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MEETING OF THE ADVISORY COMMITTEE  
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT  
FOR THE STATE OF ALABAMA  
THURSDAY, AUGUST 6TH, 2020  
10:00 a.m.

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**THE ADVISORY COMMITTEE ON CHILD SUPPORT  
GUIDELINES AND ENFORCEMENT MEETING** was held before  
Kim Faucette, Certified Court Reporter and  
Commissioner for the State of Alabama at Large, via  
Zoom videoconference, Montgomery, Alabama,  
commencing at 10:11 a.m., Thursday, August 6th,  
2020.

## 1 APPEARANCES

## 2 GUEST SPEAKER:

3 DR. JANE VENOHR  
4 Center for Policy Research  
5 Denver, Colorado

## 6 COMMITTEE MEMBERS:

7 PROFESSOR PENNY DAVIS, Chair  
8 Adjunct Professor of Law  
9 University of Alabama School of Law  
10 Tuscaloosa, Alabama

11 AMANDA COX, Esquire  
12 Staff Attorney, The Hon Terry Moore  
13 Alabama Court of Civil Appeals  
14 Montgomery, Alabama

15 THE HONORABLE AUBREY FORD  
16 Retired District Judge  
17 Macon County, Alabama

18 THE HONORABLE DON MCMILLAN  
19 4th Judicial Circuit  
20 Marion, Alabama

21 JENNIFER BUSH, Esquire  
22 State-level Child Support Attorney  
23 Alabama Department of Human Resources  
Montgomery, Alabama

THE HONORABLE WILLIAM THOMPSON  
Presiding Judge  
Alabama Court of Civil Appeals  
Montgomery, Alabama

THE HONORABLE JULIE PALMER  
Private Practice Attorney  
Hoover, Alabama

KATIE STEINWINDER, Esquire  
Attorney, Legal Services Alabama  
Montgomery, Alabama

1 LATHESIA MCCLENNY, Director  
2 Child Support Enforcement Division  
3 Alabama Department of Human Resources  
4 Montgomery, Alabama

5 THE HONORABLE MICHAEL D. SHERMAN  
6 Circuit Judge  
7 Domestic Relations Division  
8 Mobile County, Alabama

9 GREG STARKEY, Esquire  
10 Private Practice Attorney  
11 Birmingham, Alabama

12 JIM JEFFRIES, Esquire  
13 Private Practice Attorney  
14 Mobile, Alabama

15 PROFESSOR BRIAN GRAY, Associate Dean  
16 Culverhouse College of Commerce  
17 The University of Alabama  
18 Tuscaloosa, Alabama

19 STEPHANIE BLACKBURN, Esquire  
20 Attorney, Legal Services Alabama,  
21 Montgomery, Alabama

22 STEPHEN ARNOLD, Esquire  
23 Private Practice Attorney  
Birmingham, Alabama

DREW WHITMIRE, Esquire  
Private Practice Attorney  
Birmingham, Alabama

OTHER APPEARANCES:

BRAD MEDARIS, Esquire  
Central Staff Attorney,  
Supreme Court of Alabama  
Montgomery, Alabama

SCOTT HOYEM, Esquire  
Staff Attorney, Legal Division  
Alabama Administrative Office of Courts  
Montgomery, Alabama

1 JULIA J. WELLER, Esquire, Clerk  
2 Supreme Court of Alabama  
3 Montgomery, Alabama

3 CARY MCMILLAN, Director, Family Court Div  
4 Alabama Administrative Office of Courts  
5 Montgomery, Alabama

5 BOB MADDOX, Esquire  
6 Staff Attorney, Legal Division  
7 Alabama Administrative Office of Courts  
8 Montgomery, Alabama

8 NATHAN WILSON, Esquire  
9 Senior Staff Attorney  
10 The Honorable Sarah Stewart, Associate  
11 Justice, Supreme Court of Alabama  
12 Montgomery, Alabama

11 APPEARANCES FOR THE PUBLIC:

12 CHRISTOPHER HUGHES  
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1 MS. DAVIS: Okay. So, now we are  
2 officially recording. So, first, let  
3 me welcome everyone for -- on behalf of  
4 the Supreme Court's Child Support  
5 Committee meeting. We have members of  
6 the Committee, of course, and the  
7 public. And we will, in a few minutes,  
8 be taking roll.

9 So, if you are identified as  
10 something other than your name, we may  
11 ask you to identify who you are.

12 As many of you already know,  
13 we have a Court Reporter taking  
14 information down. We will have a  
15 transcript of the Committee meeting and  
16 the minutes. And so, they will be  
17 available to the public.

18 And so, we want to be able to  
19 identify who speaks so that she can  
20 have that information in the  
21 transcript. So, that is why we are  
22 trying to make sure we get everybody's  
23 information quickly and as accurately

1 as possible.

2 Okay. So, we are going to  
3 start first with -- okay. Does someone  
4 want to speak first? Is that someone  
5 trying to speak?

6 MS. MCMILLAN: I think they are  
7 just not muted.

8 MS. DAVIS: Okay. Let me remind  
9 everybody, if you would, to mute your  
10 microphone. And then if you want to  
11 speak, if you have your picture there,  
12 you can sort of wave to get our  
13 attention. But you can -- if you can't  
14 get our attention and need to speak,  
15 then certainly feel free to just to  
16 unmute and get our attention that way.

17 Are we able to chat in on the  
18 Zoom?

19 MS. MCMILLAN: Yes. Chat is  
20 available.

21 MS. DAVIS: Okay. So, you can  
22 also -- If you can't get our attention,  
23 otherwise, then go ahead and chat in,

1           because we will try to be watching for  
2           that, as well.

3                     At this point, I want to turn  
4           the meeting over to Bob, and he has a  
5           couple of housekeeping chores for us.

6                     MR. MADDOX: Thank you, Penny.  
7           Good morning, everyone. I am Bob  
8           Maddox, staff attorney for the  
9           Administrative Office of Courts.

10                    We received an order from the  
11           Supreme Court of Alabama yesterday,  
12           August 5th, authorizing this meeting to  
13           be conducted by videoconference like we  
14           are doing today.

15                    In fact, the Supreme Court --  
16           I will read this order in its totality  
17           just so it is on the record.

18                    (As read) "The Court having  
19           considered the COVID-19 pandemic, it is  
20           hereby ordered that the Standing  
21           Committee On Child Support Guidelines  
22           is authorized, at the discretion of the  
23           chairperson," who is Ms. Davis here,

1 "to conduct the meetings of that  
2 Committee by videoconference for the  
3 remainder of the 2020 calendar year."  
4 So, until December 31st of this year.

5 "Public notice of the meeting  
6 shall be promulgated in the usual and  
7 customary fashion. The Committee shall  
8 allow for the public to attend and to  
9 be heard using the videoconferencing  
10 application."

11 And Chief Justice Parker and  
12 all eight remaining Associate Justices  
13 concurred with this order they did  
14 yesterday.

15 MS. DAVIS: Thank you.

16 MR. MADDOX: So, we now have  
17 authorization that in the event we need  
18 to conduct these meetings by Zoom or  
19 videoconference to do so the rest of  
20 the calendar year.

21 MS. DAVIS: Okay. Thank you.

22 MR. MADDOX: Secondly, I wanted to  
23 point out, like we do in every meeting,

1 we have sent a notice to the media  
2 outlets about today's meeting. Today's  
3 web meeting was provided to the media  
4 outlets statewide via email on  
5 July 13th, 2020. And in that news  
6 release, persons were allowed to submit  
7 written comments and suggestions to the  
8 Committee concerning the guidelines and  
9 schedule by Friday, July 31st, 2020, to  
10 the Supreme Court of Alabama Clerk's  
11 Office.

12 And the public was also  
13 authorized to submit an email no later  
14 than 5:00 Central Time on Tuesday,  
15 August 4th, to join by the Zoom method.

16 So, those items were in the  
17 news release on July 13th, 2020. And  
18 that was --

19 MS. DAVIS: Thank you. All right.  
20 The next order of our business will be  
21 to take roll. And I have received a  
22 list. I should mention that Brad is  
23 sick, so he will not be able to join

1 us.

2 Leale McCall is -- I don't  
3 know if he is on the phone yet.

4 MR. ARNOLD: Ms. Weller is.

5 MS. DAVIS: And Ms. Weller also is  
6 on the phone. So, obviously our Court  
7 is adequately represented. But we will  
8 certainly miss Brad, and hope he feels  
9 better soon.

10 But I received a list from  
11 the people that contacted the  
12 Committee -- the Court, to let us know  
13 who was going to be in attendance. I  
14 am going to call the roll. And then at  
15 the end, if you do not hear your name  
16 -- the first will be the Committee  
17 members and the staff members, and then  
18 the public will be last.

19 So, if you do not hear your  
20 name, if you will let us know that, we  
21 do appreciate it. We will be doing  
22 this for establishing a quorum as well  
23 as knowing who is here.

1                   First, let me introduce our  
2                   Court Reporter is Kim Faucette. And  
3                   she is on the upper left hand on our  
4                   screen, but she is the Court Reporter  
5                   and will be transcribing the meeting  
6                   today. And I mentioned that Mr.  
7                   McCall.

8                   Then going down the list, Ms.  
9                   Cox, if you will unmute and let us know  
10                  you are here or wave.

11                 MS. COX: (Waving).

12                 MS. DAVIS: Thank you. And Ms.  
13                 Campbell? Ms. Campbell? Angela  
14                 Campbell?

15                 (No response.)

16                 MS. DAVIS: I think she indicated  
17                 she would not be here. She might now.

18                 All right. Judge Ford. He's  
19                 waving.

20                 Okay. And Bob Maddox is  
21                 here.

22                 MR. MADDUX: Here.

23                 MS. DAVIS: Mr. McMillan?

1 MR. MADDOX: Judge McMillan.

2 MS. DAVIS: Judge, are you here?

3 I don't see him. He is waving. I am  
4 sorry. These are small little -- oh,  
5 thank you. Thank you. Okay. Small  
6 little squares.

7 Mr. Whitmire. Whitmire? I  
8 do not see him listed.

9 (No response).

10 MS. DAVIS: Okay. Starkey?

11 (No response).

12 MS. DAVIS: Ms. Bush, Jennifer  
13 Bush? She was here. I see her.

14 MS. BUSH: I am here.

15 MS. DAVIS: Thank you. Thank you.  
16 Ms. Drennan, Jessica?

17 (No response).

18 MS. DAVIS: Mr. Jeffries? Jim  
19 Jeffries?

20 (No response).

21 MS. DAVIS: I saw Judge Thompson  
22 earlier. Let's see. Yes.

23 HONORABLE THOMPSON: Yes, I am

1 here.

2 MS. DAVIS: Thank you, Judge.

3 Judge Palmer?

4 HONORABLE PALMER: I am here.

5 MS. DAVIS: Thank you. Justice

6 Stewart?

7 MR. WILSON: She is not here

8 today. I'm here for her.

9 MS. DAVIS: Okay. Thank you.

10 MR. WILSON: For the record,  
11 Nathan Wilson, senior and staff member,  
12 sitting in for Justice Sarah Stewart.

13 MS. DAVIS: We appreciate that.  
14 We also want to say that I appreciate  
15 Justice Stewart making sure that we got  
16 the Court authorization for the Zoom.  
17 I appreciate the efforts of Justice  
18 Stewart. Certainly I'm sure Nathan  
19 also was part of the it behind the  
20 scene.

21 MR. WILSON: And the Clerk's  
22 Office.

23 MS. DAVIS: And the Clerk's

1 Office.

2 Ms. Burks? Dunn Burks? Are  
3 you on?

4 (No response).

5 MS. DAVIS: All right. And we  
6 have established that Katie is on with  
7 Will's phone.

8 MS. STEINWINDER: Yes.

9 MS. DAVIS: And we will have  
10 Katie's phone, but it has now been  
11 renamed to Katie.

12 Ms. McClenney, I think was on  
13 earlier.

14 MS. MCMILLAN: Yes.

15 MS. DAVIS: She's on the phone.

16 MS. MCCLENNY: I am here.

17 MS. DAVIS: Thank you. Ms.  
18 Baldwin?

19 (No response).

20 MS. DAVIS: Judge Sherman? I did  
21 not see him earlier.

22 MR. MADDOX: I just got a message  
23 Jim Jeffries just joined.

1 MS. DAVIS: Oh, okay. Dr. Gray?  
2 Professor Gray?

3 DR. GRAY: I am here.

4 MS. DAVIS: Thank you. Ms. King?

5 (No response).

6 MS. DAVIS: Ms. Blackburn?

7 MS. BLACKBURN: I am here.

8 MS. DAVIS: Thank you. I see a  
9 hand there. Thank you.

10 Steve Arnold. I saw him  
11 earlier. There's Steve.

12 MR. ARNOLD: I am here.

13 MS. DAVIS: Thank you. Is Scott  
14 Hoyem?

15 MR. MADDOX: Hoyem. Somewhere it  
16 looks like.

17 MS. DAVIS: Where is he?

18 MR. MADDOX: Far right, third row.

19 MS. DAVIS: Oh, yes. Thank you.

20 And Ms. Weller is on for the  
21 Courts.

22 MS. DAVIS: Stuckey? Ms. Stuckey?

23 (No response).

1 MS. DAVIS: Dupré? Mr. Dupré.

2 (No response).

3 MS. DAVIS: Ms. Aldridge?

4 (No response).

5 MS. DAVIS: Cary and Nathan?

6 MS. MCMILLAN: I am here.

7 MS. DAVIS: And Nathan has already  
8 been identified.

9 Anyone else? I think that is  
10 all of our Committee members and court  
11 staff.

12 So, from the public we have  
13 listed as potential participants,  
14 Brandy Hathcock. Brandy, are you on?

15 (No response.)

16 MS. DAVIS: Okay. And we have  
17 someone for CBS 42. The person we have  
18 listed is Vicki Porter. Ms. Porter or  
19 anyone else for CBS 42, would you  
20 identify who you are for our records?  
21 Are they unmuted?

22 MS. MCMILLAN: That's the second  
23 time I've asked them to unmute.

1 MS. DAVIS: So, you are not muted  
2 if you want to go ahead and unmute  
3 yours and you can let us know who you  
4 are.

5 Okay. And then Jane Venohr.  
6 She is waving her hand. She is with  
7 the Center for Policy Research. She  
8 will be presenting in a few minutes.

9 Is Christopher Hughes, did he  
10 join us?

11 MR. HUGHES: Present.

12 MS. DAVIS: Okay. Thank you. And  
13 Ken Paschal? Ken, have you joined us?  
14 I see Jim Jeffries walking in.

15 MR. MADDOX: Did you say Melody  
16 Baldwin?

17 MS. DAVIS: Let's see. I did  
18 not -- Melody Baldwin, we did not hear  
19 you speak. Are you on?

20 (No response).

21 MS. DAVIS: Okay. Is there  
22 anybody on that we did not have on our  
23 list so we can identify you for

1 purposes of the Court Reporter?

2 MR. MADDUX: Christopher Hughes.

3 MR. MEDARIS: Hey, Penny, this is  
4 Brad. I made it in after all.

5 MS. DAVIS: Great. Thank you. I  
6 don't know how you are feeling. If you  
7 were not feeling well, you wouldn't be  
8 here. I hope you feel better, for  
9 sure.

10 All right. Bob, do we have a  
11 quorum?

12 MR. MADDUX: Yes, ma'am.

13 MS. DAVIS: Okay. We do.

14 MR. MADDUX: Out of 20 voting  
15 members, we have 12 present.

16 MS. DAVIS: So, and that includes  
17 Jim Jeffries?

18 MR. MADDUX: Yes, ma'am.

19 MS. DAVIS: Okay. So, we have a  
20 quorum. So, the next thing -- and  
21 perhaps the only thing we need to vote  
22 on is the transcript. Each of you  
23 received the transcript, as well as it

1 is on the Court website. So, does  
2 anybody have any corrections that you  
3 wanted to make to the transcript?

4 (No response.)

5 MS. DAVIS: Okay. Can I have a  
6 motion to accept the transcript?

7 HONORABLE THOMPSON: So moved,  
8 Bill Thompson.

9 MS. DAVIS: Thank you, Judge. And  
10 a second?

11 MS. BLACKBURN: I will second.  
12 Stephanie Blackburn.

13 MS. DAVIS: Thank you. And we now  
14 have a motion and a second.

15 So, all in favor, if you are  
16 visible or want to unmute, would you do  
17 so and say "yes" if you are in favor of  
18 the motion.

19 (Committee members saying  
20 "yes").

21 MS. DAVIS: If there is anyone  
22 opposed to the motion, would you either  
23 raise your hand or unmute and speak?

1 (No response.)

2 MS. DAVIS: Okay. Well, it looks  
3 like the motion has passed.

4 But the next thing that we  
5 want to do on our agenda is kind of a  
6 sad thing. Obviously many of us have  
7 known Judge Wright. He was a  
8 long-term -- Steven Wright. He was a  
9 long-term member of the Committee. And  
10 Judge Palmer was very kind to inform  
11 the Committee by email of his passing.  
12 As many of you may remember, he had  
13 been reappointed to this Committee but  
14 resigned a few months ago because of  
15 health issues.

16 So, I have asked Judge Palmer  
17 to just, for those particularly who are  
18 not long-term members of the Committee,  
19 if you could just say a few words about  
20 Steve, and then we will have a moment  
21 of silence before we proceed.

22 So, Judge Palmer.

23 HONORABLE PALMER: Thank you,

1 Penny. I have also asked Steve Arnold  
2 to join me on this commemoration of  
3 Steve, because Steve Arnold and Steve  
4 Wright, along with Gordon Bailey, and I  
5 want to say Judge Ford, were four of  
6 the original members of the Committee  
7 from 1982.

8 But, yes, Steve passed away  
9 on July 21st of leukemia. He was 78  
10 years old. He graduated from  
11 Cumberland in '66 and joined the Bar  
12 then, was one of the founding members  
13 of the Family Law Section of the  
14 Alabama State Bar, was a member of the  
15 American Academy of Matrimony Lawyers,  
16 International Academy of Matrimonial  
17 Lawyers. Pretty much, to my  
18 knowledge -- and Steve can probably  
19 correct me on this -- as long as I knew  
20 him, and that was from 1994, all he did  
21 was family law, matrimonial law.

22 And he was great in the  
23 courtroom. He was always calm, very

1           ever present. When I first met him, I  
2           heard him speak for the first time, and  
3           it was like the voice of God coming out  
4           of him, that big, booming voice.

5                        So, anyhow, and then, on the  
6           Committee, he didn't have a lot to say;  
7           but when he did, it was always, in my  
8           opinion, very well thought out and very  
9           profound.

10                      So -- and he was always  
11           there. I mean, even as he got older,  
12           before this illness, he had diabetes.  
13           And so, Ms. Jane would always drive  
14           him. But he was -- I don't know of a  
15           Committee meeting that he missed when I  
16           was the Chair or from 2005 when I was a  
17           member.

18                      And so with that, Steve  
19           Arnold, I am going to let you chime in,  
20           if you would, please, to help us  
21           remember Steve Wright.

22                      MR. ARNOLD: Well, I just want to  
23           say that justice, integrity,

1 professionalism, lost friend is an  
2 understatement. Steve was a fabulous  
3 lawyer. He participated in this  
4 Committee and every aspect of his  
5 practice of law was always geared  
6 towards what was best for people or  
7 society in general. He put everyone  
8 above himself.

9 It was an honor and a  
10 privilege for me and for all of us to  
11 know Steve, to work with Steve. We  
12 will miss him. He was an important  
13 person in my life for over 47 years.

14 So, I urge everyone to keep  
15 him in your memories. Thank you.

16 HONORABLE PALMER: Thank you.

17 MS. DAVIS: We will pause now for  
18 a moment of silence before we proceed.

19 (At which time, there was a  
20 moment of silence.)

21 MS. DAVIS: All right. Thank you  
22 both for those words. And he was a  
23 great Committee member and really will

1 be irreplaceable in terms of his  
2 experience. So, thank you for sharing  
3 a little bit of his background and  
4 life. We are now --

5 MS. MCMILLAN: Karen Dunn Burks  
6 just emailed the group and said that  
7 her son is in emergency surgery, and  
8 she will not be joining us. We can  
9 also pray for her son.

10 MS. DAVIS: Right. Were y'all  
11 able to hear Cary? So, Ms. Burks --  
12 Dunn Burks' son, as we speak, is in  
13 emergency surgery. I don't know the  
14 nature of the situation, but we will  
15 certainly keep the family in our  
16 thoughts and prayers for sure.

17 Okay. The next thing on our  
18 agenda during the COVID days, Judge  
19 Terry Moore, who many of you know him  
20 personally or professionally, obviously  
21 a member of the Civil Court of Appeals,  
22 a very active person.

23 And as he was quarantined at

1 home, he spent his time well. And one  
2 of the things he did was focus on  
3 family law. We appreciate that. And  
4 he had had some suggestions for the  
5 Committee to consider as it relates to  
6 the Child Support Guidelines, Rule 32.

7 And so, Amanda Cox, who is on  
8 our Committee and also a staff member  
9 -- staff attorney, I am not sure  
10 exactly, Amanda, what your title is.  
11 But she is going to be presenting his  
12 thoughts.

13 You should have a memorandum  
14 from him that was emailed out. For  
15 those of you that are on the public, it  
16 is on the website. So, if you want to  
17 refer to that now while Amanda speaks  
18 about the memorandum, then, if you will  
19 go to the website and look at that.

20 MR. MADDIX: That website is  
21 [www.alacourt.gov](http://www.alacourt.gov), under Child Support,  
22 and then click on Child Support  
23 Guidelines Review. All of the

1 documents for this meeting are on that  
2 website.

3 MS. DAVIS: Okay. Thank you.

4 Amanda, are you ready to  
5 present?

6 MS. COX: Yes, ma'am. Can y'all  
7 hear me?

8 MS. DAVIS: Yes. Thank you.

9 MS. COX: Okay. I am Amanda Cox.  
10 And I am one of Judge Moore's staff  
11 attorneys. I am just going to go  
12 through and give a brief overview of  
13 the memo, and I am not going to read it  
14 to you.

15 But, basically, Judge Moore  
16 identified three problems that have  
17 been presented in various cases for the  
18 Alabama Court of Civil Appeals. And  
19 then he just went through them and  
20 proposed solutions to those problems.  
21 There's rule and case citations  
22 throughout. I won't touch on all of  
23 those, but they are there for your

1 reference.

2 So, basically, starting with  
3 section one, here is where he  
4 identified the three problems. Number  
5 one is Rule 32 requires child support  
6 forms to be submitted, and the forms  
7 have to be part of the record, but the  
8 Rule is just not specific about how or  
9 when. And so, he kind of points out  
10 that a lot of times the Alabama Court  
11 of Civil Appeals has an issue where the  
12 forms don't actually make it into the  
13 record.

14 Issue number two is, Rule 32  
15 allows for modification of child  
16 support, but there is not a prescribed  
17 procedure. So, therefore, a party who  
18 is seeking a modification has to file a  
19 separate civil action.

20 The third issue is that Rule  
21 32 doesn't address the allocation of  
22 child support to multiple children or  
23 the effect of an award of a child

1           becoming emancipated or otherwise  
2           becoming ineligible.

3                       So, moving on to section two,  
4           that is where he confronts the first  
5           issue, which is kind of a simple -- he  
6           just proposes that Rule 32(E) be  
7           amended to require the parties to file  
8           the child support forms no later than  
9           30 days after their appearance. And  
10          then, he also proposes that the trial  
11          court be required to attach the forms  
12          to the judgment, like it's an appendix.

13                      So, that is sort of a simple  
14          proposal. But then, moving on to  
15          section three, the other two issues are  
16          a little more involved. They involve  
17          the modification of child support.

18                      So, first of all, he notes  
19          that in order to obtain a modification,  
20          the moving party has to file an action,  
21          and along with a \$248.00 filing fee.  
22          Then, generally, you will have a  
23          hearing, and then a judgment will be

1 entered either denying or granting the  
2 modification.

3 So, Judge Moore is saying  
4 that in simple cases where there is no  
5 deviation, requiring a formal action  
6 might be unnecessarily burdensome for  
7 the parties.

8 So, he sets out two  
9 situations in which a simplified  
10 informal method might be warranted.

11 So, situation one is when one  
12 of multiple children becomes  
13 emancipated or otherwise ineligible.  
14 He notes that the Guidelines currently  
15 don't provide -- they don't require the  
16 trial court to allocate child support.  
17 It is just a lump sum award.

18 So, according to current law,  
19 when a child reaches the age of  
20 majority or otherwise become  
21 ineligible, the child support is not  
22 automatically modified. Therefore, a  
23 non-custodial parent is not permitted

1 to modify or reduce their child support  
2 payment unilaterally.

3 And so, in many cases, this  
4 leaves an inequitable result because  
5 the obligor ends up paying more child  
6 support than is actually -- actually he  
7 would if he had filed a modification in  
8 a timely manner. But if the obligor  
9 unilaterally reduced the payments, then  
10 they could possibly miscalculate.

11 The second situation in which  
12 a simplified procedure could be applied  
13 is when there was no deviation from the  
14 Guidelines, and the difference between  
15 the existing child support order and  
16 the amount determined by application of  
17 the Guidelines varies more than 10  
18 percent. As we know, there is a  
19 rebuttable presumption in favor of  
20 modification when there is that 10  
21 percent difference. In these  
22 particular cases, a more simplified  
23 informal procedure would be beneficial.

1                   So, looking specifically at  
2                   Subsection C, of Section Three, you can  
3                   read through and see Judge Moore's  
4                   research and as far as other states and  
5                   what they use for a simplified  
6                   procedure. We found several other  
7                   jurisdictions provide that in cases of  
8                   child support orders covering multiple  
9                   children, the order should set out the  
10                  amount by which the order will be  
11                  reduced as each child becomes  
12                  ineligible.

13                  Judge Moore notes that this  
14                  method is the simplest method in that  
15                  it allows for automatic modification.  
16                  However, the drawback to this method is  
17                  that it doesn't take into account any  
18                  changes in income that might have  
19                  occurred between the time of the  
20                  original order and the time the child  
21                  becomes ineligible.

22                  Other states, which are set  
23                  out in the memo and you can read

1 through, they provide a method of  
2 informal review in certain cases.

3 Finally, in Subsection D, of  
4 Section Three, Judge Moore presents his  
5 proposals concerning the modification  
6 procedures specifically.

7 Proposal one is: Establish a  
8 simplified procedure for modification  
9 of child support orders in the above  
10 situation. He then kind of gives an  
11 example that is based on some Arizona  
12 law. I won't read through the whole  
13 thing, but it is there in the memo in  
14 Subsection D.

15 Proposal number two is to  
16 require the courts to allocate child  
17 support and establish the effect of  
18 each child becoming emancipated or  
19 otherwise ineligible. And then he also  
20 includes an example for that proposal,  
21 which is based on Nebraska's Rule of  
22 Court 4-208.

23 Finally, Judge Moore proposes

1           that if, you know, none of these  
2           changes are made, that the courts --  
3           the trial courts be required to notify  
4           the parties in any child support order  
5           covering multiple children, that the  
6           amount will not be affected by the  
7           ineligibility of any child unless and  
8           until modified by the court, and that  
9           the order should explain that the  
10          parties have the right to seek  
11          recalculation under either the  
12          simplified informal procedure, if that  
13          is implemented, or by filing a formal  
14          request for modification.

15                        So, that is all I really  
16          have. You know, if you haven't had a  
17          chance to read the memo, I hope that  
18          you can read through it. And I  
19          appreciate the time, and I think  
20          Professor Davis is going to open it up  
21          to discussion. So, I look forward to  
22          hearing everyone's thoughts.

23                        MS. DAVIS: Yes. At this point,

1           why don't we take the three proposals  
2           kind of one by one and see if we have  
3           any comments on them. What I  
4           anticipate perhaps doing is having a  
5           subcommittee to work on this, because  
6           of our time constraints with our Zoom  
7           meeting. We won't really have an  
8           opportunity. And I want the Committee  
9           to have time to absorb the information.  
10          There is a lot of information.

11                   MS. MCMILLAN: They ask that you  
12                   speak up.

13                   MS. DAVIS: Pardon?

14                   MS. MCMILLAN: They ask that you  
15                   speak up.

16                   MS. DAVIS: Oh, okay. Should I  
17                   put on my old cheerleader voice that I  
18                   had? Is that better?

19                   MS. MCMILLAN: Yes.

20                   MS. DAVIS: Okay. I am sorry. I  
21                   forget with Zoom. We have so many cues  
22                   from seeing people speak that sometimes  
23                   we forget that we don't have those cues

1 when we are several hundred miles away.

2 My thought process regarding  
3 the Judge's proposals is that we would  
4 not vote on anything at this point.

5 The Committee has just now received the  
6 information. You may or may not have  
7 Committee members had time to read  
8 through it.

9 And, certainly, I appreciate  
10 the fact that Judge Moore -- and I have  
11 worked with him before on committees --  
12 is very, very thorough. And he has  
13 certainly provided us -- and I am sure  
14 his staff assisted -- with the research  
15 that will be helpful as we look at the  
16 different issues.

17 Also, I wanted to give the  
18 public an opportunity to comment on  
19 these issues. So, we will not be  
20 voting on the proposals now, but we  
21 will be considering them.

22 So, we will stop now and  
23 allow questions. And Amanda is

1           probably the best person to be able to  
2           answer these questions.

3                       So, let me pause and see if,  
4           first, anyone has any questions  
5           regarding the form change that he is  
6           suggesting? Amanda, if you will just  
7           kind of go through that. I think Judge  
8           Palmer has a question or comment,  
9           first.

10                   HONORABLE PALMER: Well, it is a  
11           comment. The first one, about the  
12           child support forms, to me, that is not  
13           for this Committee. That is for the  
14           judges and the judges conference  
15           because this has been a problem for at  
16           least 20 years that I have been  
17           practicing, that the judges just need  
18           to be taught again and again that those  
19           forms have got to be part of the file.  
20           It is clearly out there. There is 20  
21           years worth of case law saying that.

22                   So, I think that that issue  
23           is something for the judges conference

1 and judges education.

2 The other two we have looked  
3 at in the past as Committee members  
4 about, how do you do that, and I think  
5 it does need to be sent to a  
6 subcommittee and be brought back, and I  
7 will be glad to volunteer for that  
8 committee. I don't want to chair it,  
9 but I will volunteer for it.

10 MS. DAVIS: Yeah. I kind of  
11 anticipate that Amanda would also be  
12 serving on the subcommittee. So, is  
13 that a correct assumption? Thumbs up  
14 from Amanda.

15 Judge Thompson.

16 HONORABLE THOMPSON: I would just  
17 say in response to Judge Palmer, and  
18 she is absolutely right, but I think  
19 this would serve to reinforce the case  
20 law that has been out there forever.  
21 It is a training problem. The judges  
22 should know that these forms have to be  
23 in the record, but they don't seem to

1 do it. And it has created a problem on  
2 our -- in a lot of our cases, and we  
3 have had to send them back.

4 We have actually developed  
5 some additional case law that says,  
6 basically, if we can determine how the  
7 trial court arrived at that number,  
8 sometimes we can overlook the fact that  
9 the -- you know, the forms are not in  
10 the record.

11 But it certainly would be  
12 helpful and a helpful reminder to the  
13 judges and to the parties to say the  
14 Rule requires you to do this. And I  
15 think Judge Moore's suggestion is a  
16 good one.

17 MS. DAVIS: And, for the record, I  
18 see Judge Sherman has joined us. So, I  
19 just want to make sure that is on the  
20 record that he has joined us.

21 MR. MADDOX: And Greg Starkey.

22 MS. DAVIS: Yes. And Greg  
23 Starkey.

1 MR. MADDOX: And the quorum is at  
2 14.

3 MS. DAVIS: Thank you. Okay.  
4 Greg, did you have a comment? When the  
5 squares line up, I'm going to assume  
6 that you want to speak.

7 Okay. Jim, I think I see  
8 your hand.

9 MR. JEFFRIES: Penny, I just  
10 wanted to thank you for letting the  
11 Committee know that Judge Sherman had  
12 joined the meeting, because I was about  
13 to volunteer him for the subcommittee.

14 MS. DAVIS: He would be a great  
15 one.

16 HONORABLE SHERMAN: Easier to do  
17 when I am not on the call, Mr.  
18 Jeffries. But I am happy --

19 MR. JEFFRIES: I know.

20 HONORABLE SHERMAN: But I'm happy  
21 to serve on that subcommittee.

22 MS. DAVIS: Okay. Who do we have  
23 on the list?

1 MR. MADDUX: We have Amanda Cox,  
2 Judge Palmer, Judge Sherman so far.

3 MS. DAVIS: Okay. If you will  
4 read out a little bit louder so they  
5 can hear you.

6 MR. MADDUX: We have Amanda Cox,  
7 Judge Palmer and Judge Sherman on the  
8 subcommittee to study these.

9 MS. DAVIS: Steve Arnold is  
10 raising his hand. Steve, do you want  
11 to speak or volunteering for the  
12 committee?

13 MR. ARNOLD: Volunteer.

14 MS. DAVIS: Okay. Steve is  
15 volunteering. And, Katie?

16 MS. STEINWINDER: I will  
17 volunteer, yeah.

18 MS. DAVIS: Okay. Good. I think  
19 that is Drew or Santa Claus joining us.  
20 It looks like Drew, I believe.

21 MR. WHITMIRE: Yeah, I got a  
22 haircut too, by God. I found a barber.

23 MR. JEFFRIES: Penny, you can put

1 me on there, too.

2 MS. DAVIS: Okay. That was Jim.

3 MR. JEFFRIES: Yeah.

4 MS. DAVIS: All right. Thank you.  
5 But I am identifying you for everybody  
6 else so I can see you. Okay.

7 MR. MADDOX: Do we need to name  
8 the chair of it to coordinate it?

9 MS. DAVIS: Yeah, I think --  
10 Amanda, would you mind being the chair  
11 since you are the -- already the most  
12 familiar with the -- thumbs up? All  
13 right. Thank you.

14 MS. COX: Yes, ma'am. I am sorry.

15 MS. DAVIS: All right. Thank you.  
16 Okay. Let's -- let's open back the  
17 discussion. We have got about 10  
18 minutes more that we can talk. So, I  
19 think any comments that you have on the  
20 first run-through of this would be  
21 helpful to the subcommittee as they  
22 begin to ponder these issues.

23 Of course, the emancipation

1           and/or the aging out of children, does  
2           anybody have any specific thoughts  
3           about that?

4                   HONORABLE THOMPSON: I do, Penny.  
5           Judge Thompson.

6                   MS. DAVIS: Okay. Judge Thompson  
7           first, and then Steve Arnold second.

8                   HONORABLE THOMPSON: I would think  
9           the age of majority issue could be  
10          easily addressed. I do think that  
11          having it in the original divorce  
12          judgment is part of the solution. I  
13          think that there would have to be some  
14          kind of review process. I think  
15          Georgia does something like every two  
16          to three years they review the child  
17          support and do a modification review.

18                   And I think that that would  
19          have to be something that would  
20          accompany the original judgment. And,  
21          also, I think that would require the  
22          judge to separate out in some manner  
23          how much child support is allocated for

1 the support of each individual child.

2 And, you know, that is  
3 something that I think a  
4 subcommittee -- certainly the trial  
5 judges on a subcommittee -- will have  
6 good insight as to how they think that  
7 might work.

8 But, you know, I know a lot  
9 of the states are looking at and have  
10 different ways of dealing with this.  
11 And I have always thought it is  
12 somewhat burdensome once a child  
13 reaches the age of majority for a  
14 parent to have to come in -- back in  
15 and file for a modification. But, you  
16 know, then, again, they can't determine  
17 how much to allocate towards that one  
18 child.

19 So, it would have to be done  
20 in the original divorce judgment. And  
21 any modification, I think, that you had  
22 the parties agree upon would be --  
23 would be easily addressed without,

1           perhaps, a full modification action  
2           being filed.

3           MS. DAVIS: That is a good point.  
4           Yes. Steve?

5           MR. ARNOLD: Well, I think for  
6           efficiency, anyone who has any real  
7           comments, submit them to the chair of  
8           the subcommittee in writing and we can  
9           look at that. But you have got a lot  
10          of procedural issues involved, one of  
11          which, if a change in child support  
12          comes about, it has got to become a  
13          judgment. And to be a judgment, there  
14          has got to be a petition to modify.  
15          There's got to be an order and a  
16          signature by a judge. You cannot issue  
17          a judgment prospectively that runs  
18          counter to existing case law.

19                 Then you've got to set up --  
20                 if you had it streamlined, there would  
21                 have to be an appeal process from that  
22                 because circumstances have changed. I  
23                 want the subcommittee to really, really

1 look at all this and report back.

2 But I see an awful lot of  
3 bumps in the way. I truly agree that  
4 it is a burden when a client calls me  
5 and says, hey, my one child turned 19  
6 and my other 43 kids, they are still  
7 under 19. What do I do? It is a  
8 burden. It is. But we are set up in  
9 certain ways. We have to be careful  
10 how we do this.

11 MR. MADDOX: Yes. And there is  
12 still case law out there that  
13 provides -- there is a filing fee for a  
14 modification action. That is  
15 jurisdictional.

16 MR. ARNOLD: Right.

17 MR. MADDOX: So, if you -- That is  
18 cited in a rule possibly. I don't  
19 know.

20 MR. ARNOLD: It is case law. It  
21 is jurisdictional, yes.

22 MR. MADDOX: There is statute  
23 authorizing that filing fee in

1           12-19-71. So, you have got a statute  
2           that are already in place for that  
3           modification fee.

4           MR. ARNOLD: I agree. There would  
5           be -- there would be legislation that  
6           has to be involved. Rules would have  
7           to be involved. Rules of civil  
8           procedure that have to be changed.  
9           It's an -- it is an octopus that we are  
10          considering.

11          I am not saying it shouldn't  
12          be considered and not saying it can't  
13          be solved. But it's -- there are a lot  
14          of issues attached that the  
15          subcommittee, with the help of other  
16          people and their comments, needs to  
17          reflect on very carefully.

18          MS. DAVIS: There is really not an  
19          easy fix, which I guess indicates as to  
20          why it hasn't been done at this point.  
21          But certainly there is a lot of  
22          sympathy with the public not  
23          understanding that the way our child

1 support is considered that it is not  
2 a -- as it's drafted now, it's not a  
3 per child. So, it is not a 50-percent  
4 drop-off just because you have got two  
5 children and one drops off.

6 So, but we did understanding  
7 why the average person might assume or  
8 make that assumption.

9 Other comments regarding  
10 either this issue related to the  
11 emancipation or age or any other of the  
12 proposals that Judge Moore submitted?

13 (No response).

14 MS. DAVIS: Okay. Well, thank you  
15 to the Committee members who  
16 volunteered to serve. And that will be  
17 sent out in an email as a reminder that  
18 you've, among a witness, volunteered to  
19 serve on a subcommittee. And Amanda  
20 Cox will serve as the chairperson for  
21 that subcommittee.

22 And if you would, submit  
23 your -- any comments to both Amanda and

1 to either myself or Bob so we will have  
2 a record of those and make sure that we  
3 have a full record of everything that's  
4 submitted.

5 And, Amanda, I will leave it  
6 to you and your subcommittee to let us  
7 know when you are ready to make a  
8 presentation either in part of the  
9 proposals or all of the proposals going  
10 forward.

11 MS. COX: Okay. Thank you.

12 MS. DAVIS: Thank you. We will  
13 pause again for a moment before we move  
14 to our next segment to see if anybody  
15 has any other comments regarding Judge  
16 Moore -- or Judge Moore's proposal or  
17 anything else that was said up to this  
18 point.

19 (No response).

20 MS. DAVIS: Okay. The next big  
21 item on our agenda is the presentation  
22 of information from Dr. Venohr. Dr.  
23 Venohr, as many of you will recall, who

1 has been with the Committee before, has  
2 worked with the Alabama Child Support  
3 Committee for a number of years in  
4 helping us to develop the Child Support  
5 Guidelines and Schedule. And the  
6 existing Schedule that we currently use  
7 in Alabama was, in fact, developed and  
8 submitted to the Committee and then  
9 submitted to the Court from the Center  
10 for Policy Research.

11 So, Dr. Venohr has provided  
12 the Committee with a PowerPoint.  
13 Again, as a reminder to the people that  
14 are the public that have joined us,  
15 that the PowerPoint is on the website.  
16 So, if you will -- you didn't run it  
17 off and if you want to take a moment to  
18 go ahead and pull up the PowerPoint.  
19 What we hope to do is have the  
20 PowerPoint presentation pulled up here  
21 so you can see it simultaneously.

22 But before we do that, Dr.  
23 Venohr, would you like to say something

1 first before we pull up the PowerPoint?

2 DR. VENOHR: Sure. Thank you.

3 Thank you, Chairman.

4 Yeah. I am Jane Venohr. I  
5 am an economist for the Center for  
6 Policy Research for a non-profit based  
7 in Denver, and put together the  
8 Schedule that is still in use back in  
9 2007. And I thank you-all for being  
10 here and thanks to Cary for organizing  
11 the Zoom. And I think I am ready for  
12 the PowerPoint if you want to go ahead.

13 MS. DAVIS: Before we do that, let  
14 me pause our Zoom meeting for a moment  
15 to see if anybody has any questions to  
16 Dr. Venohr before we get started on  
17 PowerPoint? And, Jane, let me ask you  
18 this: As you are going through the  
19 PowerPoint, would you prefer that  
20 people let you complete the PowerPoint  
21 and ask questions, or would you prefer  
22 that they ask questions as we go  
23 through the PowerPoint, or does it

1 matter to you?

2 DR. VENOHR: Sure. Let them ask  
3 questions. I will pause now and then.  
4 One thing that I do want to make clear  
5 is that the information as far as  
6 updating the Schedule, it is pretty  
7 dense and complicated.

8 So, my objective today is  
9 just to give you a basis. I imagine it  
10 is going to take two or three meetings  
11 before you are ready to vote.

12 So, no pressure on there.  
13 So, this is more information sharing  
14 today.

15 MS. DAVIS: Okay. Thank you.

16 DR. VENOHR: Excellent. Thank  
17 you.

18 So, again, I am Dr. Jane  
19 Venohr. I am an economist. And we  
20 work with several states on child  
21 support guidelines. I have been doing  
22 this for several years now -- several  
23 decades, actually. We can flip to the

1 next page and just -- thank you.

2 So, as you-all know, that  
3 there is a federal regulation that  
4 requires states to review their  
5 guidelines every -- at least every four  
6 years. So, that is why this is  
7 convening. There's been some changes  
8 to that federal reg. They were issued  
9 in December 2016. They require more  
10 state guidelines. And I understand  
11 that you have already addressed the  
12 issues with income imputation, not  
13 treating incarceration as involuntary  
14 unemployment. Those are things that  
15 you don't need an economist for. So, I  
16 am just going to trust that you have  
17 already dealt with that.

18 We were going to provide  
19 technical assistance. There's a  
20 requirement that you have to review the  
21 economic data and the cost of raising  
22 children, and that data is used to  
23 prepare a schedule. The existing

1 Alabama Schedule is based on economic  
2 data. It also includes a low income  
3 adjustment in the form of a  
4 self-support reserve and a minimum  
5 order.

6 That new federal reg that I  
7 was talking about, the modernization  
8 rule, it requires states to consider  
9 the subsistence needs of the  
10 noncustodial parent, and it  
11 specifically recommends a self-support  
12 reserve. Since the existing Alabama  
13 Schedule does include that, I would say  
14 that, if you didn't change it, that  
15 Alabama is fulfilling that requirement.  
16 I would say that it might be good to  
17 explicitly say that in the Schedule,  
18 which I think it does, if I remember  
19 right, and just to make sure.

20 And then the other thing we  
21 are going to be doing is analyzing case  
22 file data and labor market data. This  
23 is stuff that is also expanded in the

1 December 2016 rule making.

2 Again, today's objective is  
3 just to look at the economic basis and  
4 the underlying assumptions of the  
5 existing Schedule and what could be  
6 updated. There's a lot of assumptions  
7 that you will see, and I am also going  
8 to give you some ideas of what valid  
9 updates would look like.

10 And when we do this, we  
11 usually do the core Schedule first, and  
12 then we layer the low-income adjustment  
13 or the self-support reserve and the  
14 minimum order is the last step.

15 So, keep that in mind.  
16 Sometimes people want to jump to that  
17 stuff and skip the first one.

18 So, I am ready for Slide 3.

19 Thank you.

20 So, here is the federal  
21 regulation to analyze data. And I put  
22 in green what data that we are going to  
23 be analyzing. Obviously, the economic

1 data and the cost of raising children,  
2 labor market data. They require a  
3 bunch of stuff. And as you will learn  
4 as we move -- go through the process  
5 we've been working with the Department  
6 to do a data abstract that, even though  
7 the Schedule is based on how much it  
8 costs to raise children or how much  
9 families typically spend on children,  
10 that how much income -- or how much  
11 income we think parents have what is  
12 used in the guidelines calculation is  
13 just as important. And when I say, how  
14 much we think they have, I am actually  
15 really talking about income imputation.

16 And this is in particularly  
17 these new provisions with looking at  
18 labor market, data, having -- consider  
19 the subsistence needs of the  
20 noncustodial parent. They are aimed  
21 particularly at the -- for the agency,  
22 the child support agencies, that they  
23 deal with a disproportionately share of

1 low-income parents.

2 And most states -- we don't  
3 have the data from Alabama yet, but  
4 they often impute income to these  
5 obligated parents, and even the  
6 custodial parent, at a full-time  
7 minimum wage earnings. And a lot of  
8 these rule changes were aimed at  
9 putting in a little bit more  
10 consideration into what his or her  
11 income actually is before just imputing  
12 at full-time minimum wage earnings.

13 So, that also means  
14 understanding the labor market, the  
15 local labor market. What are the job  
16 opportunities? What are the  
17 unemployment opportunities -- I mean,  
18 what are the employment opportunities?

19 When I was working with  
20 states last year, I was working with  
21 Kentucky and Oklahoma. And then it was  
22 pre-COVID. The unemployment rate was  
23 very low. There were lots of job

1 opportunities. There were lots of job  
2 opportunities that were available for  
3 low-skilled workers, you know, for  
4 instance, kitchen help, and most of  
5 them were paying above federal minimum  
6 wage. Federal minimum wage was \$7.25,  
7 and most of those jobs were paying  
8 \$8.00 an hour.

9 Now, with COVID, and  
10 unemployment rates, you know, over 10  
11 percent in a lot of jurisdictions, this  
12 is just giving more pause and more  
13 respect to these changes in the  
14 modernization rules to work more  
15 closely and examine the circumstances  
16 of the obligated parent to see if they  
17 could really earn that type of income  
18 before imputing it.

19 And I can talk about that  
20 more if you are wondering about the  
21 federal rule requirements. I didn't  
22 put it in the slide presentation  
23 because I really want to focus on the

1 economic data. But if there are  
2 questions on it, I have a bunch of  
3 slides from other states that I can  
4 pull up.

5 But, mainly, I just wanted  
6 you to understand why we are looking at  
7 labor market data, make the connection,  
8 because sometimes people look at these  
9 new rules and it goes, um, why is the  
10 child support guidelines committee  
11 looking at labor market data?

12 So, we are also going to  
13 analyze case file data on guidelines  
14 deviations. The federal requirement is  
15 that states are to keep guidelines  
16 deviations at a minimum. And, usually,  
17 the deviation rate comes out very low.  
18 The only time I have had it come out  
19 high recently is Nevada. Nevada is the  
20 guidelines that we deviate for  
21 everything: Low income, shared  
22 parenting, and additional dependents.  
23 They don't have a lot of provisions in

1           their guidelines. Instead, they  
2           provide that -- our presumptive  
3           provisions. Instead they provide that  
4           there are guidelines deviations.

5                     So, this can be useful, but I  
6           suspect it is not going to be as useful  
7           for Alabama.

8                     We are also supposed to  
9           analyze the rates of default, imputed  
10          child support orders, application of  
11          the low income adjustment, and payment  
12          information by this. And I know some  
13          of this isn't on the automated system.  
14          We have devised ways to get around  
15          this.

16                    As I mentioned, a lot of  
17          states will impute at full-time minimum  
18          wage earnings. So, we just look at the  
19          order around at full-time minimum wage  
20          earnings, and we use that as a proxy  
21          for imputed income.

22                    So, we have all sorts of  
23          little tricks like that, and we have

1           been doing them for other states. And  
2           the feds are fine with it. And it is  
3           very informative to the guidelines  
4           committee, particularly when we get to  
5           the issue of the low-income adjustment,  
6           which I imagine will be at that  
7           September meeting.

8                        So, this is just what is  
9           going to come up. We are very thankful  
10          for the Department. We got a  
11          preliminary view of the data. It is  
12          very impressive what the IT staff there  
13          has put together. They have worked  
14          very hard, and I think you are going to  
15          find it very informative.

16                       So, I am ready for Slide 4.

17                       Any questions so far on what  
18          we are going to do before I plunge into  
19          the data and the assumptions underlying  
20          the schedule? I am going to pause a  
21          second to let you unmute.

22                       (No response).

23                       DR. VENOHR: I don't see any

1           questions. So, we are just going to  
2           move on. Can we move on to Slide 5?

3                       So, this is probably the most  
4           important slide. These are the major  
5           assumptions underlying the Schedule.  
6           And as you are going to see that child  
7           support schedules are part economic  
8           data and they are part policy.

9                       So, I am going to provide you  
10          a bunch of economic data and give you  
11          some options. And you, the Committee,  
12          is responsible for the policy, figuring  
13          out what is most appropriate and will  
14          best serve Alabama children and  
15          families.

16                      So, the first consideration  
17          is, when we put together the economic  
18          data, we have to know what guidelines  
19          model you use. And the guidelines  
20          model that is used in Alabama is income  
21          shares. Alabama is one of 41 states  
22          that use the income shares. There is  
23          eight states that use a percentage of

1 obligor income. So, there is no  
2 consideration of the obligee income.  
3 Mississippi is one of those states.

4 One of your neighboring  
5 states, Arkansas, just switched from  
6 percentage of obligor income to income  
7 shares. And the reason that states  
8 prefer income shares is it is a  
9 consideration of both parents' incomes.  
10 And as you know, there has been a lot  
11 of change in the family demographics  
12 and economics, that women no longer  
13 always earn -- mothers don't always  
14 earn less than the father, as it was  
15 more typical probably 20 or 30 years  
16 ago.

17 So, this is one of the  
18 reasons that income shares is favored.  
19 Another reason is that income shares  
20 can accommodate parenting time  
21 adjustments, medical support, child  
22 care. A lot of these percentage of  
23 obligor income states are states that

1 use that model such as Arkansas, did  
2 not consider these factors before they  
3 adopted income shares.

4 So, income shares presumes  
5 that the child is entitled to the same  
6 amount of expenditures that the child  
7 would have received had the parents  
8 lived together and shared financial  
9 resources.

10 So, we start with  
11 measurements of expenditures and intact  
12 families. And we are aware that, you  
13 know, some families have never married,  
14 but the premise is aimed at treating  
15 the child equally; that the child  
16 should not be the victim of whether the  
17 parents decided not to ever live  
18 together or whether to divorce or  
19 essentially that the child should have  
20 the same opportunities to the financial  
21 resources of the parents as other  
22 children that live with their parents  
23 do.

1                   There is another model out  
2                   there; it's called the "Melson  
3                   formula." I actually really like this  
4                   formula a lot. It was designed by a  
5                   judge in Delaware named Judge Melson.  
6                   It is used by Montana and Hawaii also,  
7                   and it's a hybrid approach to the  
8                   income shares and the percent of the  
9                   income model. What it does is, it  
10                  starts with the income shares approach  
11                  to child's basic needs first. And then  
12                  if the obligated parent has any  
13                  remaining income after considering his  
14                  or her share of that child's basic  
15                  needs in his or her own primary  
16                  support, or self-support reserve, there  
17                  is a percentage assigned to it.

18                  The Melson formula generally  
19                  results in the same amounts that middle  
20                  incomes that results in a little bit  
21                  higher amounts at high incomes  
22                  depending on what parameters are used.  
23                  Montana uses very low percentages for

1           that additional amount. Delaware uses  
2           high. And it results in about the same  
3           amount at low -- very, very low  
4           incomes. It also depends on what that  
5           primary support for the child is or the  
6           self-support reserve is for the parent.

7                        So, I have an article in the  
8           Journal of Matrimonial Lawyers -- it's  
9           the Society of Matrimonial Lawyers that  
10          shows that these different models  
11          actually don't result in very big  
12          differences except at the low end and  
13          at the high end. At the low end, it is  
14          usually the self-support reserve that  
15          is driving it. And the high end, it is  
16          a little bit more complicated, but it  
17          also depends on the parameters that  
18          they are using and how high that  
19          state's formula goes up to.

20                       There's some other guidelines  
21          models out there. Some states have  
22          tried to adopt them. Arizona was the  
23          last state to try to adopt a new model.

1           They tried that, oh, maybe 10 years  
2           ago, and it imploded, unfortunately.  
3           It took, like, two or three years just  
4           to develop it. And then the  
5           legislature said that they had to  
6           switch -- stick to income shares.

7                        So, the short of it is that  
8           you can change guidelines models, but I  
9           would recommend planning on meeting for  
10          a couple of years if you are going to  
11          do that. It is a lot of work.

12                      Like I said, the last state  
13          that changed one was Arkansas. They  
14          actually did it pretty quickly, but  
15          they had been working on it for --  
16          behind the scenes for several years.

17                      Illinois, they made it --  
18          their Child Support Guidelines  
19          Committee made a resolution to change  
20          theirs to income shares in 2010. By  
21          the time they jumped through all the  
22          hoops and went through the process, it  
23          was 2017.

1                   So, what I am really going to  
2                   focus on today is the economic data.  
3                   There's many studies of child-rearing  
4                   costs out there. The study that the  
5                   existing Alabama Schedule is based on  
6                   was released in 2016 -- 2006. It was  
7                   conducted by Professor David Betson out  
8                   of the University of Notre Dame. And  
9                   that's why Betson is the first word on  
10                  that second column, second row. And  
11                  Rothbarth is the methodology he used to  
12                  separate child-rearing costs from total  
13                  expenditures in the household.

14                 So, it's actually how much  
15                 was spent on children, total  
16                 child-rearing expenditures, pulled out  
17                 from how much was spent on the  
18                 household totally, which would include  
19                 the adults in the household.

20                 And Rothbarth was an  
21                 economist, World War II economist, that  
22                 developed the methodology. And I will  
23                 explain a little bit about the

1           methodologies in a little bit. That  
2           study was released in 2006.

3                        So, there's a bunch of new  
4           studies out there, and I will go  
5           through them a little bit more.  
6           There's a new Betson-Rothbarth study  
7           that's coming out this summer. It was  
8           done in 2020. There is a study that  
9           was done by Professor Bill Rodgers, so  
10          that is different than Mark Rogers in  
11          Georgia. I know Mark Rogers has worked  
12          with Alabama in the past. He also used  
13          the Rothbarth methodology. His study  
14          was released in 2018.

15                      There is another study that  
16          was done by the USDA that was released  
17          in 2017. And then there is Comanor; he  
18          is an economics professor at the  
19          University of Santa Barbara in  
20          California. His study was in 2016.

21                      And I will tell you a little  
22          bit more about these studies in a few  
23          more slides because this is what my

1 bulk of my presentation is going to be  
2 about today.

3 Some of the other things that  
4 are considered when we develop the  
5 schedule are price levels. There is a  
6 delay from when the economists get the  
7 expenditures data to when they do their  
8 study to when it is released. So,  
9 obviously, we have to update it for our  
10 current price levels.

11 The existing Alabama Schedule  
12 is based on March 2007 price levels.  
13 As of June 2020, which is the most  
14 recent year -- month that we have data  
15 available, it was -- we have had a 25.6  
16 percent increase.

17 Because most of these studies  
18 are based on national data, what row  
19 four shows is that we adjust these  
20 national data for Alabama's lower  
21 income cost of living. Back in 2007,  
22 we used census data to do that. We  
23 essentially looked at income

1 distribution in Alabama and compared it  
2 to the U.S., and then realigned the  
3 measurements to child-rearing costs  
4 just a way to show the income  
5 differences by Alabama's income  
6 distributions.

7 Now there is better data out  
8 there. The Bureau of Economic Analysis  
9 is -- what they are doing is they have  
10 developed a new measurement. It's  
11 called "Price Parity," and they measure  
12 it for each state and they measure it  
13 for urban districts. One hundred  
14 percent means that the state's prices  
15 are right in line with the average of  
16 the U.S. And if they are lower, such  
17 as the case with Alabama -- Alabama is  
18 86.4 percent -- that means that Alabama  
19 has prices that are essentially about  
20 14 percent less than the national  
21 average.

22 There is a little bit of a  
23 lag in this. This last time that the

1 Bureau of Economic Analysis did this  
2 was 2018. So -- but I use that number  
3 to adjust the data that I am going to  
4 show you in a minute. You can also  
5 elect not to do any adjustment. We  
6 could also do the same adjustment as  
7 what was done in 2007. But I think  
8 this is a much better adjustment. It  
9 factors in housing, transportation,  
10 food, all of the major expenditure  
11 categories for Alabama. And I think it  
12 is a much better methodology.

13 The other thing on line five  
14 is that the measurements of  
15 child-rearing expenditures developed by  
16 Betson, they are expressed as a  
17 percentage of expenditures, not as a  
18 percentage of gross income while the  
19 schedule is gross income.

20 So, what we do is we back  
21 that out into his estimates, the  
22 Betson-Rothbarth's estimates, into a  
23 gross income base by using tax

1           assumption. And there is a typo in  
2           that line five. It should say, 2007  
3           federal and state income tax  
4           withholding formulas for a single  
5           taxpayer. That was the assumption that  
6           is underlying the existing schedule.

7                     And you will note that we use  
8           single taxpayer. That -- a single  
9           taxpayer is going to have less  
10          after-tax income. So, that effectively  
11          lowers the schedule amount.

12                    You can use another tax  
13          assumption like the District of  
14          Columbia uses the tax assumption of a  
15          married couple with children. And  
16          using that assumption, at least before  
17          tax reform, would make more expendable  
18          income because their tax rate -- their  
19          effective tax rate is lower, and that  
20          makes the schedule even higher.

21                    So, that's something that you  
22          can think about and we can talk about  
23          that at the next meeting. But for now,

1 after I go through all of these  
2 assumptions, I am going to really focus  
3 on that economic data, which is the  
4 biggest factor.

5 The federal government has  
6 also changed how they do income  
7 withholding. Now, they give employers  
8 five options. So, that means there are  
9 five options of the way that we can  
10 calculate income withholding for -- if  
11 you keep that assumption and do it the  
12 way that the existing schedule is.

13 Row six is the highest income  
14 considered. The highest income  
15 considered in the existing Alabama  
16 Schedule is \$20,000 a month gross  
17 combined income. How high we can take  
18 that up depends on which economic study  
19 of child-rearing costs you use. If you  
20 go with the latest Betson-Rothbarth,  
21 that's going to be close to about  
22 \$35,000 a month. In some states, it  
23 can even go higher.

1                   When we put together the  
2                   Schedule -- on line seven, it shows  
3                   this -- we exclude childcare, child's  
4                   health insurance premium costs and  
5                   extraordinary medical expense. We only  
6                   leave in the first \$250 -- up to \$250  
7                   per child per year in ordinary  
8                   out-of-pocket medical expenses; and  
9                   that is, because all children incur  
10                  some medical expenses, or the vast  
11                  majority of them. And so, this way --  
12                  and \$250 is the average that they incur  
13                  out-of-pocket.

14                  So, this minimizes the  
15                  sharing of receipts between parents.  
16                  You can retain that assumption, that  
17                  \$250 hasn't changed; that would still  
18                  be average today, or at least the  
19                  recent data. It is less for those that  
20                  receive Medicaid, and it is more for  
21                  those that are private insured. And  
22                  that is why some of the states have  
23                  developed different methodologies to

1 address it.

2 Ohio is a slide that -- Ohio  
3 is a state that has a different  
4 methodology, and I have that slide in  
5 here, but we are not going to go  
6 through that today.

7 On line eight, as I mentioned  
8 before, when Betson gives us the  
9 measurements, it relates to  
10 expenditures. It doesn't relate to  
11 gross income, and it doesn't relate to  
12 after-tax income.

13 So, we know that some  
14 families also have savings. And so,  
15 what we do is to convert that, to  
16 consider that, we use the same data  
17 information from the families that  
18 Betson uses on what their expenditures  
19 rate is; that is, how much do they  
20 spend compared to net income to convert  
21 those amounts to a net income and then,  
22 in turn, we convert them to gross  
23 income.

1                   We also know that families,  
2                   on average, with incomes below about  
3                   forty thousand a year, they spend more  
4                   than their income. So, we cap their  
5                   expenditures at 100 percent. And I  
6                   will show you a slide on that, because  
7                   that is important to the interpretation  
8                   of the comparisons I am going to show  
9                   you in a bit.

10                   And, finally, nine is that  
11                   low income adjustment, that  
12                   self-support reserve. There is a  
13                   self-support reserve built into the  
14                   schedule that relates to the poverty  
15                   level in 2007.

16                   So, the poverty level -- the  
17                   poverty level for one person now is  
18                   \$1,067. It was about eight -- I think  
19                   it was \$857. I don't have that right  
20                   in front of me. So, it has increased a  
21                   couple of hundred dollars, so that's  
22                   going to affect the schedule amounts.

23                   So, I am ready for the next

1 slide. Thank you.

2 So, this is just to  
3 illustrate what I was talking about as  
4 far as some families spend more than  
5 their income. So, if you look at that  
6 first cluster, you will see that we  
7 have total expenditures, and then we  
8 have the percent. That blue box is how  
9 much is spent on children. But we see  
10 that their after-tax income is actually  
11 less, that they are spending more than  
12 their income.

13 So, when we cap it, we  
14 essentially cut it off on the children,  
15 not the total expenditures, because we  
16 don't think it is right to require an  
17 obligated parent or even the custodial  
18 parent to spend more than their income  
19 on the family. Of course, we could  
20 revisit this assumption. As I say, I  
21 am an economist. I am telling you the  
22 assumptions. You, as the Committee,  
23 have to make the policy decisions of

1 which assumptions you want to accept.

2 So, when you look -- when I  
3 start showing you the impact of the new  
4 studies, what you are going to see is  
5 some decreases at that low income, and  
6 part of that is being driven by this  
7 thing that where I am capping their  
8 expenditures to their after-tax income.

9 And then the other cluster  
10 shows what is happening at that upper  
11 middle to upper income families.  
12 There's taxes. There's savings.  
13 There's expenditures. And what we have  
14 found over time is that the underlying  
15 data that we are using, which is from  
16 the consumer expenditure survey, and  
17 that is published by and conducted by  
18 the U.S. Bureau of Labor Statistics,  
19 they were letting families self-report  
20 their taxes, and they were  
21 underreporting their taxes.

22 What the Bureau of Labor  
23 Statistics now does with that survey is

1           that they use essentially like a  
2           TurboTax to calculate the taxes of that  
3           family. And they have found that those  
4           taxes were higher. And so what that  
5           does is it squeezes some little things,  
6           but it also means that families are  
7           spending more of their income than we  
8           thought. And that actually pushes up  
9           the measurements at higher incomes,  
10          which you will see.

11                        So, let's go on to the next  
12          slide. And I am going to skip this.  
13          This is the different ways that the  
14          federal government is now allowing for  
15          income withholding. They pretty much  
16          result in very similar amounts. So, I  
17          am not too worried. It is not  
18          something I would want you to spend a  
19          lot of time on. I don't think this is  
20          a big assumption. But there is -- if  
21          you have some tax people on your  
22          Committee, they will be cognizant of  
23          this.

1                   So, I just want to lay this  
2                   out here. But at the end of the day,  
3                   it is not going to make that big of a  
4                   difference. It will make a bigger  
5                   difference if you decide you no longer  
6                   want to consider a single taxpayer and  
7                   would rather go to a family taxpayer.  
8                   That is probably a bigger assumption.

9                   So -- and then the next slide  
10                  is just some more information on a  
11                  child's health care costs. That shows  
12                  the difference between Medicaid and  
13                  private. And that's -- I would love  
14                  for states to tweak it, but it is a  
15                  very messy thing to tweak. There is  
16                  also tradeoff between keeping  
17                  guidelines simple and being more  
18                  responsive to the data, and this is  
19                  that situation.

20                  You can go on to the next  
21                  slide. We can revisit that next time  
22                  if you have issues.

23                  And then here are some states

1 with alternative approaches. I just  
2 wanted to give you a heads up.

3 We can go on to the next  
4 slide, Slide 10. This is Ohio's  
5 approach, and these are things that we  
6 can talk about later. But as I say,  
7 these are more complicated approaches,  
8 but we can certainly do something  
9 different if you think it's more  
10 accurate or more appropriate for  
11 Alabama families.

12 I am on Slide 12 now. So, we  
13 can skip to this. I am going to go  
14 into the economic studies. So, here  
15 are the economic studies. The last  
16 four on the bottom are the ones that I  
17 am going to be talking about and  
18 comparing.

19 So, there is the USDA study.  
20 And if you look in the first column, I  
21 have the word "USDA" and then it has  
22 C-E-S. CES is for Consumer Expenditure  
23 Survey. That is that survey that is

1 conducted by the Bureau of Labor  
2 Statistics. And this -- they survey  
3 about 6,000 households per year.  
4 Families rotate in and out every  
5 quarter. They have to group the data  
6 for a couple of years just to get a  
7 sufficient sample size.

8 The USDA grouped the data in  
9 2011 through 2015. The USDA uses the  
10 methodology that they developed. There  
11 is only one state that uses the USDA  
12 measurements for child-rearing  
13 expenditures, and that is Minnesota.  
14 And they are trying to update it. They  
15 use a USDA study from 2001. That  
16 produces higher measurements.

17 And one thing that I haven't  
18 explained yet is that these economists  
19 not only use different years, but they  
20 also use different methodologies to  
21 separate the child share of  
22 expenditures. And there is no  
23 consensus among economists which of

1           those methodologies best measures  
2           actual child-rearing expenditures.

3                       What economists and  
4           policymakers generally agree on is that  
5           anything between the lowest and the  
6           highest of the credible bounds or the  
7           lowest measurement and the highest  
8           measurement is appropriate for state  
9           guidelines.

10                      So, again, this is where the  
11           Committee comes in. Where you -- I am  
12           going to tell you the strengths and  
13           weaknesses of each of these studies,  
14           and certainly there's going to be some  
15           economists that will tell you even more  
16           strengths and weaknesses of these  
17           studies. But at the end of the day, it  
18           is the Committee that makes the  
19           recommendation, and then it's the  
20           Court's whether they accept it on which  
21           study to use as the underlying bases of  
22           your Child Support Schedule.

23                      And I am certainly

1 prepared -- or we are certainly  
2 prepared to prepare a couple of options  
3 for you if you want to explore them,  
4 and I am going to show you some  
5 differences today so to help you narrow  
6 down what sort of options you wanted to  
7 explore.

8 So, there is also a study,  
9 again, by, as I mentioned earlier, Bill  
10 Rodgers, it's R-O-D-G-E-R-S, so it is  
11 not the Mark Rogers from Georgia that  
12 has met with you before. He is a  
13 professor at Rutgers University. He  
14 used the Rothbarth methodology also,  
15 but his interpretation of the Rothbarth  
16 methodology is different than Betson's.  
17 And it's a very -- I can get into the  
18 math and explain it all if somebody  
19 wants, and it is something to keep in  
20 mind.

21 His study has not been used  
22 by any state. It was just released in  
23 2018. I know I have 2017 is his full

1 reference. That is just the way it  
2 appears. The study was released in  
3 January of 2018.

4 What he did that I am not  
5 really excited about was he grouped  
6 2000 through 2015 for the Consumer  
7 Expenditure Survey. And the reason I  
8 am not excited by that is, I do think  
9 it is better to use recent data. Also,  
10 the Consumer Expenditure Survey, as I  
11 mentioned earlier, their tax  
12 assumptions changed during that time  
13 period where they realized that they  
14 were better off -- they were better  
15 calculating the taxes rather than  
16 having families report it. So, I think  
17 that muddles some of his measurements,  
18 as well.

19 And I do have some technical  
20 issues with his Roth -- the way he  
21 measures Rothbarth, but we won't go  
22 into that today.

23 No state uses it. He had

1 another study that he conducted for New  
2 Jersey in 2016. I might be off a year.  
3 New Jersey uses that. But he adjusted  
4 for New Jersey's higher income within  
5 that study. So, that study can't be  
6 used by Alabama.

7 There's also on the Comanor  
8 study. I am not a fan of the Comanor  
9 study. He used Consumer Expenditures  
10 data from 2004 through 2009. I am not  
11 a fan of it because it results in  
12 amounts that are close to poverty. And  
13 I think that is problem with his  
14 methodology that I can get into. I  
15 have a couple of slides of that. But I  
16 am going to show that anyway out of due  
17 diligence and out of respect.

18 And, then, of course, is the  
19 most recent Betson study. I call that  
20 BR5, because it is his fifth study.

21 If you look on that white  
22 block, about a third of the way down,  
23 that is the study that Alabama is

1           currently on. And Betson had another  
2           study in 2010 using 2004-2009 Consumer  
3           Expenditure Surveys. This new study  
4           uses 2014 through 2019. That is as  
5           close as we can get.

6                        There is also a delay in when  
7           the Consumer Expenditure Survey data is  
8           released and when it can be used for  
9           research such as on this latest study.

10                      This report will be in  
11           Arizona's report. We are working with  
12           Arizona now. We have subcontracted  
13           with David Betson to conduct the study.  
14           So, I have access to it now.

15                      I will say that I have been  
16           asked a lot about how does COVID, our  
17           economy, affect these estimates.  
18           Particularly, since we look at  
19           Betson-Rothbarth, we see the latest  
20           year is 2019. It is going to be  
21           another two, three or four years before  
22           we have the data to know if it affected  
23           child-rearing costs. And I am going to

1 go on a limb here and say it will  
2 probably be a blip. When we had the  
3 great recession in 2007 to 2009, what  
4 we experienced was that we had about  
5 six quarters where consumer  
6 expenditures went down, and there was  
7 lingering unemployment. There was  
8 decrease in wages. And the most recent  
9 labor market data shows that we have  
10 actually lost those wage gains from the  
11 great recession. But most of those  
12 wage gains, after the great recession,  
13 actually came from low income, and  
14 partly that was from states increasing  
15 their minimum wage. And those are the  
16 service sector jobs and the hospitality  
17 jobs that have been most affected by  
18 COVID.

19 And I am expecting that most  
20 economists are expecting, you know, the  
21 decrease in expenditures to show up,  
22 and we are already seeing that in GDP,  
23 Gross Domestic Product, where we have

1           seen a 9.5 percent decrease this  
2           quarter where it's analyzed. It's  
3           closer to 36 percent. But we also know  
4           that expenditures on children as a  
5           percentage of total expenditures is  
6           pretty consistent; that expenditures  
7           that a family incurs, so that includes  
8           the adults, that there has been some  
9           blips, you know, such as the great  
10          recession. And there will probably be  
11          a blip here. But I am not anticipating  
12          that it will affect the child-rearing  
13          expenditures in the long run.

14                   And the other thing that  
15          was -- I want to mention that is  
16          different than with the great recession  
17          is that during the great recession, we  
18          had a decrease in housing prices, and  
19          we also had a huge decrease in the  
20          stock market. And one of things that  
21          affects expenditures is expectations in  
22          wealth. Housing is considered wealth.  
23          You know, if people feel like their

1 house is worth a lot, they are more  
2 likely to spend. If the value of their  
3 house goes down, they are less likely  
4 to spend.

5 So, we don't have housing  
6 prices going down in COVID, and we also  
7 don't have the stock market going down  
8 either right now, which is -- I could  
9 go off on that, but we are going to  
10 focus on updating the schedule.

11 So, those are issues that  
12 suggests that we will be able to  
13 recover, and we probably aren't going  
14 to have the same sort of impact as the  
15 great recession.

16 I am going to stop there.  
17 And you know what, I think I am just  
18 going to go on to Slide 13 because I  
19 think the case examples are where it  
20 really -- I have been talking  
21 theoretical. Could we go back to one  
22 slide to Slide 13 just because I want  
23 to introduce the case example. Let's

1 go back. This is 14. So, if you can  
2 go back one slide. Oh, okay, previous,  
3 yeah, excellent.

4 So, these are the case  
5 examples I am going to use to show you  
6 the differences between these economic  
7 studies. One is, we are going to do  
8 those minimum wage earners. So, both  
9 parents are making the federal minimum  
10 wage of \$7.25 an hour at 40 hours a  
11 week, \$1,257 a month. And, again, this  
12 is, you know, where income was imputed,  
13 when, particularly in the IV-D  
14 whirlwind, you know, we have lot of  
15 parents that are not bringing in their  
16 paystubs. They have been unemployed.  
17 They just had a back injury. They lost  
18 their job. They quit their job because  
19 they lost childcare.

20 So, it is not uncommon. This  
21 is an issue that happens across the  
22 country. And what do you do? I mean,  
23 it is a fine impute at \$1,257 when

1           there are jobs. But, you know, in  
2           COVID, it's a different world.

3                     The next row shows the median  
4           earnings of Alabama workers ages 25 and  
5           over in 2018. I pulled this data from  
6           the Census Bureau. It shows that for  
7           the male, the median earnings for  
8           somebody with less than a high school  
9           degree is \$2,250. For a female it's  
10          \$1,666. And then, you will see the  
11          rest of the ones are also median  
12          earnings that I pulled from the census  
13          data, you know, by educational  
14          attainment. These are the case  
15          examples I'll use.

16                    I also put high earners,  
17          that's the seven and eight. And I just  
18          made some case examples up, because  
19          this is where you see the biggest  
20          impact or some of the largest  
21          differences in the economic estimates  
22          of child-rearing costs.

23                    I am assuming that the male

1 is the parent owing support, and the  
2 female is the parent receiving this  
3 support. I know that is politically  
4 incorrect. But, statistically, that is  
5 what we see, that 86 percent of the  
6 parents receiving support are female.  
7 So, that is why I made that assumption.

8 So, now I am ready for Slide  
9 14. Thank you.

10 And then after we look at  
11 this slide, I am going to open it up so  
12 you can ask questions.

13 So, the first column is the  
14 blue column, the very vibrant blue, and  
15 that is the existing Alabama for the  
16 case scenario. And the second one is  
17 if I did the BR5 and adjusted it, so  
18 this is the new Betson-Rothbarth for  
19 Alabama prices using that price parity  
20 measure. And then BR5 is if I didn't  
21 adjust it for U.S. prices. So, it is  
22 still at that 100 percent.

23 That tall, white column is

1 the USDA for the southern region, and I  
2 have updated all these to 2020 price  
3 levels. And then the second to the  
4 last column is the Rodgers-Rothbarth  
5 measurements. And then the final  
6 column is the Comanor study, which I  
7 say results in amounts pretty close to  
8 poverty.

9 So, when you look at that  
10 first cluster, when I did the BR5s, you  
11 see that \$50, I updated that  
12 self-support reserve there. And the  
13 reason that you see that adjustment is  
14 that self-support reserve is kicking  
15 in. That doesn't mean that Alabama has  
16 to adopt the self-support reserve that  
17 I am talking about. I used the  
18 self-support reserve based on the 2020  
19 federal poverty level for one person.  
20 But that is what it would look like if  
21 you did.

22 So, that is kind of a hint of  
23 what's to come in September. But the

1 amounts would be higher if I didn't  
2 adjust them for the self-support  
3 reserve. I only did that for the BR5.  
4 I didn't adjust the USDA or the  
5 Rodgers-Rothbarth or the Comanor for  
6 the self-support reserve.

7 So, when you get to the  
8 second case example, this is the  
9 parents that did not complete high  
10 school. So, his income is about  
11 \$2,200, and her income is about \$1,700.  
12 You see a small decrease. And, again,  
13 that is because we have better data.  
14 We -- and it is also because of that  
15 cap on that expenditures.

16 The thing I haven't talked  
17 about yet is that the Bureau of Labor  
18 Statistics improved the way that they  
19 are collecting income information from  
20 households in that survey, and they  
21 found that a lot of the low income  
22 households actually have higher incomes  
23 and some of the low ones actually had

1           lower. So, some of that difference  
2           drove some of the decreases in the BR5  
3           that you are seeing.

4                       We also see that in the BR4  
5           that there was decreases at the low  
6           income. Note that that difference  
7           between the existing and the BR5 is  
8           \$406 versus \$359. So, it is just  
9           almost 10 percent, you know, assuming  
10          that's the -- it is probably about 11  
11          percent, which would meet the  
12          modification threshold.

13                      So -- but if you didn't do  
14          the adjustment, it would be \$415. And  
15          you can see that. The USDA would be a  
16          huge jump, and that the Rodgers-  
17          Rothbarth and the Comanor would be huge  
18          decreases.

19                      For the third case example  
20          where both parents are high school  
21          graduates, that's there highest  
22          educational attainment, there is also a  
23          little bit of a decrease, but it is not

1           enough to make that 10 percent  
2           difference. The same with case four  
3           where the parents have some college.  
4           And case five, where they are college  
5           graduates. Even case six, where they  
6           have graduate degrees, they are pretty  
7           similar between the existing and the  
8           BR5, which just says one of two things.  
9           You could go with the BR5, and it is  
10          going to make a nominal change, or you  
11          could just even keep the existing  
12          Schedule. Because if you adopt the  
13          framework that the Schedule amount can  
14          be any amount between the lowest and  
15          the highest, the credible measurements,  
16          this demonstrates this for one child  
17          for at least the first six case  
18          scenarios.

19                    When we get to the high  
20                    income cases, it's a little -- it looks  
21                    a little bit different. You can see a  
22                    bigger increase for these higher income  
23                    cases, more so when we get to the two

1 children amount.

2 Let's go to the two children,  
3 and then I will open it up for  
4 questions because -- just so you can  
5 see that increase. Can we go to the  
6 next slide, Slide 15.

7 So, here again, the first  
8 cluster, that decrease in BR5 is due to  
9 me incorporating the self-support  
10 reserve in the low income, or the  
11 minimum order of \$50. Here you see  
12 nominal increases for cases two, three,  
13 four, and five using BR5. But when you  
14 get to the case scenarios seven and  
15 eight, you are seeing bigger increases.

16 And I am going to stop there  
17 and let people ask questions.  
18 There's -- the next slide shows the  
19 comparisons for three kids.

20 (No response).

21 DR. VENOHR: I think probably  
22 where I want you to go with this -- and  
23 it might be too early to do this -- but

1 to talk about, if there is any of these  
2 studies that you can eliminate from  
3 consideration just are not ones that  
4 you want to see an updated schedule  
5 for. Like I said --

6 MS. DAVIS: If you would, raise  
7 your hand if you have a question. We  
8 put everybody's picture back up. So,  
9 does anybody have any questions? If  
10 your picture is not up, just unmute if  
11 you would like to -- if not, we will go  
12 ahead and let Dr. Venohr continue. We  
13 have about fifteen more minutes.

14 MR. MADDIX: Dr. Gray has a  
15 question.

16 MS. DAVIS: Dr. Gray, did you have  
17 a question?

18 DR. GRAY: Yes, uh-huh. Dr.  
19 Venohr, thanks for coming today.

20 I am relatively new to the  
21 Committee. And fortunately, Penny has  
22 brought me up on a lot of the issues  
23 that the Committee faces, a lot of the

1 reports from the past. And one of the  
2 things we have been talking about is  
3 this notion of what if parental time  
4 changes.

5 And so, one of the issues  
6 that we have been dealing with or  
7 thinking about is the tables, the basic  
8 Alabama Schedule as it exists right  
9 now. Is there anything built into  
10 that? Any sort of underlying  
11 assumption implicitly or explicitly  
12 about parenting time?

13 DR. VENOHR: No. Those  
14 measurements of child-rearing  
15 expenditures come from families that  
16 are intact. So, and most states use  
17 expenditures on intact families.  
18 There's -- what we find in studies of  
19 parents that live in -- or children  
20 that live in single-parent households  
21 is that -- it's about 30 percent of  
22 them are poor. We have -- the  
23 expenditures are poor too.

1                   So, most states don't develop  
2                   schedules on that. That is not  
3                   answering your question, but that might  
4                   be a question that is being triggered.

5                   And then, with regard to, is  
6                   there a parenting time assumption built  
7                   in the table, there isn't, because it  
8                   is assuming the child is being raised  
9                   in the household with both parents.

10                  What happens is, there is 38  
11                  states now that have an adjustment, or  
12                  presumptive adjustment, for shared  
13                  parenting. In most states, you know,  
14                  there is -- it's close to maybe 35  
15                  states that have a schedule similar to  
16                  what Alabama has.

17                  And what they do is they wait  
18                  until the timesharing reaches a certain  
19                  threshold. It is usually anywhere from  
20                  20 to 50 percent. And what they say is  
21                  that is when -- and this is a policy  
22                  decision. There isn't economic data  
23                  that says this. That is when the

1           custodial parent or the primary  
2           custodial parent's expenditures on the  
3           child is decreased.

4                        So, there's two issues going  
5           on is that the non-residential parent,  
6           or the parent obligated to pay support,  
7           he also incurs costs when the children  
8           are with him. And then there is the  
9           issue of when is the expenditures on  
10          the children reduced in the primary  
11          household. For instance, you know, the  
12          primary parent, or the primary  
13          household, that parent can't rent out  
14          the child's bedroom just because the  
15          child is gone for the weekend. They  
16          still incur that cost. They might be  
17          getting food from Costco and buying  
18          volume food. And, you know, a gallon  
19          milk is more against the economy of  
20          scale versus, you know, a pint of milk.  
21          And so, they can't all adjust for that.

22                        So, most people think that  
23          that starts occurring at, maybe, 20 to

1           50 percent, or most states have that  
2           policy.

3                       So, there has been one state  
4           that built it into their schedule; that  
5           is Pennsylvania. And what they do is  
6           they built a standard timesharing of 30  
7           percent, and they adjust for only food  
8           away from home. And so, that 30  
9           percent of the child's food from away  
10          from home, that is reduced, and then  
11          fees and omissions. And when  
12          Pennsylvania does that, it reduces  
13          those schedule amounts by only six  
14          percent. But Pennsylvania would love  
15          to get rid of that, because what  
16          happens is, you know, for those that  
17          have timesharing less than 30 percent,  
18          you know, that schedule really doesn't  
19          work. I mean, usually timesharing  
20          arrangements are so nuance. It is not  
21          like 90 percent of them are 30 percent,  
22          you know.

23                       So, I think it is better to

1           have a formula outside of the schedule.  
2           And as I mentioned before, most child  
3           support schedules do. I mean, most  
4           states with the income shares model  
5           have a formula. So, I think it would  
6           be great if Alabama adopted a  
7           presumptive formula.

8                        I think I shared with Penny  
9           -- if not, I will send it again -- a  
10          brief that I did, and there's a lot of  
11          factors to consider. One is, what's  
12          the criteria for applying that  
13          adjustment. And states are mixed most  
14          on whether they require it to be court  
15          ordered for parenting time. So, there  
16          has to be a court order for it, and  
17          then whether it is exercised, you know.

18                       So, that's -- I mean, that  
19          brings you to the second question you  
20          brought up is, like, what if it happens  
21          and it is not exercised?

22                       And those states -- and I  
23          shared the language with Penny that

1           some states, there is Virginia and a  
2           couple of other states, they have  
3           language that, if it is not exercised,  
4           if the parenting time is not exercised  
5           as calculated in the order, then it is  
6           grounds for a modification. And so  
7           they can do a modification. So, you  
8           can put that language in there.

9                        I think the biggest  
10           challenge, though, is which formula.  
11           The formulas are very controversial.  
12           The only formula that is used in more  
13           than one state is called the  
14           "Cross-Credit." And all that does is  
15           it calculates a theoretical order for  
16           mom, a theoretical order for dad, and  
17           then it multiplies those theoretical  
18           orders by 150 percent because 50  
19           percent is what the expenses are that  
20           are duplicated.

21                        So, the duplicated expenses  
22           are housing and some transportation.  
23           Those comprise of about 50 percent of

1 total child-rearing expenditures. So,  
2 instead of proportioning that  
3 scheduling amount, they are taking 150  
4 percent of that schedule amount to  
5 account where it cost you more to raise  
6 a child in two households than a  
7 one-child household.

8 So, again, they calculate the  
9 theoretical orders. They weigh it by  
10 the time with the other parent.

11 So, you know, if I have the  
12 child 60 percent of the time and my  
13 theoretical order was \$1,000, that  
14 would be \$600 that I would owe my ex.  
15 And then let's say his is \$400. By the  
16 time he weighs it with time -- I'm  
17 sorry, he has the child 60 percent of  
18 the time, so my theoretical order would  
19 be \$600.

20 And let's say his theoretical  
21 order is \$1,000 too, and I have the  
22 child 40 percent of the time, so his  
23 theoretical order is \$400. So, the

1 difference between \$600 and \$400 is  
2 \$200, and I owe him \$200. That is the  
3 way that formula works.

4 And that is the one that most  
5 states use. The problem with it is  
6 that it has a clip effect. As soon as  
7 you hit the timesharing threshold, it  
8 usually -- it can be a clip effect  
9 depending on what the parents' incomes  
10 are. Because, obviously, you know, if  
11 I had all of the income and we start  
12 that formula with 150 percent, and I  
13 reached that formula and it goes, boom,  
14 you know, it drops.

15 So, a lot of states are going  
16 to approaches that are more gradual,  
17 but the thing to get it more gradual,  
18 you have to start at a lower number  
19 overnight. So, there is a trade-off  
20 because most states take the position  
21 that, look, we don't want to reduce the  
22 custodial parent's amount of obligation  
23 just for one overnight a year. But

1           those formulas are more likely to get a  
2           gradual adjustment, and that would be  
3           -- Oregon is a good example of that.  
4           It starts with one overnight. You  
5           know, it is like .00114 for one  
6           overnight; .0018 for two. You know,  
7           and it is hard to explain to people.

8                         Committees will get it, but  
9           they like Oregon. In fact, I have an  
10          article coming out in Family Law  
11          Quarterly next year, or next spring, on  
12          these adjustments I co-authored, like,  
13          with Tom Oldham, who used to be the  
14          editor for the Family Law Quarterly. I  
15          am not sure he still is. But we have a  
16          lot of this information in that  
17          article.

18                        But guideline committees will  
19          get it, and they like Oregon. And then  
20          they go -- I had this happen to me  
21          twice last year. They go to the  
22          legislature, and they don't get it.  
23          They see that adjustment happening at

1           one overnight. Both of these states  
2           were legislative guidelines. Then they  
3           go, uh-uh, this doesn't feel right.

4                       And so, there has been some  
5           states like Maryland. They use the  
6           cross-credit. And I can give you this.  
7           They have a formula in between just  
8           before the threshold, and that is  
9           another solution to it. And then there  
10          are just tons of formulas out there.

11                   DR. GRAY: Right.

12                   DR. VENOHR: There are 20 other  
13          formulas, and none of them are perfect.  
14          So...

15                   DR. GRAY: The cross-credit  
16          calculation, I think, makes a lot of  
17          sense. That is one to me that seems  
18          fair.

19                   The 150-percent thing, I am  
20          assuming that is just totally made up.  
21          I understand the purpose is to try to  
22          take into account that there is  
23          duplication of expenses. But it seems

1           like it ends up causing the  
2           non-custodial parent to actually have  
3           to pay even more, which is kind of an  
4           interesting side effect of that.

5                     But, anyway, this may be a  
6           little too technical maybe.

7                     So, let me answer your  
8           question. In taking a look at the  
9           different studies, it seems like you  
10          really have a couple of outliers is  
11          that, the Maynard study, and then the  
12          USDA seem to be way out there.

13                    DR. VENOHR: That would be great  
14          to eliminate. I would like to see you  
15          guys eliminate a few of them. And this  
16          is -- and you can go back to them if  
17          you change your mind. I mean, this is  
18          not set in stone. But that way we can  
19          focus on some of the other assumptions,  
20          like the tax assumptions and changing  
21          anything up on that. And I really  
22          can't do the self-support reserve or  
23          the low-income adjustment until you

1           decide on a schedule.

2                       So, I might be able to do it  
3 with maybe two schedules, but I cannot  
4 do it with several of them.

5           MS. DAVIS: Okay. Let me  
6 interrupt here. We only have about  
7 five more minutes. But it sounds like  
8 one of the important things that the  
9 Committee needs to do is to give you  
10 some feedback as to those two studies  
11 that we would like to narrow down to  
12 two, maybe, studies or maybe three, but  
13 at least eliminate some.

14                       But can you -- and I know we  
15 don't have time to go through all the  
16 rest of the slides. But, Dr. Venohr,  
17 can you kind of summarize the plusses  
18 and minuses of those few studies that  
19 you have? And -- or if you feel like  
20 you don't have adequate time to do it,  
21 can you send us a little memo on that  
22 that we can disburse to the Committee  
23 that would help?

1 DR. VENOHR: Sure. Good. And I  
2 will do both just because I think the  
3 major thing is that you are in  
4 Betson-Rothbarth now. None of these  
5 studies are definitively better. All  
6 of them have their weaknesses and  
7 strengths.

8 So -- and it would be a  
9 change in methodology, and there is no  
10 real rationale for a change in  
11 methodology. I mean, Betson-Rothbarth  
12 is the most current, so that is a  
13 strength. The weakness of Betson-  
14 Rothbarth for 2015 is that it is  
15 considered the lower bounds. The  
16 Rothbarth methodology is considered the  
17 lower bound of measurements for  
18 child-rearing expenditures at least  
19 until Comanor came out, and then  
20 Comanor is even lower. And I can't  
21 recommend Comanor. It is too close to  
22 poverty levels if you look at it. You  
23 know, it is essentially setting up

1 child support to be poverty.

2 I think the strength -- I  
3 would have to pull out what Comanor  
4 thinks is the strength. He thinks it  
5 is the definitive methodology. But,  
6 like I say, no state has adopted it.

7 So, what I would like you to  
8 do is, not only think about which  
9 economic studies to eliminate, look at  
10 those assumptions on Slide 5 and really  
11 carefully look at that update  
12 alternatives for next time. If you  
13 could talk about whether those -- any  
14 of those assumptions are bothersome to  
15 you, where you want to explore a  
16 different assumption.

17 I mean, obviously, we have to  
18 prepare a schedule that uses the same  
19 assumptions or as close to the same  
20 assumptions as the existing Schedule.  
21 I mean, that only makes sense. You  
22 know, if we were just to update the  
23 data, how would it look like?

1                   So, that is one schedule we  
2                   want to do, but the second one would be  
3                   if there is anything on that last  
4                   column that you think should be  
5                   different.

6                   One of the things I would  
7                   like to do between then is just kind of  
8                   look at what some of the driving forces  
9                   are for those decreases. Many states  
10                  are bothered by those decreases. I am  
11                  less bothered by them now that we have  
12                  BR4 and BR5, that both suggests  
13                  decreases at the low income. I am also  
14                  less bothered by them during COVID just  
15                  because, you know, there aren't that --  
16                  it is probably the low-wage workers  
17                  that have been most hurt.

18                  And people have been telling  
19                  me that they think that the BR4 wasn't  
20                  high enough at high incomes. So, BR5  
21                  shows that, but that was driven more by  
22                  the change in the tax assumption of the  
23                  consumer expenditure rate.

1                   Did I go on too long, Penny?

2                   MS. DAVIS: No, no. We actually  
3                   have two whole minutes left. So, I  
4                   think that if you could send us in  
5                   writing, you know, what you are talking  
6                   about.

7                   I guess my next question is,  
8                   before we actually started, we talked  
9                   about another meeting in September. Do  
10                  you need the Committee to make a  
11                  decision prior to that time, or can you  
12                  continue with the information that you  
13                  have gotten from Alabama so that we can  
14                  actually make those types of decisions  
15                  in our September meeting?

16                  DR. VENOHR: So, your next meeting  
17                  is next week?

18                  MS. DAVIS: No. September.

19                  DR. VENOHR: I thought you had a  
20                  meeting next week too.

21                  MS. DAVIS: Not -- not this  
22                  Committee, no.

23                  DR. VENOHR: Oh, so, your next

1 meeting is September 17?

2 MS. DAVIS: That is tentatively  
3 what we've set.

4 DR. VENOHR: And when is your next  
5 meeting after that?

6 MS. DAVIS: We have not gone  
7 beyond that point.

8 DR. VENOHR: Are you hoping to?

9 MS. DAVIS: Yes.

10 DR. VENOHR: By the September 17th  
11 meeting, I should be able to have some  
12 information on low income adjustment  
13 and the findings from the case file  
14 review.

15 So, we will continue, but  
16 what we will probably continue on is  
17 just using that information to maybe  
18 help the Committee narrow down some of  
19 these assumptions on Slide 13 and  
20 including which economic study to use.  
21 I am sorry, slide --

22 MS. DAVIS: Slide 12 -- 12 and 5?

23 DR. VENOHR: Well, Slide 5. Yeah.

1 I am sorry, Slide 5. Yes. Does that  
2 make sense?

3 MS. DAVIS: Yes. Yes, I think it  
4 does.

5 Does the Committee have any  
6 other questions? We are right at  
7 12:00. We need time for the public to  
8 be able to comment.

9 Okay. All right. Jane, if  
10 you can hang on for a minute, we've  
11 got -- Cary said we only have one  
12 public member left who may or may not  
13 want to speak. We have got one person  
14 that has submitted a written comment  
15 that we want to read into the record.

16 So, if you can hang on. If  
17 we wind up not having any more public  
18 comments, then we can circle back to  
19 you, if that is okay.

20 So, let's pause now. And we  
21 did have one comment from John Mize.

22 So, Bob will read that in this for us.

23 MR. MADDOX: Brad Maderis received

1 this written comment from John Mize,  
2 spelled M-I-Z-E.

3 He says, (as read) I'm a  
4 single dad with two girls, and they  
5 live with me 171 days and nights or 47  
6 percent, while living with their mom  
7 194 days or 53 percent. For the entire  
8 year, that is only 23 days difference  
9 in our schedule. As a whole, that is  
10 less than two days a month. There are  
11 several months when the girls are with  
12 me more days than with their mom.

13 While I struggle to make \$25,000 a  
14 year, she makes more than double. Even  
15 though our schedules are almost even,  
16 while her income is more than double, I  
17 still have to pay the full-blown amount  
18 according to Rule 32. Alabama's child  
19 support scheme is absolutely unjust and  
20 archaic, and I pay the same amount as a  
21 parent that never sees their children.

22 I pay more than most married parents  
23 do. I have to buy the same food, the

1 same clothes, the same shoes, the same  
2 school lunches, the same  
3 transportation, and the same household  
4 expenses. Everything that the other  
5 parent has to buy, I have to buy it,  
6 too. Then I have to turn around and  
7 buy it again for a second house. There  
8 is no fixed mechanism to address this,  
9 absolutely nothing. The deviations in  
10 Rule 32 are nothing more than smoke and  
11 mirrors that are rarely approved unless  
12 both parents agree. The State of  
13 Alabama forces me to support two  
14 households when I can barely support  
15 one. This unjust scheme provides  
16 windfall protection for one parent 100  
17 percent of the time, while only  
18 protecting the kids 50 percent of the  
19 time. I'm getting beat into poverty,  
20 and my kids are getting beat into  
21 poverty, because the State of Alabama  
22 uses a formula that refuses to  
23 acknowledge the expenses I have, nor

1 does it provide any fixed relief for  
2 the equal time that I have. I hope you  
3 will take the time to consider my plea,  
4 John Mize.

5 MS. DAVIS: Okay. Does any  
6 Committee member want to comment on  
7 this? And it will be put as part of  
8 the record so that you will be able to  
9 review his full comment further. Does  
10 anybody have any questions or comments?  
11 He is not participating, so you can't  
12 really ask him questions. But does  
13 anybody have any comments about his  
14 thoughts here?

15 Okay. Cary, who is left on  
16 the Zoom?

17 MS. MCMILLAN: Chris Hughes.  
18 Christopher Hughes.

19 MS. DAVIS: Mr. Hughes? Are  
20 you --

21 MR. HUGHES: Yes. Thank you for  
22 having me.

23 MS. DAVIS: Normally, before you

1 get started, Mr. Hughes, we normally  
2 allow a person to speak for about ten  
3 minutes.

4 MR. HUGHES: Sure.

5 MS. DAVIS: Since you are the only  
6 one, we will allow you to speak for ten  
7 minutes if you want to speak to address  
8 the Committee.

9 MR. HUGHES: Okay. I only planned  
10 probably about two minutes is all I  
11 need for this.

12 MS. DAVIS: Okay.

13 MR. HUGHES: I would have to say,  
14 I concur completely with Mr. Mize's  
15 statement that was just read.

16 Again, my name is Christopher  
17 Hughes. I am not a statistic. I am an  
18 actual member that is affected by the  
19 policies of child support. I am a  
20 single father. I have been in the  
21 court system for two years. Hopefully,  
22 my trial will not be continued once  
23 more tomorrow in Shelby County with

1 Judge Kennedy.

2 I do -- This is the first  
3 meeting that I have attended. I want  
4 to participate in these meetings  
5 further to provide my input into what I  
6 feel can be improved. I wasn't  
7 prepared to comment today. I wasn't  
8 sure how the forum would be conducted.  
9 I didn't know anything about it.

10 So, this is my first  
11 experience, but I do want to reiterate  
12 the statement that was just read. I  
13 find myself in a very similar  
14 situation, and I incur just as much of  
15 an expense as the mother of our son.  
16 And I think some consideration should  
17 be given to other fathers like me, or  
18 other single parents like me, who are  
19 not yet a custodian or who are not the  
20 custodian of the child.

21 I want to be more involved in  
22 this. I know the economist that was on  
23 earlier had a lot of statistics, and I

1           sure those reflect accurately the  
2           statistics as a whole. But there are  
3           some exceptions that we need to also  
4           take into consideration going forward  
5           when making policy that impacts  
6           everyone in the State.

7                         That is really all I had to  
8           say right now. But I do want to  
9           participate in these forums further,  
10          and the next time I may have -- may be  
11          a little better prepared to present  
12          something that may be is more useful  
13          going forward in shaping the policy in  
14          Alabama. Thank you.

15                        MS. DAVIS: Thank you, Mr. Hughes.  
16          We have really benefited over the years  
17          with the public's participation. So,  
18          we are glad you are going to be  
19          involved in that. And as you may have  
20          surmised -- surmised yet, we have two  
21          opportunities to participate: One is a  
22          written statement ahead of time, which  
23          is beneficial to the Committee in that

1 they can read it; and sometimes when  
2 you are speaking, you forget things  
3 that you wanted to emphasize. So, that  
4 might be an avenue you may want to  
5 consider.

6 Again, depending on the  
7 number of the people from the public  
8 that want to speak, the time frames can  
9 be adjusted. So, to ensure that you  
10 get to say, you know, everything or  
11 communicate everything through the  
12 Committee, you may want to consider  
13 that.

14 Also, just to give you a bit  
15 of information, this is one committee  
16 in which everything is recorded. As I  
17 mentioned earlier -- I am not sure  
18 exactly when you joined, but there will  
19 be a transcript of this so that people  
20 can go back.

21 And on the website that Bob  
22 mentioned, if you look on that website,  
23 you can go backwards for many, many

1 years and see the transcripts, the  
2 Committee meetings, the different  
3 documents that the Committee looked at  
4 and see how the Committee arrived at  
5 different policy decisions and the  
6 considerations that went into that.

7 So, you might find that  
8 beneficial to you, and it is available  
9 for you or anybody else from the  
10 public. So, we do appreciate that.

11 And with no one -- let us  
12 pause and see if anyone on the  
13 Committee has any questions for Mr.  
14 Hughes.

15 (No response).

16 MS. DAVIS: Okay. We will look  
17 forward to hearing more from you in  
18 later Committee meetings, Mr. Hughes.  
19 And, again, thank you for taking the  
20 time to participate.

21 So, we will switch back to  
22 Dr. Venohr. If you want to pick back  
23 up, we have about 20 minutes left on

1           our Zoom time and if you want to pick  
2           up with the slides or any other  
3           comments that you want to make. I  
4           think we were on Slide 13.

5           DR. VENOHR: Let's just look at  
6           Slide 17, if we can. Can we get the  
7           slides back up, or we can do it  
8           manually. Yeah, thank you, Cary.

9           So, this just shows what  
10          those schedule amounts would be. It is  
11          graphed out as an amount of combined  
12          income. So, the run -- the horizontal  
13          axis is the combined monthly income.  
14          And then the vertical is the obligation  
15          amount. So, this is before the  
16          proration. There we go. Beautiful.

17          So, the green-ish line, or  
18          turquoise line, or jade line, is  
19          existing Alabama, and BR5 is the dash  
20          blue line. As you can see, it is  
21          pretty close at low incomes. It is a  
22          little bit lower at very, very low  
23          incomes. And this is adjusted for

1 Alabama prices.

2 The dotted BR5 is the USA  
3 prices. But I would highly recommend  
4 adjusting for Alabama prices just  
5 because they are significantly lower  
6 than the national average.

7 And then you can see also  
8 Rodgers-Rothbarth, too. So, you can  
9 see also that the BR5 adjusted for  
10 Alabama prices would start to have an  
11 impact -- a higher impact at around  
12 \$14,000 a month. So, those higher  
13 incomes.

14 And then, if you look at  
15 Slide 18, you see the same impact for  
16 two children. And then the rest of the  
17 slides I don't think I want to go  
18 through unless there's questions today.  
19 These are just going into more  
20 explanations on some of the differences  
21 in the economic data. I think it is  
22 probably overkill. This is very dense  
23 information. But when you are thinking

1 about it and if you want to kind of  
2 understand what some of the differences  
3 are, there's some information there.

4 I think the most important  
5 thing to walk away with is economists  
6 are like weather forecasters. We don't  
7 come up with an exact amount. You  
8 know, there's, you know, two to three  
9 inches of snow, or another weather  
10 forecaster might come up with four to  
11 seven inches of snow.

12 And so, that is, you know,  
13 like -- I think I have said this to  
14 Alabama before, so that is why the  
15 Committee is so important. It's, what  
16 do you do with that information? You  
17 know, it is no different with a  
18 hurricane. You know, as one weather  
19 forecaster might say, it is a category  
20 four. I don't live in hurricane areas,  
21 so I am not sure if I am saying it or  
22 predict a different hurricane thing.  
23 When do you close down the city or

1           evacuate the city? For snow, where I  
2           live in a snow area, when do you close  
3           down the school?

4                        So, that is where the  
5           Committee members are important is,  
6           what do you use? You know, each of  
7           these measurements has their strengths  
8           and weaknesses. But to be honest, as  
9           an economist, as I review these with  
10          you today, I even like BR5 more just  
11          because it is more recent. It is the  
12          most current, and that is what you are  
13          on right now. But I think because  
14          these other estimates are there to do  
15          due diligence, I think we have to look  
16          at them.

17                       And I don't think any -- and  
18          I will certainly write down their  
19          strengths and send you that memo. But  
20          none of them emerges from where I sit  
21          as being superior to the BR5 adjusted  
22          for Alabama prices.

23                       So, this is a good slide. I

1 am glad you paused on this one. Since  
2 Alabama adjusted their Schedule -- or  
3 adopted their Schedule -- sorry, I had  
4 a bad case of food poisoning yesterday.  
5 I am eating at home. I ate some salsa  
6 that was in my refrigerator too long  
7 yesterday, and I was up all night. So,  
8 I apologize. I am a little off here.

9 So, there has been some  
10 changes in the underlying assumptions,  
11 and it is mostly from that Consumer  
12 Expenditure Survey. What's happened  
13 since the BR3 was released is, during  
14 BR4, the Consumer Expenditure Survey  
15 improved how they were collecting  
16 income information, and, again, that  
17 made some changes at the low end in  
18 particular just because what they were  
19 noticing was that low-income folks were  
20 spending more than their income. And  
21 they wanted to know, was that really  
22 so?

23 And so, they spent some time

1           improving how they measured income, and  
2           it did affect some of those low-income  
3           estimates at the lower end. What they  
4           found was some of those people that  
5           were -- they thought were low income  
6           were actually a higher income.

7                        So, it changed the  
8           measurements just because we had a  
9           different pool in that. When we  
10          measure these child-rearing costs, we  
11          do it for different income levels.

12                       And then the other thing that  
13          changed was in the earlier estimates --  
14          you can't really see this on the slide.  
15          For those first two studies of  
16          child-rearing costs, or first three --  
17          this one doesn't have BR5 on it yet --  
18          is we use this measure called  
19          "expenditures," and that tracks closely  
20          to the way we measure GDP in our  
21          country. And the way we measure GDP in  
22          our country is that we treat housing as  
23          an investment because it is a building.

1           It is going to be there. And what that  
2           meant was that, in the old studies of  
3           child-rearing costs, we would only  
4           include payment on the mortgage  
5           interest in our measurements of  
6           child-rearing costs.

7                         Now, we have switched to  
8           expenditure outlays. And what that  
9           means is that we look at how much  
10          people spend month to month.

11                        So, we are looking at their  
12          outlays in a month, and that would mean  
13          that it would include principal  
14          payments and mortgage interests,  
15          HELOCs, so interest on second  
16          mortgages. They buy a boat in the  
17          period that they are being surveyed,  
18          and they do it by installment payments.  
19          The expenditure outlays only gets the  
20          installment payment. It doesn't get  
21          the \$50,000 boat included in there. In  
22          the old method, it would include the  
23          \$50,000 boat.

1                   So, this is a good shift, I  
2                   think, for the measurements of  
3                   child-rearing expenditures, because  
4                   this is a way that families actually  
5                   spend. What it did do was it caused  
6                   some changes at the higher income. You  
7                   will see that the higher incomes spend  
8                   slightly more. Those are the folks  
9                   that are more likely to be leveraged  
10                  that have outlays.

11                  So, that's one thing that you  
12                  will see when you look at these  
13                  clusters is that, at the higher  
14                  incomes, the BR4 is more. And we still  
15                  see that trend with the BR5, and we  
16                  actually see it even more so with the  
17                  BR5 because of that improvement in  
18                  their tax exempt -- the way they  
19                  measure taxes.

20                  So, the only other slide I  
21                  just would want to show is the very  
22                  last one, Slide 24.

23                  So, we are going to -- for

1 next time, we are going to look at more  
2 information about the assumptions and  
3 data underlying the schedules. And if  
4 you have any comments in advance of  
5 particular areas that you want to think  
6 about it more, you know, using that  
7 slide on Slide 6, if could send them to  
8 Penny or Bob and send them to me,  
9 because there is just so many  
10 directions we can go.

11 So, if you have some  
12 questions, we greatly appreciate it for  
13 the next time just to narrow it down to  
14 what you want to do with that Schedule.

15 As I mentioned, BR5 is new.  
16 So, we are still looking to understand  
17 why we see some of the differences that  
18 we do. We will report some of that  
19 back in September. We will do some  
20 comparisons to neighboring states. And  
21 it looks like we are on track for  
22 obtaining the case file data and  
23 analyzing it, and that should be really

1           informative for particularly the low  
2           income adjustment. And it might be  
3           informative with the high income.

4                     Right now, the schedule goes  
5           up to \$20,000 a month in combined  
6           income. If we find a lot of families  
7           have incomes higher than that, that  
8           might be a message for the Committee to  
9           take into consideration that the  
10          schedule needs to be expanded to higher  
11          incomes.

12                    MS. DAVIS: What would be the  
13          common amount in high income that  
14          states now use? Is there --

15                    DR. VENOHR: About \$30,000. And  
16          it looks like, based on what I have  
17          seen so far with the BR5, when you take  
18          it up to \$35,000 combined gross a  
19          month. And you might not need to, but  
20          why not? If the economic data are  
21          viable and robust for that, why not use  
22          it?

23                    MS. DAVIS: There is no downside

1 for going up that I see. Is there one  
2 that you are aware of?

3 DR. VENOHR: No. I mean, the only  
4 pushback I have ever had was from  
5 private attorneys that wanted to  
6 negotiate it.

7 MS. DAVIS: Okay. All right.  
8 Let's go back to our Committee so I can  
9 see everybody.

10 Does anybody have additional  
11 questions? I know there are a lot of  
12 questions maybe running around in our  
13 minds, but one that you want to  
14 articulate at this point?

15 (No response).

16 DR. VENOHR: Penny, are you okay  
17 with them giving you questions between  
18 now and the meeting?

19 MS. DAVIS: Yes. We will -- if  
20 you would, just copy Bob and I on any  
21 questions that you have regarding this  
22 presentation or just the Rule 32  
23 Guidelines in general, that we would

1 forward those to Jane. And, certainly,  
2 if you have any thoughts about which  
3 study you want to -- us to follow up or  
4 continue on and basically upgrade to  
5 the BR5 from the BR3, that is a fairly  
6 straightforward question, I think.  
7 Also, the upper levels going up to the  
8 35 percent -- \$35,000 that's where the  
9 economic data is available. And so,  
10 some basic questions like that. If you  
11 want to give us feedback, we appreciate  
12 that.

13 DR. VENOHR: You know, Penny, I  
14 have the different timesharing formulas  
15 program, the cross-credit and the  
16 Oregon and a few more. I would be  
17 happy to put that on top of a Schedule  
18 for Alabama. It is a lot to digest.  
19 If you want to -- if the Committee  
20 wants to explore timesharing  
21 adjustments, I would say that you  
22 probably need me for at least two to  
23 three more meetings. I would say

1 another meeting for the Schedule, maybe  
2 half a meeting, and the low-income  
3 adjustment is half a meeting, and the  
4 shared parenting is half a meeting.

5 MS. DAVIS: Okay.

6 DR. VENOHR: So, we can play with  
7 that. I don't know what your agenda  
8 is. But...

9 MS. DAVIS: I guess I want to  
10 bring Jennifer Bush in on that cycle.  
11 I think there is a -- where we were  
12 delayed in getting started with our  
13 Guideline Schedule updating.

14 So, Jennifer, do you have any  
15 thoughts about we want to focus on that  
16 first, and then after we develop that  
17 with some confidence, then move forward  
18 with the overlay related to shared  
19 parenting?

20 MS. BUSH: That sounds like a good  
21 idea.

22 MS. DAVIS: Okay. So, I think  
23 with regard to our next meeting, let's

1 focus on the -- the schedules first  
2 without the shared custody, so that  
3 maybe, we do have a number of new  
4 Committee members that, I think, maybe  
5 can just absorb that amount of  
6 information and, again, maybe focus on  
7 that first. But I think the Committee  
8 has looked a little bit at the shared  
9 custody for a number of years, not  
10 really the formula for that many years,  
11 but at some of it. But I would like to  
12 circle back with that maybe after we  
13 look at the -- make decisions that you  
14 need us to make regarding the schedules  
15 first.

16 We had looked tentatively at  
17 the September 17th, which is a  
18 Thursday. Again, we will anticipate it  
19 will be a Zoom meeting which  
20 certainly --

21 MR. MADDOX: I just found out that  
22 as of today it's not available, but  
23 they may spur on us.

1 MS. DAVIS: Okay. I still think  
2 that in light of everything, we will  
3 anticipate using the Zoom meeting which  
4 certainly makes it an accessible  
5 meeting for Dr. Venohr, which is an  
6 integral part.

7 We've also had a great deal  
8 of participation of Committee members  
9 via Zoom. While there are some  
10 drawbacks, I think for the most part,  
11 it has been successful. So, let's  
12 anticipate the next meeting being a  
13 Zoom meeting, September 17th, Thursday,  
14 the same time frame that we have used  
15 before which is the 10:00 to 12:30.

16 MR. MADDOX: Central time.

17 MS. DAVIS: Central time. Thank  
18 you, Bob.

19 So, if everyone would put  
20 that on your calendars, then we will  
21 plan on that.

22 So, we have about five  
23 minutes left if anyone has a question

1 for Dr. Venohr. Again, we appreciate  
2 Dr. Venohr joining us. And we  
3 especially appreciate it in light of  
4 your stomach issues that you had. So,  
5 we are glad you are doing much better  
6 than you were last night.

7 Any questions for Dr. Venohr  
8 from Committee members?

9 (No response).

10 MS. DAVIS: Any other Committee  
11 business before we adjourn?

12 (No response).

13 MS. DAVIS: Again, thank you each  
14 for participating, and so, we are  
15 adjourned.

16  
17 (Conclusion of Advisory  
18 Committee Meeting at 12:25  
19 p.m.)  
20  
21  
22  
23

## 1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MONTGOMERY COUNTY,

4 I, Kim Faucette, Certified Court Reporter and  
5 Commissioner for the State of Alabama at Large, do  
6 certify that I reported the proceedings in the  
7 matter of:

8 BEFORE THE STATE OF ALABAMA

9 ADVISORY COMMITTEE ON CHILD SUPPORT

10 GUIDELINES AND ENFORCEMENT

11 \* \* \* \* \*

12 On Thursday, August 6th, 2020.

13 The foregoing 141 computer-printed pages  
14 contain a true and correct transcript of the  
15 statements by counsel.

16 I further certify that I am neither of  
17 relative, employee, attorney or counsel of any of  
18 the parties, nor am I a relative or employee of  
19 such attorney or counsel, nor am I financially  
20 interested in the results thereof. All rates  
21 charged are usual and customary.

22 I further certify that I am duly licensed  
23 by the Alabama Board of Court Reporting as a

1 Certified Court Reporter as evidenced by the ACCR  
2 number following my name found below.

3 This 12th day of September, in the year  
4 of our Lord, 2020.

5

6

7

8

*/S/Kim Faucette*

Kim Faucette, CCR  
ACCR NO. 309 Exp 9/30/20  
Certified Court Reporter and  
Notary Public  
Commission expires: 1/19/2022

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