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Sue Bell Cobb
Chief Justice

Callie T. Dietz
Administrative Director of Courts

M E M O R A N D U M

TO: Robert G. Esdale
Clerk, Supreme Court of Alabama

FROM: Callie T. Dietz *CTD*
Administrative Director of Courts

DATE: September 9, 2008

RE: Proposed Amendments of Rule 32, Alabama Rules of
Judicial Administration (ARJA) and Comments Thereto,
Proposed New Schedule of Basic Child Support
Obligations, and Amended Forms

Attached are the following items sent to me today by Gordon F. Bailey, Jr., Esq., Chairman of the Advisory Committee on Child Support Guidelines and Enforcement. The Advisory Committee has reviewed and approved of the following items in previous meetings and via e-mail correspondence:

- (1) Proposed Amendments of Rule 32, ARJA, and Comments thereto;
- (2) A Proposed New Schedule of Basic Child Support Obligations; and
- (3) Proposed Revisions to Forms CS-41, CS-42, and CS-43.

Pursuant to Rule 32(G), ARJA, upon review of these proposed amendments and the new Schedule, I approve of them and assert that their application will result in appropriate child support determinations. Please note that in the "Preface relating to scope" section of this Rule and other parts of the Rule, an effective date of January 1, 2009, has been placed to allow sufficient time for training and notification concerning these amendments if they are adopted by the Court.

I understand that staff at the Atlanta Regional Office of Child Support Enforcement has reviewed the attached proposed changes and has assured State Department of Human Resources staff that they are in compliance with federal regulations.

Also attached are case examples provided by one of the Committee members showing how the new health insurance provisions would change the child support amounts. It may assist the Court in its review if these case examples were sent with the proposals above.

If at all possible, please place the above matters on the next General Conference of the Supreme Court, which I understand will be September 17, 2008. I appreciate your assistance in this regard.

CTD/bm (Attachments)

M E M O R A N D U M

TO: Callie T. Dietz
Administrative Director of Courts

FROM: Gordon F. Bailey, Jr., Chairman *(GFBj)*
Advisory Committee on Child Support Guidelines
and Enforcement

DATE: September 9, 2008

RE: Recommendations by Advisory Committee

On Friday, May 16, 2008, a meeting of the Advisory Committee was held with a quorum present. The first issue discussed was whether or not to adopt an updated Schedule of Basic Child Support Obligations. The current Schedule has not been updated since 1989.

The Center for Policy Research in Denver, Colorado submitted a proposed 2007 update of the Schedule on January 22, 2008, which was disseminated to the Committee members prior to the May 16th meeting. At the meeting, 11 out of 12 members voted in favor of recommending that the 2007 Schedule be adopted. A copy of this revised Schedule is attached.

Pursuant to Rule 32(G), Alabama Rules of Judicial Administration, you, as the Administrative Director of Courts, are to review the guidelines and the schedule at least once every four years to ensure that their application results in appropriate child support determinations. As shown by the majority vote above, the Committee members present recommended the revised Schedule which will result in appropriate child support determinations.

At several previous meetings, including our most recent one on Tuesday, August 19th, at which a quorum of the members was present, the Committee discussed the issues of addressing credit for other children (pre-existing only and/or after-born children) and re-drafting provisions for health insurance costs basically changing from allowing a deduction for the entire cost to prorating the cost of the child's portion only. The majority of the Committee members present voted not to change language in current Rule 32 relating to credit for other children.

Because of new federal medical support regulations, the provisions in Rule 32(B)(7) relating to health insurance were changed to track required federal language as shown in the attached proposed Rule. The Committee carefully considered these changes to ensure that these provisions were in full compliance with recent federal mandates. In addition, a majority of the Committee approved of the changes to Rule 32(G) concerning your review of the guidelines every 4 years, which I understand from Bob Maddox you authorized to be changed.

If you approve of the Committee's recommendation to adopt the 2007 Schedule, you may wish to send this recommendation to Mr. Esdale for possible consideration by the Court at its earliest convenience. Additionally, if you approve of the revisions to Rule 32 and the Comments thereto, as well as Forms CS-41, CS-42, and CS-43, you may wish to send these to Mr. Esdale with the proposed schedule. One of the Committee members, Julie Palmer, Esq., provided case examples of how the new health insurance provisions would change the child support amounts. It may assist the Court in its review if these case examples were sent with the proposals above.

I appreciate your assistance in this regard.

GFB, jr./bm