

M E M O R A N D U M

TO: Advisory Committee on Child Support Guidelines and Enforcement

FROM: Subcommittee on Proposed Changes to Rule 32, Ala. R. Jud. Admin., submitted by Judge Terry Moore

RE: Revised Recommendation of the Subcommittee

DATE: November 4, 2022

The Subcommittee proposes that the Advisory Committee on Child Support Guidelines and Enforcement recommend to the Supreme Court of Alabama that subsection (3)(g) be added to Rule 32(A) to address the issue of child support for multiple children. The recommendation for the proposed amendment is as follows:¹

¹The first paragraph of the proposed amendment is modeled after Ga. Code Ann. § 19-6-15(b)(12)), which provides:

"When there is more than one child for whom support is being determined, the court shall establish the amount of support and the duration of such support in accordance with subsection (e) of this Code section. When, within two years of a final order being entered, there is a likelihood that a child will become ineligible to receive support, the court may allow for the use of separate worksheets. Separate worksheets shall show the final child support amount to be paid for all such children and the adjusted amount of support to be paid as each child becomes ineligible to receive support during such two-year period. Such worksheets shall be attached to the final order. Such order shall contain findings as required by law. A final order entered pursuant to this paragraph shall not preclude a petition for modification."

(1) When, within two years of a final child-support order being entered, there is a likelihood that at least one of multiple children will become ineligible to receive child support, the court may order child support using separate worksheets. Separate worksheets shall show the final child-support amount to be paid for all these children and the adjusted amount of child-support to be paid as each child becomes ineligible to receive support during such two-year period. These worksheets shall be attached to the final order or otherwise made a part of the court record. A final order entered pursuant to this paragraph shall not preclude a petition for modification.

(2) A trial court shall include the following language in any child-support order covering multiple children:

Unless and until a child-support order covering multiple children is modified by a court of competent jurisdiction, the amount of the award shall not be affected by the emancipation or ineligibility of a child for support unless the order specifically provides for the same in accordance with Rule 32(A)(3)(g), Alabama Rules of Judicial Administration, part of the Child Support Guidelines rule. Either party may file a petition for modification to seek recalculation of the award.