

MEMO

To: Child Support Guidelines Standing Committee

From: Alabama Rules of Judicial Administration Standing Committee

At its January 2017 meeting, the Alabama Rules of Judicial Administration addressed the problems in using the Current Form CS-47, which is titled a "Child Support Information Sheet," but is required to be filed in every domestic case.

The ARJA Committee suggested the title be changed to "Domestic Relations/Child Support Information Sheet." General discussion regarding the form included a suggestion to remove the gray box from the top of the form to a box at the bottom of the form where children are listed. Instead of marking "inapplicable" the gray box should ask if there are minor children who are subject to the action, then to fill out the section if applicable.

During the June 2017 meeting, the Committee reviewed a proposed CS-47 form that incorporated the proposed changes to the form (formerly the "Child Support Information Sheet"). The ARJA Committee approved the form with the changes made during the meeting. In addition, the Committee proposed some changes to the language of Rule 32.1 and revised the existing Comment to the Rule.

At the September 2017 meeting of the ARJA, the Committee voted to approve the revised Comment to Rule 32.1 and the modified CS-47 form. The Committee also approved sending the final proposed versions of the Rule and the form to the Child Support Guidelines Committee for consideration.

PROPOSED AMENDMENT AND COMMENT

ALABAMA RULES OF JUDICIAL ADMINISTRATION
Rule 32.1

Domestic Relations ~~Child support~~ information sheet.

This rule, as adopted effective July 1, 1998, shall apply to all filings made on or after July 1, 1998.

A "**domestic relations ~~child support~~ information sheet**" (see the form attached as an appendix to this rule), shall accompany the filing of each complaint, petition, answer, or motion to intervene in a divorce action, an action seeking to establish or to modify child support, or an action to determine paternity. Each party, or if the party is represented by counsel, the party's attorney, shall complete the **domestic relations ~~child support~~ information sheet** and print his or her name and daytime telephone number in the spaces provided at the bottom of the sheet before filing it with the court. However, the failure to file the **domestic relations ~~child support~~ information sheet** when the complaint, petition, answer, or motion to intervene is filed shall not affect the validity of the action or the date of the commencement of the action.

If the complaint, petition, answer, or motion to intervene is presented to the clerk of the court without a properly completed **domestic relations ~~child support~~ information sheet**, the clerk shall accept the complaint, petition, answer, or motion to intervene and inform the person filing it of the requirements of this rule, and each party, or, if a party is represented by counsel, then the party's attorney, shall promptly file a completed **domestic relations ~~child support~~ information sheet**.

If a party fails to comply with the requirements of this rule, the court in which the action is pending may make such orders as it believes are just, including issuing an order staying the proceedings until the **domestic relations ~~child support~~ information sheet** is filed, or, after proper notice, dismissing the action; and, in lieu of any other orders, or in addition to any orders, the court may treat the failure to comply with the requirements of this rule as contempt of court.

[Adopted effective July 1, 1998; Amended _____, 2017.]

Comment

This rule was drafted to comply with the Child Support Reform Act of 1997, codified at § 30-3-190, et seq., Ala. Code 1975. The **domestic relations ~~child support~~ information sheet** will allow the Department of Human Resources to maintain a central repository of case information. **The information sheet** must be filed by both parties in all divorce actions, even those in which the parties have no minor children. In that event, the parties **will not complete the block concerning minor children**.