

Committee Comments Rule 32(B)(6)

The Supreme Court's Advisory Committee on Child-Support Guidelines and Enforcement considered the issue of allowing a deduction beyond what is provided in Rule 32(B)(6) for a parent paying child support if that parent has other children who are not the subject of the particular child-support determination being made. After many discussions, the Advisory Committee decided not to recommend an amendment to Rule 32(B)(6), which allows a parent paying child support to deduct from that parent's gross income the amount of child support actually being paid by the person pursuant to a child-support order for other children or an imputed amount if the parent is legally responsible for and is actually providing child support for other children not covered by a child-support order.

The Advisory Committee also decided not to recommend an amendment to the guidelines to address the issue of subsequent children or families. Although no deduction may be made for children born or adopted after an initial award of support unless the deduction is made pursuant to another order of support or as otherwise provided in this rule, a court may consider evidence of support provided by a party for after-born or adopted children offered in an attempt to rebut the presumptions in the guidelines. See Loggins v. Houk, 595 So. 2d 488 (Ala. Civ. App. 1991). A decision regarding an issue raised concerning subsequent children or families is to be made on a case-by-case basis and is left to the sound discretion of the trial court, to be based on findings made at or after trial or upon a fair written agreement of the parties. If a deduction for subsequent children or families results in a support award that deviates from the award that would result from application of the guidelines, the trial court's order, or the written agreement of the parties, must specify and explain the reason for the deviation.