

**AGENDA
SUPPORT ISSUES COMMITTEE MEETING
TELEPHONIC CONFERENCE
APRIL 15, 2010**

I. WELCOME AND CALL TO ORDER BY CO-CHAIRS (Heather Apicella and John Schutz)

Meeting begins at 12:05 p.m. In attendance:

Heather Apicella, David Hirschberg, GM Barbara Goiran, GM Barbara Beilly, GM Susan Keith, Cynthia Cox, Sheena Benjamin-Wise, Ron Bornstein, Douglas Greenbaum, Liz Alpert, Angel-Bello-Billini, A.J. Rohe, Jack Moring, Maria Gonzalez, Harvey Baxter, Suzanne Estrella, Ashley Meyers, Steve Grosser, Steve Berzner.

II. RECOGNITION OF AND THANK YOU TO SUBCOMMITTEE CHAIRS (Heather Apicella and John Schutz)

Heather recognizes the sub-committee chairs for all of their hard work, emails, etc.

III. APPROVAL OF MINUTES FROM: 2/4/10 meeting in Orlando Florida, at Disney Yacht and Beach Club Resort.

Steve Berzner moves to approve, seconded by Douglas Greenbaum. No objections. Minutes pass.

IV. OLD BUSINESS:

A. DOR “Restricted File” Update – Magistrate Keith

She appreciated all the prompt responses to her email. Marion County in the Fifth Circuit has red-flagged DOR files, and only parties have access to these red-flagged/restricted files and the files have been removed from the website...only parties names and case numbers are now open to the public. She has contacted her clerk of court to inquire why they have taken this action and to advise the clerk that they appear to be the only court to take such an action in the state. E-mail skeith@circuit5.org with comments or questions.

IV. REPORTS AND UPDATES FROM SUBCOMMITTEES:

A. Split Parenting Guidelines Subcommittee – Heather Apicella on behalf of Carin Porras

Heather attended the sub-committee meeting. Heather gives the report. It was established a year ago to look into method of calculating child support when there is split parenting timesharing situation. At the last meeting, they decided to look at various states and how they do split parenting child support calculations. On April 13, they had a telephone conference to discuss the results of the inquiry into other states. Some states consider the actual timesharing schedule. Some states don't even look at timesharing and simply come up with an "offset" method. The sub-committee decided that because the child support bill is before the legislature right now, and there is a 20% floor, we need to wait until the bill passes to decide the method. The sub-committee is now reviewing case law in Florida and how the Circuits are handling split-parenting now. Also, Norman Levine wrote an article in January and part of the article discussed split parenting child support. The sub-committee is examining his article. The next sub-committee meeting is May 11th. If you are interested in joining the sub-committee, email Heather.

Magistrate Beilly echoes Heather's report and does not have any additions.

B. Venue Change & Multiple Support Orders Cases –Magistrate Kirigin

Magistrate Kirigin reached out to Heather this morning, but Heather was not able to take her telephone call this morning as Heather was tied up. Thus, Heather does not have an update. She believes GM Kirigin is scheduling a telephone conference in the next week or so.

Heather gives a brief overview of the purpose of this sub-committee. This is where an Order is entered in one county, and then the parties move to another county. How do we link the counties so that the new county is aware of the preceding court order on support?

Report will be forthcoming for the June meeting.

C. Alimony Guidelines Subcommittee – Liz Alpert

Liz Alpert reports that she and her sub-committee met two days ago and agreed to go with AAML formula. Lynn Britt is now working on calculations and it will be presented to the Support Issues Committee when the proposal is done.

Heather reminds everyone the monumental task this sub-committee has and that anyone interested in the issue needs to get involved.

D. Support Establishment in DV Cases – Maria Gonzalez

A year and a half ago, there was a proposal that establishment of support during a DV case go from discretionary to mandatory. However, there is another sub-committee, the paternity sub-committee, that is part of the Children's Issues committee that needs to issue their report before this sub-committee can finalize its recommendations.

E. Temporary Change in Circumstance – Magistrate Kirigin

This subcommittee was established in September 2009 as people in this economy are experiencing temporary changes in circumstances and people would like to seek a temporary change in their support.

F. DOR Filings Relating to Contempt but not Modification –Harvey Baxter

Harvey is half-finished with his final written report. He has listened to lecture, spoken with people and is still gathering data. His hope is to finish a report in mid-May.

G. Loss of Passport/Driver's License Subcommittee – Magistrate Goiran and Christina Hathaway

Report by GM Goiran:

For DL Suspension/Passport Revocation subcommittee: I have secured a copy of DOR's manual on D/L suspension. It is not lengthy but it is in hard copy form only so I will have my IT guy scan it for me and I will email it to all the committee members.

With regard to passport revocation, the controlling case is Jackson/Breedlove v. Nesbitt from the 4th DCA 975 So. 2d 549. The 4th DCA has determined that courts

cannot compel DOR to report the passport should be reinstated, even in compelling circumstances such as Mr. Nesbitt accruing an arrearage while a college basketball player and prohibited from work due to NCAA guidelines and subsequently securing employment in the European league, thereby giving him the means to pay the support. The argument they hung their hats on is a “separation of powers” argument. The dissent cites “best interest”.

Passport revocation is done this way—the states report to the State Department all delinquencies and if it is more than \$2500.00, the passport will be revoked. State courts have no authority to direct the passport to be reinstated by the US State Department, but DOR can report a payment plan so there is wiggle room.

H. Court Registry/SDU & Title IV-D Cases Subcommittee – Heather Apicella.

We need more sub-committee members and we need a chair of this sub-committee. If no one volunteers, Heather will select a chair. Douglas Greenbaum volunteers to be the new chair.

GM Susan Keith brings up the expedited proceeding language in the child support legislation. Tom Sasser and Nelson were trying to change the language in the bill due to due process concerns. If you haven’t taken a look at the bill, please do as this is big concern contained in the bill.

III. NEW BUSINESS:

A. Next Live Meeting: June 23, 2010 Committee Meetings (**Boca Raton Resort and Club** (in conjunction with the 2010 Annual Florida Bar Convention).

B. Other new business.

- i. *Possible* establishment of Subcommittee to review issue of considering after born children in the calculation of child support.

This arose out of the FSU report and the new child support bill. We need to start working on this matter.

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Minutes from Telephonic Conference
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Ron Bornstein, Steve Berzner, Jack Moring, and Heather volunteer to be on this sub-committee.

- ii. We hope the child support will be passed by May 1. Tomorrow is legislation meeting and we will get a full update on the status of the bill, etc. Nelson and Elisha will give us an update.

IV. ADJOURNMENT

Motion to Adjourn at 12:55 p.m.

Respectfully Submitted,

David L. Hirschberg, Esq.
Secretary