

June 27, 2007 Family Law Section Support Issues Committee End of Year Meeting

Persons Present: Chairman Hon. Norberto Katz, Jeannie Etter, A.J. Rohe, Hon. Barbara Beilly, Hon. Cynthia Cox, Hon. Barbara Goiran, Alan Rubinstein, Hon. Maria Keebler, Eric Bruce, Carmen Gillett, Benjamin Hodas, Carin Porras, Hon. Diane Kirigin, Hon. Harvey Baxter, Georgia Newman, Carol Solomon, Liz Alpert, Howard Rudolph, Thomas Sasser

The meeting was held at the Orlando World Marriott and was called to order at 10:40 AM by Chairman Norberto Katz.

Approval of minutes: Motion to approve minutes of May 11, 2007 meeting made by the Honorable Barbara Beilly; second by the Honorable Maria Keebler; Motion passed unanimously

Legislation Status Report:

Norberto Katz: Update on previous year: child support bill did not pass, At the last minute, the bill was sent back for further study. There is the possibility of revamping of the bill for submission next year.

Honorable Diane Kirigin: Thanks to the committee for its hard work this past year. There was great attendance this past year and the committee is to be commended. Unfortunately, the child support bill never made it to counsel last year as is required by the new process in the legislature. A new support study by Florida State University is due by the end of year. Becker & Poliakoff is the new lobbying counsel. Nelson Diaz is the contact.

Honorable Diane Kirigin: A new separate mandatory one page support order has been proposed by a Florida Bar committee chaired by Judge Evans. This was shared with entire Support Issues Committee for comment in late May/early June. These comments were forwarded to Tom Sasser, who presented them to the Florida Bar committee. As a result, Justice Pariente stated that she was against the proposal. There was a suggestion at the Florida Bar committee meeting that a master FLSDU coupon form could be given to the payor along with the support order. Another proposal was for a separate mandatory information sheet to be included in every case.

Tom Sasser: Thanks to the committee for its hard work and dedication this past year. He stated that support was not a high legislative priority this year, which may have impacted the submitted child support bill. He expressed his concerns about proposed separate support order form: 1) Findings of fact missing from order; 2) The applicability of the order to Domestic Violence and UIFSA cases. Overall, the theory is good. A mandatory information sheet is a better alternative. Judge Baxter suggests FACC be involved, as they deal with the critical issues every day. Concept votes for the following 2 issues were taken: 1) A mandatory separate support order to be included in every case. The vote was 12-1 against this idea. 2) A mandatory separate information sheet. The vote was 13-1 in favor of this idea.

There was a discussion of set of unified family court rules at the Florida Bar level. This concept included both the juvenile & family being blended together. There was support for this concept without the dissolution of separate juvenile and family rules.

Temporary modification:

Ben Hodas: Background of the proposed statute was discussed which included a 180 day modification period. This proposed statute addresses both upward and downward modifications. This is in conflict with standing position of the Executive Counsel, which only addresses downward modifications. Ben Hodas was reappointed as chair of the subcommittee by the Honorable Barbara Beilly. The Honorable Norberto Katz related that the new statute for temp modifications of custody in military cases doesn't cover child support and doesn't require financial affidavits to be filed. Now is a good time to work on a glitch bill to fix these problems. The Honorable Barbara Beilly wants the subcommittee to 1) Be renamed the Temporary Support Adjustment subcommittee; 2) Work on formatting of the proposed statute, and 3) Correct the problem with subsection (e) of the proposed statute concerning the retroactive period for the modification to a time period prior to the filing of a Supplemental Petition for Modification. The new subcommittee includes Eric Bruce, Alan Rubinstein, Mark Rabinowitz, and Elisha Roy.

Alimony guidelines:

The Honorable Barbara Beilly: She recognized the subcommittee members for their hard work. She indicated that the committee was shooting for a possible recommendation by January, 2008. Liz Alpert was appointed the new subcommittee chair. New subcommittee members include Georgia Newman and Carol Solomon, in addition to existing members A.J. Rohe, Alan Rubinstein, and Carmen Gillett. The next subcommittee meeting to be held at 2:30 this afternoon.

Guidelines worksheet:

Eric Bruce: This subcommittee discussed making adjustments to the current worksheet in light of the failure of the child support bill this past legislative session. A proposal was made to include the separate mandatory information sheet in this committee's workload. This proposal passed unanimously. The subcommittee was then renamed Support Related Forms Subcommittee. The subcommittee will work in conjunction with the Rules and Forms subcommittee. The new subcommittee will include Alan Rubinstein, Benjamin Hodas, the Honorable Barb Goiran and Carin Porras.

Incoming chair comments:

The Honorable Barbara Beilly wants to continue utilizing subcommittee process that was set up by the Honorable Norberto Katz. Thanks were given to the outgoing chair for his tremendous effort over the past year.

New business:

The Honorable Diane Kirigin: A new subject for the upcoming year will be the issue of transferring venue between circuits as it relates to the CSE ledger. This was sent to the Support Related Forms subcommittee

Final comments:

Thanks were given to the subcommittee chairs and entire committee

A Motion to adjourn was made and duly seconded. Meeting concluded at 11:50 A.M.