 85/3 88/12 88/13 89/18
require [2] 43/21 60/6	49/19 50/16 58/16 78/8 84/9 94/18	89/22 90/3 90/6 90/10 90/12 90/12
required [2] 43/8 91/5	103/3 103/22 113/9	90/23 91/6 94/19 95/12 95/23 97/8
research [5] 48/2 51/4 54/17 97/19	reviewed [1] 33/2	100/9 100/10 100/20 103/8 104/5
107/1	reviews [3] 48/22 49/7 49/21	105/13 105/20 106/6 107/15 109/5
Resources [6] 3/11 4/11 5/23 6/8 6/16	revisit [3] 35/8 38/15 93/1	rise [1] 16/4
10/8	revisiting [1] 26/12	road [1] 84/20
respite [2] 87/1 87/9	Rhonda [2] 53/9 53/9	rocks [1] 56/5
respond [1] 13/3	rid [1] 57/7	role [2] 80/3 81/4
responses [10] 10/18 12/14 13/5	right [81] 11/1 11/9	roll [1] 19/22
25/21 27/17 54/23	19/12 19/15 20/2	roll-out [1] 19/22
68/14 96/18 109/22	20/12 21/12 21/23	room [1] 70/16
110/18	22/1 24/12 26/16	rule [64] 7/21 24/11
responsible [8] 30/16 31/4 32/23	27/22 32/6 32/9	28/8 28/14 29/16
33/17 37/7 41/2	34/1 37/12 37/15	30/5 30/11 30/23
41/4 45/7	39/3 39/21 39/23	31/19 33/6 33/22
rest [1] 24/6	40/9 43/1 43/10	33/23 34/3 34/7
resulted [1] 55/16	44/22 46/2 46/6	34/7 35/16 35/23
	47/17 47/19 47/23	36/8 36/15 36/23
	48/1 50/2 50/11	38/5 39/18 41/9

R	58/8 61/14 75/23	55/17 80/1 86/21
rule... [41] 42/10	77/1 77/1 77/2 77/3	86/23
43/9 45/12 47/21	80/10	scenarios [2] 46/21
48/12 48/12 48/15	save [1] 11/16	80/21
51/9 51/9 55/9	saw [1] 24/16	schedule [4] 14/1
55/10 56/20 57/3	say [38] 13/2 17/4	15/11 86/2 109/6
58/15 60/6 61/4	27/1 30/19 31/9	schedules [4] 13/13
62/16 63/12 64/3	33/11 33/16 35/20	13/17 26/12 75/7
66/14 68/22 69/5	37/22 41/1 41/15	school [3] 2/21
70/13 70/20 70/20	42/17 49/9 49/14	72/18 72/22
72/11 72/13 74/20	54/9 55/19 61/6	screen [1] 77/14
76/14 80/23 82/4	63/12 67/3 71/22	script [2] 13/15
89/21 90/4 90/9	74/4 74/22 75/1	21/20
90/12 90/13 91/10	78/2 80/4 81/3	scroll [1] 96/23
99/5 103/23 106/16	81/15 85/18 86/10	se [1] 92/20
106/18	89/10 90/11 93/2	search [1] 22/13
ruled [1] 40/5	98/20 99/12 101/4	second [7] 12/22
rules [1] 76/18	103/18 106/1	12/23 13/2 31/3
run [3] 75/18 103/7	107/21	32/22 47/9 68/13
107/22	saying [10] 44/8	seconds [1] 12/8
S	44/10 45/21 57/16	section [3] 33/2
said [19] 14/11 30/9	62/17 69/12 73/14	69/6 85/11
30/19 36/10 40/4	75/14 76/11 91/10	security [2] 89/3
40/11 45/22 51/8	says [14] 38/6 42/14	92/1
53/14 54/7 59/15	45/11 45/12 57/11	see [31] 7/5 10/14
70/15 71/13 71/18	63/18 64/2 64/5	10/20 11/1 14/2
71/19 78/20 89/3	68/18 70/7 74/21	18/1 18/8 20/12
109/18 112/12	75/18 82/3 86/22	25/14 29/20 50/4
sake [1] 104/22	scan [1] 21/18	55/17 56/12 56/17
same [12] 33/11	scanned [4] 18/16	59/9 72/5 74/18
33/12 42/23 51/23	19/2 22/23 23/2	77/14 85/9 85/17
	scenario [5] 39/13	85/20 93/7 96/23

S	53/22 54/8 54/16	94/12
see... [8] 102/10	94/9	she's [7] 7/11 25/11
102/19 103/9	Services [1] 9/1	25/12 46/9 53/9
104/16 107/1	set [4] 21/10 35/11	53/10 94/4
107/20 108/13	83/11 102/9	sheer [1] 25/4
109/7	settle [4] 16/7 23/6	sheet [1] 110/12
seeing [2] 16/9	47/13 74/11	Shelby [1] 71/23
93/13	settlement [2]	Sherman [13] 2/2
seem [1] 25/2	76/11 76/12	9/9 12/23 18/6
seems [4] 15/18	seven [1] 63/5	35/21 38/21 40/23
60/18 84/22 85/4	seventy [1] 32/17	53/10 55/3 73/3
seen [4] 27/10	seventy-five [1]	88/16 108/18 110/7
27/11 46/21 72/8	32/17	Sherman's [4]
send [7] 26/20 28/6	several [7] 14/2	68/13 101/20
48/10 54/2 92/9	31/14 55/13 65/9	103/10 104/11
92/11 108/11	82/12 99/16 107/8	Shirlee [1] 53/8
Senior [1] 3/14	share [5] 17/20	short [2] 38/4 60/18
sense [6] 27/1 45/21	42/1 42/2 73/1	should [27] 22/5
52/3 61/21 85/21	85/20	32/18 40/8 51/15
86/13	shared [13] 69/11	51/16 52/22 54/18
sensitive [2] 101/14	70/6 70/10 72/1	63/6 65/11 67/9
104/17	72/4 73/6 73/7 73/9	69/10 69/10 69/20
sent [9] 13/19 28/6	73/15 78/10 87/6	70/7 70/16 70/20
34/22 49/2 49/3	101/21 104/18	70/21 70/21 75/2
49/3 49/3 50/3 96/2	sharing [1] 104/9	75/4 75/19 77/3
sentence [5] 31/2	she [21] 7/15 25/15	81/1 81/8 85/6
31/2 31/3 38/5	28/23 29/10 34/10	89/16 92/23
61/19	34/14 39/13 39/14	shouldn't [3] 65/4
separate [1] 21/11	39/16 40/11 41/21	66/10 89/7
separately [1] 99/9	41/21 45/15 47/8	shows [2] 66/22
serve [8] 17/15	48/8 48/23 50/21	108/9
25/15 27/20 53/18	80/6 92/9 93/18	side [1] 73/21

S	social [2] 89/3 92/1	22/16 24/17 26/17
sides [1] 38/18	solid [1] 44/17	43/14 48/5 58/1
signed [1] 58/5	some [65] 7/8 9/21	60/15 63/16 63/16
significant [2] 69/1	9/22 14/12 14/17	65/20 75/3 86/9
99/19	16/3 16/11 21/7	92/21 92/23 106/15
similar [1] 24/17	21/11 22/13 23/7	108/20
simple [1] 60/2	26/3 27/7 28/3 34/9	Sometime [1]
simplicity [2] 93/8	34/18 35/8 37/12	104/23
96/8	39/5 48/20 51/6	sometimes [3]
since [8] 24/19	53/18 53/19 55/15	18/13 55/23 65/12
25/23 43/2 43/21	56/6 56/11 56/13	somewhere [4]
49/23 58/9 106/7	58/4 58/19 58/21	18/18 32/12 72/17
107/5	59/3 62/18 63/18	86/19
sitting [3] 18/17	64/17 65/6 70/16	soon [1] 55/22
84/10 109/9	71/5 71/12 76/1	sorry [3] 46/11
situation [11] 37/14	78/5 78/15 78/23	82/14 86/12
43/12 47/5 60/7	79/2 79/3 79/15	sort [13] 22/20
65/10 72/16 76/23	79/23 81/18 83/8	25/23 26/23 27/21
81/16 84/23 85/1	83/14 83/23 86/8	42/20 50/22 78/21
93/2	89/8 89/20 95/5	83/11 85/1 89/8
situations [2] 67/1	95/13 98/21 103/17	95/13 100/4 101/15
69/3	104/8 104/17	sound [1] 109/2
sixteen [1] 8/7	107/18 108/11	speak [5] 10/15
sixty [1] 107/10	108/12 108/20	10/21 32/7 79/14
SJIS [1] 19/16	113/5 113/8	100/17
Slack [4] 6/18	somebody [6] 43/15	speaks [2] 91/19
112/6 113/15	56/6 63/15 72/6	91/21
113/16	97/2 108/23	special [1] 7/20
small [2] 18/3 57/23	somehow [1] 37/8	Specialist [4] 5/18
smaller [1] 97/17	someone [1] 43/3	6/1 10/7 10/10
smart [1] 94/4	something [19]	specialists [1] 21/5
so [238]	18/4 21/20 21/21	specific [2] 20/4

S	104/15	still [18] 9/3 52/20
specific... [1] 79/20	state [5] 1/3 11/20	57/4 58/17 58/17
specifically [5]	47/6 112/4 113/18	63/16 64/8 70/9
28/17 35/17 44/4	statement [1] 66/5	72/9 72/11 73/11
73/13 90/9	statements [5]	73/22 75/10 80/5
spend [1] 96/13	109/12 112/8	87/3 87/5 95/13
split [1] 72/17	112/10 112/12	107/12
splitting [2] 86/4	113/7	stopped [1] 82/10
86/14	states [9] 15/6	stopping [1] 13/12
spouse [1] 40/2	27/11 32/16 32/17	straight [2] 28/4
spring [1] 7/6	34/13 34/14 48/9	47/13
STAARS [1] 110/9	51/11 106/20	stretch [1] 100/18
Staff [4] 3/14 5/4	statewide [1] 23/17	strike [2] 69/10
5/10 8/10	Statistics [2] 3/2	70/15
stand [3] 10/14	7/23	strongly [1] 51/13
100/2 109/8	stay [1] 80/8	subcommittee [33]
standard [5] 69/16	stayed [1] 61/13	16/16 16/18 17/15
70/18 75/16 75/21	Steinwinder [7] 4/1	31/19 32/2 33/9
86/7	8/17 12/20 40/22	50/23 53/3 53/5
standpoint [1]	65/1 72/15 91/18	54/5 59/7 60/4
47/12	step [1] 61/17	63/22 65/7 77/7
star [1] 52/10	Stephanie [3] 5/4	77/20 77/20 79/15
start [8] 7/18 7/18	8/10 11/1	83/23 84/4 93/14
15/2 21/3 32/1	Stephens [6] 2/8	93/17 94/7 94/15
35/15 56/3 82/10	8/19 17/16 17/23	95/9 97/4 97/10
started [14] 7/9	35/20 38/9	98/18 105/12
27/1 31/17 47/21	stepparent [1]	105/23 107/17
48/21 52/1 56/4	89/20	107/19 108/15
58/16 66/21 78/8	stepparent's [1]	Subcommittees [3]
78/15 84/6 84/9	37/14	54/3 54/10 54/17
104/2	steps [4] 49/13 59/8	subject [3] 28/15
starting [2] 15/21	80/12 93/9	28/19 30/7

S	4/8 5/19 6/2 6/5 6/13 8/8 8/15 9/13 9/20 10/4 10/7 10/10 11/23 15/7 19/23 24/16 26/2 27/8 28/1 28/9 28/11 28/21 30/3 30/6 30/8 30/12 30/13 30/14 30/17 30/18 31/5 31/7 31/8 31/21 32/20 34/4 36/2 36/4 38/10 38/22 39/1 39/2 41/3 41/12 41/16 41/22 42/6 42/15 42/18 43/7 44/1 45/16 46/20 47/6 47/13 50/8 51/14 52/15 52/22 53/1 55/18 56/2 56/5 56/14 56/21 56/23 60/8 60/10 61/3 61/9 61/10 62/9 62/13 64/15 65/3 65/17 69/2 72/2 73/16 76/4 76/12 76/13 80/6 82/20 89/9 91/4 92/18 98/3 111/2	supporting [3] 28/23 42/8 45/8 supposed [2] 32/4 66/10 Supreme [20] 5/6 7/11 8/11 8/12 13/19 13/20 14/5 30/3 33/3 33/4 33/14 33/15 33/21 37/9 64/5 71/2 99/6 99/8 100/6 100/17 sure [20] 12/6 15/19 16/5 22/15 23/23 26/21 34/23 37/23 41/8 52/4 53/13 54/7 59/4 61/18 63/4 71/6 77/23 90/9 103/4 107/4 surviving [1] 80/5 survivor [1] 89/4 suspicious [1] 79/9 system [4] 19/20 20/2 110/9 110/10
submit [3] 70/5 70/6 74/14 submitted [2] 33/3 94/16 subsection [2] 69/5 69/8 substantially [5] 61/20 62/2 69/15 77/4 99/18 subtracted [1] 41/18 such [1] 94/21 sudden [1] 83/18 suggest [2] 54/11 87/16 suggested [2] 26/1 56/15 suggesting [2] 73/4 73/5 suggestion [1] 99/21 suggestions [6] 12/12 14/5 26/6 77/7 103/22 109/21 suggestive [1] 98/22 summarized [1] 34/14 summer [2] 104/16 104/23 support [90] 1/2	support' [1] 29/23 supported [1] 28/20	T table [1] 78/7 tag [2] 21/17 22/8 tagged [1] 110/6 take [11] 12/8 65/19 81/20 85/23 92/19 93/9 96/12 102/1 103/12

T	36/12 110/3	37/23 39/3 40/13
take... [2] 104/11	telling [3] 19/3 46/8	41/12 41/17 42/3
109/1	60/10	42/10 43/1 43/8
takes [2] 71/19	terminate [1] 57/21	43/23 44/17 44/19
84/12	terminates [1]	44/22 46/2 48/3
taking [4] 68/4	64/16	50/6 51/19 51/20
77/21 80/14 86/14	termination [3]	52/2 53/4 56/12
talk [9] 12/10 18/22	58/5 66/4 66/14	56/13 57/3 58/10
31/10 79/22 83/21	terminology [2]	58/14 58/14 59/7
86/21 97/13 102/16	26/16 38/14	61/22 61/23 63/3
108/7	terms [5] 40/19	63/21 64/20 64/21
talked [11] 14/14	41/2 98/9 99/23	64/22 64/22 64/22
23/12 32/11 35/10	101/16	67/12 69/21 70/12
53/15 64/14 83/6	Terry [1] 55/12	70/19 72/8 72/14
89/13 89/14 95/19	testimony [1] 72/10	74/17 74/20 75/12
98/3	than [9] 40/19	75/23 76/3 77/10
talking [20] 15/3	45/15 47/13 57/17	79/18 80/5 80/19
22/19 24/4 27/23	59/6 71/5 78/22	81/10 82/9 84/19
32/1 42/7 44/4	100/19 103/15	86/1 87/8 88/8
44/11 44/15 44/23	thank [11] 10/12	88/12 91/5 91/6
45/3 46/14 57/4	11/2 11/8 11/15	91/7 91/10 93/5
63/23 81/17 83/9	12/2 13/7 17/17	94/22 96/10 96/16
90/1 96/22 101/16	18/5 27/19 41/19	98/12 98/13 99/22
107/8	110/21	100/23 101/19
talks [2] 30/21	Thanks [1] 65/22	101/21 102/10
30/22	that [559]	104/5 106/19
taught [3] 52/4 52/6	that's [93] 11/13	108/10 110/9
74/19	14/9 14/20 15/20	their [11] 27/13
technically [1]	17/5 17/23 20/2	36/3 53/4 56/2
105/6	23/5 23/21 24/18	76/23 90/16 91/21
tell [7] 7/15 11/17	27/1 29/1 31/16	92/2 100/2 101/14
29/12 31/12 32/5	32/7 33/20 34/19	104/9

T	11/10 11/11 14/1	84/15 86/17 91/17
them [33] 8/8 14/6	15/16 18/11 22/1	91/18 92/21 97/17
19/2 21/20 21/22	22/12 22/17 26/13	98/21 99/22 106/20
22/6 22/8 28/5 32/5	31/14 32/10 32/18	107/5
34/22 41/22 43/21	32/19 34/12 34/13	therefore [1] 43/4
45/3 53/19 53/19	35/8 40/20 41/10	these [15] 14/12
67/4 67/9 68/10	41/18 43/23 44/5	14/15 23/19 29/4
71/19 72/20 78/8	44/9 44/11 45/22	33/5 37/19 40/19
81/21 90/18 92/19	47/5 48/14 55/15	54/8 54/17 79/7
92/20 99/9 99/10	55/17 58/4 58/13	86/10 97/13 99/19
99/23 100/6 100/6	58/13 58/19 59/9	103/22 108/22
100/8 101/9 102/16	61/7 63/18 65/8	they [88] 20/15
then [52] 12/17	66/19 68/11 69/17	21/6 21/10 21/17
14/23 16/1 20/18	70/2 70/16 73/17	21/17 21/18 21/18
22/5 22/13 22/21	77/6 78/6 81/8	21/19 22/8 26/6
24/15 26/22 27/13	81/11 82/15 83/12	26/20 29/6 29/9
28/5 37/22 45/14	84/8 85/3 89/7	30/9 32/15 34/14
47/8 51/10 54/3	94/20 95/12 95/13	35/12 36/1 36/13
54/20 55/20 56/6	99/22 103/4 105/2	38/11 41/20 43/4
58/12 59/10 61/13	110/2 110/13	43/6 45/10 47/9
62/3 64/6 68/10	110/17	48/19 54/4 55/21
68/18 73/8 74/14	there's [41] 12/16	56/1 56/3 56/7
75/19 76/14 77/9	15/19 18/14 18/15	57/10 58/9 63/6
78/4 81/5 83/19	20/13 20/15 20/23	65/4 65/10 65/11
85/3 86/11 87/2	23/14 27/8 38/10	66/6 66/9 66/10
87/6 87/14 90/20	44/20 51/1 51/4	66/21 66/21 67/8
92/23 97/3 97/4	52/17 56/7 56/8	68/8 70/5 70/9 70/9
98/2 98/11 102/12	57/6 57/22 57/23	70/19 71/12 72/1
103/18 107/5	58/12 58/17 59/1	72/5 72/6 72/9
108/15 108/22	60/7 62/23 64/15	74/14 77/1 77/22
109/1 110/12	65/17 67/1 71/11	81/5 81/17 81/18
there [62] 11/2 11/9	76/18 82/12 83/14	81/21 82/17 82/17

T	things [12] 21/7 34/13 35/11 54/14 76/17 78/7 78/22 84/6 84/20 85/19 93/5 93/8 think [136] thinking [8] 26/9 26/19 39/10 50/23 54/11 83/23 86/20 99/3 thinks [1] 56/1 third [28] 56/5 78/15 78/16 78/19 79/7 79/17 80/2 80/16 80/23 83/18 84/12 84/15 84/16 85/13 86/6 86/6 86/9 86/23 87/13 87/14 87/16 89/4 90/2 91/13 96/15 97/1 102/12 108/23 thirty [2] 12/8 24/10 this [142] those [33] 13/22 14/8 14/17 16/5 17/9 19/1 21/1 25/19 26/23 27/20 33/4 34/8 34/9 35/8 41/17 47/16 48/7 54/3 63/3 63/11 65/12 67/3 71/13	71/14 73/20 80/20 80/23 81/2 83/1 83/23 92/4 103/12 108/20 though [5] 41/18 47/9 48/11 52/18 100/1 thought [11] 13/21 21/2 36/7 40/5 63/17 63/23 75/3 79/21 85/16 98/23 104/12 thoughts [3] 16/15 96/17 97/2 thousand [1] 24/10 three [14] 13/12 55/19 56/16 56/18 60/17 60/18 60/21 61/14 61/16 61/21 62/7 67/11 78/10 95/4 threshold [2] 24/9 24/15 through [16] 7/19 10/19 12/9 15/6 15/12 15/12 54/20 75/7 83/8 89/19 92/5 92/15 93/6 99/4 100/7 103/7 throw [2] 79/11 81/12 time [52] 7/5 14/7
they... [26] 82/18 85/4 86/5 86/7 88/7 89/3 90/14 92/22 92/23 93/16 99/10 99/13 99/19 100/1 100/18 101/7 101/8 101/9 101/12 101/14 101/15 103/17 106/13 107/18 109/6 109/18 they're [30] 18/14 18/15 18/17 18/20 19/2 22/22 26/3 43/3 63/6 65/10 66/9 70/10 72/12 72/23 77/1 81/5 81/6 81/19 83/12 83/23 89/9 89/11 91/1 91/4 91/12 91/15 96/9 99/19 100/1 100/3 they've [1] 101/4 thickest [1] 12/3 thing [18] 19/11 32/11 33/19 42/23 44/12 49/10 52/2 58/8 60/14 63/9 64/19 65/16 66/7 70/21 75/23 88/18 106/11 106/19		

T		
time... [50] 14/13 17/21 31/15 35/5 35/7 36/5 47/23 47/23 49/9 52/1 55/19 55/20 56/13 59/11 60/16 61/10 61/20 62/3 62/6 62/14 69/15 75/4 76/18 77/13 82/11 84/8 88/5 96/13 97/19 101/13 102/18 103/3 103/7 104/14 104/16 104/20 105/11 106/7 107/3 107/8 107/12 108/3 108/6 108/7 108/12 108/14 108/17 108/18 109/3 110/2 timely [2] 58/23 101/8 times [2] 60/20 95/4 timewise [1] 102/21 timing [2] 14/1 98/10 tinker [4] 54/12 87/3 95/6 97/6 tiny [2] 18/7 23/9 today [7] 14/3 14/9 25/11 41/1 79/14 84/20 100/15	together [3] 60/3 87/12 96/2 too [17] 16/4 16/22 42/3 43/12 52/14 53/20 60/17 60/18 64/14 70/3 77/5 78/13 84/1 87/11 88/10 94/3 104/19 took [4] 29/6 29/9 92/3 94/18 topic [13] 15/23 16/2 17/2 17/20 27/15 27/22 68/12 68/13 79/14 79/18 81/13 96/21 104/13 topics [6] 14/15 78/6 79/3 103/20 104/7 109/21 Torbert [1] 1/13 total [2] 28/18 86/11 totally [2] 79/16 79/19 touch [1] 17/15 touched [1] 26/1 toward [2] 78/14 96/14 towards [2] 19/15 102/10 trained [1] 112/6 training [2] 23/10 23/11	transcribed [2] 112/8 112/10 transcript [9] 12/4 13/9 54/1 71/9 103/21 109/18 113/4 113/9 113/21 transcription [2] 112/10 112/11 transitioned [1] 9/2 travel [3] 110/2 110/3 110/4 traveling [1] 7/6 treated [1] 89/16 treatment [2] 28/9 31/20 trial [9] 56/19 66/16 67/2 67/13 71/12 72/8 72/10 74/10 74/12 tried [2] 18/17 57/19 trouble [1] 8/4 true [7] 43/5 48/3 69/3 70/19 72/16 106/16 112/11 truly [1] 87/1 try [7] 20/17 22/22 47/13 56/10 65/14 71/1 71/2 trying [7] 15/11 23/1 25/6 38/23 74/11 80/21 106/15

T	ultimately [1] 24/21	21/21 24/23 25/7
tuition [2] 72/18 72/22	under [14] 43/9 55/18 56/20 61/4	29/13 32/7 33/11 33/13 34/6 35/11
turn [6] 18/4 77/15 77/17 77/19 78/1 84/1	61/7 63/7 66/11 70/8 70/20 79/12 81/12 97/4 108/15 113/3	35/14 35/18 37/15 38/10 41/15 43/14 46/1 50/4 51/5 56/7 56/11 59/11 60/3 60/15 62/22 64/10 70/4 78/11 79/2 80/12 83/11 85/22 86/4 86/11 86/18 88/19 89/1 92/3 94/15 94/23 96/23 97/9 98/17 99/10 101/22 107/12 108/9 108/20 109/1 109/8
Turner [2] 61/7 61/7	underlines [1] 69/23	update [1] 34/16 updated [1] 63/10 updates [2] 20/4 26/3
Tuscaloosa [2] 2/22 3/6	underlying [4] 76/4 76/21 77/5 79/15	us [31] 7/9 9/22 11/17 13/12 14/14 16/5 24/11 24/13 34/17 35/12 35/12 39/17 40/12 48/16 51/22 56/10 65/1 79/23 100/14 100/21 101/13 103/9 103/22 106/7 106/11 107/20 108/6 108/21
twice [1] 91/2	understand [4] 14/13 45/21 62/10 93/9	
twins [1] 77/1	understood [2] 41/8 46/16	
two [24] 13/11 14/12 18/8 18/9 18/14 28/19 55/3 56/18 56/22 57/12 60/18 62/12 71/23 76/22 78/3 81/10 83/17 86/4 86/10 95/4 108/3 108/18 108/20 108/22	unfortunately [1] 23/19	
Tyler [1] 20/11	Unit [1] 6/4	
type [3] 22/13 56/11 66/21	University [3] 2/19 3/5 8/1	
types [1] 26/23	unjust [1] 55/16	
typical [1] 80/1	unless [4] 57/12 99/17 99/21 108/20	
typically [2] 80/20 96/23	Unlike [1] 7/11	
U	Unlimited [2] 17/12 17/13	
UJIS [2] 19/17 19/21	until [1] 100/7 up [57] 13/12 15/23 16/13 17/18 18/9 19/6 20/18 21/10	

U	71/3 73/4	81/14 83/16 83/18
us... [3] 109/10	viewed [1] 101/8	86/18 90/11 94/7
109/21 110/3	visitation [4] 69/17	96/13 98/17 99/9
use [2] 15/13 87/22	70/18 75/17 75/22	99/12 100/19
used [3] 19/8 29/2	Volunteer [1] 9/3	102/15 103/18
40/7	volunteered [3]	105/4 105/16
useful [1] 37/19	27/20 27/20 54/2	105/22 106/1
using [2] 61/16	volunteering [1]	107/19 108/7
66/17	54/16	108/21 109/3
usually [2] 38/9	volunteers [1]	wanted [7] 17/23
60/21	31/22	33/21 41/7 83/21
utilize [1] 18/12	vote [5] 14/4 99/10	92/4 93/9 106/13
V	103/6 108/19	wants [7] 12/8
various [1] 79/3	108/22	17/14 25/18 28/7
Venohr [5] 33/5	voted [2] 59/11	63/15 78/2 108/2
34/9 48/8 70/1	103/2	was [114] 8/23 9/1
106/23	voting [2] 14/9	11/14 11/20 12/4
Vernecia [2] 6/1	107/20	13/19 13/19 14/10
10/6	vouchers [1] 110/4	16/11 16/17 17/3
version [3] 19/5	W	17/3 20/21 22/12
19/6 19/6	waiting [2] 11/15	22/19 23/6 24/9
Versus [1] 106/18	101/3	28/11 28/23 29/13
very [21] 16/6 16/6	walks [1] 92/15	29/16 32/12 32/18
18/3 18/9 19/19	want [46] 10/15	32/21 32/22 32/23
23/9 23/16 34/13	15/16 25/14 31/23	33/7 33/19 34/15
36/9 46/10 57/23	33/14 33/16 35/12	34/23 35/11 35/22
57/23 60/1 69/22	38/15 40/18 42/2	36/7 36/7 37/9
72/17 79/9 94/5	49/10 49/11 51/6	39/13 40/6 40/10
101/5 101/9 101/12	51/10 52/12 53/5	41/18 41/21 44/20
104/9	54/7 61/18 64/16	45/21 45/23 46/11
view [4] 36/1 68/22	68/1 68/8 70/14	47/5 47/14 47/22
	70/15 77/22 79/11	48/2 48/2 51/8 53/6

W	35/16 36/1 48/18	73/14 77/18 79/19
was... [63] 53/9	52/5 57/20 59/3	80/19 80/21 82/3
53/11 55/7 55/8	59/6 69/13 69/14	83/9 91/10 97/6
56/11 59/10 59/18	69/17 69/20 69/21	101/16 101/18
61/9 61/21 63/23	69/21 74/20 79/2	104/6 104/15
64/13 65/2 65/2	83/11 85/22 86/4	105/14
65/6 65/7 65/20	89/14 93/2 93/8	we've [25] 7/5
67/16 67/22 69/1	100/14	13/17 14/13 14/18
69/6 69/17 75/6	ways [1] 56/21	25/23 31/12 36/17
75/8 76/11 78/17	we [282]	43/2 43/20 44/20
78/21 79/6 79/6	we'd [3] 49/14 51/9	45/4 52/14 55/3
79/6 79/7 79/8	99/23	57/2 57/19 57/19
79/10 79/12 79/16	we'll [22] 7/18 12/7	63/10 71/9 76/1
79/21 81/15 81/22	15/2 17/16 20/4	78/6 83/17 99/12
81/22 81/23 82/11	35/15 50/5 54/1	100/7 100/9 106/22
82/15 83/16 84/7	54/2 77/16 77/17	web [1] 11/23
85/15 86/16 91/8	86/18 96/23 97/10	website [1] 12/1
93/18 93/22 94/6	97/11 98/17 98/18	Wednesday [1]
94/8 95/9 95/9	102/15 104/11	101/14
95/13 95/13 96/23	107/17 108/11	weeds [1] 103/16
99/18 100/11	109/1	week [2] 19/7 23/11
102/10 106/7 107/2	we're [45] 7/18	welcome [6] 7/3
107/12 107/13	11/15 14/20 15/11	17/1 42/1 68/10
111/3	15/20 19/22 20/3	103/19 103/22
wasn't [6] 28/22	22/19 24/4 24/5	well [41] 8/9 8/23
34/12 39/15 40/6	26/7 26/10 26/12	11/14 13/7 14/16
65/3 75/3	30/21 32/13 34/5	14/17 18/20 18/21
way [35] 15/19	34/18 36/19 45/8	27/1 27/4 27/19
15/20 20/14 20/19	45/11 45/18 48/16	32/6 36/13 39/10
21/14 22/5 22/17	56/14 57/4 57/20	42/14 43/8 45/10
24/20 27/2 27/9	59/15 65/18 68/5	45/14 47/11 48/21
27/10 33/20 34/11	70/16 72/21 73/12	49/9 52/6 52/11

W	112/19	102/11 104/6
well... [18] 53/14	weren't [5] 32/4	105/16 106/2 106/6
64/13 66/1 74/12	34/11 55/21 67/18	106/20 108/1
75/1 77/12 80/4	67/22	what's [3] 32/22
86/8 91/17 92/16	what [89] 9/18	58/14 107/7
93/18 94/13 94/14	13/11 14/10 14/13	whatever [3] 80/15
103/21 105/19	15/6 15/7 15/8	87/2 93/3
110/1 110/8 110/20	15/10 15/14 15/20	whatsoever [1]
went [5] 61/11	16/9 17/3 25/3 30/5	16/7
69/22 78/18 84/8	33/16 35/12 35/18	when [55] 8/3 8/22
107/12	37/6 37/11 40/5	10/20 15/11 16/7
were [61] 14/2	40/5 41/2 41/15	19/21 21/17 23/12
15/10 16/20 20/15	41/16 42/10 45/21	24/9 24/16 26/11
23/8 24/14 24/15	46/5 46/8 46/9	29/13 30/20 32/12
24/17 28/19 28/20	49/13 49/15 51/7	33/1 33/2 36/3 38/6
29/4 29/7 31/21	51/8 51/9 51/20	41/1 41/15 45/2
32/10 32/15 33/4	55/15 56/22 57/9	45/3 45/22 47/8
34/8 34/9 35/10	57/18 57/20 58/1	47/21 48/9 51/20
41/20 45/10 47/9	58/14 58/19 59/6	52/21 56/14 56/22
47/9 47/22 49/6	59/7 59/19 63/12	61/15 62/8 62/13
53/13 53/14 54/4	64/22 64/22 65/1	64/14 65/8 68/23
55/15 55/16 59/16	65/10 65/18 68/8	69/4 72/5 73/15
59/17 62/3 63/17	69/9 69/16 72/5	74/10 80/2 81/16
65/8 65/10 65/18	72/15 73/4 73/5	82/5 83/8 85/15
67/8 67/19 67/21	73/5 74/20 75/8	93/6 99/16 101/14
71/12 71/13 71/13	77/22 78/2 79/16	101/14 102/16
77/13 78/7 79/16	82/15 83/10 84/11	103/16 103/21
83/9 84/20 85/5	85/5 85/6 86/8	104/21 108/13
93/16 93/21 94/3	86/11 87/9 88/7	109/6
94/8 94/20 94/21	89/3 90/17 91/10	Whenever [1]
95/14 95/16 99/17	96/9 96/15 97/6	107/16
105/3 112/17	99/14 102/10	where [41] 15/15

W	101/20 104/18	24/6
where... [40] 21/10	108/10	wife [4] 47/3 75/15
22/11 36/18 42/5	while [2] 26/7	75/15 75/20
42/5 43/2 44/4 44/8	32/13	Wilcox [1] 2/17
44/10 46/21 47/2	who [32] 7/15	wild [1] 66/22
55/15 55/17 56/12	13/15 15/7 16/5	will [32] 7/10 7/16
63/4 63/17 65/10	16/17 17/1 24/4	10/13 11/22 13/15
66/19 67/1 71/12	27/20 28/13 28/15	14/9 14/21 15/3
72/16 77/14 78/22	28/18 30/7 30/21	16/3 18/11 19/17
80/13 80/19 80/21	34/13 39/2 47/4	19/19 19/22 32/7
81/17 83/4 83/21	50/6 53/3 58/23	32/7 33/13 34/15
84/17 85/1 85/12	67/14 71/18 72/4	35/12 50/10 77/7
86/23 87/21 88/6	79/7 88/11 91/21	83/22 84/16 92/19
91/15 105/2 105/5	92/1 92/3 97/10	93/12 93/13 97/18
107/18 107/19	112/17 112/19	101/4 101/23 105/9
where's [1] 11/1	113/6 113/8	108/14 109/18
Whereas [1] 89/19	who's [1] 45/4	110/20
Whereupon [1]	whoever [4] 11/14	William's [1] 19/7
111/1	26/14 51/5 80/15	Williams [1] 71/18
whether [12] 17/8	whole [6] 27/3	willing [2] 37/9
34/17 37/3 37/13	44/12 46/13 92/18	94/9
40/6 41/10 46/18	94/16 105/10	Wilson [2] 53/9
72/23 81/1 98/18	whom [1] 28/19	53/10
105/15 108/7	whose [1] 66/22	winds [1] 51/5
which [25] 7/12	why [17] 14/20	wisely [1] 66/17
7/23 13/17 18/17	17/23 19/3 32/7	Withholding [5]
19/17 21/13 23/2	36/12 41/12 44/2	57/5 57/6 57/21
27/21 27/23 30/11	44/19 46/3 51/15	58/22 66/4
51/8 61/9 68/22	51/15 57/3 63/3	within [4] 56/13
85/20 86/12 86/22	69/21 72/14 76/14	56/18 60/21 65/7
87/3 88/15 93/8	85/9	without [5] 14/6
97/15 98/4 99/13	widespread [1]	33/9 46/4 59/2

W	wouldn't [6] 40/12	11/19 20/9 20/11
without... [1] 82/19	67/5 83/3 83/4	20/22 20/23 24/18
won't [1] 102/4	105/18 108/5	25/10 25/16 33/18
wondering [2] 42/4	wrapped [1] 78/11	35/2 36/16 36/16
99/7	wrestled [1] 63/22	37/17 38/12 38/17
wording [3] 42/13	Wright [1] 28/12	42/11 42/16 43/10
54/18 87/7	Wright's [2] 31/17	43/16 45/17 45/20
words [3] 57/10	39/12	48/13 49/22 50/13
90/10 91/23	write [1] 21/19	52/9 53/11 53/16
work [19] 13/9 34/2	written [1] 11/5	55/6 60/13 62/3
50/10 59/18 63/2	wrong [3] 50/11	62/20 63/8 63/14
66/21 69/7 69/22	90/11 103/10	63/20 64/12 64/21
77/8 81/5 81/9 82/3	www.alacourt.gov	64/21 65/5 66/12
86/3 86/22 87/5	[1] 12/1	71/17 71/20 73/14
88/1 89/15 94/22	Y	73/19 74/7 74/16
105/8	y'all [1] 98/8	74/23 77/17 82/6
worked [5] 32/15	Yeah [2] 38/2	82/6 82/8 84/18
48/12 75/6 95/4	100/23	87/18 88/3 88/12
100/7	year [7] 13/18	89/13 89/23 90/22
worker [1] 49/10	14/12 18/8 26/14	92/10 92/14 95/7
worker's [1] 36/13	56/18 67/11 72/9	98/1 101/6 101/11
workers [1] 45/3	years [28] 8/7 8/7	101/15 102/17
working [10] 26/3	13/12 13/16 26/11	103/4 106/4 106/17
26/7 35/17 51/2	26/18 31/14 47/7	107/4 107/15
79/7 81/5 83/22	52/5 55/13 56/6	yet [1] 100/6
93/13 96/13 101/17	56/15 56/16 56/18	you [259]
works [2] 85/18	56/22 57/4 57/12	you'd [1] 83/19
86/15	60/17 60/17 60/18	you'll [4] 12/3
world [1] 92/18	60/18 60/21 60/21	20/19 23/8 85/20
worth [3] 16/11	61/15 61/16 61/21	you're [29] 17/8
22/18 37/5	62/8 63/6	22/23 23/16 26/10
would [129]	yes [71] 11/12	32/2 32/7 32/12

Y

**you're... [22] 34/21
38/23 42/1 45/21
46/19 54/11 66/13
68/4 74/11 74/12
74/15 74/15 81/16
82/21 82/21 82/22
82/22 86/1 95/12
99/3 101/3 110/11**

**you've [8] 27/7
27/11 66/19 72/17
76/1 87/23 95/19
95/19**

**youngest [3] 34/4
46/18 46/22**

**your [23] 12/3 19/5
34/4 54/17 60/10
60/20 60/21 63/17
65/19 78/10 78/19
79/6 86/3 93/2
104/13 105/11
107/16 108/3
108/15 110/2 110/2
110/6 110/12**

**yours [5] 102/20
103/12 103/16
104/1 107/21**

**yourself [2] 7/20
10/1**

Z

zero [1] 61/14