



Deposition of:

Meeting

April 30, 2020

In the Matter of:

**Advisory Committee On Child Support
Guidelines & Enforcement**

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

The following proceedings were held in the
meeting of the Advisory Committee on Child Support
Guidelines and Enforcement for the State of Alabama
remotely on Thursday, April 30, 2020, beginning at or
about 10:00 a.m. and was taken before Anne E. Miller,
Court Reporter and Commissioner for the State of
Alabama at Large.

APPEARANCES FOR THE COMMITTEE

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School of Law
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MS. JENNIFER M. BUSH, Esquire
State-level Child Support Attorney
Alabama Department of Human Resources
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THE HONORABLE WILLIAM THOMPSON
Presiding Judge, Alabama Court of Civil Appeals
Montgomery

MS. MELODY BALDWIN, Esquire
Assistant District Attorney, Child Support

THE HONORABLE DON McMILLAN
Circuit Judge
Fourth Judicial Circuit

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1 Staff Attorney, The Honorable Terry Moore,
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2 Montgomery

3 MS. STEPHANIE BLACKBURN, Esquire
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THE HONORABLE KAREN DUNN BURKS
6 Circuit Clerk for the Bessemer Division
Jefferson County

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8 THE HONORABLE SARAH STEWART, Associate Justice
Supreme Court of Alabama (Court Liaison)
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18 MR. JIM JEFFRIES, Esquire
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MS. JESSICA KIRK DRENNAN, Esquire
21 Private Practice Attorney
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23 MR. GREG STARKEY, Esquire
Private Practice Attorney

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3 MR. STEVE ARNOLD, Esquire
Private Practice Attorney
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6 THE HONORABLE MICHAEL SHERMAN
Circuit Judge, Domestic Relations Division
Mobile County

7
8 THE HONORABLE AUBREY FORD
Retired District Judge
9 Macon County

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11 MS. ANGELA CAMPBELL, Mobile County DHR Child Support
Program Manager

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13 OTHER APPEARANCES

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P R O C E E D I N G S

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3 MS. DAVIS: Good morning. Welcome to the
4 Child Support Guideline Rule 32 Committee. We are
5 attempting to do our meeting in the best possible
6 distancing. If everyone can hear me, would you raise
7 your hand so I can see, and wave? Okay. Good to see
8 many of you. I don't know if y'all are familiar with
9 the way Zoom works. But if, for example, you are on a
10 phone, then I will not obviously be able to see you,
11 nor in many instances identify who you are.

12 So we have Anne Miller on as the court
13 reporter, and so it will be very important that when
14 you speak, you identify yourself. We may be able to
15 see you, but Anne Miller may or may not be able to see
16 you. And I'm probably the world's worst about
17 remembering to identify myself, which I did not do.
18 And my name is Penny Davis, and I'm the chair of this
19 Committee. So welcome, everyone. If you have any
20 problems being able to hear or reach us, if you will
21 use the chat room, I think that's a possibility. All
22 right.

23 So we are going to start by trying to

1 welcome everyone and let everyone know who is online.
2 We will have first the Committee. If you have looked
3 at the agenda, we will have comments from the public
4 later, but we want to go through the roster. One
5 purpose is this is a newly-formed committee so not
6 everyone knows everyone, but also to allow everyone,
7 including our court reporter, to know of your presence
8 and to establish that we have a quorum. So I am going
9 to be going down the roster, and I think what we are
10 going to attempt to do is Cary and Michael, who are the
11 IT experts here, will unmute everyone so that you can
12 join and speak. Then I'm going to ask everyone to
13 individually mute yourselves after you have been
14 unmuted from the host, the co-host, which are
15 Cary and Michael, until I call your name so we won't
16 get a lot of background. So I'm going to start with
17 Drew, if you will identify yourself and let everybody
18 know.

19 MR. WHITMIRE: All right. So, Penny, do
20 you want us to state who we are?

21 MS. DAVIS: Yes, just who you are and what
22 you do.

23 MR. WHITMIRE: All right. My name is Drew

1 Whitmire. I'm an attorney in Birmingham, and I
2 primarily do adoptions.

3 MS. DAVIS: Okay. Thank you. Stephen
4 Wright?

5 JUDGE PALMER: Penny, I don't know if you
6 saw, but Steve has resigned.

7 MS. DAVIS: I saw that. I thought he might
8 have joined us to say good-bye. Steve Arnold?

9 MR. ARNOLD: I'm here. I'm Steve Arnold
10 from Birmingham, and I'm a general practitioner in the
11 domestic relations area.

12 MS. DAVIS: Thank you. Judge Palmer, will
13 you identify yourself?

14 JUDGE PALMER: I'm sorry. I didn't hear
15 you. Julie Palmer, private judge, mediator and child
16 support referee for Shelby County.

17 MS. DAVIS: Thank you, Judge. Melody
18 Baldwin?

19 MS. BALDWIN: Melody Baldwin. I'm
20 assistant district attorney for the Child Support
21 Division in the Fifth Circuit.

22 MS. DAVIS: Thank you. Amanda Cox?

23 MS. COX: I'm Amanda Cox. I'm a staff

1 attorney for Judge Terry Moore on the Court of Civil
2 Appeals.

3 MS. DAVIS: Thank you. Judge McMillan?

4 JUDGE McMILLAN: Don McMillan, Circuit
5 Judge, Fourth Circuit.

6 MS. DAVIS: Thank you. Judge Thompson?

7 JUDGE THOMPSON: Did you say Thompson?

8 MS. DAVIS: Yes.

9 JUDGE THOMPSON: Sorry. Okay. I'm Bill
10 Thompson, Presiding Judge for the Alabama Court of
11 Civil Appeals.

12 MS. DAVIS: Thank you, Judge. Jim
13 Jeffries?

14 MR. JEFFRIES: Hey, Jim Jeffries. I'm a
15 solo divorce attorney in Mobile.

16 MS. DAVIS: Stephanie Blackburn?

17 MS. BLACKBURN: Hey, I'm Stephanie
18 Blackburn. I'm the managing attorney in the Montgomery
19 office of Legal Services Alabama.

20 MS. DAVIS: Thank you. Karen Dunn Burks?

21 MS. DUNN BURKS: Good morning. I'm Karen
22 Dunn Burks. I'm the circuit clerk for the Bessemer
23 Division in Jefferson County.

1 MS. DAVIS: Thank you.

2 MS. DAVIS: Katie Steinwinder.

3 MS. STEINWINDER: Katie Steinwinder. I'm
4 in private practice in Montgomery.

5 MS. DAVIS: Is Rachel King on?

6 MS. KING: Yes, I'm here. This is Rachel
7 King, single mom with a child so I apologize for the
8 noise. I am an attorney in domestic relations in
9 Birmingham.

10 MS. DAVIS: Thank you. Michael Sherman?

11 JUDGE SHERMAN: Yes, I'm here. Michael
12 Sherman. I'm a circuit judge in Mobile County,
13 Domestic Relations Division.

14 MS. DAVIS: Hey, Judge. Enjoyed meeting
15 your daughter at the University.

16 JUDGE SHERMAN: Thank you.

17 MS. DAVIS: She is sweet. Greg Starkey?

18 MR. STARKEY: Yes, I'm here. Greg Starkey.
19 I practice in Birmingham, primarily in domestic
20 relations.

21 MS. DAVIS: Thank you. Professor Gray, Dr.
22 Gray?

23 DR. GRAY: Good morning, everybody. I'm

1 Brian Gray. I'm a statistics professor at the
2 University of Alabama.

3 MS. DAVIS: Thank you. Judge Ford?

4 JUDGE FORD: Good morning. I'm Aubrey
5 Ford, Retired District Judge, Macon County, Alabama,
6 and an emeritus member.

7 MS. DAVIS: He is our senior member. He
8 has our history right there in that beautiful head of
9 his. Jessica?

10 MS. DRENNAN: I'm Jessica Drennan. I'm an
11 attorney in domestic relations in Birmingham.

12 MS. DAVIS: Angela Campbell?

13 MS. CAMPBELL: Hi. I'm Angela Campbell.
14 I'm the Mobile County DHR child support program
15 manager.

16 MS. DAVIS: Ms. McClenney?

17 MS. MCCLENNEY: Good morning. This is
18 Lathesia McClenney. I'm the Director for Child Support
19 Enforcement Division with the Alabama Department of
20 Human Resources.

21 MS. DAVIS: Okay. Ms. Bush?

22 MS. BUSH: This is Jennifer Bush. I'm an
23 attorney with the Department of Human Resources, state

1 legal office.

2 MS. DAVIS: Justice Stewart is the court
3 liaison.

4 JUSTICE STEWART: Do you want me to say
5 anything?

6 MS. DAVIS: Good morning.

7 JUSTICE STEWART: Good morning.

8 MS. DAVIS: I appreciate all that you have
9 done for the Court. And while you are up and on, would
10 you like to mention the Court's order that you helped
11 obtain for us?

12 JUSTICE STEWART: Sure. We had a long
13 discussion, Penny and I did, along with some AOC
14 members, Bob Maddox and some other folks, about the
15 history of this Committee, particularly the litigious
16 history of the Committee and the concerns with the
17 public being able to have access, which is very
18 important to all of us. So we -- because the Supreme
19 Court is the one who promulgates how this gets done, we
20 asked the Court to sort of give their blessing about
21 doing this by Zoom today and to acknowledge and
22 acquiesce in the way that we were getting the public to
23 be able to interact and interface with our call today,

1 which they did, and that order has been issued. So we
2 are, I think, good to go procedurally here today.

3 MS. DAVIS: Thank you. We appreciate you
4 doing that for us. Brad is sick, but he may be home.
5 He is the staff attorney. So, Brad, are you on phone
6 or video?

7 MR. MEDARIS: Yes, ma'am. I'm here.

8 MS. DAVIS: I hope you are feeling better
9 than you sound.

10 MR. MEDARIS: I will take that as a
11 compliment.

12 MS. DAVIS: We appreciate your Herculean
13 efforts, not only from home but sick from home. And I
14 had mentioned that Cary and Michael are here on the IT,
15 and Bob Maddox is here. And we are all social
16 distancing. Bob has pulled out his tape measure. We
17 are all six feet apart.

18 MR. MADDOX: Right here.

19 MS. DAVIS: That's right. And we are
20 trying to deal with the feedback. So if anyone has
21 problems hearing, please let us know. Again, what we
22 are going to try to do is to basically ask everyone --
23 if everyone will just mute themselves, then I think

1 that will be simpler than trying to ask the IT people
2 to mute and unmute the whole group. The beauty of the
3 muting is we don't hear everybody's dogs and cats and
4 so forth in the background, although if you have a
5 musical child, then that might be okay.

6 Again, just as a reminder, as you are
7 speaking in a few moments, when you Zoom in, if you
8 want to speak, ideally, if you are visible, you can
9 raise your hand, and we will try to identify you. But
10 obviously there are people who are on the phone that
11 cannot raise your hand. So if you will just unmute
12 yourself and identify who you are, we will work out how
13 to make sure everybody gets an opportunity to speak.

14 Let me pause for a minute and ask if we
15 need to ask anything regarding the process? Okay. I
16 would like to recognize Brad for a moment to talk about
17 the quorum. I believe we have a quorum, but let's make
18 sure we have that officially from Brad who represents
19 the court.

20 MR. MEDARIS: Not only do we have a quorum,
21 we have perfect attendance, which I have never seen
22 before. So thank you all for joining.

23 MS. DAVIS: We may have stumbled upon the

1 most convenient way to do this for everyone. I do
2 appreciate -- I know it's a trying time so thank you
3 very much. Okay.

4 Next I would like to call on Bob to discuss
5 the news release. And, Bob, just a second. Bob, just
6 a second. We are going to attempt to let Bob speak.
7 He is six feet away but muted so that we hope not to
8 get feedback. So Bob is going to speak loudly, and I
9 will be quiet. And y'all let us know if you can't hear
10 us, hear Bob.

11 MR. MADDOX: Good morning. Can you hear
12 me?

13 MS. DAVIS: If you can hear Bob, raise your
14 hand.

15 MR. MADDOX: I will try to talk loudly from
16 over here six feet away. But regarding the news
17 release, as we have done in past meetings, the news
18 release was a web meeting to all media outlets state
19 wide via email on two separate occasions. Actually
20 Scott Hoyem, I think, is joining us all as well, but he
21 asked me to give the update. Scott is working
22 remotely. He is our public information officer at AOC,
23 and he emailed all media outlets state wide on April

1 13th, 2020. That was the news release concerning any
2 written comments people wanted to make that needed to
3 be postmarked in the U. S. Mail no later than April
4 21st, 2020, to the Supreme Court clerk's office. And
5 also a news release was issued on April 22nd, 2020, by
6 email that allowed for the web meeting to be conducted.
7 And if anybody wanted to make public comments by this
8 method, they had to do so by informing by an email
9 address by five o'clock p.m. Central time, on April 28,
10 2020. So those news releases were found, and they were
11 also posted on our website.

12 We have all the news releases, the agenda
13 and materials for this meeting on our website,
14 alacourt.gov, under Child Support, under a category
15 called Child Support Guidelines Review. And all the
16 documents for this Committee have been posted way back
17 to 2004. So if anybody ever has free time and wants to
18 read anything the Committee has done since 2004, it is
19 still on our website under Child Support Guidelines
20 Review.

21 MS. DAVIS: Thank you, Bob. We will pause
22 here for a minute to see if anyone has any questions
23 regarding the news release. Okay. We have no

1 questions. I will mention -- okay. Brad?

2 MR. MEDARIS: Yes, ma'am. I just wanted to
3 confirm that we received nothing through the mail, no
4 comments through the mail from the public. I just
5 wanted to put that on the record.

6 MS. DAVIS: Thank you, Brad. I forgot to
7 ask that. The news release did give people the
8 opportunity to make written comments to submit as well
9 as to participate through our Zoom meeting, which
10 several of the members of the public have joined us,
11 and why don't we do -- as we are doing now, we weren't
12 sure how many would join us because obviously there's a
13 lot of down time at home. But we don't have hundreds
14 or thousands, we have a few. So let me see if we can
15 try to -- I think Michael has a list, and let's just
16 get people to identify themselves, some of them by
17 phone numbers. So I think it will be helpful now if we
18 go ahead and get you to identify who you are so that
19 our court reporter will have your name for her
20 transcript.

21 Would you identify who you are, please, and
22 where you are from and if you represent any particular
23 group? Your audio is not working? Okay. We seem to

1 have some issues with your audio. Can you use the chat
2 capabilities and let us know who you are? I will just
3 go on to the next person, which is identified as
4 iPhone. If someone has an iPhone, identify yourself.
5 Okay. There are a few people that have just phone
6 numbers. I'm going to go to those. Michael? We think
7 iPhone may have attempted to identify themselves.

8 JUDGE McMILLAN: I'm on the iPhone, Don
9 McMillan, Circuit Judge. That's me.

10 MS. DAVIS: I should have noticed that
11 before. All right. The next individual is
12 251-XXX-XXXX, if you would identify yourself, please.
13 That's 251-XXX-XXXX. Who would be a number to report
14 this? I'm going to -- go ahead. The next number is
15 205-XXX-XXXX, KDB.

16 MS. DUNN BURKS: Yes, hi. This is Karen
17 Dunn Burks. I'm on the committee.

18 MS. DAVIS: We are just trying to identify
19 -- we have a list, and we can't tell who is the public
20 if the name doesn't show up. All right.

21 MS. DUNN BURKS: Right, I'm sorry.

22 MS. DAVIS: No, that's good. Thank you.
23 We are all doing the best we can. Next number,

1 334-XXX-XXXX. Is that Jennifer? There is another
2 334-XXX-XXXX. We think that's Jennifer. Jennifer, is
3 that your number? The last number is 334-XXX-XXXX.

4 MS. STEINWINDER: That's me, Katie
5 Steinwinder, Committee member.

6 MS. DAVIS: Thank you, Katie. Okay. Well,
7 thank you all. We are trying to identify. Maybe as we
8 get to the comments from the public section, we'll ask
9 you to reidentify yourself as you speak.

10 MR. ECHOLS: Hello. Can y'all hear me?

11 MS. DAVIS: Yes. Marcus Echols?

12 MR. ECHOLS: Yes, because I had an issue
13 with the computer. I don't know if you called me or
14 not. I can't see my number up here.

15 MS. DAVIS: So you are from where, Marcus?

16 MR. ECHOLS: I'm from Moulton, Alabama. I
17 also work with -- hello?

18 MS. DAVIS: I can hear you. Can you hear
19 me?

20 MR. ECHOLS: Yes. I thought you were
21 saying something. I'm from Moulton, Alabama. And I
22 spoke at the last meeting that was held in Montgomery.
23 I'm with the Child Support Hustle.Com.

1 MS. DAVIS: Okay. Thank you. Is there
2 anybody else on the public -- or on the Zoom meeting
3 with us? We have tried to identify if you have not
4 heard your name called. Okay. Thank you, everyone,
5 for your patience. I know this is kind of tedious, but
6 we are trying to do the best that we can. At this
7 point, I would like to call on Jennifer Bush, who is
8 with DHR, to talk, give us a report on the federal
9 requirements -- excuse me. Bob reminded me I forgot to
10 get approval of the transcript. That's our first order
11 of business. So everyone had an opportunity on the
12 Committee to read the transcript. I think Bob found
13 one typo. Bob, will you tell us what you found?

14 MR. MADDOX: Yes. I just found one typo on
15 page 67, line 21. It should say mandatory. It says
16 "mandatary." It's one letter wrong. So it should say
17 mandatory.

18 MS. DAVIS: Okay. Did anybody else on the
19 Committee find an error that needs to be corrected in
20 the transcript? Do I hear accept the transcript as
21 corrected? Can someone raise your hand if you would
22 like to make that motion? All right. Judge, if you
23 would unmute yourself and identify yourself for Anne

1 Miller.

2 JUDGE THOMPSON: So moved by William
3 Thompson.

4 MS. DAVIS: Thank you, Judge. Do we have a
5 second?

6 MS. DUNN BURKS: I second the motion.

7 MS. DAVIS: Would you identify yourself for
8 Anne?

9 MS. DUNN BURKS: Yes, Karen Dunn Burks.

10 MS. DAVIS: Thank you. All in favor, let's
11 see. I guess we will try to do it by hands. If
12 everyone would raise your hand if you are in favor.
13 Okay. If you will hold them up, I will try to count.
14 Keep holding them up. All right. The people who did
15 not raise your hands, if you will unmute. Anyone in
16 favor?

17 MS. STEINWINDER: Katie Steinwinder in
18 favor.

19 JUDGE McMILLAN: Don McMillan in favor.

20 MS. DAVIS: Okay.

21 MS. DUNN BURKS: Karen Dunn Burks in favor.

22 MR. STARKEY: Greg Starkey in favor.

23 MS. DAVIS: That's 18. I think that's

1 enough as a quorum. So we will let it show on the
2 record that a quorum did vote either by hand or orally
3 in favor of adoption of the transcript as approved.

4 Now I think it's time to move back to
5 Jennifer Bush on her report on the federal requirements
6 for the review of child support guidelines, which
7 occurs every four years. So, Jennifer, will you speak
8 now?

9 MS. BUSH: Yes, ma'am. This is Jennifer
10 Bush. I am calling in so I cannot see you or anybody
11 else. So if you need to interrupt me, you will have to
12 verbally do that. I can't see any of the other
13 participants.

14 So to discuss the report on the federal
15 requirements, the Federal Regulation 45 C.F.R. 302.56
16 outlines the criteria the state should consider when
17 conducting its child support guidelines for review.
18 The last guidelines review we conducted was December
19 1st, 2016. That makes our next four year review due
20 December 1st of 2020, and that is in Subsection (e) of
21 the Federal Regulation.

22 After we conducted our review in December
23 of 2016, the Federal Regulation changed, and the change

1 was effective January 19, 2017. So about a month and a
2 half after our review, they changed some of the
3 criteria and the Federal Regulation. When they did
4 that, in Subsection (a), they did allow us an
5 additional year to implement those changes. And so
6 while we have to conduct our review by December 1st,
7 2020, we do have until December 1st of 2021 to
8 implement the new changes in the Federal Regulations.
9 So do you have any questions?

10 MS. DAVIS: There is a hand raised. We
11 will try to recognize you. Judge Palmer, I think, has
12 a question.

13 JUDGE PALMER: I have seen these
14 regulations, but -- at least exactly what Jennifer is
15 talking about. But when you say December '20 or '21,
16 we have to update them. In December of '16, we just
17 had to review them. We didn't necessarily have to
18 change them, change the formulas or anything like that.
19 Is that still an option for December of 2021?

20 MS. BUSH: Based on the new -- the changes
21 in the regulation, we will need to conduct an actual
22 review of the dollar amounts, looking at that new
23 criteria.

1 JUDGE PALMER: Okay. Thank you.

2 MS. DAVIS: I think her question was could
3 we do what we did last time, which was to continue the
4 same dollar amounts, if that's the will of the
5 Committee, Jennifer.

6 MS. BUSH: Theoretically, yes. But we
7 would still have to consider all of the criteria in the
8 Federal Regulation. If the Committee reviews all of
9 that criteria and determines that there is no need to
10 change the numerical amount, theoretically then that
11 could occur.

12 JUDGE PALMER: And, Penny, of course, you
13 were there and Steve and several of you. But we did
14 that. We sent out an RFP. We had somebody bring in
15 some new numbers. We questioned those numbers. I
16 think we had even planned on spending the night and
17 coming back the next day if we needed to. So just for
18 everybody's edification, in my opinion, we did all of
19 that but then also decided just to keep the numbers
20 where they were.

21 MS. DAVIS: That's correct, Judge. Anyone
22 else?

23 MS. BUSH: Penny, this is Jennifer Bush

1 again. If there are no more questions, there are
2 various changes as I mentioned in the regulation. The
3 text changes that were required have already been
4 adopted in May. So they have been adopted by the
5 Supreme Court. They have been incorporated into Rule
6 32, and that's occurred. However, there are changes to
7 the way the guidelines are calculated. And so those
8 changes still have to be made, and I'm going to go over
9 those with you now.

10 The remaining criteria to be addressed
11 include the guidelines must provide that the child
12 support order is based on the noncustodial parent's
13 earnings, income, and other evidence of ability to pay
14 that: takes into consideration the basic subsistence
15 needs of the noncustodial parent, and at the State's
16 discretion, the custodial parent and children, who have
17 their limited ability to pay by incorporating a low-
18 income adjustment, such as a self-support reserve or
19 some other method determined by the State. Another
20 criteria is that it be based on specific descriptive
21 and numeric criteria and result in a computation of the
22 child support obligation. Another criteria is the
23 guidelines must consider economic data on the cost of

1 raising children, labor market data (such as
2 unemployment rates, employment rates, hours worked, and
3 earnings) by occupation and skill-level for the State
4 and local job markets, the impact of guidelines
5 policies and amounts on custodial and noncustodial
6 parents who have family incomes below 200 percent of
7 the Federal poverty level, and factors that influence
8 employment rates among noncustodial parents in
9 compliance with child support orders.

10 The guideline committee must analyze case
11 data, gathered through sampling or other methods, on
12 the application of and deviations from the child
13 support guidelines, as well as the rates of default and
14 imputed child support orders and orders determined
15 using the low-income adjustment required under a
16 previous paragraph of the regulation. The analysis
17 must also include a comparison of payments on child
18 support orders by case characteristics, including
19 whether the order was entered by default based on
20 imputed income, or determined using the low-income
21 adjustment required under a previous paragraph under
22 Federal Regulation. The analysis of the data must be
23 used in the State's review of the child support

1 guidelines to ensure that deviations from the
2 guidelines are limited and the guideline amounts are
3 appropriate based upon the criteria in the federal
4 regulation.

5 So those are the criteria that we must now
6 look at when we are reviewing the child support
7 guidelines. Are there any questions?

8 MS. DAVIS: Jessica, I think, has a
9 question.

10 MS. DRENNAN: Do we have any definition of
11 what the low-income adjustment means?

12 MS. BUSH: We do have a low-income
13 adjustment in our current child support guidelines, and
14 it's my understanding that in doing a review, obviously
15 you have to take into account the current cost of
16 goods, the current earnings, to determine what that low
17 cost would be. So that may change, but we do have that
18 in our current guidelines.

19 MS. DRENNAN: Is that the same? It's the
20 same definition under the new guidelines you just read
21 as ours? That's my question, is it the same
22 definition?

23 MS. BUSH: It's the Federal poverty level.

1 Repeat your question again.

2 MS. DRENNAN: I'm just asking about the
3 low-income adjustment. Is it the same definition that
4 we currently already have or is it a different
5 definition?

6 MS. BUSH: The Federal Regulation doesn't
7 actually define low-income adjustment. They don't
8 define that term.

9 MS. DRENNAN: Okay.

10 MS. DUNN BURKS: I have a question or
11 rather clarification, if that's okay.

12 MS. BUSH: Yes, ma'am.

13 MS. DUNN BURKS: So am I understanding --

14 MS. DAVIS: We need you to identify
15 yourself for Anne.

16 MS. DUNN BURKS: I'm sorry. I'm Karen Dunn
17 Burks.

18 MS. DAVIS: Thank you, Karen.

19 MS. DUNN BURKS: Am I to understand clearly
20 that there have not been any changes in eight years? I
21 mean, I just want to make sure. I know we reviewed it,
22 but within eight years, have there not been any changes
23 to the income?

1 MS. BUSH: There have -- the guidelines
2 have been reviewed. In 2016 there were no changes made
3 to the actual numerical dollar amounts. So the dollar
4 amount schedule was not changed. There have been text
5 changes.

6 MS. DUNN BURKS: Yes, ma'am. Okay. Thank
7 you so much. Thank you.

8 MS. DAVIS: Other questions? Any questions
9 for anyone that is not visual that I can't see a raised
10 hand? All right. Any more Committee members that want
11 to comment? We will have public comments at the end.
12 Jennifer, thank you. Any other comments you want to
13 make before we move on to the next agenda item?

14 MS. BUSH: No, ma'am. Thank you.

15 MS. DAVIS: Thank you. The next item, we
16 are going to ask Bob Maddox, who is the staff attorney
17 for the Legal Division for AOC to report on the manner
18 of our prior reviews for updating child support
19 schedule.

20 MR. MADDOX: Thank you, Penny. Hopefully
21 everybody can hear me. If you can't, just raise your
22 hand, and I will try to speak louder. I'm going to
23 unmute.

1 MS. DAVIS: That didn't work so we are
2 going to go back, and Bob will try to speak loudly.

3 MR. MADDOX: Good morning again. I'm going
4 to try to give a little history for those of you who
5 are probably new to the Committee. I have gone through
6 previous meetings. I have reviewed all previous
7 transcripts back to about 2013 to try to get some of
8 the histories so I won't be inconsistent with what I
9 say. But what we have done with different ways or
10 actually the Committee has done different ways in terms
11 of putting out what we call a request for proposal to
12 proposed vendors to update the child support schedule.
13 And historically, the Administrative Office of Courts
14 has entered into an agreement with whatever vendor the
15 Committee chose to do this update for the simple reason
16 we are more of an administrative office and we do
17 several agreements. So we didn't think it was
18 appropriate for the Supreme Court itself to be entering
19 into a contract. We thought there might be some
20 ethical problems with that. So we decided to undertake
21 that several years ago, and we continued to do that
22 over the years. But like I said, all the previous
23 transcripts back to 2004 are on our website,

1 alacourt.gov, under Child Support Guideline Review.
2 That's where I got a lot of this information, from the
3 transcripts.

4 So I went and found the December 13th,
5 2013, Committee meeting transcript. That's where I
6 found a substantial overview of how we have done this
7 in the past, and we started a review in 1999 roughly.
8 We had to go to a four year review cycle, and I don't
9 want to go into all that. Let's take some time to go
10 back to see what happened. The Committee met that
11 every four year requirement, but I think we are back on
12 track now according to Jennifer Bush.

13 But back in November 2003, how we did this
14 was I reached out to the Department of Finance Division
15 of Purchasing, and they sent me a list of any entity or
16 person that was classified in what we call a cost
17 estimator or a consultant. And it came back with over
18 1,100 vendors, and we cringed because back then we
19 didn't have email or electronic submission of these
20 things. So we had to undertake sending an RFP by mail,
21 regular mail, to over 1100 vendors. Now a lot of these
22 admittedly did not deal with the specific subject
23 matter we are dealing with here, the child support

1 schedule. So only one responded. We also sent the RFP
2 back then to 29 colleges and universities in the State
3 of Alabama with an economics department. So even back
4 17 years ago, we did that, sent to all the colleges and
5 universities with economics departments.

6 In addition to that, we sent the RFP to
7 Jane Venohr, who is currently at the Center For Policy
8 Research in Denver, Colorado. It was formerly called
9 Policy Studies, Incorporated. We also sent an RFP to
10 Urban Institute in Washington, DC; to an entity called
11 ABT Associates, Incorporated, in Cambridge,
12 Massachusetts; Dr. Burt S. Barnow of Baltimore,
13 Maryland with Johns Hopkins University; and Dr. David
14 M. Betson, an associate professor of economics with
15 Notre Dame University. These five entities or persons
16 were recommended to us by different entities, DHR,
17 whatnot, I think, to the Committee. And that's why we
18 sent them to those individuals back then.

19 So out of all these persons and entities,
20 we only got one response back in November of 2003 from
21 Jane Venohr with Policy Studies, Incorporated, at the
22 time. So then once we got that, the Committee did not
23 meet again until 2005. So there was a discussion again

1 how to go about doing the study. And so the Committee
2 decided to add Dr. Mark Rogers. He has his own
3 consulting firm, economic consulting firm in Peachtree
4 City, Georgia.

5 And the Committee asked both Dr. Venohr and
6 Dr. Rogers to come in 2006 to give their respective
7 study reports to the Committee. So we did use both of
8 those individuals, and they came in 2006 to speak to
9 the Committee.

10 So after that was concluded, I think the
11 Committee decided to adopt Jane Venohr's recommended
12 schedule, one of them, and that's the one we are under
13 now that was adopted by the Committee in 2008 as well
14 as the Supreme Court. And that was effective January
15 1st, 2009. So we are still under that schedule that
16 was adopted in 2008, effective January 1st, 2009. So
17 over 11 years, the schedule has not been updated.

18 So we fast forward to December of 2013, and
19 we were starting to review the guidelines and schedule
20 again. In December of 2013, I contacted the Department
21 of Finance Division of Purchasing to try to get an
22 updated look of vendors by cost estimate and
23 consulting. And believe it or not, the list was down

1 to about 250 people back then from 1100. However, we
2 discussed with the Committee, and again a lot of those
3 entities did not meet the criteria for doing such a
4 study.

5 So we next sent them to all 250 people at
6 the time, and the Committee decided to basically at
7 that time send them to basically Jane Venohr again,
8 Mark Rogers again, because they were the two
9 individuals who did the study back in 2006, as well as
10 21 colleges and universities with economic departments.
11 I don't know why the number went from 29 to 21. I
12 can't remember, but I think we looked it up on Google
13 or something and got all the colleges and universities
14 with economic departments. And we still have that
15 current list today, just labeled differently.

16 So basically it was sent to Jane Venohr,
17 Mark Rogers and 21 colleges and universities with
18 economic departments in 2014. That's when Rich Hobson
19 was the Administrative Director of Courts back then.
20 We sent a letter on August 8, 2014, with the request
21 for proposal with a deadline of September 30th, 2014.

22 So by that deadline, Dr. Mark Rogers was
23 the only person who responded to that request for

1 proposal. And I will mention Dr. Jane Venohr sent an
2 email back when that was sent out a couple of weeks
3 after that, I think, and mentioned that they could not
4 do it for the price we offered. I think it was up to
5 \$20,000 in the budget for doing the study, and they
6 said they could not do it for that low at the time. So
7 I just wanted to make that point. That's why they did
8 not submit a bid or study.

9 So we did an agreement with Dr. Mark
10 Rogers. The Committee decided to go ahead and do an
11 agreement with Dr. Mark Rogers for \$14,000 in 2016, and
12 he came to a meeting both on August 26, 2016, and then
13 Judge Palmer mentioned December 1st, 2016, basically
14 presenting his schedule and his study methods. And on
15 December 1st, 2016, as was mentioned, the committee
16 voted not to revise the schedule at that time.

17 So that's kind of the history of how we
18 have done in the past. I think I recommend to the
19 Committee that we probably do the same thing we did at
20 the last meeting to be consistent, maybe reach out to
21 both Jane Venohr and Mark Rogers as well as the 21
22 colleges and universities with economic departments.

23 I have reached out to both Jane Venohr and

1 Mark Rogers, and they were still around, believe it or
2 not, after six years. Still doing work like they did
3 before, and I have their updated contact information if
4 the Committee chooses to send an RFP to them. So are
5 there any questions on that? That's all I have on that
6 part.

7 MS. DAVIS: If anyone has any question,
8 would you raise your hand? Judge Palmer?

9 JUDGE PALMER: Yes, ma'am. Well, I guess
10 my only concern is with that history, Bob -- and that
11 was excellent -- is if \$20,000 was our budget in 2014
12 to get somebody to respond and we only got one company
13 to respond because at least one other person said the
14 amount was too low, what is the budget that we are
15 looking at now to get these companies to respond?

16 MR. MADDOX: Yes, ma'am. Good question. I
17 have looked into that. And y'all may be aware or not
18 be aware, the Administrative Office of Courts has an
19 MOU, memorandum of understanding, with state DHR. They
20 reimburse Title IV-D child support money to our office
21 for various things, including an update of the child
22 support schedule, which is put in for every fiscal year
23 just in case this comes up in our Committee. And the

1 current budget for updating the schedule is now \$20,000
2 as it was in 2014. So what that means is under this
3 agreement, DHR reimburses us as part of the federal
4 matching rate of 66 percent. So DHR gets -- the full
5 \$20,000 was paid to a vendor. For example, DHR would
6 reimburse us 66 percent of that \$20,000, and I have got
7 my commitment from Dr. Rich Hobson, the current
8 Administrative Director of Courts, to pay the other
9 third. I'm not saying it will be the full \$20,000.
10 It's been lower before. Like Dr. Mark Rogers'
11 agreement, he only proposed \$14,000, which was less
12 than the RFP amount. Do you have any other questions?

13 MS. DAVIS: I think I shared the same
14 concern with Judge Palmer, indicating that the amount
15 that we are offering, considering inflation and the
16 amount of time, might be problematic. And so one of
17 the questions that I had addressed separately to Bob
18 and he explained the matching money is that there is a
19 possibility we could bump up that up to amount. And so
20 I will put Jennifer on the spot for a moment. Could
21 you speak to the issue of the funding for the study?
22 Jennifer, are you still on?

23 MS. BUSH: Can you hear me?

1 MS. DAVIS: Yes, we can now. Thank you.

2 MS. BUSH: Okay. This is Jennifer Bush.
3 As Bob mentioned, the budget with the Administrative
4 Office of Courts currently includes a line item of
5 \$20,000 for guidelines review. It is my understanding
6 that that amount is just routinely placed in the
7 budget. I don't know that I would use a place holder,
8 but it is in there because we know there is a minimum
9 amount of money that must be expended just in the
10 routine course of meeting. Any increase in a budget
11 would have to be approved by our Commissioner; however,
12 it could be considered by her.

13 One thing that we may want to do in the
14 RFP, in looking at the RFP, it actually lists a budget
15 amount. We could remove the budget amount in the RFP,
16 just send out the request for proposals, see what comes
17 back and look at the budget at that point. We don't
18 know if we are going to get back 10,000, 20,000,
19 60,000. But I propose not limiting it in the RFP and
20 making that decision once we get the responses back.

21 MS. DAVIS: Okay. Thank you. So will it
22 be possible with what I'm understanding -- I think
23 that's probably a good solution because we have a time

1 crunch -- is to, if the Committee so desires, delete
2 the section that deals with the limitation on their
3 proposing the budget. I asked them to propose a budget
4 and see how it works with your Commissioner, and Bob
5 could mention to AOC that we may need to increase the
6 funding in order to have more than one. And we may not
7 even get one if we limit it to 20,000. I think that's
8 a good solution. Does any Committee member have a
9 comment regarding the budgetary amount while we are
10 dealing with that issue first? Yes, I see a phone
11 number. Just go ahead and identify who you are. I
12 can't tell from the phone who you are. Unmute it.
13 Mobile DHR, is that -- Angela, have you unmuted to
14 speak?

15 MS. CAMPBELL: Can you hear me, Penny? I
16 didn't have a question. This is Angela.

17 MS. DAVIS: Okay. It's the number, the
18 third row that's now not unmuted at the top. That's
19 Jennifer's? Okay. I'm sorry. Let's go to the people
20 that are visible. If you would raise your hand if you
21 have a question regarding the budgetary discussion.
22 Dr. Gray? Dr. Gray, if you will unmute.

23 DR. GRAY: I did, thank you. Just a

1 suggestion for Bob perhaps. If you think about
2 emailing or contacting the departments of economics,
3 chances are you are not going to get many hits. One
4 thing you might think about is looking for some
5 economic outreach centers. For example, at the
6 University of Alabama, we have a center called the
7 Center for Business Economics and Research. It's run
8 by Dr. Sam Addy. It does a lot of work in Montgomery
9 for the state and also by Dr. Ahmad Ijaz, and they do a
10 lot of economic studies for the state of Alabama. So
11 they would be a natural, I think, for this. And I
12 think if you look at other universities, you might see
13 if they have some sort of outreach group like that.
14 They would be more likely to be interested in doing
15 something like this.

16 MS. DAVIS: That's a good point, Dr. Gray.
17 Do you have access or could you assist Bob in
18 identifying some of those folks?

19 DR. GRAY: Oh, absolutely. No problem.

20 MS. DAVIS: Then I will get you and Bob
21 together to work on expanding the list or maybe honing
22 down the list to a little more precision in each of the
23 universities and colleges. Does any other Committee

1 member have a suggestion for a resource from your alma
2 mater or your friends and neighbors that you know
3 about? I see no hands. Anyone that's on a phone? If
4 you would, unmute yourself, if you speak.

5 MS. COX: Professor Davis?

6 MS. DAVIS: Yes.

7 MS. COX: Hi, it's Amanda Cox. I just have
8 a question. Can someone address if there are any rules
9 or guidelines as to the broadness of how we solicit
10 these bids or send out the RFPs? Since it's public
11 money, are we required to notify any certain type
12 people or anything like that? Can somebody just
13 address that?

14 MS. DAVIS: Bob, can you address that,
15 please?

16 MR. MADDOX: As I stated earlier, the
17 Committee has pretty much chosen the vendors. We did
18 try to reach out, like I said, to the Department of
19 Finance Division of Purchasing for any consultants or
20 cost estimators. As far as I know, the federal law or
21 regulations do not dictate in terms of getting vendors
22 or what types of vendors. We just maybe by word of
23 mouth or by Committee member suggestions or

1 recommendations, we have got these things in the past.
2 And I know -- I will say Jane Venohr with the Center
3 for Policy Research is probably the best known around
4 the country. I think they have done work for about all
5 50 states on child support guideline schedules. So
6 they are really reputable. That's why we usually like
7 to choose that. So there is nothing in writing if
8 that's the question.

9 MS. DAVIS: Jennifer, are you aware of any
10 regulations or guidance from the federal folks about
11 how we should select vendors?

12 MS. BUSH: The Federal Regulations do not
13 address that.

14 MS. DAVIS: Okay. Thank you. Good
15 question. Other questions?

16 MS. DUNN BURKS: Madam Chair, Ms. Penny, I
17 do not have a question. I just have a comment. I just
18 want to thank the Committee and Bob --

19 MS. DAVIS: Identify yourself for Anne.

20 MS. DUNN BURKS: I'm sorry. It's Karen
21 Dunn Burks. Thank you. I just want to thank the
22 Committee and Bob. Thank you, Bob, for that. As a new
23 member, that was very well presented to us, and I thank

1 you. I don't know if I'm the only new member, but I
2 thank you for that history. And I should have done
3 more due diligence in looking on the child support
4 website for that area, but I thank you for that and all
5 the hard work that the Committee has put into this in
6 the previous years. So I thank you for that, and I'm
7 just going to send a personal shout out to Bob. He is
8 awesome, and he always does a great job. So thank you
9 for that.

10 MS. DAVIS: The Committee could not
11 function without Bob for sure. We appreciate his
12 efforts. And obviously Brad and the Court, they do a
13 great job. And we are certainly indebted to our IT
14 people today for their yeoman's job. During a very
15 busy time for the court, they are having to deal with a
16 lot of issues. So again we certainly appreciate that.
17 And, Karen, thank you for reminding us of the
18 importance that we have with our staff to assist the
19 Committee members.

20 Other questions or comments in general
21 about the proposals? Now what was sent out to you as
22 an attachment for you to review was the proposal that
23 had been utilized in 2016. Jennifer Bush, we asked her

1 to look prior to the meeting to see what was still
2 pertinent and what was not. She has discussed that a
3 little bit. But what I think is lined through,
4 Jennifer, is what you felt like was redundant and
5 already covered. Can you speak to the material that
6 was lined through in 2016?

7 MS. BUSH: Yes. This is Jennifer Bush.
8 When you look at the RFP, it contains the Federal
9 Regulation 302.56 in its current state as it now
10 exists. And what you see that's lined through would be
11 the criteria that we have already addressed in the text
12 changes, and that would be -- take into consideration
13 all earnings of income of the noncustodial parent.
14 That is already in Rule 32 because we have a definition
15 of income that's very broad that includes all income.

16 Imputation of income is already addressed
17 in our current Rule 32. We made the changes that are
18 outlined, and you see struck through here. We also
19 already addressed how parents will provide for the
20 child's health care needs through private or public
21 health care coverage, and we have already made the
22 change in the text that provides that incarceration may
23 not be treated as voluntary unemployment in

1 establishing or modifying child support. So those
2 changes have been made.

3 As I'm looking -- because I do notice that
4 in this RFP, it lists the cite as 42 U.S.C. 302.56, and
5 it's actually 45 C.F.R. 302.56. So before that goes
6 out, I do think we need to change that cite. Does that
7 answer your question?

8 MS. DAVIS: Yes. Thank you. I think
9 that's very helpful to both the new Committee members
10 as well as those that were involved in the RFP that
11 went out in 2016. So again I want to pause to give
12 Committee members an opportunity to speak regarding the
13 RFP draft that you received.

14 MR. MADDOX: On the last page, Jennifer
15 Bush mentioned an amount, the very last paragraph to
16 say "applicants should attach a copy of a budget" --

17 MS. McMILLAN: Anne Miller can't hear you.

18 MS. DAVIS: Anne, what Bob had said was on
19 the last paragraph of the draft of the RFP that we were
20 looking at, per Jennifer's suggestion because of our
21 uncertainty as to the amount of money we can actually
22 spend, that the last paragraph should be amended to
23 read "Applicants should attach a copy of a budget,"

1 then deleting "not exceeding 15,000," and then
2 beginning back with detailing the expenses. So the
3 beginning of the sentence would read, "Applicants
4 should attach a copy of a budget detailing the expenses
5 involved in" and then the remaining portion of the
6 sentence. Did you get that, Anne? Okay.

7 So we are at the discussion and then
8 eventually the voting stage of the proposal. So why
9 don't we start with what's been suggested so far and go
10 ahead and take a vote on that, which is to make the
11 typographical correction on cite and the deletion of
12 the amount in the last paragraph with the language to
13 be as Bob has suggested. So if everyone is in favor of
14 that suggested change, if you would, raise your hands.
15 We will count you. Keep your hands raised. We count
16 19. That's the majority. Would anyone like -- I
17 didn't ask before. Anyone opposed, like to go on the
18 record as being opposed? I do not see any hands.
19 Okay. All right. Let's go back to the RFP as it
20 stands now as amended. Is there any other discussion
21 regarding this proposal? I see no hands so why don't
22 we go ahead and take a vote on it. If you would, I
23 would like to entertain a motion to accept the proposal

1 as drafted and amended to be sent out to the public, to
2 the entities we previously discussed. Let's have a
3 show of hands. All in favor, if you would raise your
4 hands and keep them up so we can count. Nineteen? We
5 see 19. I guess we have a majority. Would anyone like
6 to also vote who I cannot see? If you would like to do
7 so and put your name on the record, then feel free to
8 unmute yourself and vote that way.

9 MS. DUNN BURKS: Karen Dunn Burks in favor.

10 MS. STEINWINDER: Katie Steinwinder in
11 favor.

12 MS. DAVIS: It will be 21. Do we have
13 anyone that is opposed to the motion? Did we get a
14 second on the motion? I don't think we did. Could I
15 have a second going backwards?

16 MS. BLACKBURN: I second, Stephanie
17 Blackburn.

18 MS. DAVIS: We have one person that wants
19 to comment on the phone that Cary is trying to figure
20 out. Ms. McClenney, DHR, if you would unmute your
21 phone.

22 MS. McCLENNEY: Yes?

23 MS. DAVIS: Did you want to speak to the

1 vote?

2 MS. McCLENNEY: I'm for the vote.

3 MS. DAVIS: All right. That would be 22
4 then. Anyone else want to vote that did not have an
5 opportunity to do so? If so, we have 22, which is the
6 majority. So that does pass. All right. Thank you.
7 Because of the nature of the manner in which we are
8 meeting, we decided to have a limited agenda for today.
9 So our agenda was going to focus on the RFP. So does
10 anyone -- Bob is suggesting it would be appropriate to
11 take a vote on who they are sent out to. At this
12 point, the suggestion has been to send them out to the
13 two people, Jane Venohr and Mark Rogers, and to send
14 them out to the universities and colleges in Alabama
15 that have economic departments with Dr. Gray to assist
16 Bob in identifying some perhaps centers or they may be
17 called something different in those universities. So
18 the outreach, for example, to Auburn might include the
19 economic department as well as some entity that's
20 identified in Auburn just like Dr. Gray has identified
21 an entity in Alabama that might be interested. So is
22 there any other entities that y'all would like
23 specifically for the committee -- for Bob to contact?

1 Okay. All in favor -- do I have a motion to approve
2 that list of potential vendors? Judge Sherman?

3 JUDGE SHERMAN: This is Judge Sherman. I
4 will make that motion.

5 MS. DAVIS: Thank you, Judge. Do we have a
6 second?

7 JUDGE PALMER: I will second.

8 MS. DAVIS: Judge Palmer was the second.
9 Okay. Again, I apologize for the length of time this
10 takes, but if you would, raise your hands and hold them
11 up so we can count them. I think we have 18. Is that
12 -- okay. Again, if you would unmute and identify
13 yourself if you would like to vote in favor.

14 MS. DUNN BURKS: Karen Dunn Burks in favor.

15 MS. DAVIS: Thank you. You are 19.

16 MR. STARKEY: Greg Starkey in favor.

17 MS. DAVIS: You are 20.

18 MS. STEINWINDER: Katie Steinwinder in
19 favor.

20 MS. DAVIS: Thank you. You make 21.

21 MS. McCLENNEY: Lathesia McClenney in
22 favor.

23 MS. DAVIS: Thank you. You make 22.

1 Anyone else? All those opposed, we'll start by raising
2 your hands first. Anyone who is opposed that's on the
3 phone? Okay. Thank you. So the motion passes
4 unanimously so I appreciate that. Does anybody have
5 any -- Professor Gray, Bob Maddox will be emailing you
6 or is currently emailing you a list of colleges, and if
7 you and he would communicate as soon as possible. Is
8 that okay, Dr. Gray?

9 MR. GRAY: I will be glad to do that.

10 MS. DAVIS: Okay. Thank you for your help.
11 That will be real helpful to us. At this point, unless
12 there is something else relating to the RFP, then we
13 will open up the comments to the public. We had -- do
14 we have the names of the -- the names we have so far
15 are Marcus and who is the second one? And Sarah Booth.
16 Is there anyone else that's joined us on Zoom besides
17 Marcus Echols and Sarah Booth from the public that
18 would like to speak? Okay. Since there is only two
19 that potentially would like to speak, then we will give
20 you ten minutes to address the Committee on any matter
21 that you have relating to child support, the guideline.
22 Marcus, you have spoken before. You are the first on
23 the list so we will start with you. Again, if you

1 would identify yourself and any entity that you are
2 representing so that our court reporter will have that
3 information.

4 MR. ECHOLS: And I represent Empowering
5 Strategies, a nonprofit organization that targets at
6 risk youth. But also related to this, I'm also one of
7 the administrators and one of the spokespersons for
8 www.childsupporthustle to try to educate noncustodial
9 parents and people on child support issues. And we
10 have been doing town halls all across the country. We
11 have done two here in Alabama. One was held at the
12 Richard Showers Center, and another one was held here
13 in Moulton, Alabama. We plan to do these town halls
14 because of some of the gross inequities and inhumanity.
15 There is tremendous amount of inhumanity to men in
16 these child support laws.

17 Now I'm not going -- I'm glad you gave me
18 ten minutes. I just want to read through this. I hope
19 I don't read too fast because I want this as part of
20 the public record. Someone has to shine a light about
21 what's really going on in this system, and the system
22 is a beast. It's a monster, and people are foaming at
23 the mouth and falling over each other to get this time

1 before. And people still were telling me to join this
2 and talk to everyone here, and I said I would. And I'm
3 going to hit these main points here in a second, but I
4 had to be honest with them.

5 There is absolutely no way a noncustodial
6 parent is going to get any justice in this, and I'm
7 talking about recommendations about some of the child
8 support issues. There is a break-through study coming
9 out of the University of Southern California who said
10 child support should start off low and increase
11 gradually as the child grows, but that doesn't work for
12 Alabama Department of Human Resources because that's
13 not going to maximize your funds. The only way you are
14 going to maximize the Department of Human Resources
15 funds is to set that child support as high as you can
16 and spend the next 18 years trying to increase it.

17 So with that, I'm going to read this off.
18 And it's pretty basic, but here goes. "The child
19 support enforcement laws that have been enacted in the
20 past three years are unfair to noncustodial parents. A
21 primary discipline within these laws is their
22 flexibility. Due to any number of circumstances, a
23 noncustodial parent may find their earnings decreased

1 due to layoff, injury, illness or many other reasons,
2 but the mechanism for modification of support orders is
3 very slow to respond. Now I always get the answer like
4 we've got steps you can take to get it modified.
5 Mostly in Alabama, they only send you a modification
6 chance once every six months. But those always act
7 real slow because we are dealing with these people's
8 money who are actually over the case. In fact, it is
9 often the case that noncustodial parents are faced with
10 huge arrearages due to their inability to make full
11 payment of child support for months at a time. Once
12 there is an arrears, it cannot by law be modified.
13 This is clearly unjust. Under current law,
14 noncustodial parents who fall behind in their child
15 support payments can be judged criminals, even felons
16 and imprisoned. And a lot of them suffer post
17 traumatic stress disorder from things like DHR's
18 favorite tactic, like shaming people, putting their
19 pictures on the web to try to shame them into
20 compliance, labeling them dead beats, just beating
21 people socially and emotionally into a corner where
22 they can't even fight back on these issues. That's why
23 cameras need to be in courtrooms because of some of the

1 grave things we have been hearing and collecting and
2 documenting on how these caseworkers treat people.
3 They can treat them any kind of way, and they just get
4 away with it. Because there is so much money being
5 made, everybody turns a blind eye, and noncustodial
6 parents are easy targets. They are dead beats, right?
7 So they are easy targets. DHR has softened the public
8 up and into what they are doing to noncustodial parents
9 by all of these labels. Okay. This is clearly unjust,
10 unjust. Okay. They fall behind. They can have their
11 driver's license suspended. A lot of good that's going
12 to do when they are trying to get to work, but then
13 again that brings more money to the system. Maybe they
14 will get some way to work, and that money is still
15 going to come back to the system.

16 Measures to exact the maximum possible
17 amount from the noncustodial parents have become
18 increasingly extreme and often violate the basic
19 principles of human dignity and privacy upon which this
20 country was founded. They are talking about posting
21 pictures and biographies of parents with outstanding
22 balances on the internet in an attempt to humiliate
23 them into compliance. Millions are being spent

1 developing computer systems and data bases in order to
2 locate and seize assets of dead beat parents.

3 I think you guys got -- I think you were
4 talking about you got about \$20,000 for that very
5 process itself, and dead beat parents, when in fact the
6 primary reason most parents fall behind is their
7 inability to pay.

8 We believe at the Child Support Hustle that
9 these measures all violate constitutionally guaranteed
10 civil rights of tens of thousands of people, especially
11 here in Alabama with the aggressiveness of this system,
12 an unchecked system, an unaudited system. It is
13 greasing a lot of pockets.

14 Okay. The specific right violated in the
15 Alabama child support system -- and they are easily
16 found. No one just wants to look at it. These rights
17 violated are right to equal protection, due process,
18 the prohibition against cruel and unusual punishment
19 and arbitrary fines and penalties. These new measures
20 that you guys are here talking about today, they are
21 not going to help anyone. They are definitely not
22 going to hurt the child, which is all about the child.
23 It's their favorite catch phrase DHR uses, but that's

1 just the cloak that they hide behind because you can't
2 go into court and talk about parental alienation.

3 Parental alienation month ends today. DHR, I never see
4 them do anything about parental alienation. So many
5 people have told us in court if they bring up parental
6 alienation, they have to file whole new separate
7 things. Where if you are going to court and you are
8 going to hide behind this mantra of it's all about the
9 children, then anything should be on the table in the
10 child support court hearing, but that's not it. We
11 know why you are there. You are there for the money,
12 and child support workers have told people we are here
13 about the child support. So it's not about the child.
14 That's just a lie because, if it was, the most
15 important things like this child's emotional and social
16 upbringing that's being destroyed by parental
17 alienation, that should be front and center, but it's
18 not. The only things front and center here is Title
19 IV-D funding.

20 All the laws y'all have talking about here
21 today -- I still have minutes left. I'm keeping up. I
22 have a few minutes. I want to get through this, and I
23 will answer any questions after that. I think I have

1 got --

2 MS. DAVIS: Two minutes left.

3 MR. ECHOLS: I think I have a few minutes
4 left. I was keeping up with my minutes. How many?

5 MS. DAVIS: Two minutes left.

6 MR. ECHOLS: Can I get those back for the
7 interruption? Okay. The reason why this is not going
8 to work is because criminalizing parents cannot be good
9 for the children. It drives a wedge between the parent
10 and the child and is not only unfair to the parent but
11 it may severely damage the self-esteem of the child.

12 The new laws will clog the court system. They
13 will result in ever increasing numbers of parents with
14 joy for participation in the children's lives. They
15 will result in increasing of parents in history and
16 society to hide out from what they consider a fair
17 prosecution, and these laws that y'all are doing will
18 result in parents being sent to prison simply for
19 experiencing financial hardships and falling behind on
20 support payments. They will increase divisiveness in
21 our society, and they will further reduce our civil
22 liberties.

23 Now what I wanted to ask, especially some

1 of these child support workers, as soon as this
2 COVID-19 is over, you guys are seizing \$1200 from
3 people who owe back child support, even the people who
4 are 100 percent disabled. Now if that's not unjust,
5 greedy and evil, I don't know what it is. So do these
6 people get any leeway once their check is seized? You
7 guys get your funds from Social Security for seizing
8 this money. You take the 1200 from the person. You
9 are going to receive not only the 1200 but the \$7,840
10 something dollars that you are going to get from Title
11 IV-D funding. I wonder how long it's going to be after
12 y'all seize these people's money who evidently you guys
13 think COVID-19 and this pandemic does not affect people
14 on child support. Y'all have hunted them down in the
15 moment of a pandemic to seize any lifeline that they
16 can get.

17 Now I was -- I want to finish this up, if I
18 can, with a prayer. This was written in jail by a
19 child support person. A whole grouping of child
20 support was writing this, sending this home. Jailers
21 was taking this and reading it, and this is the prayer
22 I want to end my comments with. And I appreciate you
23 guys giving a voice to the voiceless. I feel like I

1 brought everything to everybody. I want to say this
2 prayer, and that's going to be it.

3 This is the child support prisoner's
4 prayer. Oh, Great Birther and King of Every Universe,
5 both known and unknown. Here is the son of your maid
6 servant. Grant open ears to my prayer. You are
7 sovereign over corruption, judicial arrogance, systems
8 of evil intent of the hearts of men. You who presides
9 over the known and unknown as the supreme priest of all
10 that was, that is, and what's to come. Grant the son
11 of your maid servant your holy divine intervention
12 while men exalt themselves in all forms of evil
13 judgment and arrogance. Your righteousness remains
14 holy and just as a testament to the wickedness of
15 corruption of arrogant men. So I will not let my
16 spirit be troubled because I believe in the Father who
17 also believes in me, the son of His maid servant.
18 Cursed be those who persecute you from the root of all
19 that is evil. For the Lord Almighty has their reward.
20 All who do evil are shameless, but the Lord Almighty
21 does right and is always fair. I rest assured that in
22 my Father's house, there are many mansions and no jail
23 cells. In the name of the Father of holiness and

1 righteousness and evil judges forever. Amen.

2 Thank you for hearing me.

3 MS. DAVIS: Thank you. All right. We gave
4 you a couple of extra minutes. Any questions? If you
5 have a question, raise your hand.

6 MS. DUNN BURKS: I have something, Madam
7 Chair. This is Karen Dunn Burks. Thank you. And I
8 would like to say this, and I'm not here to shame or to
9 say anything that's derogatory comments about the
10 gentleman's statements. However, I cannot sit here and
11 not say this.

12 It's interesting to say the voice to the
13 voiceless however and about posting pictures and what's
14 unjust, and not paying is unjust. And I must say this:
15 My mother, Senator Priscilla Dunn, was very, very
16 instrumental. I think that might have been her feeling
17 is that she brought -- so that the pictures will be
18 posted so that the children -- you talk about the voice
19 of the voiceless, that they may be heard as well. So I
20 don't want to get into that, and I appreciate your
21 comments, sir. But I want you to know that a lot of
22 research, a lot of depth and a lot of hard, heartfelt
23 comments and town hall meetings. You speak of all the

1 researchers. I know there are two sides, but I want to
2 let you what went into that deal as far as being
3 posted.

4 Prior to being Circuit Clerk of the
5 Bessemer Division, I worked with DHR. I was the
6 director over a grant of reunification. So it takes
7 both sides. But I think that some of your comments --
8 and I'm not here to critique those -- but went a little
9 harsh to this Committee that I think that most of these
10 people on the Committee are here because they want to
11 do and make sure that it is better. But also there is
12 that side that you have to look at the whole picture,
13 and that picture involves the children that are not
14 getting their due, that are not getting their pay. And
15 that also helps upbringing a child. And talk about
16 self-esteem, a self-esteem is help providing, putting
17 on the table, shoes on those children's feet. And in
18 order to make the whole system work -- and I appreciate
19 your comments, and I don't want you to think that I'm
20 coming off of any type of way. But I could not sit
21 here and not say that, knowing all the hard work that
22 went into that deal. Whether or not it's used for
23 however way that you feel it is, but it was very much

1 needed. And I don't know, Attorney Maddox, if that is
2 still relevant that they have there, but my mom was
3 very instrumental in bringing that. And I just had to
4 say that. Thank you for the opportunity, Madam Chair.

5 MS. DAVIS: Okay. Thank you. Is there
6 any other Committee member that would like to speak or
7 ask a question before we move on to our next public
8 speaker? All right. The second speaker, Sarah Booth,
9 would you like to speak? Ms. Booth, are you on? Ms.
10 Booth, we are having difficulties getting you to be
11 able to speak. Do you have the capabilities of using
12 the chat room? It appears that Ms. Booth has left the
13 call. Is there any other member on the public list?
14 If you would, identify yourself. Anybody else in the
15 public? We are going to give another 30 seconds if
16 anybody would identify yourself if you want to speak.
17 This is the time for comments from the public. Anyone
18 else who hasn't had an opportunity to speak from the
19 public? For the record, Cary or Michael, is Mrs. Booth
20 or Ms. Booth on the phone, on the Zoom at this point?
21 Okay. Cary has indicated that Ms. Booth is no longer
22 on the Zoom. We'll give another 15 seconds or so to
23 see if she is trying to reconnect.

1 While we are waiting to see if she can
2 reconnect or she may have decided not to speak, I'm not
3 sure which, I would like to mention that we had
4 previously sent out an email regarding the next
5 meeting, which would be June 4th, so the public will be
6 aware of that. Bob Maddox reminded me and, Justice
7 Stewart, if you are still on, if you have any insight
8 right now, we are not yet aware of any limits relating
9 to our being able to speak in person or if we need to
10 do it remotely. Justice Stewart, are you able to speak
11 to that issue at all?

12 JUSTICE STEWART: I'm not able to speak to
13 it. I'm not sure why she wasn't able to get up on the
14 phone. There is also a call-in number, I think, that
15 we provided, which is why folks are on by phone.

16 MS. DAVIS: Yes. We don't know why. While
17 we are waiting, we were discussing the next meeting,
18 which is June 4th. We don't know yet if it will be in
19 person or remotely, and we wondered if you had any
20 insight as to whether the next meeting would be remote
21 or in person, any secret knowledge about COVID-19 that
22 you would like to share with the world?

23 JUSTICE STEWART: I apologize. I

1 misunderstood your question. I was trying to figure
2 out how to turn myself back on. I would say the
3 chances are very good that we can meet in person. We
4 will most likely have to obey by the social distancing
5 rules. So probably could use the Mezzanine classroom
6 that's fairly large to space everybody out with, just
7 depending on how many members of the public show up,
8 but that would be my anticipation how we could do that.
9 I think that the Supreme Court is probably going to
10 open up the courthouses for in-court hearings as long
11 as they comply with the ten person rule on May 15th.
12 So June 4th would clearly be past that time.

13 MS. DAVIS: Okay. So I know we are asking
14 you to project into the future. But if we have more
15 than ten people on the Committee, then could we still
16 -- could the Committee meet with more than ten people
17 or is that something we need to address later? I guess
18 it would depend on how the order is written at that
19 time.

20 JUSTICE STEWART: I don't know that the
21 order really applies to us because we are not court
22 proceedings, but my read of the Governor's safer at
23 home order would be that only ten of us could be

1 congregated in a space together even with the social
2 distancing. That was what Dr. Harris told the Court
3 yesterday as far as application to a courtroom. So --

4 MS. DAVIS: We may wind up with a
5 combination of in person and Zoom, if there is a
6 limitation.

7 JUSTICE STEWART: Yes. Dr. Harris
8 explained that they are trying to go off of the Federal
9 guidelines. And phase one of the Federal guidelines,
10 the Gate Post Requirements, Alabama actually hasn't
11 even met yet, and phase one is the ten person
12 restriction. Phase two, which we are a long way from,
13 is a 50 person restriction so that we can anticipate
14 that.

15 MS. DAVIS: That's helpful. Thank you. I
16 assume that as we get closer to time, we will let the
17 Committee know. And, Justice Stewart, if we wind up
18 doing another remote or something that's different, I
19 assume you would be able to do as you did before and
20 get an order from the Court, revisiting the order and
21 it's for this meeting only in terms of video
22 conferencing.

23 JUSTICE STEWART: Yeah. It is specific,

1 but yeah. We could definitely do that.

2 MS. DAVIS: Okay. Thank you. Does anyone
3 have any questions? Cary, just to confirm, we do not
4 have any more attempts by Ms. Booth to join us?

5 MS. McMILLAN: We do not.

6 MS. DAVIS: So the record will reflect that
7 Ms. Booth is not trying to contact us again, been
8 unable to if she has tried. But we have no indications
9 that she is trying at this point.

10 So let me open up the meeting back to our
11 Committee members. So is there any -- just for the
12 wrap-up before we adjourn, are there any questions or
13 concerns that as Committee members you would like for
14 us to address at the next meeting or prior to the next
15 meeting so we could send out to the public? Anyone?
16 And if the Court, Justice Stewart, has anything that
17 they would like for us to put on the agenda for the
18 June 4th meeting, then we will be sending that out
19 within a few weeks. Any other comments from the
20 Committee?

21 I thank you all for your participation and
22 for your patience as we try to work through this Zoom
23 process. I think it's been very helpful and appreciate

1 the very good attendance that we had this way. All
2 right. With nothing else then, the meeting will be
3 adjourned. Thank you again.

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5 (Meeting concluded at 11:30 a.m.)
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C E R T I F I C A T E

STATE OF ALABAMA)

JEFFERSON COUNTY)

I hereby certify that the above and foregoing proceeding was taken down by me by stenographic means, and that the questions and answers therein were produced in transcript form by computer aid under my supervision, and that the foregoing represents, to the best of my ability, a true and correct transcript of the proceedings occurring on said date at said time.

I further certify that I am neither of counsel nor of kin to the parties to the action; nor am I in anywise interested in the result of said case.

Signed the 13th day of May, 2020.

A handwritten signature in dark ink, appearing to read "Anne E. Miller", is written over a horizontal line.

/s/ Anne E. Miller

ACCR #486

Expires 9/30/20

My commission expires 11/19/23

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