

MINUTES
SUPPORT ISSUES COMMITTEE MEETING
BOCA RATON RESORT & CLUB
BOCA RATON, FLORIDA
JUNE 23, 2010
10:30a.m. – 12:00p.m.

I. WELCOME AND CALL TO ORDER BY CO-CHAIRS:

A. Introduction of Guests:

Heather had everyone in the room introduce themselves to the rest of the group.

B. Attendance:

Heather Apicella, David Hirschberg, David Manz, Elisha Roy, Norberto Katz, Scott Rubin, Barbara Goiran, Barbara Beilly, Liz Alpert, Lynn Britt, Robert Rodriguez, Rosanna Ferrari, N. Nicole Gamot, Philip Wartenberg, Christopher Rumbold, John W. Foster, Steve Berzner, Angel Belo-Billini, Lawrence Dats, Dionne Meyers, Deborah Ann Byles

II. RECOGNITION OF AND THANK YOU TO 2009-2010 OFFICERS AND SUBCOMMITTEE CHAIRS (Heather Apicella).

A. Introduction of 2010-2011 Officers.

Heather introduced new officers for 2010-2011:

Heather Apicella, Sr. Co-Chair
Hon. Barbara C. Goiran, General Magistrate, Jr. Co-Chair
David L. Hirschberg, Sr. Vice-Chair
Lawrence Datz, Jr. Vice-Chair
Elizabeth Alpert, Co-Secretary
Nanette Nicole Gamot, Co-Secretary

III. APPROVAL OF MINUTES FROM: April 15, 2010 Telephonic meeting.

Lynn Britt moves approval of minutes without reading. Seconded. Heather makes friendly amendment to change title from “Agenda” to “Minutes.” Friendly amendment accepted by Lynn Britt. Minutes approved unanimously.

IV. OLD BUSINESS:

A. House Bill 907 – Heather Apicella

Many years invested in the bill. Elisha Roy points out that it was ten (10) years in the making. The bill was approved.

Elisha and Tom Sasser will be speaking at the Legislative Update at the Leadership Conference at the Hammock Beach Resort Retreat at end of July. Elisha also points out there will be a legislative training session at the Leadership Conference as well. Good way to get involved in the leadership of the legislation committee and learn about how legislation is passed.

IV. REPORTS AND UPDATES FROM SUBCOMMITTEES:

A. Split Parenting Guidelines Subcommittee –

Report given by GM Barbara Beilly. This committee is charged with coming up with a formula when the children of the parties are on different timesharing schedules (i.e. Child A spends 70% overnights with mom and Child B spends 70% overnights with dad). Gm Beilly believes they will not have a full proposal ready until January 2011 meeting. The committee was waiting to see if the bill passed and was signed into law before they put a full proposal together as the new law affects the gross-up threshold. There are also various other gross-up calculation issues to consider when putting together this formula. GM Beilly also recommends Carin Porras remain as the chair of this subcommittee.

Heather discusses how monstrous of a task this subcommittee is taking on and encourages people to get involved. If Carin chooses not to return as subcommittee char (she is the incoming Treasurer of the Family Law Section), Heather will be looking for a new chair.

B. Venue Change & Multiple Support Orders Cases –

Heather reports that this is a very important committee because there is a huge issue in this state. Heather gives the example where a person moves from Broward to Palm Beach. Broward had previously entered a support order. There is no system in place where Palm Beach is alerted to the fact that Broward previously entered a support order. This issue affects the judiciary, our clients, and our practice. This is an active sub-committee that will have meetings between now and our next meeting in September.

C. Alimony Guidelines Subcommittee – Liz Alpert

Liz reports that the sub-committee met one time, via telephone conference, since the last time we met. The sub-committee has decided the AAML guidelines will be the guidelines to be proposed. GM Kirigin, the incoming Chair of the Section, will be proposing that a new ADHOC committee be formed called Alimony Guidelines. If it is formed, there will be a stand-alone committee of the Family Law Section and this sub-committee will either be put on hold or disbanded.

Liz passes out Alimony Guidelines and information based on the AAML formula. She has the assistance of Lynn Britt is putting together the information distributed. Lynn is then recognized to explain the handouts. Lynn says that any Florida Bar member can use the website to plug in numbers and play around with the formula.

Robert Rodriguez was very skeptical about the proposed guidelines and how you come up with one formula for so many different states. Robert asked whether there would be new formulas now that we have passed durational alimony. There are lots of questions that we will need to answer and look into.

Magistrate Katz reports that GM Kirigin has been sending out feelers regarding possibly pursuing alimony guidelines and will be bringing it to Legislative and Executive Counsel for a vote and/or discussion.

Heather reports that there was a strong contingent of the legislature this past session of the Florida legislature that are very anti-alimony and do not want any alimony in Florida.

D. Support Establishment in DV Cases

This sub-committee was put on hold when this became an issue being addressed by the Children's Issues Committee. Heather attended Children's Issues Committee this morning to see where this issue stands. The sub-committee of the Children's Issues Committee recommended no changes be made to Chapter 741 after speaking with numerous people and groups in Florida. They determined that any changes they were proposing would cause due process concerns. Heather will now take this back to Maria and see what, if anything, she wants to do on this issue.

E. Temporary Change in Circumstance

Heather advised that GM Kirigin has put together a rough draft proposal for people that seek a temporary downward modification of support due to a

temporary change in circumstances. Proposal should be ready for vote by September's meeting. Norberto points out that it should be a temporary downward and upward modification and points out what happened after the hurricane to some people creating a temporary upward spike in income.

F. DOR Filings Relating to Contempt but not Modification

Joint sub-committee with the General Magistrate committee. There was no report as it has been tabled and perhaps will be raised in 2010-2011.

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

GM Gorian says there isn't a lot of action being taken on this. There is also a concern about the Courts having any authority over a state agency regarding passports. GM Gorian is entertaining a Motion to disband this sub-committee. Norberto says that the passport issue is definitely done and on the drivers license, it is a fuzzy issue that needs clarification. Norberto suggests that either this sub-committee is not staffed or this subcommittee drafts statutory language that provides the Court clarification with respect to drivers licenses.

Norberto makes two Motions. The first is to disband this sub-committee. It passes. The second Motion is to create a new subcommittee called "Drivers License Suspension Sub-Committee" that will be aimed at providing guidance and clarification to the Court. Motion passes.

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

Heather explained that Doug Greenbaum isn't here (he is testifying as a GAL this morning). Heather reports that this subcommittee was formed to address numerous glitches in the system. One is glitches with payments through the court registry. The second glitch is with payments under Title IV-D cases. The third problem is how does the Clerk work FLSDU to set up a registry? The sub-committee has done nothing yet as Doug just came in as the chair and it is actually aimed at doing work in 2010-2011.

III. NEW BUSINESS:

A. During April 15, 2010 Telephonic Meeting we established a Subcommittee to review the issue of considering after born children in the calculation of child support. (subcommittee members: Steve Berzner, Ron Bornstein, Doug Greenbaum, and Heather Apicella).

We need a chair for this subcommittee. Heather appointed Steve Berzner (and informs him of this today). Steve accepts. Heather was asked by Elisha Roy (chair of Legislative Committee) to form this sub-committee. This sub-committee is to review after-born children in child support modification cases, or when there has already been an Order put in place for the after-born child.

Lynn points out usually the after-born child usually gets less child support. Norberto points out when this legislation was first written, he is confident the legislature didn't contemplate all of these issues and perhaps new legislation will have to be written. Heather will speak to Elisha about what exactly she wants this sub-committee to do this year.

GM Beilly raises that Rana Holtz has on the agenda of the Legislative Committee a statute she is proposing that falls squarely within this topic. Norberto and GM Beilly agree to raise this at the Legislative Meeting.

B. Family Law Leadership and Legislative Conference: Hammock Beach Resort; July 29, 2010 – August 1, 2010.

C. NEXT LIVE MEETING: September 22, 2010 at the Hilton, Orlando, Florida.

V. ADJOURNMENT

Motion to Adjourn was approved.

Respectfully Submitted,

David L. Hirschberg, Esq.
Secretary