

M E M O R A N D U M

TO: Randy Helms
Administrative Director of Courts

FROM: Jack W. Hughes, ^{JWH} Chairman
Advisory Committee on Child Support Guidelines
and Enforcement

DATE: May 4, 2005

RE: Recommendations by Advisory Committee - April 22,
2005, Meeting

On Friday, April 22, 2005, a meeting of the Advisory Committee was held with a quorum of the Advisory Committee members present.

The first order of business of the Advisory Committee was to elect a vice-chairperson. Gordon Bailey, Esq. was unanimously voted to be vice-chairperson by the members of the Advisory Committee present. The members present also discussed a couple of proposals amending Rule 32, Alabama Rules of Judicial Administration, Child Support Guidelines. The first proposal, presented by the Honorable John Crawley, Presiding Judge, Court of Civil Appeals, suggested the following:

- (1) Proposed Amendment of Rule 32(E), by adding subsection (E)(2) to provide that the parties must file their Form CS-41, Child Support Obligation Income Statement, with the pleadings they file on or within certain times;
- (2) Proposed Amendment of Rule 32(F), by amending Rule 32(F)(1) and by adding Rules 32(F)(2) and 32(F)(3), to provide that the parents shall attach documentation of both current and past earnings to their income statements

and expenditure statements for preexisting child support or alimony, work-related child-care costs, and health insurance costs; and to provide penalties for noncompliance in subsections (F) (2) and (F) (3).

A motion was made by one of the Committee members to adopt Judge Crawley's proposal, but the motion died for lack of a second to the motion.

The second proposal was offered by the Honorable Ed Gosa, District Judge of Lamar County, and former Chairman of the Advisory Committee. Amending Rules 32(B) (7) (a) and 32(B) (7) (b), this proposal provided that the amount of the health insurance premium to be used in the calculation of child support shall be the proportionate share the child(ren) bear to the total number of persons covered by the health insurance policy.

The Advisory Committee members present did not adopt this particular proposal, but decided to form a subcommittee of some of the members to work together to draft another proposal using the same concept.

The members present also discussed a report dated February 25, 2004, prepared by Policy Studies, Inc. (PSI), recommending an update of the Schedule of Basic Child Support Obligations, found in an Appendix to Rule 32.

After discussing the proposal from PSI, all the Committee members present voted to recommend to the Court that consideration of the PSI proposal by the Advisory Committee be tabled until another study could be conducted by some entity, such as an economics department of a state college or university, comparing the PSI report using Alabama-specific economic data and recommending an updated Schedule.

You may wish to send these recommendations to Mr. Esdale for possible consideration by the Court at its earliest convenience. I appreciate your assistance in this regard.

JWH/bm