

MEETING OF THE ADVISORY COMMITTEE
ON CHILD SUPPORT GUIDELINES AND ENFORCEMENT
FOR THE STATE OF ALABAMA
THURSDAY, SEPTEMBER 17, 2020
10:00 A.M.

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**THE ADVISORY COMMITTEE ON CHILD SUPPORT
GUIDELINES AND ENFORCEMENT MEETING** was held before
Jeana S. Boggs, Certified Court Reporter and
Commissioner for the State of Alabama at Large, via
Zoom videoconference, Montgomery, Alabama,
commencing at 10:11 A.M., Thursday, September 17,
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 Honorable Terry Moore
13 Judge, Alabama Court of Civil Appeals
14 Montgomery, Alabama

15 THE HONORABLE DON MCMILLAN
16 Circuit Judge
17 4th Judicial Circuit
18 Marion, Alabama

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

23 THE HONORABLE JULIE PALMER
Private Practice Attorney and
Part-time Referee, Shelby County
Hoover, Alabama

KATIE STEINWINDER, Esquire
Private Practice Attorney
Montgomery, Alabama

MS. LATHESIA MCCLENNEY
Director
Child Support Enforcement Division
Alabama Department of Human Resources
Montgomery, Alabama

1 GREG STARKEY, Esquire
2 Private Practice Attorney
3 Birmingham, Alabama

4 PROFESSOR BRIAN GRAY
5 Associate Dean
6 Culverhouse College of Commerce
7 The University of Alabama
8 Tuscaloosa, Alabama

9 STEPHANIE BLACKBURN, Esquire
10 Legal Services Alabama
11 Montgomery, Alabama

12 STEPHEN ARNOLD, Esquire
13 Private Practice Attorney
14 Birmingham, Alabama

15 MELODY BALDWIN, Esquire
16 District Attorney's Office
17 Child Support Division
18 Dadeville, Alabama

19 RACHEL KING, Esquire
20 Private Practice Attorney
21 Birmingham, Alabama

22 THE HONORABLE KAREN DUNN BURKS
23 Deputy Clerk, Jefferson County
Bessemer Division
Bessemer, Alabama

OTHER APPEARANCES:

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

THE HONORABLE JULIA J. WELLER
Clerk, Supreme Court of Alabama
Montgomery, Alabama

BOB MADDIX, Esquire
Staff Attorney, Legal Division
Alabama Administrative Office of Courts
Montgomery, Alabama

1 NATHAN WILSON, Esquire
2 Senior Staff Attorney
3 The Honorable Sarah Stewart, Associate
4 Justice, Supreme Court of Alabama
5 Montgomery, Alabama

6 APPEARANCES FOR THE PUBLIC:

7 KENNETH PASCHAL

8 JEREMY BRUECKNER

1 MS. DAVIS: Thank you. First, I
2 want to thank Bob Maddox. He has had to
3 pull the heavy load today learning the
4 process of Zooming as a host. And so, he's
5 done a great job, and I certainly wanted to
6 recognize that, and I appreciate that. And
7 I appreciate everyone being patient as we
8 sort of all learn this process.

9 First, let me introduce you to
10 Jeana Boggs. Jeana, if you want to wave.
11 She is our Court Reporter. We appreciate
12 her serving in that capacity.

13 And I would like to remind you
14 that it would certainly help her if each
15 one would identify yourself if you speak.
16 At times, we may have something on the
17 screen.

18 So, all the little pictures may
19 not show up with the names. And I would
20 encourage Jeana to stop us at any point
21 during the meeting if we fail to identify
22 ourselves. And I've already said that
23 would probably be me first. But if she

1 has any problems in identifying us, then
2 we need to do that. And, of course,
3 that's one reason as people come on, if
4 they come on with iPhones or something
5 else, then we ask you to identify who you
6 are so that our Reporter can identify you
7 for the transcript.

8 Let me also mention that, as you
9 come on, you were noted that you were
10 muted, and the -- unmute yourself as you
11 speak. The public -- the Committee will
12 be able to unmute themselves during the
13 Committee portion of the meeting, and
14 then at noon or right around noon when we
15 begin the public portion, then the public
16 will be able to unmute themselves.

17 If you have to make a point and
18 need to speak, if you would, just wave.
19 And some of you may have the physical
20 capability of using the little hand where
21 you wave your hand, feel free to use that
22 too, and we will try to watch that. I
23 will also try to watch my other computer

1 that's got the email. So, if you can't
2 get in by waving or using your hand or
3 chatting, if you want to use an email,
4 then we will try to do it that way.

5 So, at this point, I would like
6 ask Bob to call the roll first with the
7 Committee, if you would do that, Bob,
8 first.

9 MR. MADDUX: All right. We are
10 going to do this to save time. I will just
11 read your name off and then just raise your
12 hand, once I read your name off, just so we
13 have it for the record. First of all, I
14 will name all the Committee members.
15 Obviously, Penny Davis is on as the chair.
16 You just heard from her.

17 Melody Baldwin? Stephanie
18 Blackburn? Rachel King? Amanda Cox?
19 Judge McMillan? Stephen Arnold? Judge
20 Julie Palmer? Brian Gray, Professor
21 Brian Gray? Greg Starkey?

22 MR. STARKEY: I'm here.

23 MR. MADDUX: Lathesia McClenney.

1 Say "here" since you are not on the video.
2 She is showing. Okay. Jennifer Bush.

3 MS. BUSH: Here.

4 MR. MADDOX: Karen Dunn Burks.

5 HON. DUNN BURKS: Here.

6 MR. MADDOX: Also, for the record,
7 we have, of course, our Court Reporter
8 Jeana Boggs. Thank you, Jeana, for
9 agreeing to report today.

10 Brad Medaris from the Supreme
11 Court Clerk's Office. He does a great
12 job helping us out with the Committee.

13 We have got Honorable Julia
14 Weller. She's the Clerk of the Supreme
15 Court of Alabama on with us. Thanks for
16 being on.

17 We have Nathan Wilson, Senior
18 Staff Attorney for Justice Sarah Stewart,
19 who is the Supreme Court Justice liaison
20 for the Committee. He is on today.

21 And I see, as the members of the
22 public who have joined today, Mr. Kenneth
23 Paschal.

1 Mr. Paschal, could you tell me
2 real quick whether or not you want to
3 make some comments at the end so we will
4 have a record of that.

5 MR. PASCHAL: Yes, I have just one
6 question at the end.

7 MR. MADDOX: Okay. We will let
8 you have some time for that.

9 And Jeremy -- is it Brueckner?
10 Would you like time to speak at the end,
11 Mr. Brueckner? I hope I am pronouncing
12 that correctly. Can you unmute yourself.
13 There you go.

14 MR. BRUECKNER: Sorry about that.
15 Yes. Jeremy Brueckner.

16 MR. MADDOX: Okay.

17 MR. BRUECKNER: I would like to
18 say a word at the end.

19 MR. MADDOX: All right. We will
20 have enough time for you to make some
21 comments. Thank you, sir.

22 MR. BRUECKNER: Thank you.

23 MS. KING: And I don't mean to

1 interrupt. This is Committee Member Rachel
2 King. I have had some audio issues, but I
3 am here, and I don't know if you called me
4 or not.

5 MR. MADDOX: I did. Thank you,
6 Rachel.

7 MS. KING: Thank you.

8 MR. MADDOX: All right. Did I
9 miss anyone? I think I have called
10 everyone out that I see on my screen at
11 least. Did I miss anyone?

12 (No response).

13 MR. MADDOX: All right. I am
14 going to call these other members of the
15 public's names who had registered just to
16 make sure they are not on the line -- or on
17 the screen. Carrie Bilyou? Carrie?

18 (No response).

19 MR. MADDOX: Kenny Yarbrough?

20 (No response).

21 MR. MADDOX: Seth Wright?

22 (No response).

23 MR. MADDOX: Michael Jones?

1 (No response) .

2 MR. MADDUX: K. Hall?

3 (No response) .

4 MR. MADDUX: I didn't hear any
5 responses, so I assume they have not joined
6 yet or may not be able to because of the
7 storm yesterday. I'm not sure. That's
8 hampering a lot of people, I'm sure, today.

9 All right. I think that's it,
10 Penny.

11 MS. DAVIS: Okay. Thank you, Bob.
12 Brad, would you check and see what our
13 quorum status is? I know a couple of
14 members that couldn't join.

15 MR. MEDARIS: Yeah. It looks like
16 we have got 13 voting members here. So, we
17 are good on quorum. And I was also going
18 to note that the Supreme Court issued an
19 order -- I believe it was back in August --
20 authorizing the Committee to meet remotely
21 via Zoom for the rest of the calendar year.
22 So, I just wanted to put that on the
23 record.

1 MS. DAVIS: Thank you, Brad. I
2 appreciate that.

3 Bob, would you like to speak to
4 the media aspect of it? You or Cary?

5 MR. MADDOX: Yes. Like we have in
6 the past meetings, we sent notice of
7 today's web meeting to all the media
8 outlets statewide via email. Actually
9 Scott Hoyem, our Public Information Officer
10 here at the Administrative Office of
11 Courts, sent it by email dated August 26th.
12 And it provided in the media notice that
13 the public may be able to provide written
14 comments via U.S. Mail postmarked no later
15 than Friday, September 11. The Supreme
16 Court Clerk's Office, Brad, I understand we
17 did not receive any written comments; is
18 that correct?

19 MR. MEDARIS: That is correct.

20 MR. MADDOX: Great. And also as
21 we have stated in the previous media
22 notices, we allow the public to submit an
23 email no later than 5:00 p.m. Central Time,

1 on Tuesday, September 15th, for them to be
2 on the Zoom meetings. So, those were
3 provided in the media notice that went out
4 on August 26th.

5 MS. DAVIS: Okay, Bob. Thank you
6 very much. We appreciate that. And we do
7 encourage the public to try to use the
8 opportunity to present in writing.
9 Sometimes we don't have a lot of time to
10 present orally, but we do, as Committee
11 members, we really value the public input.

12 So, we like to receive
13 information. And, particularly, if we
14 receive it ahead of time, then that would
15 give us time to think about it and
16 perhaps have some questions that we can
17 follow up with the person who submitted
18 the comments.

19 The next thing on our agenda is
20 the approval of the transcript from the
21 prior meeting on August 6th, 2020. Does
22 anyone have any corrections or changes?
23 That was sent out a little late. Has

1 everybody received that yet, Julie?

2 HON. PALMER: I received it, and I
3 have got two corrections.

4 MS. DAVIS: Okay.

5 HON. PALMER: It's on page 20. I
6 apologize. I didn't write down what line.
7 You referred to Steve Wright as Judge
8 Wright. I don't remember that. Maybe you
9 did.

10 MS. DAVIS: I don't remember that
11 either. So...

12 HON. PALMER: I mean, that's just
13 a little thing.

14 MS. DAVIS: Right.

15 HON. PALMER: Then he spells his
16 name S-T-E-P-H-E-N. And in the transcript,
17 it's S-T-E-V-E-N. And, again, another
18 small thing. But to honor him, I'm just
19 going to be sure that's correct.

20 MS. DAVIS: Thank you, Judge. I
21 appreciate that.

22 MR. MADDUX: Judge Palmer, is the
23 second correction on the same page, page

1 20?

2 HON. PALMER: Yes, sir.

3 MR. MADDOX: Great.

4 MS. DAVIS: Anybody else have
5 other corrections that you see needs to be
6 made?

7 (No response) .

8 MS. DAVIS: If not, could I hear a
9 motion or see a person that we can identify
10 to wave to make a motion to approve?

11 (Ms. Blackburn waving hand) .

12 MS. DAVIS: Stephanie Blackburn.
13 Thank you. I see you have waved your hand
14 as a motion to approve.

15 Can we see a second hand to
16 serve as a second?

17 (Ms. King waving hand) .

18 MS. DAVIS: Rachel King. Thank
19 you for seconding that.

20 Now, all in favor, if you would,
21 raise your hands.

22 (Committee members raising
23 hands) .

1 MS. DAVIS: Thank you. Anyone
2 oppose, would you also raise your hand.

3 (No response).

4 MS. DAVIS: The motion passes. I
5 saw no one negatively.

6 At this time, unless -- let me
7 ask first. Is there anyone that has any
8 other housekeeping business that we need
9 to attend to before we begin the
10 substantive part of our meeting?

11 (No response).

12 MS. DAVIS: Okay.

13 MR. MEDARIS: Penny, I did have
14 one thing that I think that needs to be on
15 the record.

16 MS. DAVIS: Okay, Brad.

17 MR. MEDARIS: We received the last
18 document from Dr. Venohr early this morning
19 and emailed it out to everybody. It may
20 not be on the Child Support website yet, so
21 the public may not have seen it. But my
22 understanding is he is working on getting
23 that up there. So, it will be available

1 for all to see.

2 MS. DAVIS: Yes. Thank you, Brad.
3 I had intended to mention that, so I
4 appreciate your bringing that to everyone's
5 attention.

6 And some of you that are on the
7 Committee may or may not have looked at
8 your emails to see that, but you have
9 received a copy of it. It's rather
10 lengthy, so you obviously won't have time
11 to review all of it.

12 But fortunately we have Dr.
13 Venohr with us, Jane Venohr, and she is
14 the economist research associate there
15 with the Center of Public Research in
16 Denver, Colorado. And we appreciate her
17 joining us via Zoom.

18 So, I will now turn over the
19 meeting to you, Jane. But before I do,
20 let me ask you, if you would, do you
21 prefer people if they have questions ask
22 the questions or wave their hands to get
23 attention during your presentation, or

1 would you prefer that people hold their
2 questions to the end?

3 DR. VENOHR: You know, what I
4 would like to do is I'll pause. What I'm
5 going to do is walk through the materials,
6 and I will pause now and then just to see
7 if there's questions because there's some
8 natural breaking points.

9 MS. DAVIS: Okay. All right. Dr.
10 Venohr, the podium is yours, so to speak.

11 DR. VENOHR: Well, thank you so
12 much.

13 So, what I am going to do is
14 that there are two documents that were
15 posted on the Alabama Court website, and
16 I am going to walk through them to
17 explain how they are relevant to the
18 Child Support Guidelines review.

19 Can everybody hear me okay?
20 Sometimes I use my phone, but I am using
21 my computer today. I am going to look to
22 make sure we are -- the volume is good.
23 Okay. I don't see any concerns.

1 So, what I am going to do is,
2 the two documents that were posted was
3 this three-page infographic that has a
4 lot of graphs and charts on it. I am
5 going to walk through that one first.
6 And the second one is more of a report on
7 the economic data that the Executive
8 Summary was posted, but I failed to
9 provide the whole report. Just one of
10 those weaknesses when you are printing
11 with PDF. So, that was what was emailed
12 earlier.

13 But this is the one that was on
14 the website, so the general public, you
15 should be able to find it, too, right
16 now.

17 And what this is, is it's the
18 findings of analysis of case file data
19 and labor market data. And that first
20 row explains that this is a federal
21 requirement that states as part of their
22 guidelines review are supposed to review
23 on the application on deviation from the

1 Child Support Guidelines. And then the
2 intent is to keep guideline deviations at
3 a minimum. And when we scroll down
4 later, you will see that Alabama's
5 deviation rate is in line with other
6 states.

7 The other concerns of the
8 federal government -- and these are new
9 ones -- is that they want states to look
10 at the rates of default, income
11 imputation, and application of the
12 low-income adjustment, and that
13 complements what the Alabama -- this
14 Committee has already addressed, that now
15 states are required to have a
16 self-support reserve adjustment for low
17 income. Alabama was ahead of the game
18 and was already fulfilling that federal
19 requirement.

20 But beginning in 2016, the
21 federal government says states must do
22 something like that, and states have
23 until -- the wording is a little

1 awkward -- it said the year after the
2 next review. So, Alabama is ahead of the
3 game.

4 The other things that the
5 federal government wanted states to do
6 that were new rules beginning in 2016 and
7 then applicable to the state a year
8 after next review commencing after
9 December 2016 and then after that review
10 a year after that, so Alabama is on top
11 of that -- is to have provisions for
12 income imputations so that it's more
13 nuanced that they consider the individual
14 circumstances of the parent when imputing
15 income, which I understand the Committee
16 has already addressed. And incarceration
17 is not considered to be involuntary
18 unemployment. And I understand that you
19 have already addressed that.

20 So, some of these things that
21 we are looking at in the case file data
22 complements this. And as you get to the
23 cases selected for analysis, I want to

1 thank the ALECS team at the agency, the
2 child support agency. I mean, they
3 worked miracles getting us this data.
4 It's very difficult to pull this data
5 because it's used to track child support
6 payments. It's used in child support
7 actions. It's not used for -- to
8 research. So, it's not in total
9 alignment, but I am sure over time
10 Alabama and most states will modify some
11 of those fields to make it easier to meet
12 these federal requirements for the Child
13 Support Guidelines.

14 So, what we selected was, we
15 asked them to select all new and modified
16 orders that took in effect between -- in
17 the calendar year 2018. And so, we went
18 back a year because we have to analyze
19 payment data, too, as part of this
20 federal requirement. And so, we wanted
21 to look at payment data in 2019.

22 So, when we do the analysis, we
23 limit it to those that still have open

1 orders because obviously, you know, if we
2 don't have the open orders, it's going to
3 skew our payment behavior in 2019.

4 And with this said, we
5 recognize that not everybody in the State
6 of Alabama with the child support order
7 is on the ALECS system, but this is the
8 best source of the data that we can get.
9 We can't -- I would guestimate that half
10 of the orders in Alabama are not on the
11 system, and they are privately paid. And
12 obviously we would never be able to get
13 that information without, you know, a
14 huge consent process because, you know,
15 there are some privacy issues.

16 And I will say that, when we
17 get this data, it's stripped of all
18 personal identifiers, so we have no idea.
19 We can't attribute it to anybody. And
20 when we record it, we aggregate the
21 numbers.

22 So, there is no way that any of
23 this information on ALECS violates any

1 confidentiality issues. And there are
2 federal regulations that permit the use
3 of child support data from an automated
4 system for research purposes. And the
5 Agency also double-checked all of that.

6 So, attached to ALECS is a
7 guidelines calculator, but it is not
8 always used. And so, that last cluster
9 in the second bullet, it says that we are
10 only able to attain guidelines
11 information for 2,000 -- a little over
12 2,000 cases. And that's where we get
13 information about the income that was
14 used in the guidelines calculation.

15 The only other source of income
16 that we know of on the automated system,
17 at least in most states, is there are
18 some matching with quarterly wage data.
19 So, we were also able to get that and
20 analyze that to a certain extent.

21 So, a basic thing in the third
22 column, if you see that first circle,
23 that first pie diagram, is out of that

1 8,333 orders, 92% were one child, which
2 is a little high. We are not sure what
3 the reason is in Alabama. We asked some
4 questions. Sometimes if there's some
5 modifications for children that are
6 emancipating -- Massachusetts, they will
7 order two orders, one for one kid and one
8 for the second kid. In most states, it's
9 closer to 60% or 70%.

10 I am going to pause there just
11 to see if there's any comments on with
12 that 92% is any idea why we are a little
13 bit higher than most states than Alabama.

14 Anybody want to comment on
15 that?

16 (No response).

17 DR. VENOHR: I don't hear any
18 comments, but you are certainly welcome to
19 make some later. But the important context
20 of this is, when we start talking about the
21 schedule update is, you probably don't want
22 to concentrate on six children when you are
23 pulling out case examples and trying to

1 understand the impact, because there are
2 few cases with six children, and you mainly
3 want to focus on one and two children.

4 And then the other cluster, the
5 other pie chart next to the
6 characteristic, is the receiving parent's
7 relationship to the children. So, 82%
8 are mothers, 6% are fathers, and then
9 rest are foster care and non-parent
10 caretaker/relatives. And this is going
11 to be really important when we talk about
12 minimum orders and the low-income
13 adjustment.

14 And it looks like in Alabama
15 that -- and a lot of states do this -- is
16 that they are ordering support when the
17 child is removed from the home. You
18 know, sometimes a child might be removed
19 from the mother's home or the father's
20 home. The parent that had custody, you
21 know, for some sort of abuse and neglect
22 reason, usually it's economic hardship is
23 what the national data tells us. And

1 then the child support order will be
2 issued against that parent.

3 And sometimes some states, what
4 they do is, if the plan, the permanency
5 plan, is to reunite that primary
6 custodial parent with the child, they
7 might give that parent a break on the
8 order. And it looks like that is
9 happening to a certain degree in Alabama.
10 We have not analyzed it all fully yet.
11 But that's one thing to think about as
12 far as whether you want to develop a
13 guideline provision to create greater
14 consistency when that's the case or, you
15 know, if you want to address that
16 differently.

17 So, that's one of the reasons I
18 just want to highlight that. It is not
19 an overwhelming percentage of the cases.
20 It's foster care is 3% and 12% for the
21 non-parent caretaker. And not all of
22 those are child protective service cases
23 where, you know, it might -- on that, the

1 plan is to reunite the child. It could
2 be that it truly is that grandma now is
3 the major custodial parent of the child.

4 So, when I talk about that
5 subset, it's probably even a much smaller
6 proportion of those cases, but still we
7 did notice some things that are happening
8 there that you might want to consider in
9 your guidelines provision, particularly
10 when you talk about updating your
11 low-income adjustment, which I will talk
12 about more later.

13 So, that second to the last
14 cluster on the first page is the
15 deviations. It's 9%, which is about in
16 line with other states. So, that's not a
17 concern.

18 With regard to the
19 incarcerated, we were able to get some
20 data from ALECS. It's not perfect. It
21 probably understates it. Most states
22 only do periodic matches with their
23 incarcerated data, or they, you know,

1 are a data field that the case workers
2 populate it. But we found that 45% of
3 orders involve the party who had been
4 arrested, and that just underscores, when
5 you are imputing income, how important it
6 is to consider the individual
7 circumstances of the obligated parent as
8 federally required. And, of course,
9 arrest records and history of
10 incarceration affect employment
11 opportunities.

12 So, you know, Alabama's swift
13 adoption of that to meet the federal reg
14 is -- underscores the importance of that
15 by this data.

16 The 3% of orders involve a
17 party who was ever incarcerated that --
18 and other states we're usually seeing
19 about 7% or 8%, and that just might be an
20 issue with the data match or the field
21 isn't being populated as much. But it is
22 still an indication that it is a real
23 issue in Alabama as it is in other

1 states.

2 So, again, it just some --
3 reconfirms that you are doing the right
4 thing by adopting the federal
5 legislation -- I mean, the federal
6 regulation to not consider incarcerated
7 parents to be voluntarily unemployed.

8 So, the next part, the second
9 page, is the income imputation, and we
10 measured it two ways: There is a data
11 field on noting income imputation on
12 ALECS. It is not that's populated.
13 There are only so many data fields in
14 automated systems that are monitored.
15 And there's a lot of -- used to be it
16 was -- and it is still is -- some of it
17 is highly federally regulated. So, what
18 we find in every state is those that are
19 highly federally monitored, those are the
20 ones that are more likely to be
21 populated.

22 So, we don't think this was
23 totally populated. So, we also consider

1 the incomes and the guidelines
2 calculations. So, that's going to be
3 limited to those 2,000 or so cases where
4 we had guidelines calculations. And
5 specifically we look for those that have
6 full-time minimum wage earnings. And,
7 again, they might be really employed at
8 full-time minimum wage or income is
9 imputed, but what we are trying to do is
10 to get some sort of measurement of income
11 imputation. And, obviously, you know,
12 income is going to be imputed less now
13 that Alabama is adopting the new federal
14 provisions to consider the individual
15 circumstances of the parent when imputing
16 income.

17 So, based on ALECS, the income
18 imputation rate was 5% for both mothers
19 and fathers. And that's pretty low
20 compared to other states. We are finding
21 percentages more to 20% to 50%. So --
22 and then when it was noted, it was
23 usually imputed at minimum wage. So, 88%

1 of fathers and 89% of mothers had income
2 imputed that minimum wage.

3 Now, when we looked at the
4 recorded guidelines calculations on
5 ALECS -- and keep in mind that this isn't
6 going to be representative of the state
7 because we are only getting those that
8 are in on ALECS and then we are only
9 getting those with guidelines
10 calculations. So, we are thinking that
11 this is probably over-representative of
12 the percent that have minimum wage
13 income.

14 And what we use are income
15 ranges because we don't have a field on
16 the guidelines calculator that shows
17 whether income has been imputed. And so,
18 we use income of \$1,160 to \$1,260 just
19 because sometimes decision-makers or
20 judges might round. The \$1,160 is the
21 \$7.25 an hour which is the full-time -- I
22 mean, federal minimum wage that is
23 applicable in Alabama -- times 40 hours a

1 week, times four weeks. And then \$1,260
2 would be, if we took 4.33 weeks and 40
3 hours a week and then -- which is
4 actually \$1,256.67 a month, and we
5 rounded it up.

6 So, when we do that, nearly a
7 third of fathers have income equivalent
8 to full-time minimum wage, and we haven't
9 converted this to obligated parents and
10 obligated mothers yet. We are still --
11 We are just using it from the worksheet.
12 It's been a lot of work to merge the 22
13 files that we have gotten from ALECS.

14 So -- and then with mothers, we
15 find that 40% of mothers have income
16 equivalent to that full-time minimum
17 wage. And when we limited it to \$1,256
18 to \$1,257, which is really the pure
19 definition, it's more like 4%.

20 So, this suggests that there is
21 some -- probably some considerable income
22 imputation going on, and that might
23 change once Alabama starts using that new

1 provision. So, when we look at the
2 quarterly wage data, which is the second
3 to the last bullet, 20% of those had
4 quarterly wage data. And that isn't
5 surprising a small proportion have it,
6 and that's why income was imputed was
7 because they didn't have a history of
8 wages, and so they had to input income.

9 But when we looked at the
10 wages, it was actually \$895 a month on
11 average, and that could be that they only
12 worked part-time, that they lost their
13 job. They might have become -- their car
14 might have broken down. They had an
15 accident, hurt their back and didn't have
16 insurance. And they had to -- something
17 happened with child care. There's -- It
18 could have been they became incarcerated
19 or spent time in the jail for a couple of
20 weeks. It could have been that they
21 voluntarily quit. It could be that they
22 worked under the table. There's over a
23 dozen reasons why that might be lower.

1 So, with regard to the exhibit,
2 what it shows you is that the percent
3 with income imputed is 5%. It shows you
4 those where the guidelines income is
5 zero. And we did notice what did happen
6 in quite a few cases among the ones where
7 we had a guidelines calculation. The
8 last cluster shows those that had minimum
9 wage.

10 So, the other thing that the
11 federal regulation requires is the
12 consideration of labor market data, and
13 that's the last cluster there. Okay. It
14 came up on the next page for you. And it
15 requires the consideration of the
16 unemployment rate. And this obviously
17 affects income imputation, too. This is
18 one of the factors that the feds want
19 states to consider is: What are the job
20 opportunities in the area? And obviously
21 it looks a lot different due to COVID
22 pandemic.

23 But Alabama still has an

1 official unemployment rate that's
2 slightly lower than the national. A year
3 ago where this type of data we had to
4 pull July even though August is now
5 available. But Alabama's unemployment
6 rate was 3.3%, where nationally it was
7 3.7%. And now nationally it's closer to
8 10%, and Alabama is closer to 8%. And,
9 of course, that's statewide. There are
10 pockets of Alabama that's much higher.
11 It's in double digits, particularly on
12 the coast. The two industries that were
13 really hard hit by the pandemic has been
14 the restaurant, retail, as well as the
15 hospitality. So, obviously, that's
16 really affected the Alabama coast.

17 Another thing that the federal
18 requirement says is to look at how many
19 of those -- what's the average hours
20 worked because, you know, as I mentioned
21 earlier, we are looking at imputing at 40
22 hours a week. And if you look at the
23 Alabama Department of Labor, they

1 actually have great data on their site.
2 As of July 2020, all private sector
3 employees in Alabama were working 35.7
4 hours on average. So, that speaks to
5 maybe there shouldn't be the income
6 imputation of 40 hours a week.

7 Some states are suggesting that
8 courts might want to use less and to
9 consider the typical hours for an
10 industry. For instance, in leisure and
11 hospitality in Alabama in July 2020, the
12 average hours were 27.3, so that would
13 suggest income imputation maybe at 27.3
14 hours.

15 South Dakota was a state that
16 used to use 40 hours for their income
17 imputation when, as a last resort, once
18 they examined everything that they could
19 about the parents' earnings, is his or
20 her ability to earn, his or her
21 experience. They would impute -- They
22 would have a presumption of a 40-hour,
23 minimum-wage employment, and they went

1 down to 37 hours -- I think it was 37, it
2 might have been 37-and-a-half -- as
3 their -- under other last resort
4 presumptives. So, again, that is
5 something that, you know, you might want
6 to consider.

7 I also pulled the median wage
8 of food preparation workers, because
9 that's a job that usually requires low
10 skills, and there's a lot of openings
11 usually. And I do that just to see if
12 it's above -- how close it is to the
13 minimum wage. And that tells me -- I am
14 an economist. It tells me how effective
15 that minimum wage is. If it's much
16 higher, if it's \$10 or \$12 or even in
17 Alabama's case, \$9.23, that minimum wage
18 is ineffective. That means that it's not
19 a cap -- I mean, it's not a floor, that
20 people are not -- employers are not
21 hiring people at \$7.25. And what that
22 means is that, if judges are imputing
23 above minimum wage, it probably makes

1 sense because there are jobs -- when
2 there are jobs, I mean, that unemployment
3 rate of 10% is high. But when they are,
4 it's even imputing at \$7.25 as okay.
5 Imputing at 40 hours doesn't quite match
6 the data.

7 Just to underscore that, that
8 last bullet on there says a 33% drop in
9 Alabama's leisure and hospitality
10 industry since the COVID epidemic --
11 pandemic. So, that just -- again, it
12 just reassures you that the changes you
13 made to meet the Federal requirements are
14 just.

15 So, federal regulations also
16 require the analysis of the application
17 of the low-income adjustment. And what
18 that -- just looking for something I
19 realized that didn't make it on here --
20 that the shaded area is where the
21 low-income adjustment applies now. This
22 is where the self-support reserve is.
23 And then it's gradually phased out. When

1 we took the incomes of the guidelines
2 calculations, so that's only the 2,300
3 orders -- and, again, it's a selection
4 bias -- only 5% of those orders fell into
5 the shaded area. And we think that
6 because there's a lot of income
7 imputation going on.

8 And when we looked at all
9 orders, only 1% were set at that minimum
10 order of \$50. So, that suggests that
11 there aren't a lot of minimum orders.
12 Less than 1% were set at zero. And this
13 is that statement 3% of orders set
14 between \$1 and \$50, that is where we
15 think that there were a lot of non-parent
16 caretakers. Actually we know. 73% of
17 those orders were non-parent caretakers.

18 So, as you notice on the top of
19 this, this is all preliminary analysis,
20 so we will take a deeper dive on that.
21 But what it might mean is that you might
22 want to make a recommendation about what
23 to do or provide a little bit more

1 guidance to how to set orders with their
2 non-parent caretakers.

3 I am going to just quickly
4 finish the rest of this. And is there
5 more after that? I hope. Okay.

6 And then it requires the
7 analysis of payment. So, these are the
8 orders that were greater than zero
9 because those are the ones that are going
10 to have some sort of need for payment is
11 that first cluster shows the average
12 monthly order, that first bar. The
13 second bar shows the median order. So,
14 if it's lower than the average -- if the
15 median is lower than the average, it
16 means that it's skewed to the lower end.

17 And then the third bar shows
18 the average paid in 2019 and that's
19 divided by 12. So, we took the annual
20 amount. And they don't pay every month.
21 There's not a lot of consistency in
22 payment. But you will see there's a big
23 gap between what is expected and what's

1 actually paid.

2 And then that last bar in the
3 cluster is the median amount. And,
4 again, that's lower, and so that reflects
5 that there's -- that's skewed more to
6 paying lower when the median is less
7 that. There's a bunch of them that pay
8 lower.

9 So, that first cluster shows
10 the cases for which we have zero
11 orders -- I mean, greater than zero
12 orders. The second cluster is those
13 where we show income imputed to the
14 father in ALECS. And the federal -- or
15 the national research shows that these
16 usually have the less payments, and this
17 is why they want -- they are encouraging
18 states to spend more time and gain more
19 information so they could better get an
20 idea of what these guys have on the
21 ability to pay.

22 And then the last cluster --
23 the third cluster is the minimum wage.

1 And then the fourth cluster is the shaded
2 area. And then the last one is those
3 minimum orders -- I am sorry, the orders
4 set below \$50. So, again, I think those
5 are the third-party caretakers.

6 And then, as I mentioned
7 earlier, that this is the paid over the
8 year divided by 12 months. And -- but
9 what really happens is that there are
10 some payments in some months and then
11 there is not so many payments. And
12 remember that we have a lot of parents
13 that are -- they have income at minimum
14 wage. Whether it's imputed or it's
15 actually minimum wage, we really don't
16 know.

17 But what we do know -- and this
18 is the verified or based on some research
19 by the Bureau of Labor Statistics is that
20 those at lower occupations, lower-paying
21 occupations, they may not have those
22 consistent hours. So -- and also that
23 there's more likely to turnover in those

1 jobs that could be -- it could be
2 initiated by the parent. You know, like
3 I said, the car could have broken down.
4 There could have been a childcare issue
5 that caused them to quit their job. It
6 could have been that they got fired for
7 some variation reason. They could have
8 gotten laid off. And these are the
9 employment places that also don't offer a
10 lot of benefits: Sick leave or options.
11 You know, if something happens, sometimes
12 it's a job loss. It's not: We will give
13 you a couple of weeks off.

14 So, I think this adds a lot of
15 context to what we are going to talk
16 about next, which is updating the
17 schedule. So, I am going to pause there,
18 and then I am going to move -- let you
19 offer comments and ask questions. And
20 then we will go to the Executive Summary,
21 which is the other document that's on the
22 Court website.

23 MS. DAVIS: Dr. Venohr, I have one

1 question relating to these last charts that
2 you see up here. Is Alabama's payment
3 level, like, for example, the first chart
4 is the 6.7 and the 8, are those fairly
5 consistent with the United States, or this
6 Southern Region, or did you all look at
7 that?

8 DR. VENOHR: Based on the other
9 states that I have examined, I would say
10 you are consistent with the Southern
11 Region. If I was to look at Oklahoma and
12 Kentucky, which are the only southern
13 states I have that information for, and I
14 will pull it later and double check, but it
15 looks very similar.

16 A state that is extraordinary is
17 Pennsylvania. And they are one of the
18 highest performing states. But they have
19 the provision that -- I mean, they have
20 lots of things that -- their number of
21 months with payments are close to 11.
22 And they have provisions where they could
23 modify an order if they find out he has

1 no ability to pay. And they have a
2 provision in their court rules that
3 enables them to do that. And then they
4 have the automation that if they find
5 out, like, if he becomes incarcerated,
6 it's an automated link and then they can
7 modify it without him or her making a
8 request for modification. And in
9 Pennsylvania, the agency can make the
10 modification.

11 So, you know, the plus side on
12 that is that they have better
13 performance. The negative side on that
14 is -- and they give notice to the
15 custodial parent when they are doing
16 this -- is, are they really -- the
17 question that other people in the states
18 ask, or in other states ask: Are they
19 serving the best interest of the child,
20 you know, because they are so swift at
21 modifying those orders.

22 MS. DAVIS: Does the child -- the
23 children, the family get virtually the

1 same? They -- it sounds like, for example,
2 in Alabama, if a parent pays eight months,
3 and they -- the reason they do is because
4 they have lost their job for a period of
5 time. In Pennsylvania, they just adjust
6 the payment, but the child doesn't get any
7 more or less in those two states. Is that
8 fairly accurate?

9 DR. VENOHR: I would say that's
10 pretty accurate.

11 MS. DAVIS: Okay.

12 DR. VENOHR: And that is one thing
13 that I would like to look at the edge, if I
14 ever had the research ability to do that,
15 because, you know, as you know it takes --
16 I mean, it sounds like it happens
17 immediate, but there's always a little lag,
18 and you kind of wonder, and, you know, some
19 people have a little bit of savings or
20 reserves. You know, people have savings,
21 but they have a mortgage payment. So, some
22 people also have savings that they -- for
23 the child support.

1 So, the data that we have now I
2 would agree with that, but I would like
3 to take a deeper dive on that issue some
4 day, if I ever get the right data, if
5 that made any sense.

6 MS. DAVIS: Yes. Thank you.

7 DR. VENOHR: Any other questions
8 or comments before we move to the --

9 (No response).

10 DR. VENOHR: Okay. Let's move to
11 the executive summary. Penny, how much
12 time do I have? I know I only asked for an
13 hour, and I have already -- I went a little
14 slower than I thought.

15 MS. DAVIS: That's okay. We have
16 you scheduled through 11:15. And then -- I
17 am sorry. Yeah, and we want to have
18 discussion time from 11:15 to 11:30. But
19 as we are asking questions during the
20 presentation, we can certainly, you know,
21 alter that and go all the way to 11:30 if
22 we need to.

23 DR. VENOHR: Okay. Excellent.

1 So, what I want to do is just
2 take a look at the Executive Summary, and
3 then I am going to look at the larger
4 report and just do a walk-through of
5 that.

6 So, the Executive Summary, if
7 you look at the Executive Summary of --
8 and this is the one on the website --
9 there's a one-page document. And what it
10 says is that we are looking at the
11 economic data of a child-rearing cost,
12 which is a federal requirement, and
13 essentially the existing schedule is
14 based on economic data from 2007.

15 And so, if you look at that next
16 page -- on the very bottom of that page
17 of the Executive Summary, what it
18 recommends is that the Committee reviews
19 the economic studies and decides whether
20 it is in the best interest of Alabama
21 children and families to update the
22 schedule. And as an economist, I am
23 going to say "yes," that it is -- always

1 good to update and use the most current
2 economic study.

3 The issue why it's a policy
4 decision -- and you get to be make the
5 decision and think about what's best for
6 Alabama families and children -- is that
7 there are more than one economic study of
8 child rearing costs. And when I show you
9 some diagrams -- hopefully Bob can bring
10 them up -- is that the current Alabama
11 schedule is in mid-range of those
12 studies. And some of those studies are
13 known to overstate child-rearing costs;
14 some are known to understate. And what
15 the issue is, is economists don't agree
16 on the methodology to separate the
17 child's share of expenditures from the
18 total household expenditures.

19 So, what economists do agree on
20 is that anything between the highest and
21 the lowest is an appropriate amount for a
22 state's guidelines. And the existing
23 Alabama guidelines is in between the

1 highest and the lowest, but I would
2 still, as an economist, recommend that
3 you update it and update it for other
4 factors. And we are going to look at
5 that in a minute.

6 And that's, again, I think I
7 said this last time, that economists are
8 like weather forecasters. You know, we
9 say something, like, three to five inches
10 of snow. We don't ever just say
11 4.2 inches of snow.

12 So, that's where the policy or
13 the Committee comes in and has to think
14 about, well, what's -- just what makes
15 sense for the population that we are
16 serving.

17 The second recommended next step
18 is that there are other factors
19 considered in the schedule such as, you
20 know, the federal and state tax rates,
21 because the schedule is based on gross
22 income. The current Alabama schedule is
23 2007 federal and state tax rate, and

1 there's actually a typo in this report.
2 It's 2007 price levels. And 2007
3 self-support reserve; that's based on the
4 federal poverty level guidelines in 2007.

5 So, all of these things can be
6 updated. And these are other things to
7 talk about. There's a few little
8 nuances, but I think we got it pretty
9 right. As I looked at the schedule, I
10 took a deeper dive in this report.

11 The one thing that -- you are
12 going to see some decreases which seems
13 counterintuitive because prices increase
14 over time. Federal taxes have been
15 lowered, so families have more after-tax
16 income to spend. And we do see increases
17 at the high end.

18 But one of the reasons -- one of
19 the major reasons we see decreases is
20 there are two reasons, is that there's
21 been some change in the assumptions, and
22 the Betson-Rothbarth measurements are the
23 underlying data -- the expenditures data

1 that we are using. That's one reason,
2 and that I am going to explain more
3 fully.

4 And the second reason is that we
5 have a better way to adjust for Alabama's
6 lower cost of living than we did when we
7 did it in 2007. And I am going to
8 explain that, but the better data results
9 in a much more bigger drop.

10 So, I don't know, Bob. Can you
11 pull up the report, or is it possible to
12 get it up, the big one, the big document
13 that was emailed this morning?

14 MR. MADDOX: Yes. I am just
15 pulling it up. It's on the screen. Do you
16 see it?

17 DR. VENOHR: No. It's not coming
18 up on my screen. I am just going to keep
19 talking.

20 So, if you look at page one --
21 and that's Arabic number one -- of that
22 report, there's a line at the very bottom
23 that talks about the Betson-Rothbarth

1 studies and the current Alabama schedule
2 is based on the second Betson-Rothbarth
3 study. And there's been four
4 Betson-Rothbarth studies, and there's
5 just about to be a fifth one that's
6 released.

7 And most states used the
8 Betson-Rothbarth measurements. There's
9 27 states, Guam and the District of
10 Columbia that use them. That includes
11 Alabama uses the Betson-Rothbarth study.

12 So, if you look at that one --
13 oh, thank you. Keep going, yeah. Keep
14 going. Keep going. Keep going. And
15 there -- oh, went too far. Go up just a
16 tad bit. Bob is doing it. One more page
17 go up.

18 So, if you look at the bottom of
19 that page, yeah, if you get to that last
20 paragraph, you see all those footnotes.
21 You see those years, and that will tell
22 you -- give you all the full references
23 to all those studies. And you will see

1 that they use data -- different data
2 years. And the study that you are on
3 right now is based on expenditures data
4 collected in '97 to -- '96 to '98.

5 And the one that I would, as an
6 economist that I think is the best, is
7 the 2020 study; and that is based on
8 expenditures data collected in
9 nineteen -- I mean, in 2014 through 2019.
10 So, it's more current.

11 And that expenditures data comes
12 from the Consumer Expenditure Survey,
13 which is referenced in this report. And
14 it surveys about 6,000 households per
15 year nationally on hundreds and hundreds
16 of items. And that is what all
17 economists use to measure out -- measure
18 child-rearing expenditures. And, again,
19 they have to have some sort of
20 methodology to separate the child share
21 from the adult share. So, I am going to
22 talk about those methodologies in a
23 minute.

1 So, if you flip to page three,
2 and it's going to say "Section 2" on
3 it -- there you go. I am going to
4 concentrate on the BR measurements first,
5 because I want you to understand why
6 there's some decreases to the schedule,
7 and then why there are some high
8 increases when you go to more current
9 expenditures data.

10 So, if you go down one more
11 page, you are going to see a chart --
12 perfect. That's the chart.

13 So, this is on page four. And
14 then each bar, the bar furthest to your
15 left is the oldest study of Betson-
16 Rothbarth. And the one to -- furthest to
17 the right is the newest. And then the
18 first cluster is the lowest income, and
19 the last cluster is the highest income.

20 So, we look at different income
21 ranges, and this is approximate, because,
22 you know, we have to adjust for changes
23 in income and so forth. And you will

1 see -- I mean, there's two things that
2 you should know, is that when you look at
3 it, it's actually fairly stable. For an
4 economist that, you know, this first
5 cluster is 23% to 27% of total after-tax
6 income, or total expenditures goes to
7 raising the child. And I will talk about
8 why we use after net income in a minute.

9 But, so, that's pretty good. I
10 mean, you have to remember that there's
11 always a margin of error, you know.
12 Usually 2%, just like, you know, when we
13 look at the presidential polls, there's
14 always a, you know, plus or minus 2%.

15 So, for somebody that, you know,
16 works with statistics, it doesn't bother
17 me or I don't assume that there's been a
18 change over time. But I do know that
19 there's been a couple of changes in the
20 consumer expenditure survey that caused
21 that drop at low incomes.

22 And one is that the Bureau of
23 Labor Statistics, who does measure the

1 consumer expenditure survey, they have
2 gotten better at getting income
3 information. They noticed that for the
4 lowest incomes, particularly those with
5 incomes of about \$45,000 a year or less,
6 that they were spending more of their
7 income. So, that prompted the Bureau of
8 Labor Statistics to say, you know, we
9 have got to do a better job of getting
10 income information.

11 So, they did. And what they
12 found was that some of those families
13 that they thought were low income, they
14 were actually higher income. And so,
15 that is why you see some of those
16 decreases in -- when you look at the
17 fourth and fifth Betson study, and it
18 looks like the -- and for that low
19 income.

20 Now, when you get to the highest
21 cluster, what you see is some increases
22 for the fourth and the fifth Betson
23 study. And the reason for that is that

1 another change that was made in the
2 Bureau of Labor Statistics in their
3 Consumer Expenditure Survey is that they
4 made two changes: One, beginning with
5 BR4 is they used to measure expenditures
6 and now they measure outlays. Also, you
7 can still use expenditures. Expenditures
8 doesn't include mortgage principal
9 payments. Outlays includes installment
10 payments. And the reason that
11 expenditures didn't include mortgage
12 principal payments was that it tracked
13 closer to the way we measure gross
14 domestic product in our country, where we
15 think of a building as an -- as an
16 investment.

17 But it did -- for consumers it
18 did track mortgage interest payments. It
19 tracked rents. It tracked electricity.
20 It tracked HOA fees. Those were all
21 included in the expenditures
22 measurements, which were the first three
23 BR.

1 And then beginning with the BR4,
2 there was a switch to outlays. And
3 that's more than likely to affect higher
4 incomes, because they are the ones that
5 have higher mortgage payments. They are
6 the more likely to have installment
7 payments or HELOCs or mortgage payments
8 that are now included there. So, their
9 expenditures went up.

10 And then another thing that
11 happened, and this just happened with the
12 BR5, is that the Consumer Expenditure
13 Survey now, instead of -- they used to
14 ask families how much taxes they paid,
15 and families actually don't do a good job
16 remembering their taxes. So, now they
17 calculate it using something like a
18 TurboTax.

19 And what they found was that
20 they were understating their taxes. So,
21 they have less after-tax income than they
22 thought. So -- and that squeezes that
23 percent, because, remember, we are

1 looking at the percent of income --
2 after-tax income spent on children. And
3 this is the way Betson actually measures
4 it as a percent of total expenditures,
5 and then we convert it back to gross
6 income.

7 So, the next two diagrams show
8 the same sort of patterns for two to
9 three children. I'm going to skip to
10 page five. And on page five, there's
11 another chart at the bottom of page five
12 that -- it's called Exhibit Three. So,
13 you keep -- oh, it's not on your page
14 five. Your pages are a little bit
15 different than mine. There it is.

16 So, this just is another visual
17 to help understand why we see those
18 decreases at low income. And if you
19 notice that first cluster, we are looking
20 at low income -- low-to-middle incomes,
21 and I am using the definition of \$45,000
22 a month -- I mean, \$45,000 a year or less
23 in gross income as low-to-middle income,

1 and that's just because that's the
2 incomes where we see families that are
3 spending more of their income. It's not
4 any other reason other than that. I
5 mean, the definition of that is really
6 pretty arbitrary. But what we do is, we
7 cap it to that line that says, orange,
8 after-tax income.

9 So, we cap child rearing
10 expenditures, so it's actually a smaller
11 percent of their total expenditures, and
12 that sort of artificially also
13 exaggerates those decreases at lower
14 income. And you are going to see this in
15 the schedule. And one option that you
16 have is, if you don't think these are
17 right is, we can take out that orange
18 line and just take expenditures all the
19 way up to that line. The reason we do
20 that and the reason most states do that
21 is, they don't think that families should
22 be required to spend more than their
23 income.

1 Now, when you look at the other
2 cluster, which is the upper-to-middle
3 income, and I was talked about that
4 change, how the Consumer Expenditure
5 Survey now is an improved measure of
6 after-tax income. So, what you can see
7 is that green box of taxes getting larger
8 and squeezing that after-tax income, but
9 expenditures of children is the same.
10 So, it sort of balloons out. So, that
11 contributes to some of those increases
12 that we are going to see at higher
13 incomes.

14 So, I am going to skip now to
15 Section 3, which is on my page seven.
16 And these are the other studies. Of
17 course, you know, there's -- I am going
18 to show you some other studies. And it
19 looks like you have to go to the next
20 page to see what those other studies are.

21 And, remember, the federal
22 requirement is to consider economic data
23 on the cost of raising children. And

1 there's different methodologies for
2 measuring child-rearing costs, and we
3 think that the Betson-Rothbarth are the
4 best. Betson thinks they are. And in
5 his first study, he analyzed five
6 different methodologies, and he concluded
7 that the Rothbarth methodology is the
8 best methodology, or the most
9 appropriate. And the Rothbarth
10 methodology starts with families with
11 children and without children, both with
12 child-rearing expend -- of child --
13 rearing age, examines their expenditures,
14 and then uses a barometer to consider
15 whether they are equally well off.

16 In the case for the Rothbarth,
17 in Betson's application, it's a percent
18 spent on clothing. And then he looks at
19 the differences in their expenditures,
20 and that difference is deemed to be
21 child-rearing expenditures.

22 Now, there's a whole bunch of
23 calculus behind this, and the measurement

1 "clothing" is known to understate actual
2 child-rearing costs, because of the
3 substitution effect that is going on
4 that, you know, families without children
5 might be spending more on clothing than
6 those without.

7 The counter-methodology, which
8 I'll show you that's still used in
9 Florida, is called the Engel, and they
10 use food shares. But they do the same
11 thing. They look at families with
12 children, without children. It's a very,
13 very old study. And then they consider
14 them equally well off based on food
15 shares. That overstates, but it does so
16 because children are more food intensive.
17 But you will see that in the comparisons
18 when we talk about Florida.

19 So, the studies that we are
20 going to talk about are these three
21 current studies; they are the most
22 current: The Betson-Rothbarth that's
23 coming out right now; it will be out

1 probably this fall in Arizona. And we
2 are working with Arizona. They financed
3 it, but they are gracious in letting
4 other states use it. So, and that is
5 what we would encourage Alabama to use.

6 The other three studies, none of
7 them are used by any state. And the
8 first one in that bullet is the
9 Rogers-Rothbarth. Rogers is an economist
10 at Rutgers. He uses a Rothbarth
11 methodology, but it is a slightly
12 different interpretation. And he uses
13 data from 2000 to 2015.

14 I'm not fond of him combining
15 all that data. He believes it's
16 important because of the business cycles.
17 I think it's important to use the most
18 current; that there is just too many
19 changes that are happening constantly.
20 Cell phone usage now. Ownership of cell
21 phones now is close to over 90%. Back in
22 2000, that wasn't the case. That's one
23 of the reasons I am not fond of combining

1 it.

2 Also, he is combining different
3 years where the Bureau of Labor
4 Statistics have change their tax
5 assumption. I am not fond of that,
6 either.

7 He tried to replicate Betson's
8 work, his BR4 study, and he couldn't do
9 quite this quadratic form, but he came up
10 with close to the Betson amounts, 2% less
11 for each of the income categories. So,
12 it was pretty close. Again, you know, as
13 an economist and, you know, somebody that
14 teaches business statistics, you know, a
15 2% margin of error is pretty comfortable
16 for that -- somebody with that type of
17 background.

18 There's also the USDA study.
19 This is the U.S. Department of
20 Agriculture. They used data from 2011,
21 2015. For the last decade or so, USDA
22 was considered the upper bound, and I am
23 going to show you graphics in a minute.

1 The only state to use the USDA is
2 Minnesota. They use a very old study
3 from USDA 2002. They are trying to
4 update their schedule right now. They
5 have legislative guidelines that failed
6 in legislation.

7 There's another economist,
8 Professor Comanor, who is at the
9 University of California, Santa Barbara.
10 He developed his own methodology, and he
11 uses data from 2004 to 2009 mainly
12 because he was trying to compare it to
13 Betson's fourth study.

14 So, we are going to skip to my
15 page 12 -- or I am sorry, my page 10, and
16 it will be Exhibit Four. Oh, perfect.
17 You anticipated where I was going to go.

18 So, this shows you the
19 differences of all these studies. The
20 aqua, the kind of big heavy line in the
21 middle is the existing Alabama, and you
22 can see it stops right at about \$20,000.
23 And this has been converted to gross

1 income. And all these schedules have
2 been updated to 2020 price levels.

3 And then you see that line that
4 makes a slight, quick angle. It's the
5 top line at the very low income. So,
6 that's USDA. And that's known to
7 overstate child rearing expenditures,
8 just because for some of their -- they
9 start with seven different categories of
10 expenditures: Food, housing,
11 transportation, entertainment -- or
12 miscellaneous. I am sorry. And for some
13 of these categories, they use a per diem
14 approach, which means that they would
15 take the transportation for the family
16 and divide it by four, and we know that
17 adults are usually more expensive or
18 spend more than the children. That's
19 usually about .4 to .7, 40% to 70% of
20 what is needed for a child. So, we know
21 that per capita approach doesn't really
22 work.

23 But what you see is that it

1 bumps. It only goes up to about \$16- to
2 \$17,000, the information is only
3 credible. We don't know how it keeps
4 decreasing or expands to higher incomes.
5 You see, it bumps to the BR5, which is
6 what I would recommend as an economist
7 for Alabama. And that's the BR5 using
8 USA prices.

9 As I mentioned, Alabama has
10 lower prices and lower incomes. And I --
11 there's a chart in here later that will
12 show that. And if I use the price parity
13 measured, which is published by the
14 Bureau of Economic Analysis, and I think
15 is the best measure out there for
16 adjusting for state differences, Alabama
17 prices are 14% less than average.

18 Now, when we did Alabama's
19 schedule before, the price parity wasn't
20 available. So, we took census data from
21 2005 on incomes. We looked at the income
22 distribution for Alabama, and we compared
23 it to the US, and we looked at the gap

1 between those income distributions, and
2 we pushed down the US numbers for child
3 rearing schedule by that same percentage.

4 So, this time what we are using
5 is the price parity. And when I get --
6 and that explains some of the differences
7 in decreases. Because if I am making
8 that adjustment for differences in
9 income, it's taken off the top. And if
10 we are making that difference based on
11 prices, it's taken off on the bottom.
12 Sort of, you know, like with your taxes,
13 if you get a credit against your income
14 or if you get a deduction from your
15 income versus a tax credit, it has sort
16 of a -- so, that change in using price
17 parity, even though I think it's a much
18 better approach, it's going to contribute
19 to some of those decreases.

20 And you can see the BR5 that is
21 adjusted for Alabama prices -- it's that
22 dotted blue line that runs right almost
23 on top of the existing schedule at middle

1 incomes. It's a little bit lower at low
2 incomes. And this is partly because of
3 that improved measure of income that the
4 Consumer Expenditure Survey has. And you
5 can see it's a lot higher at higher
6 incomes, and that's because of three
7 reasons -- is it three reasons or two
8 reasons? Yeah, two reasons. I am sorry.
9 It's the switch to outlays, which you
10 know, the higher incomes are more
11 leveraged, and they are going to be --
12 and we found that they spend more, and
13 also because of that tax impact that they
14 now -- particularly at higher incomes,
15 they have a much more bigger bundle of
16 after-tax income to spend. And we have
17 improved that measure.

18 So, we can look at the two and
19 the three children, the patterns are
20 similar. And if the line stops, it's
21 because the data don't go that far. You
22 can see that Comanor is that bottom line,
23 and it is the lowest. It really

1 approaches poverty levels. I think -- I
2 don't -- I am not fond of the Comanor
3 approach. Professor Comanor and I
4 debated in Minnesota. They were really
5 interested in using Comanor's approach.
6 They eventually rejected it. They have a
7 few committee members that still like it,
8 but it's not used by any state.

9 The second to the bottom line is
10 the Rogers-Rothbarth. That's the
11 economist that combines over a decade of
12 years. You can see that it's a little
13 bit lower than the existing Alabama
14 schedule. I am not fond of that, again,
15 because of the combination of years, and
16 it doesn't go to higher incomes.
17 There -- in my opinion as an economist,
18 there's really no compelling reason for
19 Alabama to switch away from the
20 Betson-Rothbarth.

21 So, my two recommendations, just
22 as an economist as looking at what data
23 are the best, would be to either stick to

1 your existing, because it's within a
2 range of credible measurement to child
3 rearing, or to adopt BR5 based on Alabama
4 prices.

5 So, I am going to open it up for
6 questions, and then Bob is going to
7 move -- he has been doing a great job
8 moving here, moving along. And I think
9 the biggest concerns are the impacts. On
10 page -- my page 13, there is cluster that
11 says, "one, two, three kids." Let's see.
12 Does anybody have any questions or
13 comments so far?

14 (No response).

15 DR. VENOHR: Let's see. Yeah,
16 keep going down, Bob. It will be my page
17 13. Yeah, you are almost there. Go down a
18 little bit further. Let's see if I can
19 find it. I don't know where it is. If you
20 go back up a little bit, it might be right
21 under Exhibit Six.

22 MS. DAVIS: Are you looking for
23 Exhibit Seven?

1 DR. VENOHR: No. It's more --
2 there's is a bunch of bullets. Keep going
3 down. And then -- this is close enough.
4 Let's see. Let me find where you are.

5 MS. DAVIS: Right there, there is
6 some -- on the page it shows, one child
7 income of \$1,100 to \$1,350; is that where
8 --

9 DR. VENOHR: Yeah. That's it.
10 Yeah. That's the area that is affected by
11 the self-support reserves. It's just a
12 little bit above there. Oh, it didn't --
13 the bullets didn't come out.

14 MS. DAVIS: It shows differently
15 on that page if you look at the way it
16 shows on the document. It has the bullets.

17 DR. VENOHR: Okay. That's what
18 that is.

19 So, that one that says, one
20 child from income of \$1,100 to \$1,350,
21 that's if we increase the self-support
22 reserve. The current self-support
23 reserve is based on the 2007 federal

1 poverty level, and we increased it to the
2 2020 federal poverty level. So, that
3 shows how that shaded area would expand,
4 and we will talk about that more in
5 detail later. But that is also a factor
6 that contributes to the decreases.

7 And the rest of these bullets
8 just talk about the decreases. And if
9 you keep going down, there should be
10 another set of bullets that -- let's see.
11 I don't know what happened to the
12 bullets, but we'll figure it out.

13 Okay. Summary of increases and
14 decreases. So, yeah, there it is.

15 So, when we look at -- there are
16 decreases of at least 10% under the
17 proposed BR5 adjusted for Alabama prices.
18 And I used 10% -- we used 10% just
19 because that's the modification
20 threshold, even though a change in the
21 guidelines isn't a change in
22 circumstances. And that's going to incur
23 for monthly combined incomes of \$3,800

1 per month or less for one child; \$3,550
2 per month for two children; and \$2,400
3 per month for three or four children.

4 So, this is going to affect the
5 lower -- income families. Like, if we
6 had two parents that each was making \$14
7 an hour or less, this would be where it
8 would hit, in these incomes.

9 And, then, if you go to the long
10 chart on the next page, this just shows
11 you where there's increases, and how
12 much, and the different income ranges,
13 you know. And, you know, that's
14 something you probably would want to
15 study on your own for the next meeting.

16 And then, again, I am just going
17 to say that there are a lot of large
18 increases, but we are going to talk about
19 that more when we do the state
20 comparisons.

21 I am going to switch to Section
22 3, and there's another chart on Section 3
23 that shows our other considerations. And

1 the other considerations are, one, the
2 guidelines model, which is a big deal to
3 change. I mean, that takes several
4 years. And there is not any -- most
5 states are based on income shares. It
6 doesn't mean that the Committee can't
7 consider it. I mean, this is a policy
8 decision. There's a paper that I have
9 that's referenced somewhere in here that
10 is in the section that is published in
11 the Journal of -- it's the matrimonial
12 lawyers' journal.

13 And it says that the guidelines
14 models don't really matter for middle
15 incomes as much as that low-income
16 adjustment. And then what you do at high
17 income and whether you've updated your
18 schedule over time. So, I don't want to
19 waste a lot of time on the different
20 guidelines models, but we certainly could
21 do that. I wouldn't encourage you to do
22 that. I think it's much more important
23 to get the economic data right as far as

1 what you think is appropriate for Alabama
2 families and children.

3 The second line is just talking
4 about adjusting for price levels. And
5 there's really no options or alternatives
6 there.

7 Third is what the -- as I
8 mentioned earlier, we adjust for
9 Alabama's cost for living. We use the
10 price parity measure; and that, of course
11 exacerbates some of those decreases you
12 see at lower income, and then those
13 increases that are not so much
14 exacerbates it at high income. And I do
15 think it's a better measure; but if you
16 wanted to, you could stick to using the
17 income realignment. We would have to get
18 Betson to do that, which we could do.
19 I'm sure he would do it. He is still
20 teaching, and he's a little overwhelmed
21 with the combination of online classroom.
22 So, I'm not sure how timely it could
23 happen.

1 The fourth consideration is the
2 federal and state income tax. The FICA,
3 as you notice, the Betson-Rothbarth
4 measurements relate to expenditures, not
5 gross income. So, we convert it. And we
6 use the income withholding tax formulas
7 for the state and the federal government.
8 We assume a single taxpayer. A single
9 taxpayer faces the same tax rates as a
10 head of household. As we were used --
11 family income, which would be a married
12 person, and we would consider the child
13 tax credit that we could consider the
14 earned income tax credit. That makes
15 more after-tax income available. That
16 would push the schedule up. But that
17 would be certainly an option that the
18 Committee could direct us to do to change
19 that assumption.

20 Fifth is that the schedule, the
21 existing Alabama schedule and the
22 proposed one that we developed, excludes
23 child care, the child's health insurance,

1 and the first \$250 per child, per year,
2 and out of pocket medical expenses. And
3 those are add-ons in the worksheet, so we
4 take the actual amount of childcare in
5 calculating the support. If we had both
6 in the schedule and the actual amount was
7 in the worksheet, there would be double
8 accounting. The same with the health
9 insurance premium.

10 With regard to the \$250 per
11 child, per year that is included in the
12 schedule, that's to cover some sort of
13 ordinary medical expenses that every
14 child is going to have. And that's to
15 minimize the sharing of receipts.

16 What most states do in practice
17 is that if the -- if there's more than
18 \$250 in receipts, then the primary
19 custodial parent will send those receipts
20 to the other parent, and then they will
21 pay their share. You know, if they have
22 equal income, it would be 50%. Let's say
23 there is an emergency room visit that

1 wasn't covered by any health insurance
2 premium, so the obligated parent would be
3 responsible for half.

4 We don't -- the newest data
5 still shows that \$250 amount is
6 appropriate. The newest data says that
7 \$270 is the amount, but there is such a
8 wider variation between Medicaid, and
9 those are privately held insurance, that
10 some states are just taking out all the
11 health expenses out of the schedule, and
12 they are doing it as an add-on, like
13 childcare. And that -- what it does is,
14 it allows it to be a lower amount in
15 Medicaid cases and a higher amount in
16 private cases where they have high
17 deductibles.

18 I mean, it's -- the advantage of
19 it is, it better reflects what those
20 situations are and the nuanced difference
21 between Medicaid and those with private
22 insurance. The disadvantage is that
23 tracking whether the kid is on Medicaid

1 and what their private health insurance
2 is, I mean, it's very difficult,
3 especially, it used to be -- they have
4 gotten better since Obamacare and the
5 expansion of Medicaid. But it used to be
6 that children went on and off Medicaid
7 very quickly. And I am going to stop
8 after these assumptions.

9 And then the sixth is, consider
10 expenditures to net income ratio. And
11 this, again, relates to those diagrams I
12 showed you later -- or earlier that show
13 that families spend more than their
14 income. And we just take the same data
15 that Betson uses from the same families
16 he pulls data from to make that
17 conversion. And, then, finally, there's
18 a self-support reserve.

19 Any questions or clarifying
20 comments?

21 (No response).

22 DR. VENOHR: So, I probably -- of
23 all these that I think the Committee -- if

1 there was anything you would change, it
2 would be the method of adjusting for the
3 lower income, even though as an economist,
4 I think price parity is a better measure.
5 I get that it changes that schedule a lot
6 and contributes to some of those decreases
7 at low income.

8 The other consideration that I
9 think is probably the most just is
10 considering whether you want to take out
11 all the healthcare expenses and doing
12 that add on that's much more burdensome
13 to implement. But it is certainly a
14 trend the way that states are doing. If
15 you wanted to use an amount other than
16 \$250, again, we would have to go back to
17 Betson. Most states are either using
18 nothing in their schedule or the \$250.

19 And, then, of course, probably
20 the biggest one on this page that I will
21 talk about a little bit more is the
22 self-support reserve. And on that one is
23 a big one, too.

1 Penny, how much time did I -- do
2 I have? I am sorry.

3 MS. DAVIS: What my thought was
4 that we would let you go to about 11:40.

5 DR. VENOHR: Okay. Sweet.

6 MS. DAVIS: And then a little bit
7 longer, and then we will let this -- the --
8 we are going to take a -- subtract a little
9 time away from the Cox report, because it's
10 going to -- it is not as complicated as I
11 thought it might be.

12 DR. VENOHR: Okay.

13 MS. DAVIS: So, just letting
14 Amanda know that.

15 DR. VENOHR: Okay. I am sorry.
16 It's been a whirlwind. We just -- I, yeah.
17 Thank you for --

18 MS. DAVIS: That's fine. We will
19 give you a five-minute warning, Jane, so
20 you will know you can wind it down in five
21 minutes.

22 DR. VENOHR: I am on page 20. I'm
23 not sure where it lands on your page. It's

1 just before Exhibit Nine. Perfect.

2 There's it is.

3 Okay. So, this is the existing
4 Alabama schedule, that shaded area, and
5 what most states do is that, like, for --
6 assume that we have two parents that
7 their income is -- let's say -- \$700
8 month. So, if we were to use this
9 schedule, and there's one child, the
10 basic obligation is \$299, because their
11 combined income is \$1,400. So, the order
12 amount would be \$150. You know, it would
13 be half of that schedule amount. And
14 what most states -- or a lot of states do
15 is that, if the obligated parent falls in
16 the shaded area, that you only use his or
17 her income. So, then, using that method,
18 the order amount would only be that \$50
19 instead.

20 So, that's part of the
21 low-income adjustment. And the other
22 parts of the low-income adjustment are
23 the amount of the self-support reserve;

1 that's a policy decision. Of course, you
2 know, there's some economics because
3 updating it to the current poverty level
4 makes sense. The minimum order, which is
5 \$50 in Alabama. And then the method for
6 adjusting, which I am talking about
7 leaving it in the schedule but doing
8 something that, if you flip to the next
9 page, there's a chart that, like,
10 Missouri does. It just went all over the
11 place.

12 But, yeah, if you look at North
13 Carolina's, it explains that language of
14 using the shaded area.

15 So, that's something that I
16 would like to see the Committee consider.
17 And, of course, there's other adjustments
18 that could be made. The other
19 consideration, I think your self-support
20 reserve. I adjusted it when I developed
21 that schedule. I took the federal
22 poverty level, right now \$1,067 and I --
23 or \$1,063, and I multiplied it by

1 Alabama's price parity, because if we are
2 doing that to the whole schedule, you
3 probably want to do that to the
4 self-support reserve. So, I would
5 multiply that by 86, but you could use
6 the full amount.

7 Illinois uses 75% of the federal
8 poverty. (Inaudible) -- uses 135% of the
9 Federal poverty. So, there's no rules
10 that say you have to stick to 100% of the
11 federal poverty.

12 In Arizona, they use minimum
13 wage. They have a high minimum wage, so
14 their self-support reserve ends up being
15 about \$1,600 a month. And I actually
16 like to use the minimum wage in those
17 states that have a higher state minimum
18 wage, but Alabama doesn't.

19 With regard to the minimum
20 order, \$50 is still the mode. We are not
21 seeing that used very much in Alabama, so
22 I don't want to waste too much time
23 talking about it. There are some states

1 that have been considering going to \$60,
2 just because there's some evidence that
3 says that that's what families will
4 voluntarily pay at low income. So, I am
5 not very fond of going much below that.
6 I think -- I heard a compelling argument
7 by a judge once that having a minimum
8 order in the state of \$10 wasn't worth
9 dragging both the parties into court, and
10 I do agree with that. I do think \$50
11 makes a difference. But my home state of
12 Colorado just adopted a minimum order of
13 \$10. They have two-tier minimum order.
14 That \$10 applies to those that are \$800
15 or less, so incarcerated. And then when
16 they get to the higher incomes --
17 actually it's \$1,500 that -- then it gets
18 to a \$50 minimum order.

19 So, you can make it as
20 complicated as you want. And probably,
21 the bottom line there is, do you want to
22 retain a minimum order? What the amount
23 should be? There's been a few states

1 that have moved away from a minimum
2 order. North Dakota, when they adopted
3 their version of a self-support reserve,
4 they had nothing if the obligated's
5 parents income is below the -- what I
6 call their self-support reserve -- it's
7 about \$800 -- there's a zero order. And
8 North Dakota uses a percent of obligor
9 income. And they -- so, incarcerated
10 parents would end up with zero income.

11 In this chart, there's also some
12 language from states -- Illinois, a
13 couple of other states -- about when to
14 make a deviation from the minimum order.
15 You know, earlier I mentioned those in
16 third-party care; incarcerated, those
17 involuntary unemployed. Some states have
18 the presumptive zero order for those
19 situations. Some states have a
20 rebuttable -- that's a reason for a
21 deviation. That's stuff that when you
22 meet next time, I mean, spend some time
23 and look at what some states are making.

1 I can certainly give you more language,
2 and that's something for the Committee to
3 consider.

4 I am going to move to be next
5 Exhibit 10. Those are things that you
6 can talk without me. You know, I think
7 those are largely policy decisions.
8 These are the states I am comparing.
9 There are states that are bordering, or
10 nearby. Most of them are income shares.
11 Florida uses a very old study, Espenshade
12 '91, and that's the Engel estimate that I
13 used. Georgia uses the combination of
14 Betson-Engel estimate from 2006. The
15 rest of the states use a BR study, except
16 for Mississippi. And if you see that
17 Arkansas and Alabama are the only ones to
18 adjust for their lower income or their
19 price parity, and you can see the price
20 parity at the bottom of this chart. But
21 it will just give you an idea of what the
22 cost of living differences are in these
23 states.

1 And then, Exhibit 11 shows these
2 case examples. They are the same case
3 examples that we used in the materials we
4 gave you in August.

5 And Exhibit 12, which is the
6 graph, we compare -- so, this is the
7 first cluster. This is -- these are each
8 parent earned state minimum wage. The
9 second cluster is, we used the minimum
10 earnings of Alabama workers that did not
11 complete high school. Case three, we
12 used parents that their highest
13 educational attainment or -- is equal to
14 Alabama workers that their highest
15 education attainment is a high school
16 degree. The fourth case scenario are
17 parents with some college. So, we used
18 the minimum earnings of Alabama workers
19 that their highest educational attainment
20 is some college, and then, so forth. You
21 can go read the case scenarios on your
22 own.

23 And then on seven and eight, we

1 looked at the highest. We looked at
2 \$15,000 to \$20,000, and we just made up
3 those case scenarios, so you can see the
4 impact at the higher incomes.

5 And what we did was, so that
6 first bar is existing Alabama. And then
7 the second bar is BR5, and that's
8 adjusted for the new self-support
9 reserve. So, you can see that kicking in
10 to the minimum order, and then so is BR5,
11 and we just adjust it for US prices.

12 Now, Florida, they haven't
13 updated their schedule be since '91. So,
14 they don't have a very current
15 self-support reserve. And that's why
16 it's so much higher. And you can see
17 most of the states surrounding you don't
18 have a high self-support reserve.

19 Arkansas is the state that most
20 recently updated their child support
21 schedule, but their self-support reserve
22 is pretty low. They -- this is new to
23 them. They just met the federal

1 requirements, so this is the first time
2 they went with us, so -- or adopted a
3 self-support reserve, and they went a
4 little bit -- they went a little
5 conservative on what they are doing. So,
6 that's why you see so much differences in
7 case one.

8 In case two, you can see that
9 there's a decrease. If we were to
10 adopt -- or if Alabama were to adopt BR5,
11 there would be a decrease in the amount,
12 but it's in align with neighboring
13 states. And you can see for one child
14 that case one, two and three and four
15 would all result in decreases, and even
16 case five for the one child amount. But,
17 then, when you get to the higher incomes
18 ones, there's increases. And if we go to
19 two children, we don't see as many
20 decreases.

21 So, if you go to the next chart,
22 again, you see that first-case scenario
23 there's a decrease due to the increase in

1 the self-support reserve. And, again,
2 that's a policy decision that I hope the
3 Committee talks about more. And you can
4 see a decrease for case two, but then you
5 start seeing case increases -- very small
6 increases for case three, four, five,
7 six; and then cases seven and eight, they
8 are more substantial.

9 And then the next exhibit is the
10 same case scenarios for three children,
11 and you see similar patterns to two
12 children.

13 So, the point of this is that
14 you are still in line, even if you were
15 to retain the existing, you are in line
16 with what other neighboring states do
17 and, then, as well as if you were to
18 adopt what I think is the most
19 economically sound, which is the BR5.

20 So, I am flipping to my page 30,
21 which is an unnumbered.

22 MS. DAVIS: Okay. And we are
23 going to give you a five-minute warning

1 here.

2 DR. VENOHR: Okay. Perfect
3 timing. So, keep going. And there's a --
4 there it is.

5 So, the blue area shows the area
6 of the schedule that has a self-support
7 reserve, and you can't really see it, but
8 there's -- it's a staircase, and there is
9 a little bit of a green strip between the
10 blue and the green. And that's where the
11 expansion of the self-support reserve
12 would happen. And the red is where
13 there's decreases of at least 10%.

14 Now, if we just look at those
15 cases where we only had guidelines
16 calculations from ALECS, so, again, it's
17 biased. It's going to be over
18 representative of low income. We did
19 find a high percentage in that red area,
20 about 49%. And then we didn't find that
21 many in the blue area. But as Alabama
22 adopts the new provisions on income
23 imputation, and so forth, we are

1 expecting that there might be more in the
2 blue area, at least those in the ALECS
3 caseload, and less in the red area.

4 Now, when you look at the yellow
5 area, that's where there was substantial
6 increases. And, of course, we are
7 looking at ALECS, which isn't
8 representative of the whole state, but
9 less than only a few cases fell into that
10 lower area.

11 So, again, I am ready to
12 conclude. The next steps, what we would
13 recommend for the Committee is that this
14 is on the very last, page three, is to
15 look at those economic studies and make a
16 decision what's in the best interest of
17 Alabama children and families as far as
18 whether you should update the schedule
19 per a new study. Which one? You have to
20 direct us to develop a schedule, and then
21 look -- review those seven factors. I
22 don't really see any that my two cents as
23 an economist, that really should be

1 changed up for Alabama, other than the
2 self-support reserve, and the low-income
3 adjustment. I'd like -- I would love the
4 Committee to look at that section on the
5 low income very carefully and think about
6 what's appropriate for Alabama families.

7 With regard to CPR, what we will
8 be doing is, our next step would be to
9 give you an actual physical schedule and
10 have some placeholders for any of these
11 things that you want to tweak, such as
12 the low-income adjustment and a
13 side-by-side. In addition, we will be
14 completing the analysis of the case file
15 data.

16 So, thank you. That was very
17 dense. I will stop. Thank you for
18 letting me go longer than I needed to.

19 MS. DAVIS: All right. Thank you,
20 Jane. I think that was very helpful to all
21 of us.

22 So, Bob, if you can take the
23 document down so we can see everybody,

1 and then I want to open it up to the
2 Committee to see if they have any
3 questions of Jane.

4 I guess the first question that
5 I think is sort of the overriding
6 question is the issue that Jane has
7 mentioned several times is, do we want to
8 update the schedules; and if so, then we
9 would pick the methodology recommendation
10 from her group as the BR5, with the
11 Alabama price adjustment.

12 So, let's start with just a
13 general show of hands of those people
14 who -- on the Committee, who feel like we
15 should update the schedules.

16 Okay. Those that cannot show us
17 by hand, if you want to unmute yourself
18 and comment.

19 HON. DUNN BURKS: I do. Karen
20 Dunn Burks.

21 MS. DAVIS: Thank you. All right.
22 Let me ask anyone who thinks we should stay
23 with the current schedule amounts based on

1 the data from the -- I forgot the years.

2 Jane, what's the data on now, currently?

3 DR. VENOHR: 2007.

4 MS. DAVIS: 2007 data. Does
5 anyone think we should retain our schedules
6 based on the 2007 data? If you would,
7 raise your hand.

8 Judge Palmer thinks we should
9 stay with the 2007. Anyone else who is
10 not able to visually speak to the issue?

11 (No response).

12 MS. DAVIS: Okay. Judge Palmer,
13 do you want to give a brief explanation for
14 your thoughts?

15 HON. PALMER: Well, Jane mentioned
16 that even our current schedule, we are not
17 on the high end. We are not on the low
18 end. We are midway. And so, I -- just to
19 me, that seems like just a very practical
20 thing to do, is to just leave it where it
21 is. If we were high, I would say adjust
22 it. If we were low, I would say adjust it.
23 But since we are midway when, I believe she

1 said there are several other states that we
2 will just stay where we are since we are,
3 like I said, not high and not low, just
4 midway.

5 MS. DAVIS: Okay. Thank you,
6 Judge.

7 Anybody want to comment who
8 indicated, at least preliminarily, that
9 they wanted to update the schedule?
10 Melody, I see your hand.

11 MS. BALDWIN: Okay. I don't know
12 if she is available for questions at this
13 point. I just did have one question,
14 though, because I was remembering from the
15 last review, but I don't remember if it
16 was -- at the time it wouldn't have been
17 BR5, I'm sure. But it was the BR that we
18 were looking at. And when she said that
19 the low is lower, it's more than a 10%
20 decrease. Do we know how much of a
21 decrease? Is it 30, 40, 50, or are we
22 looking at the minimum, 50, most of the
23 time, if you can answer that?

1 DR. VENOHR: If you go to the
2 percent -- the percentage decrease is
3 varied; and when you look at the report
4 that you just got, the full report today --
5 that's the Executive Summary Exhibit Seven,
6 which is on my page 14 -- it's going to
7 show you the decreases. And there it's as
8 high as 19%, and that occurs right at
9 the -- right where the self-support reserve
10 ends for one child. Mostly, they are less
11 than that, the decreases. And the
12 increases are as much as 19%, and that's at
13 the highest income of \$20,000 for three or
14 more kids.

15 So, it's going to be variable
16 depending on what the number of children
17 you are talking about and the income.

18 MS. BALDWIN: Okay. And I just
19 remembered the example that we had the last
20 time was that -- well, the one that we were
21 looking at to analyze the most effect,
22 because I do the Title IV-D cases. I am
23 not a private practitioner. And so we were

1 looking at -- we do impute minimum wage a
2 lot of times, or maybe that's what they are
3 making the majority of the time. And we
4 were looking at a 50% decrease on the
5 lowest end, and that was my greatest
6 concern.

7 I don't want to -- I honestly
8 don't want to be in a position to where
9 we are actually cutting their child
10 support by 50%, that -- given that with
11 are that much further along in the cost
12 of items are a lot higher. So, that was
13 my greatest concern.

14 DR. VENOHR: What I would say to
15 that is that that's the area of the
16 schedule on case one when we look at the
17 case comparisons. So, it's affected by the
18 self-support reserve and the minimum order.
19 So, you could still adopt BR5, update the
20 whole schedule, and then use a different
21 self-support reserve minimum order that
22 wouldn't give you those results that you
23 see in that case one comparison.

1 So, what I would recommend is,
2 first, make a decision on whether you
3 want to update the schedule. Second, is
4 if that you don't want to use
5 Betson-Rothbarth 5, or whatever. You
6 know, we can do two or three -- two
7 schedules, I would say. And then, third,
8 once you figure out the schedule, which
9 applies to the middle and higher incomes,
10 then let's go back and look at that
11 self-support reserve, because it sounds
12 like you are most concerned about case
13 one.

14 MS. BALDWIN: Right.

15 DR. VENOHR: And that -- because
16 that's driven by the increase in the
17 self-support reserve.

18 MS. BALDWIN: Right.

19 DR. VENOHR: You could make a
20 policy decision and change that.

21 MS. DAVIS: I think Stephanie has
22 a question.

23 MS. BLACKBURN: I was just going

1 to ask, is it possible to get what that --
2 the lower end would be without the
3 self-support reserve?

4 DR. VENOHR: Yes.

5 MS. BALDWIN: And if Jennifer is
6 okay in commenting, I would like to say --
7 because she is our local, federal expert, I
8 guess you might say, is it mandatory,
9 Jennifer, that we increase that
10 self-support reserve? And isn't there
11 already -- I mean, there's already one in
12 the schedule, I assume, but it's just
13 based -- there's not? Okay.

14 And it's not mandatory to
15 include it?

16 DR. VENOHR: It's mandatory to
17 have a low-income adjustment.

18 MS. BALDWIN: Right.

19 DR. VENOHR: But, you know, you
20 don't have -- you can -- how you do that is
21 that state's discretion. State discretion
22 means how you do it, the amount of the
23 self-support reserve, whether they have a

1 minimum order.

2 MS. BALDWIN: Okay. Thank you.

3 MS. DAVIS: Anyone else on the
4 Committee have a question?

5 Dr. Gray?

6 PROFESSOR GRAY: Just a quick
7 comment and question I guess.

8 That last graphic that you
9 showed, that heat method, sort of giving
10 a sense where the changes were, if you
11 could maybe give a little finer detail in
12 that, like, the grids, if you could show
13 what percentage change was actually
14 happening, maybe have, you know, a little
15 bit more of a range so you could really
16 see where the differences were. And then
17 you made one other comment, I thought,
18 was really important; and that was, it
19 would also good to know how many people
20 are in each of those cells throughout
21 that table.

22 DR. VENOHR: Yeah, we can do that,
23 but I do want to say that its biased

1 because, you know, ALECS isn't
2 representative of the statewide caseload.
3 And then when you start implementing those
4 changes to income imputation that are
5 federally required, they are now going to
6 fall into those cells that, you know, that
7 they do now.

8 And the third thing is that, you
9 know, to keep in mind that they are not
10 being paid. And I am not saying that
11 that's a justification for lowering those
12 amounts, but it should make you realize
13 that just because you lower those order
14 amounts. And I can give you some data
15 show you about what is being paid within
16 a range maybe, you know, like, 90% are --
17 you know, like, let's say there's a 10%
18 decrease from \$500 to \$400, and it might
19 make you feel more comfortable if you
20 knew that there was nobody receiving the
21 \$400. I am just throwing those numbers
22 out. So, like, if the order amount was
23 \$500, and we are suggesting \$400 and

1 nobody is receiving more than \$400 now,
2 you know, it's kind of a wash.

3 So, we will try our best. It's
4 hard to get that type of nuances in a
5 graph just because of income shares.
6 Because, you know, it's combined income.
7 You know, there could be a combined
8 income of \$4,000, but it could be he has
9 \$3,000, she has \$1,000. He has \$2,000,
10 she has \$2,000. But we will try to get
11 it a little bit more nuanced.

12 PROFESSOR GRAY: Okay. Thank you.

13 MS. DAVIS: Anyone else have a
14 question, a quick question?

15 (No response).

16 MS. DAVIS: Anybody on the
17 Committee?

18 MS. BLACKBURN: I have another
19 one. In the lower income area, especially
20 where there are -- I guess would be the
21 self-support reserve if we did increase, I
22 mean, does the data show that the custodial
23 parent is paying less money to raise their

1 children, or do we have data of where their
2 income is compared to the non-custodial
3 parent compared to the custodial parent if
4 the non-custodial parent is within that
5 self-support reserve, especially if we
6 increase it?

7 DR. VENOHR: We could look at how
8 often the CP's income is more than the NCP
9 at low income. But because of the large
10 amount of income imputation at minimum
11 wage, I doubt if we are going to get to the
12 detail that you are hoping for. I could
13 see why you would think that's important.
14 But because of -- I mean, income is imputed
15 to this mother. I mean, we haven't
16 converted it to CP and NCP out yet, but the
17 majority of CPs are mothers. And it might
18 look a little bit different, but I don't
19 think it will.

20 But the, you know, mothers --
21 for some reason -- and we see this in
22 other states. Income is imputed more to
23 CP than it is to the NCP, which is

1 ironic, because the federal regulation
2 requires that the provision or the
3 consideration of the individual
4 circumstances of the NCP when imputing
5 income and then give states the option to
6 also consider the CP. But income
7 imputations actually happening more often
8 to CPs in Alabama and in most states that
9 we work with.

10 MS. BLACKBURN: I guess I am just
11 a little concerned that, if we increase a
12 self-support reserve for the non-custodial
13 parent, then the entire burden is just
14 going to then lay on the custodial parent
15 and their incomes could be pretty much the
16 same. As a custodial parent, you don't get
17 the option of saying, I'm sorry, this is
18 mine, it's not going to be, you know, for
19 the child.

20 DR. VENOHR: Right. And, you
21 know, it's part of -- you know, it's just
22 part of those federal rules where there
23 really -- their premise is that they

1 think -- and they have researched that.
2 You know, if you look at the proposed rule
3 making, which was published in 2014 -- so,
4 not a final rule -- they have more
5 research. And they say, look, they are not
6 paying, especially if income is imputed and
7 there is a default. Let's do a better job
8 engaging them, bringing them in, and
9 hopefully if we bring them in the system,
10 they are not going to work in the
11 underground economy in which they cite some
12 research on that. Then, in the formal
13 economy, they become taxpayers. They get
14 job promotions. And in the long-run, they
15 are more engaged with their children. And
16 in the long-run, they take -- the research
17 that they are using to say that's in the
18 better interest of the child than to set a
19 higher order now that isn't going to pay --
20 be paid particularly even though it's --
21 you know, children are expensive. And if
22 you can get it, it certainly will make a
23 difference, you know, to get the full

1 amount of the order amounts.

2 So, you know, some of it is just
3 going with what the federal rule policy
4 premises with it. But, again, you know,
5 it's -- all you have to do is meet the
6 federal requirements or provide a
7 low-income adjustment. And that's why
8 you have a Committee to decide what's the
9 most appropriate thing for Alabama's
10 families and children.

11 MS. DAVIS: Thank you. I think
12 these are all helpful questions. It
13 appears that the self-support reserve is
14 going to be the item we are going to need
15 to focus on maybe at the next meeting. I
16 think there's be a lot of interest and
17 obviously potential for change there.

18 Just as a matter of giving
19 guidance or assisting Jane and her team,
20 I think obviously that's something we
21 will focus on.

22 The next question I want to ask
23 for a show hands -- and this is not a

1 determination as to what we are doing.
2 It's just kind of helping direction wise.
3 If we decide -- if the Committee decides
4 to update the charts, the recommendation
5 has been to use the BR5 with Alabama
6 price adjustments. Just, preliminary,
7 how many think that if we do decide to do
8 that type of update, if you prefer that
9 methodology as opposed to others which is
10 essentially keeping the methodology that
11 Alabama uses but now goes forward to
12 updating it. So, if you will, raise your
13 hand if you are in favor of that, if we
14 wind up doing that. Rachel, Judge
15 Palmer, Melody, Stephanie. Several
16 people seems to be favoring that. Thank
17 you. You can put your hands down.

18 Is there anybody that would
19 oppose that? You know, again, this is
20 our preliminary that thinks that would
21 not be the direction you would want to
22 go?

23 (No response) .

1 MS. DAVIS: Okay. I don't see any
2 hands there.

3 Certainly anyone who can't be
4 seen, feel free to unmute yourself and
5 speak to the issue.

6 And then my follow-up question
7 is, if we try to decide to change, is
8 there anybody that would favor something
9 other than a BR5 plan right now at this
10 moment? If you would, raise your hand
11 and then you can tell us what it would be
12 that, that would also help Jane maybe, or
13 anybody on the phone?

14 DR. VENOHR: Just like the USDA or
15 --

16 MS. DAVIS: Yeah. Or any of the
17 others.

18 Okay. I don't see any movement
19 in that direction. So, I think it may be
20 helpful to think in terms of either we
21 will probably keep what we have, or we
22 will go forward using the BR5 with the
23 Alabama prices. Again, not a final

1 determination.

2 At this point, what I would like
3 to do is ask Amanda to speak to the issue
4 that your subcommittee has worked on.
5 Maybe if you can give an overview, I
6 think there's two choices. We won't vote
7 on anything. So, just give the Committee
8 your thoughts.

9 And, Jane, let me ask you this:
10 If you can stay, we have the public
11 comments, and I know that Jeremy had
12 indicated he had some questions for you.
13 He might want to use some of his time for
14 that question. So, if you can, we would
15 appreciate that.

16 And so, Amanda, if you would,
17 give us a quick overview on yours. Do
18 you want Bob to pull up your report or
19 just want to speak?

20 MS. COX: It's not necessary I
21 don't think. We really don't have a whole
22 lot. I am not going to go into the
23 proposals from Judge Moore's memo, that we

1 did not recommend as a subcommittee. But
2 if anybody wants me to speak to that, I
3 will.

4 We ended up kind of settling on
5 two options. The first option -- I am
6 not going to read it to you. But,
7 basically, when, within two years of the
8 final child support order, a child will
9 become ineligible. Then we put that the
10 Court shall or may -- that's up for
11 discussion, the "shall" or "may" -- allow
12 for the separate worksheets. And so,
13 basically, it will divide out, enter an
14 order for one child, two child, basically
15 like that.

16 And the second option is
17 basically the same as option two, except
18 for the two-year time limit is removed.
19 Both of the options include a requirement
20 that the trial court include language
21 notifying parents that when one child
22 rolls off, basically they would have to
23 move for modification for it to change.

1 I don't think that language would be
2 necessary if option two is chosen with
3 the "shall". But, otherwise, that
4 language would be helpful.

5 So, basically the "shall" or
6 "may," you know, the pros and cons are
7 basically the trial court gets more
8 discretion with the "may," and then that
9 could be a con, as well. In some of
10 those discussions with the subcommittee
11 members in our meetings, without the
12 two-year time limits, some of the members
13 were concerned about remoteness and about
14 the burden of a trial judge having to
15 complete so many worksheets. And, also,
16 there is the income withholding order
17 issue.

18 The other viewpoint was that,
19 whatever changes occur after the two
20 years, which change regardless, and you
21 can always file a petition for
22 modification either way.

23 So, I am trying to see who else

1 is on here. I see Ms. Steinwinder or
2 Judge Palmer. Would anybody else on the
3 Committee like to speak to either of
4 those?

5 MS. STEINWINDER: I am here,
6 Amanda. I might can answer any questions,
7 too. I don't have anything else to say.

8 MS. DAVIS: Amanda, you might just
9 mention who is on your subcommittee so
10 everybody will recall that. You said Katie
11 was on and Judge Palmer. Was anybody else
12 on your subcommittee? I had forgotten.

13 HON. PALMER: It was Judge
14 Sherman, Jim Jeffries, Steve Arnold.
15 That's the one I remember off the top of my
16 head.

17 MS. DAVIS: Okay. Jim could not
18 and the Judge could not participate because
19 of their being in the Mobile area.

20 Anybody -- any of the Committee
21 members have any questions for Amanda or
22 any points that you would like for the
23 whole Committee to consider? We won't

1 vote on this today, but just want to let
2 you be aware of the subcommittee's
3 report. Melody has raised her hand.

4 MS. BALDWIN: Thank you, Penny.
5 If some of the judges -- and I think we
6 only have maybe two left on there -- can
7 they discuss how they -- what they think or
8 what they might have thought about "shall"
9 in option one? I don't have a problem with
10 it, but I am just curious as to how the
11 judges feel about that as to option one,
12 not two.

13 HON. PALMER: Well, for me, I
14 believe it should be "shall". We are
15 having enough issues as it is even though
16 it's been part of case law 20, if not, 30
17 years, the "shall". But have the CS form
18 shall be part of the record, but yet they
19 are not. So, I think if we put a "may" in
20 there, it is just too inconsistent. Julie
21 Palmer might do it, but Judge Sherman might
22 not do it.

23 So, I think if there is a

1 "shall" in there, that would just make it
2 more consistent across the board to have
3 it done or not. And always with the
4 exception, if you are not going to do it
5 because maybe it appears that this is a
6 Brewington child; or maybe if you don't
7 do the two years, the judge will just
8 have to explain in their order why they
9 didn't do the second set of, like, a
10 CS-42, an income withholding order.

11 MS. DAVIS: So, are you suggesting
12 to have something like "they shall" unless
13 they indicated on the record why they are
14 not going to do it, or something like that;
15 is that what you are indicating?

16 HON. PALMER: Just like the child
17 support guidelines where you can deviate,
18 but the Court just has to explain why they
19 are deviating. Just something simple like
20 that.

21 MS. DAVIS: Rachel King has her
22 hand up.

23 MS. KING: Judge Palmer, I had a

1 question about that, and I think it was
2 answered, but I just wanted some
3 clarification.

4 Even that language is "shall,"
5 if there is not a circumstance that has
6 been explained like Brewington, would the
7 custodial parent still have the option
8 and ability to come in and file a
9 petition to modify during those two
10 years, or at the time when the one child
11 is supposed to drop off if they believe
12 there's been a significant change in
13 income?

14 HON. PALMER: Well, I believe any
15 time there's a material change of
16 circumstances: The child is 17; the child
17 support is to 19; I now have a job with
18 Microsoft where I used to have a job at
19 Wal-Mart. I think any time in there you
20 can come back and ask for material changes
21 in circumstances.

22 MS. KING: I was just making sure
23 that wasn't going to prohibit that during

1 those two years.

2 HON. PALMER: In my opinion, it
3 would not as long as you can prove the 10%
4 change or another circumstance.

5 MS. DAVIS: Anyone else have a
6 question or comment?

7 (No response) .

8 MS. DAVIS: Okay. I would like to
9 thank the subcommittee for their hard work
10 and if I know there were other matters that
11 Judge Moore had suggested, but we will get
12 back to the subcommittee or anybody else
13 who wants to get back to those issues, they
14 can circle be back.

15 Amanda, you were kind of off for
16 a minute. Did you lose Internet service?

17 MS. COX: I did lose Internet
18 service. Sorry. I got hooked up through
19 my hotspot on my phone now.

20 MS. DAVIS: I certainly
21 understand. What I was saying was, we
22 appreciate the work of the subcommittee,
23 and I know there were other issues that

1 Judge Moore had other suggestions, and we
2 will get back to those later after we get
3 through the bulk of the work that relates
4 to the child support update. But we
5 appreciate the subcommittee working on
6 that, and the Committee can continue to
7 think about that. And we can either vote
8 on it next week, or we can delay that and
9 give you more time if the Committee wants
10 to do that.

11 So, y'all can just -- as
12 Committee members, you can let us know,
13 and the subcommittee, if you want to go
14 ahead and vote on it at the next meeting
15 or if we want to delay and have
16 additional discussions. So, it will be
17 whatever y'all want to do on that.

18 So, at this point, we are a few
19 minutes into the public's time. So, we
20 had several members of the public that
21 had indicated they were going to join us.
22 When Bob called the roll, there were two;
23 that was Jeremy and Kenneth. Is there

1 anybody else on the public that has
2 joined us or wants to join us?

3 Bob, anybody in the waiting room
4 or anybody else that was not identified
5 as a member of the public?

6 MR. MADDOX: Bob Maddox here. No,
7 I don't see anybody else in the waiting
8 room --

9 MS. DAVIS: Okay.

10 MR. MADDOX: -- other than Jeremy
11 and Kenneth Paschal.

12 MS. DAVIS: Okay. So, we have two
13 members of the public. And both
14 alphabetically, Jeremy, you are listed
15 first. We will give five minutes to -- I
16 think both of you indicated you wanted to
17 speak, to both of you, so that we will have
18 time for questions from the Committee to
19 the speakers.

20 So, Jeremy, if you will unmute
21 yourself, Bob will help unmute you if you
22 need to, and if you want to direct your
23 comments to the Committee, that's fine,

1 or if you want to ask Dr. Venohr, she has
2 agreed to stay on, and she can answer
3 your questions perhaps.

4 MR. BRUECKNER: Yes. Thank you.
5 I just -- I have one direct question to Dr.
6 Venohr.

7 Where do disabled folks fall
8 into the calculations and the data with
9 CPR? Disabled?

10 DR. VENOHR: I had to unmute
11 myself.

12 Well, you talk about the data,
13 the economic data, and I think that's
14 different than the Child Support
15 Guidelines.

16 MR. BRUECKNER: Right.

17 DR. VENOHR: As far as disabled
18 people, you know, it depends on if they
19 have SSI, income supplemental, security
20 income, whether they have Social Security
21 disability income, whether they have the
22 ability to work. So, with the --

23 MR. JEFFRIES: What about disabled

1 veterans; do they fall into that same
2 category?

3 DR. VENOHR: That would -- I don't
4 know the Alabama provisions well enough.
5 But in some states as far as the
6 disability -- and I don't know if the
7 disabled veterans' benefit goes directly to
8 the child like the SSDI does.

9 MR. BRUECKNER: Not without an
10 apportionment.

11 DR. VENOHR: Oh, okay. Because
12 that I don't know. But with regard to the
13 economic data, when we -- income is income,
14 and it's not divided by source. So, when
15 we -- if somebody has income of -- I'm
16 going to just make up this amount --
17 \$2,000, if it's from Social Security or
18 Veterans or from wages, it's still
19 considered income in our development of the
20 schedule. Because, you know, again, that
21 schedule is based on, when we look at the
22 economic data, thousands and thousands of
23 households, and it's how much they spend

1 relative to their income.

2 But for the calculation of
3 support in all states, disability is a
4 consideration. You know, like, we were
5 talking a lot about imputing income at
6 minimum wage earnings. Obviously, if
7 somebody is permanently disabled and they
8 can't work, I mean, there are some
9 studies out there that says that SSI --
10 those that receive SSI, like, 12% to 14%
11 of them can actually work, then you
12 wouldn't input income. Most states will
13 not impute income of somebody who is
14 incapacitated that way. I'm not -- am
15 I -- I just want to make clear the
16 distinction. Is that --

17 MR. BRUECKNER: Well, on
18 basically, yes, because it's kind of like
19 Alabama has their way of doing things, and
20 I know other states have their way of doing
21 things. And as far as CPR, as a
22 collective, do they impute that in their
23 data?

1 DR. VENOHR: We don't impute.
2 Uh-uh (negative response). No. We are
3 not -- We are using actual incomes and the
4 raw data.

5 MR. BRUECKNER: Right.

6 DR. VENOHR: So, the raw data that
7 I am talking about is, you know, aggregated
8 up to come up with the schedule amount.
9 But for somebody that's a disabled person,
10 that should on a case-by-case basis.

11 MR. BRUECKNER: Right. And then I
12 kind of prepared a little bit here outside
13 of that. And let's see. I will skip over
14 it because we touched base on some of the
15 things that I was going to bring up.

16 So, in Alabama State Code, Code
17 of Alabama 1975, as amended, in
18 Subsection 38-10-7, allows DHR to take
19 appropriate action under Federal and
20 State laws to assure that children are
21 fully and fairly supported. This
22 includes review and adjustment of child
23 support orders and guidelines.

1 That statement is found within
2 the Alabama Child Support Policy and
3 Procedures Manual to 9.14.2.a. and raises
4 one main question. Is that to assure
5 that only children of Alabama are fully
6 and fairly supported, or is that for all
7 children, as millions of parents find
8 recovery and life after divorce by
9 starting new families, shouldn't those
10 same children be entitled to that same
11 fair and full support?

12 Which leads me to my first
13 question: Does your current child
14 support formula take into account that
15 some parents have other children that
16 they support? To answer that by my
17 findings, according Alabama Form CS-42,
18 the answer would be, no, because there's
19 no space to indicate such information.

20 Second question: If the
21 calculator is going to have a factor of
22 how much time is spent with children,
23 then shouldn't child support have a

1 better way of determining that variable
2 besides a court order? Millions of
3 parents go without seeing their children,
4 some by choice, some by force, and others
5 because they are casted outside by an
6 opposing parent or alienated. If there
7 were some form of measuring means in
8 place say an annual or biannual
9 questionnaire or statement, request of
10 parents involved, this could aid in the
11 determining of that variable for
12 adjustments in hearings.

13 And third and finally, there's a
14 strong misinterpretation of the law when
15 it comes to VA disability and the use for
16 child support; even more so a challenge
17 of constitutionality. As it is said, VA
18 benefits are designed for the use of
19 veterans and their dependents to help
20 with the loss of income due to injury.
21 However, that is not saying that it is
22 designated to only children or dependents
23 within litigating parents. That's set

1 for all dependents. A few different
2 approaches to establishing that set
3 amount would be an apportionment. A
4 request of number of dependents --

5 MS. DAVIS: Jeremy, I am afraid
6 your time is up.

7 MR. BRUECKNER: It is?

8 MS. DAVIS: But if you would like
9 15 or 20 more seconds to summarize --

10 MR. BRUECKNER: Yes, I am about
11 done here. -- to determine the amount of
12 award that a veteran can go ahead and give
13 to that dependent.

14 So, it's just basically -- I am
15 raising the question of VA disability,
16 like me personally, I am accounted as a
17 disabled veteran with spouse with
18 dependent, and then I receive an
19 additional dependent's pay for my other
20 children. So, now, that's not spouse
21 that I am divorced from, that's the
22 spouse I am married to here in Arizona.

23 So, this needs to be taken into

1 account because that's taking away from
2 my spouse and dependents, the three in
3 which I care for on a daily basis here.

4 MS. DAVIS: Okay. Jeremy?

5 MR. BRUECKNER: Yes?

6 MS. DAVIS: What I am going to
7 suggest, I know you have some additional
8 comments that you would like to make, if
9 you would, if you would put those in
10 writing and send that -- the information in
11 writing to the Committee, then we will look
12 at it and obviously you can join us at the
13 next time. But we want to be fair to the
14 other members of the public and make sure
15 they have their time.

16 But, again, I appreciate your
17 comments, and we certainly are very
18 mindful of the service that our veterans
19 provide for everybody in Alabama, as well
20 as the United States. And we are
21 especially thankful to you for your
22 service.

23 So, our second speaker for the

1 public if Kenneth. Kenneth actually
2 happens to be a veteran also.

3 So, Kenneth, would you like
4 to -- you will have five minutes to
5 address. If you do have any questions to
6 Dr. Venohr, if you will do those first so
7 she would not have to -- don't want to
8 take up her time if there are no
9 questions for her. So, Kenneth, if you
10 would unmute yourself and if you have any
11 questions, first, of Dr. Venohr.

12 MR. PASCHAL: Yes. Thank you,
13 Penny. I don't have any questions for Dr.
14 Venohr. I would like say -- I appreciate
15 your presentation. I really enjoyed it.
16 And so, I will look at that later on and
17 see it's uploaded to the website there.
18 So, I definitely thank you for being a part
19 of making a difference for our kids here in
20 Alabama.

21 To the Committee Chair, I just
22 have a couple of questions. First, as I
23 mentioned, I am a veteran. I had the

1 opportunity to serve our country for
2 21-and-a-half years and spent the last
3 ten years in Alabama trying to advocate
4 for another important thing besides our
5 country, which is country, our kids.

6 So, once again, I appreciate all
7 the Committee members of what you all do
8 also.

9 I am a president for the Alabama
10 Family Rights Association. Many of you
11 already know that we've been advocating
12 since 2011 to change our child custody
13 laws. When there's a divorce or
14 separation, many circuits do what they
15 call standard visitation every other
16 weekend, and we try to create more of a
17 balance based on the scientific data that
18 says it's best interest of a child is to
19 have better outcomes if they have
20 anywhere from 35% to 50% time with the
21 both parents. So, that's in the best
22 interest of a child is what we are trying
23 to do.

1 But with that, in 2016, we went
2 to our Supreme Court at that time was
3 Chief Justice Roy Moore and asked if he
4 would help facilitate feedback from the
5 judges as far as how do you do child
6 support calculations. And the survey
7 results indicated that 35% of our judges
8 admitted they do not have a specific way
9 they do child support when there's joint
10 custody.

11 And so, also, the feedback would
12 begin the last several years is some
13 circuits they still struggle for some
14 reason where there's more of a joint
15 custody, how do you calculate child
16 support. Rule 32, to me, is clear. It
17 gives the judges direction and a
18 discretion to do that.

19 The last meeting this Committee
20 had -- I saw on the website -- I think,
21 someone did a written request or question
22 to this Committee stating they had, like,
23 48% or 50% -- I'm sorry, 48%, 52% parent

1 time, but yet that one parent was
2 still -- the child support calculated
3 that person was still having to provide
4 financially for both households.

5 So, my question to you regarding
6 the child support calculations -- and
7 several legislators asked me this, to
8 Kenneth. They will ask me this: They
9 said, Kenneth, when we update the law, do
10 we have any way to make it easier for the
11 judges to calculate child support when
12 there's joint physical custody. So, my
13 question to the Chair on this Committee
14 is as far as training. Are there any
15 upcoming training for our judges for
16 maybe some type of CLE to help them?
17 Some judges are doing well. For example,
18 Madison County -- I'm pretty sure
19 everyone is aware -- on July the 31st,
20 there's the first county circuit to do a
21 standard equal share parenting. So, they
22 know what they are doing up there when it
23 comes to doing child support

1 calculations.

2 So, back to the question to the
3 Chair or the Committee, are you aware of
4 any upcoming training that would help the
5 judges in these situations?

6 MS. DAVIS: I guess with regard to
7 the training, maybe Nathan or Bob might --
8 or Brad might talk about training. I know
9 that there is annual training historically
10 for domestic relations judges. And I think
11 they normally have a mid-winter meeting.
12 Maybe some of the other judges that have
13 been on the bench for awhile can speak to
14 your normal rotation as far as training is
15 concerned.

16 We do have, with regard to the
17 joint custody in the computations for
18 time-sharing, we had a subcommittee
19 that's been work on that for several
20 years. The Rule 32 Committee did submit
21 a suggested change to the Rule 32 with
22 regard to joint custody calculations to
23 the Supreme Court, and they chose not to

1 approve that. And so, we have been
2 looking at that topic again.

3 So, it is an important topic,
4 Kenneth, and you and I have discussed
5 that before, and it's certainly a topic
6 that's on the minds of the Committee.
7 And because of the federal regulations
8 that require the four-year review of the
9 schedules, that's the primary focus at
10 this point. But we certainly do intend
11 to circle back to those issues that you
12 raised.

13 Any of the judges or staff
14 members have any comments about his
15 direct question relating to training?

16 (No response).

17 MR. PASCHAL: Okay. The second
18 question --

19 MS. DAVIS: We are a little bit
20 over five minutes, but we spent some of
21 your time on the five minutes. So, let's
22 give it another minute and a half.

23 MR. PASCHAL: All right. Okay.

1 The second question regarding just I would
2 like to ask the Committee, the Chair, just
3 please consider as you look at the possible
4 suggestion in the Child Support Guidelines.
5 If you haven't received feedback from the
6 black belt community, please do. A lot of
7 people are struggling already, as you
8 already know. But just please consider the
9 black belt community, community of color.
10 It seems like they are at a lower income.
11 And those communities are struggling
12 already on both sides. So, just please be
13 aware of that.

14 And speaking of struggling,
15 Committee members, are there any
16 non-custodial Committee members assigned
17 to this committee?

18 (No response).

19 MS. DAVIS: I don't know if the
20 Committee members want to speak to their
21 personal family arrangements. If they want
22 to, they can. They may not want to speak
23 to their personal custodial relationship.

1 MR. PASCHAL: Well, I'll tell you
2 what, I also have a written request to the
3 Chair. But can you respond whether members
4 are non-custodial parents, but thanks for
5 your time and allowing me to speak. Thank
6 you.

7 MS. DAVIS: Sure. Thank you,
8 Kenneth. We always appreciate your
9 interest. We understand you represent a
10 number of fathers that have -- fathers that
11 have -- that you help communicate, and we
12 appreciate that.

13 We are close to our ending time
14 frame. And certainly want to, again,
15 thank Dr. Venohr for her great job that
16 she has done providing information to the
17 Committee and her willingness to
18 participate via Zoom, which she means she
19 gets up a lot earlier perhaps than she
20 would ordinarily have to do. And so, we
21 certainly appreciate that.

22 And we will get back with you,
23 Jane. If you have any questions that you

1 want to direct to the Committee in the
2 interim, we have a couple of dates in
3 mind.

4 Bob, do you want to speak to
5 those for just a minute?

6 MR. MADDOX: Yes. We have
7 tentatively set the next few dates for the
8 meetings. I think Brad -- for the
9 Committee meetings. Brad sent those out
10 yesterday to save the dates emailed. They
11 are Thursday, October 8th from 10:00 to
12 12:30, and Thursday, November 5th, from
13 10:00 to 12:30.

14 MS. DAVIS: Thank you, Bob. And
15 we do appreciate all the staff, the people
16 in the background, that make this happen
17 for us. They are sort of the unsung
18 heroes, and they do a great job of helping
19 us to help the kids in the State of
20 Alabama.

21 So, any other questions or
22 comments from Committee members before we
23 adjourn?

1 (No response) .

2 MS. DAVIS: Dr. Venohr, do you
3 have any questions of the Committee before
4 we adjourn?

5 DR. VENOHR: No. I do have some
6 notes and all on some follow-up information
7 to get a side-by-side schedule without the
8 self-support reserve and the existing and
9 then also the proposed right now. And I
10 will put out a couple of our options with
11 the self-support reserve just -- that might
12 make sense to get you -- you know, to
13 grease the lube to get you talking about
14 it, doing some sort now and doing some more
15 analysis of how many CPs have more income
16 than the NCP at that low end, and just some
17 more information on that.

18 And we will get into a little
19 bit more prompter. Like I say, it's just
20 been crazy with COVID. It's been
21 impossible to schedule our time. But
22 it's getting a little better, and I hope
23 it is on your end too, but you have the

1 added issues of the hurricane. I
2 apologize for that.

3 Is there anything else that I
4 missed as far as we have to prepare?

5 MS. DAVIS: Let's start with our
6 judges first. Any of our judges have any
7 questions or comments that you would like
8 to make to -- to get Jane to focus on?

9 (No response).

10 MS. DAVIS: Any. Practitioners?

11 (No response).

12 MS. DAVIS: If anyone thinks of
13 something after the meeting, sometimes that
14 does happen, if you would communicate
15 through Bob and myself, then we will pass
16 along the information to Dr. Venohr. And,
17 again, the members who joined us from the
18 public, if you have follow-up comments that
19 you would like to do, we would appreciate
20 it if you would send that to the Committee
21 in writing so that we can disperse it to
22 the Committee.

23 If there is nothing else, then

1 we will be stand adjourned. Thank you
2 all.

3 MR. MADDOX: Thank you. Stay
4 safe.

5 (Conclusion of Advisory
6 Committee Meeting at 12:29
7 P.M.)
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1 REPORTER'S CERTIFICATE

2 STATE OF ALABAMA,

3 MONTGOMERY COUNTY,

4 I, Jeana S. Boggs, Certified Court Reporter
5 and Commissioner for the State of Alabama at Large,
6 do 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, September 17, 2020, the foregoing 144
13 computer-printed pages contain a true and correct
14 transcript of the statements by the Committee
15 members and other persons via Zoom.

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

23 I further certify that I am duly licensed

1 by the Alabama Board of Court Reporting as a
2 Certified Court Reporter as evidenced by the ACCR
3 number following my name found below.

4 This 29th day of September, in the year
5 of our Lord, 2020.

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7
8
9 *Jeana S. Boggs*
10 Jeana S. Boggs, CCR
11 ACCR NO. 7 Exp 9/30/21
12 Certified Court Reporter and
13 Notary Public
14 Commission expires: 8/9/2022
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<p>DR. VENOHR: [39] 18/3 18/11 25/17 45/8 47/9 47/12 48/7 48/10 48/23 53/17 74/15 75/1 75/9 75/17 83/22 85/5 85/12 85/15 85/22 96/2 100/3 102/1 103/14 104/15 104/19 105/4 105/16 105/19 106/22 109/7 110/20 114/14 125/10 125/17 126/3 126/11 128/1 128/6 142/5 HON. DUNN BURKS: [2] 8/5 99/19 HON. PALMER: [11] 14/2 14/5 14/12 14/15 15/2 100/15 118/13 119/13 120/16 121/14 122/2 MR. BRUECKNER: [12] 9/14 9/17 9/22 125/4 125/16 126/9 127/17 128/5</p>	<p>128/11 131/7 131/10 132/5 MR. JEFFRIES: [1] 125/23 MR. MADDOX: [24] 7/9 7/23 8/4 8/6 9/7 9/16 9/19 10/5 10/8 10/13 10/19 10/21 10/23 11/2 11/4 12/5 12/20 14/22 15/3 53/14 124/6 124/10 141/6 144/3 MR. MEDARIS: [4] 11/15 12/19 16/13 16/17 MR. PASCHAL: [5] 9/5 133/12 138/17 138/23 140/1 MR. STARKEY: [1] 7/22 MS. BALDWIN: [8] 101/11 102/18 104/14 104/18 105/5 105/18 106/2 119/4 MS. BLACKBURN: [3] 104/23 108/18 110/10 MS. BUSH: [1]</p>	<p>8/3 MS. COX: [2] 115/20 122/17 MS. DAVIS: [65] 4/8 11/11 12/1 13/5 14/4 14/10 14/14 14/20 15/4 15/8 15/12 15/18 16/1 16/4 16/12 16/16 17/2 18/9 44/23 46/22 47/11 48/6 48/15 74/22 75/5 75/14 85/3 85/6 85/13 85/18 95/22 98/19 99/21 100/4 100/12 101/5 104/21 106/3 108/13 108/16 112/11 114/1 114/16 118/8 118/17 120/11 120/21 122/5 122/8 122/20 124/9 124/12 131/5 131/8 132/4 132/6 137/6 138/19 139/19 140/7 141/14 142/2 143/5 143/10 143/12 MS. KING: [4] 9/23 10/7 120/23 121/22</p>
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