

8/26/08 2009 CS BILL SUBCOMMITTEE TELEPHONE MEETING

Attendance:

Barbara Beilly
Carin Porras
Sheena Benjamin Wise
Tom Sasser
Laura Davis Smith
Sonya Jean
Angel Bello-Bellini
Maria Gonzalez
Robin Scher
Steve Berzner
Scott Rubin
Eric Bruce
Harvey Baxter

1. Approved 8-20-08 changes to Child Support Reduction at Emancipation 61.13(1)(a)1. & 2. with moving the words “Notwithstanding subparagraph 1.” to the beginning of subparagraph 2. Eric moved to approve Sheena 2nd and the motion carried.

2. Approved the statute changes to Enforcement of Support Arrears 61.14(12) and 742.08 and Alimony Judgment Arrears Priority 61.14 (6) (d) to be included in the 2009 Support Bill. Scott moved to approve the inclusion, Tom 2nd and the motion carried.

3. Approved statute changes to 61.30(1)(a) to include language that says that lesser than 40% time-share parent pays greater than 40% time-share parent child support. Scott moved and Angel 2nd and the motion carried.

4. The Temporary Adjustment of Child Support statute was addressed by the Subcommittee. The changes that were approved at the 8-20-08 meeting are:

a. Add the word “temporary” in 61.13(1)3.b.(i) and (ii) before the word material, the three times that it appears in those subparagraphs.

b. Add 61.13(1)3.e.: An Order on a Motion for Temporary Child Support Adjustment from Final Order shall not constitute an order for purposes of 61.14(1)(a)1.

There was an additional discussion regarding whether the supplemental petition referred to in c. and d. should be described to be a supplemental petition for downward modification of child support and whether it should be based upon the same underlying facts as those supporting the Motion for Temporary Child Support Adjustment from Final Order. Additionally discussed was whether the 180 days was an adequate time period given the law in some jurisdictions that the event must last for 1 year to be considered

permanent. Additionally Angel raised a prior philosophical issue regarding limiting the change to a downward modification and not also allowing a temporary upward modification. The Subcommittee did not approve the Temporary Adjustment of Child Support language and suggested that further review and analysis take place. A motion to approve the statute language was made by Scott and 2nd by Harvey and failed. A motion was made to table the discussion and refer the statute back to the Support Issues Committee for further analysis. This motion carried and will be the Subcommittee suggestion to the Legislative Committee.

5. Approved statute changes to 61.30(3)(a) to include language that specifies that personal and dependency exemptions, applicable deductions, earned income credits, child and dependent care credits and other allowable tax credits should be considered when calculating the taxes that should be deducted in calculating net income. Also language adding a new (18) which allows the court to allocate the dependency exemption upon good cause shown was approved. Harvey moved and Carin 2nd and the motion carried. Carin will check with forensic accountants to assure that the proposed language makes sense in accounting parlance.

6. Approved statute changes to 61.30(1)(a) eliminating the words “or mediation agreement” in accordance with standing position 13. Carin moved and Tom 2nd and the motion carried.

7. Notwithstanding the prior approval of all of the 61.30 changes regarding daycare, imputation, poverty guidelines, split parenting calculation; in light of the language approved in 3. above, a discussion was had regarding the language of the split parenting support calculation 61.30 (11)(d) as to whether the language is clear as to who pays who and as to whether the language in (d) 1. properly defines the calculations that a court should make. Given the discussion the Subcommittee may be of a position that this language is not ready for inclusion in the statute.

8. Also, similar to 7. above, the Subcommittee would like to review the language in the substantial timesharing calculation in (11)(b) to make sure that this language is clear.

Given the above, another meeting will be scheduled to:

- A. Receive a report on the tax language changes regarding the input from the forensic accounts.
- B. Review the split parent calculation language.
- C. Review the substantial time-share calculation language.