

**MINUTES**  
**SUPPORT ISSUES COMMITTEE MEETING**  
**ORLANDO, FLORIDA**  
**DISNEY YACHT AND BEACH CLUB**  
**FEBRUARY 4, 2010**

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**ATTENDANCE:**

Heather Apicella, John Schutz, GM Barbara Gorian, David Hirschberg, Gm Barbara Beilly, Liz Alpert, Sheena Benjamin-Wise, Michael Sasso, Chantale Suttle, Maria Keebler, Cindy Vova, Harvey E. Baxter, Susan Roux Keith, Lynn Britt, Kim Nutter, Norberto Katz, Steve Grossbard, Michael Gilden, Steven Berzner, Maria Gonzalez, Robert Rodriguez, Ron Bernstein, A.J. Rohe, Linda C. Clark

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

-Heather recognizes immediate past Chair GM Beilly, who is in attendance.

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

-Introduction of Officers.

-We go around the room and everyone introduces themselves.

**III. APPROVAL OF MINUTES FROM: 9/9/09 meeting in Tampa Florida, at the Tampa Airport Marriott Hotel.**

Motion to approve minutes by Harvey Baxter, who also offers accolades to David Hirschberg for thorough job with the Minutes. Motion passes.

**IV. OLD BUSINESS:**

**A. Brief Re-Cap of 9/9/09 Meeting (Heather Apicella and John Schutz):**

- i. 4 Subcommittees of priority for this year (determined at 8/5/09 telephonic conference).

**B. Who Pays Child Support to Whom Subcommittee (Heather Apicella and John Schutz):**

- i. Report as to outcome of 9/9/09 Legislation Meeting and 9/10/09 Executive Council Meeting.  
Language was stricken from the bill, per Tom Sasser, which makes this sub-committee no longer needed.
- ii. Motion to Dispense is made and it passes.

- C. Revise/Repeal §61.30(14):** language requiring the filing of a Financial Affidavit simultaneously with the filing of a Motion for Child Support or Petition for Modification.

The addition of the language passed at Legislative Meeting in September. We believe it was added to the Support Issues Bill, but do not know as Elisha Roy, Tom Sasser, and others were in Tallahassee yesterday. We will know an update later today during the Legislative Meeting as to what occurred in Tallahassee.

- D. Rule and Forms Committee (Heather Apicella):**

- i. SC09-2039: Support Summary Sheet Rule and Form.

The Subcommittee generated a Support Summary Sheet. Sheena Benjamin Wise brought a copy of it with her. It was passed around the room. It goes to EC for approval.

#### **IV. REPORTS AND UPDATES FROM SUBCOMMITTEES:**

- A. Preliminary Comments – Heather Apicella**

- B. Split Parenting Guidelines Subcommittee – Carin Porras**

Carin Porras is not here, she has another meeting. GM Beilly fills us in and says they had a meeting and agreed to examine how each state handles split parenting guidelines. They split the states up amongst the subcommittee, they are gathering information and are going to meet via telephone in the coming months. Lynn Britt asks to be added to this subcommittee.

- D. Who Pays Child Support to Whom? – Charlotte Karlan**

Dispensed (see above).

- E. Venue Change & Multiple Support Orders Cases –Diane Kirigin**

Heather reports for this subcommittee. This is a very important subcommittee as we need a Rule when there are multiple orders in multiple venues. GM Kirigin and Matt Capstraw (Chair of the Rules and Forms Committee) are working on a draft rule. GM Kirigin is basically doing this alone, and needs help. Sheena Benjamin Wise, GM Beilly, and Harvey Baxter volunteer to help out.

#### **F. Alimony Guidelines Subcommittee – Liz Alpert**

Liz admits that work hasn't been done. She was not advised who volunteered last time to help her with this task of formulating guidelines. Lynn Britt volunteered to be the one that helps Liz. She will work to get an update together by our next meeting in June, 2010.

John Schutz points out that 10-12 years ago, there was a committee that tackled this issue. They did a huge study. John recommends that Liz reach out to the people that worked on that study. GM Beilly points out that the dynamics and atmosphere back then was against the idea, so any study should be considered with that in mind. A lot has changed in the last 10-12 years regarding openness to guidelines.

Heather does remind that the Legislation Committee appears to still reflect an opposition against the guidelines idea; however, we should push forward with a good proposal as it will take a good proposal to change minds. We need to have something by the June meeting as that will largely decide where we go with Guidelines for 2010-2011; or if this subcommittee will be dispensed.

Cindy Vova volunteers to join the subcommittee.

Alimony Guidelines Subcommittee report tabled: report due June 23, 2010.

#### **G. Support Establishment in DV Cases – Maria Gonzalez**

Maria Gonzalez is not here (the Children's Issues Meeting is also occurring right now). This subcommittee began as a subcommittee here in Support Issues. We tabled it in this Committee and Maria took it to DV Committee. DV then decided to refer it to children's issues committee. Children's Issues Committee established a subcommittee, which had a meeting on the issue of child support being established in DV cases. A report was issued by the Children's Issues subcommittee which lists several issues to be explored and considered. The subcommittee of the Children's Issues Committee is titled "Paternity Subcommittee." We will wait for that subcommittee report.

#### **H. FSU CS Guideline Study – Magistrate Barb Goiran**

Heather has tried to email this Study out, but most of the people's emails bounce it back because the Study is so many pages in length. The attachments are so many pages each, it is voluminous to copy.

Elisha Roy and Magistrate Kirigin drove up to Tallahassee on Tuesday to meet with the Senator regarding including the guidelines as part of the

Support Issues Bill. Elisha did a side-by-side comparison of the Study and the Guidelines regarding what should be added. Apparently there is great optimism that our Child Support bill will pass. Of course, this is hearsay and we need an update from Elisha. Attend the Legislation Meeting this afternoon.

Elisha comes in and suggests we disband this subcommittee. She gives us a little update. Elisha reports that Tom met with Senator Storms in November 2009. Senator Storms requested a side-by-side comparison of the FSU Study and the current guidelines. Tom then met with her recently and now Senator Storms wants her own Committee bill to be generated and submitted to be passed. Tom's work was amazing. The end result is her subcommittee adopted our bill in its entirety as their own. They dropped the 40% floor and now there is a 0% floor. Elisha then went over small issues, all of which she included in Senator Storms' bill. Ultimately, she drafted the bill with all 13 of our recommendations. The subcommittee passed the bill. The next step is another vote and then it will be filed and heard. It will be referred to 3 committees for review. Heather will follow bill and email us updates as to progress.

Elisha and Nelson will provide much more detail of what happened in Tallahassee at the Legislation meeting.

GM Beilly moves to dispense this committee. It passes.

**I. Temporary Change in Circumstance – Heather Apicella/Diane Kirigin**

Gm Kirigin suggested 61.14 be changed as it only allows a permanent change in circumstances to modify support. However, in this economy, some people have temporary changes and she would like the statute to be changed to permit temporary changes.

Chantal Suttle, Lynn Britt, Michael Sasso volunteer to join the subcommittee and help GM Kirigin.

**J. DOR Filings Relating to Contempt but not Modification – Heather Apicella and General Magistrate Katz.**

**a. Status re: Formation of a joint subcommittee with General Magistrate Committee.**

GM Kirigin and others at last meeting were concerned about DOR filing actions for Contempt but not filing for Modification. GM Katz discussed this with his subcommittee on the GM committee and we decided at last meeting to form a subcommittee to join in the task.

Chantelle and Harvey and Norberto Katz join the subcommittee we formed at last meeting.

GM Goiran updates us on the GM meeting this morning. They are going to first study what each Circuit is doing.

#### **IV. NEW BUSINESS:**

##### **A. Loss of Passport/Drivers License – Christina Hathaway**

##### **i. Heather Apicella (status regarding how DOR reports to the State as to drivers license and passport suspensions).**

Subcommittee formed previously, but dispensed at last meeting. During an Officer meeting last week, GM Goiran said she would look for people that could help her reach out to how these things (i.e. Loss of drivers licenses and passports) is handled. GM Goiran says arrears triggers this to happen.

Harvey says the computer spits out information at \$500 delinquency. A letter is generated. 30 days later, a second letter is issued. Thereafter, if it is not rectified, it goes to DMV and the DMV issues a letter. Once that happens, it is a train that is almost impossible to stop. Often, the only letter people get is the DMV letter because unlike DOR, the DMV will have a good address for the person.

David Hirschberg gives example of mistake that is made (arrears entered in). Harvey says that letters go out automatically, but there is supposed to be a system in place, internally, that overrides the system where someone is current on their payments but naturally has a balance.

Chantalle states that there's been a change and now it is \$250 behind. She points out that the State is supposed to override the computer where there is an Order. There is a huge problem as often, the train gets rolling and can't be stopped, especially because DMV is making huge money from this.

Heather says she is willing to reinstate this subcommittee. The problem is we were advised that overhauling the computer system is impossible and too expensive. That's why we dispensed of the subcommittee.

Harvey says the \$250 is a problem, and 40% of his cases are drivers license cases. He also points out that the fine to get your license back, under *Larson*, the burden shifts as the fine becomes like a purge and you have to prove the person has the ability to pay it.

Michael Sasso states that the question is how can DOR be changed to prevent this problem...it starts with them and must funnel down.

Robert Rodriguez mentions that it is obvious that this statute is not doing what its intended purpose was. Is raising it to \$1000 a major change or a minor change?

Heather says she is not opposed to reinstating the subcommittee to study these issues. And if we figure out how to change the statute, the court system will also have to be changed, so this will be a huge undertaking.

GM Beilly makes Motion to reinstate the subcommittee. It passes. GM Goiran volunteers to be on the subcommittee. Michael Sasso, Sheena, Chantelle, Maria Keebler, Harvey Baxter, Linda Karp, Steve Grosspard.

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

**C. Other new business.**

Robert Rodriguez raises issue that child support calculations never take into consideration the obligee's obligation to take care of children from other relationships. GM Gorian points out there is case law on this. Robert wants there to be actual language in the statute.

Robert gives a scenario, and GM Gorian points out his scenario is exactly the *Smith* case. He asks to see the case and go from there.

## **V. ADJOURNMENT**

### **VII. ADJOURNMENT**

Motion to Adjourn. Approved.

*Respectfully Submitted By,*

*David L. Hirschberg, Secretary  
DH@GWPA.COM*