

Attention: Advisory Committee on Child Support Guidelines

Meeting: October 8<sup>th</sup>, 2020

Time: 10:00 am

Via: Zoom Conference

Topic: Rule 32

My name is Jeremy Joseph Brueckner. I would like to first and foremost, give a deep sense of gratitude for allowing me this opportunity. Every year, millions of Americans are affected by the decisions of a few, by taking this chance to offer an opinion from one of the affected, allows those few to hear the concern that is causing such anguish upon so many. I am presenting all this, not on behalf of myself, but on behalf of all those in whom these subjects negatively impact. Even more so, for our children's sake. As we are their parents and supposed to only look out for their sincere, best interest; that main one being their futures.

I am an Arizona resident, father to a total of 5 children (3 biological and 2 bonus (step)-children. One of which is a son in Alabama, soon to be turning 18. I am one of few, co-founders to a global parental alienation organization known as Parental Alienation Solutions Organization (PASO for short). Working with parents around the world in establishing and maintaining healthy and loving relationships between alienated parents and children; as well as raising awareness to prevent such. I have studied laws, policies, case records, and practices for several years and have represented myself in all my proceedings. My findings and questions come with years of research and a collective of parent's testimonies. I have a few questions on the practices of Alabama and the language found within their guidelines that conflict with that of the Social Security Act, Title 4-D guidelines; as well as many other policies and procedures.

***"In Alabama State Code, Code of Alabama 1975, as amended, Subsection 38-10-7, "allows DHR to take appropriate action under Federal and State laws" to assure that children are fully and fairly supported. This includes review and adjustment of child support orders."***

- 1.) That statement is found within AL CS Policy and Procedures Manual 9.14.2.a and raises one main question. Within that policy, is the term, "children" defined and limited to only children of Alabama, children of litigating Alabama parents, or is that for ALL "children"? Children being, dependents supported of any parent, no matter the jurisdiction or circumstance? As millions of parents find recovery in life after divorce by starting new families, shouldn't those children be entitled to that same "fair and full support"?
- 2.) Does your current child support formula take into account that some parents have other "children" that they financially support, outside the court's direction; besides children noted as "Additional child support obligation"? To answer that question, by my research and according to Alabama Form CS-42; "no". As there is no space to indicate such information to consider into the formula.

To address these issues,

- a.) I propose a single word addition when addressing children. Changing the verbiage to specify, "ALL children are fully and fairly supported."
  - b.) By adding an additional block to Form CS-42, Child Support Calculator to determine how many additional children are not related to case, but are supported by each parent, and incorporating them into the formula.
- 3.) If the calculator is going to have a factor of how much time is spent with children (70%, 50%, 30%, etc.), then shouldn't DHR have a better, more accurate way of determining that variable besides a court order? A more accurate means of determining how much time a parent is realistically getting? I would say statistically showing, but the numbers are not drawn or conclusive, as I have only personally heard the stories. Every year, millions of parents go without seeing their children; some by choice, some by force, and others because they are casted out by an opposing parent; or alienated. If there were some form or means in place, this could aid in determining a more accurate figure for adjustments, as well as determining active parents from non-active parents. Allowing each parent, the opportunity to equally financially support their offspring according to DHR standards. With respect to a designated recipient of funds, or proper award division based on true shared parenting figures.

My simple, immediate proposal to correct this issue would be....

- c.) Since DHR is capable of sending out mass emails or stamped addressed mail to parents in their system; then surely sending out an annual or bi annual questionnaire is feasible? I do believe as the "parent" of a "child", the responsibility to complete such form would be solely on the parent. As it would be their "responsibility" to follow through or the formula will not change, nor will amount of any payments or adjustments. One other way, especially in cases where the answers don't align, is to have a Court appointed GAL or a third-party specialty therapist interview the children involved. By doing so, it would also encourage fit and loving relationships between everyone after divorce; ultimately, making the adjustment easier on the child.
- 4.) There is a strong misinterpretation of the laws and verbiage when it comes to Title 38 awards and the use for Child Support; even more so, a Challenge of Constitutionality. As it is said, VA Benefits (Title 38) are designed for the use of "veterans" and "their dependents" to help with the loss of income due to injury. However, that is not saying that it is designated to only children or dependents within litigating parents, that's set for ALL dependents.

- 5.) There is a great percentage of Alabama cases that are being handled unfairly. A great number of that percentage is disabled parents. Parents who have not only limited mobility, but extremely limited funds. In cases where a parent loses a job to disability, there is no remorse of the current system. The disabled parent is put to a minimum wage or even "potential earning" into the formula; however, that is simply unrealistic. A disabled or limited parent cannot be held to the same or "potential" standard as a fully capable parent. Not by any standard or formula; according to the American's with Disabilities Act and Social Security.

Furthermore, in the Social Security Act, Title 4-D, 459 it is stated that VA Awards may be used to calculate for sake of child support, as directly quoted;

*"(V) by the Secretary of Veterans Affairs as compensation for a service-connected disability paid by the Secretary to a former member of the Armed Forces who is in receipt of retired or retainer pay if the former member has waived a portion of the retired or retainer pay in order to receive such compensation;"*

However, that has an exception in its verbiage that needs addressed and honored. It states, "who is in receipt of" retired or retainer pay or has "waived a portion" thereof to receive such benefits. In some cases, the veteran does NOT receive retired or retainer pay and/or HAS NOT waived a portion of retired pay to receive such service-connected disability awards. This calls for a "deviation from the guidelines", making the award part of subsection B (iii), "do not include payments".

Stated as;

*"B (iii) of periodic benefits under title 38, United States Code, except as provided in subparagraph (A)(ii)(V)."*

A few remedies to this issue would be as follows:

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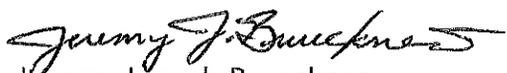
- i.) an apportionment request (VA FORM 21-0788) from the Veterans Administration (much like social security benefits from a social security and form SSA-4);
- ii.) a "good faith" request of the "dependent pay" per the number of children in whom are receiving the support; or, be able to determine how much of the award is set for "the veteran", the "spouse" (current not ex), and "dependent".
- iii.) to be able to determine how much of the award belongs to the *veteran*, the *veteran's spouse* (current, not divorced), and *dependent* (as well as which one).

- iv.) And, Include a "*deviation from the guidelines*" clause in every case when it comes to disabled parents, particularly Social Security and Title 38 recipients.

I have tried to explain this to your Lauderdale county agency in the past, and they have told me that my argument relates to "garnishment" and not calculations. However, the law includes the word "*process*" in its verbiage. That word being, the process by which to calculate to establish what to garnish. In that process, it is the use of Title 38 awards that is debatable. By not honoring the SSA guidelines, the current Alabama Rule 32 is financially destroying millions of veterans lives and restricting them from fully financially supporting all of their dependents, and more importantly, as well as, the State's Rule is acting against Congressional direction.

In closing, these mentioned issues should be addressed. By doing so, it not only helps parents in maintaining true, fit and loving relationships with their children, but it also helps Alabama in being more accurate and practical in their child support expectations. As well as being judicially sound and moral in their understanding of disabled parents. Statistics show that when child support payments are reasonable and fair between both parents, they are more likely to be paid without hesitation, reducing back support amounts and providing more immediate financial care for children. Statistics also show that children need both, fit and loving parents. Unfortunately, from what I have heard, "the more a parent pays in litigation and time away from their children, the less the want to, and/or feel, obligated to pay".

Respectfully,



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