

**Minutes**  
**August 5, 2009**  
**TELEPHONIC CONFERENCE**

**Support Issues Committee**  
**(Family Law Section - Florida Bar)**

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**MEMBERS IN ATTENDANCE:**

Heather Apicella, GM Barbara Goiran, Luis Insignares, David Hirschberg, GM Barbara Beilly, Cynthia Cox, Jack Moring, Carin Porras, Ron Bornstein, Susan Keith, Amanda Colon, Alan Rubinstein, Maria Keebler, Suzanne Estrella, A.J. Rohe, Charlotte Karlan, Robert Rodriguez, Georgia Newman, Sarah Sullivan, Tom Sassser, Sheena Benjamin-Wise, Angel Miguel Bello-Billini.

**I. CO-CHAIR'S REPORT (Heather Apicella):**

- Need to provide the Committee's priorities to the Executive Council at September's meeting.

- On July 20, 2009, I sent out a roster of the sub-committees and the respective members. Email me ([heatherapicella@gmail.com](mailto:heatherapicella@gmail.com)) if you need a copy of that roster; or would like to be placed on a sub-committee.

**II. SUBCOMMITTEE REPORTS:**

**A. Venue Change in Support Enforcement Subcommittee Report (Luis Insignares-Chair):**

- i. At the June 24, 2009 meeting, Magistrate Kirigin pondered whether this subcommittee was a Rules and Forms Committee issue versus Support Issues Committee issue.
- ii. Subsequently, I had conversation with Magistrate Diane Kirigin and she would like the subcommittee to take a different direction; and is working on a new rule that will eventually be presented to this Committee.
- iii. Co-Chair, Heather Apicella, stated that she emailed Magistrate Kirigin (who was unable to attend this conference call due to a conflict with another meeting at the Courthouse) and is waiting for a response as to whether this will stay with us or go to Rules and Form.
- iv. Heather believes this is a really important issue and one that should be at/near the top of our agenda if it does indeed stay with the Support Issues Committee.

**B. Support Forms Subcommittee (Jack Moring-Chair):**

- i. Heather Apicella, Tom Sasser and I corresponded regarding whether or not we really need another subcommittee working on family law forms considering all the current groups that work on drafting forms? The conclusion was that perhaps rather having an entire subcommittee, maybe it is better to have one person serve as a liaison to the Big Bar Rules Committee and I volunteer for this role.
- ii. Jack stated that he is also the Chair of Big Bar Rules/Forms Committee. The Big Bar Rules and Forms Committee met on Friday, after the family law meetings, and had a lengthy meeting. Jack stated that he would provide this Committee with a brief history as to what occurred at the Big Bar Committee meeting.
  1. The committee went through all the various forms generated on parenting plans and their work boiled down to a handful of changes to the forms. I will send out the comments to the parenting plan form.
  2. The next changes regarded the proposed rules and forms with respect to the Relocation statute. The committee ultimately voted that the new relocation statute did not require a separate Rule of Procedure, although he expects the Family Law Rules and Forms committee to make an opposite recommendation. He does expect that if Rules and Forms decide a Rule is necessary, the Big Bar will not ultimately stand in the way.
  3. Family Law is opting out of the changes to the rules regarding Complex Litigation. We have proposed slight changes to proposed new cover sheet and Rule 12.000.
  4. Jack stated that he would submit all of these reports to Heather Apicella., as she will then disseminate the reports to our committee.
  5. Sarah Sullivan added that she is also on the Big Bar Rules and Forms Committee, and the entire committee had done such a tremendous amount of work that they were all exhausted by the time all the discussion was over regarding whether a Rule was needed on top of the parenting statute.
  6. Heather Apicella thanked Jack for the report.
- iii. Heather Apicella asked whether we need a formal vote appointing Jack as liaison between Support Issues and Big Bar. Jack felt this was a power vested to the Chair to appoint him. Heather asked the rest of the Committee for comments or objections regarding Jack's appointment. No

one objected and as Vice-Chair of Rules and Forms, Sheena Benjamin-Wife gave him her endorsement. Heather appointed Jack Moring as the liaison. Sheena Benjamin-Wise also volunteered to be of any assistance in the liaison process.

**C. Alimony Guidelines Subcommittee (Liz Alpert - Chair):**

- i. Liz Alpert was not present on phone so Heather Apicella provided the report.
- ii. Heather confirms that some states have guidelines and this subcommittee is looking into putting together proposed guidelines for Florida. This was not met with great enthusiasm from the Support Issues Committee when it was originally brought up a year ago.
- iii. Heather asked for any input from the subcommittee members.
- iv. Jack Moring confirmed that the methodology of forming these guidelines was not met with enthusiasm. Jack believed that Tom Sasser and Liz Alpert had a meeting to discuss this issue and Jack is not aware of the results of that meeting. Jack feels that alimony guidelines passing in Tallahassee would be unlikely considering that durational alimony can't even make it out of committees in Tallahassee. However, he feels this is an important concept that needs to be explored.
- v. David Hirschberg asked whether we should even be spending time on this issue because he doesn't believe the Legislative Committee would even advance it. Carin Porras confirmed David's point as the concept was negatively received at September 2008 Support Issues Meeting. GM Beilly confirms this point as well, although points out that the subcommittee has never been offended by the negative sentiments, and felt the time and work would be worth the energy. The committee also felt if a great proposal was put together, they could persuade the Legislative Committee.
- vi. Heather does not feel a concept vote should be taken now without Liz, but it should be put for vote at our Support Issues Committee at next month's meeting (September 9, 2009). Carin Porras agreed with Heather's point.
- vii. David Hirschberg asked whether it should also be put up for vote at Legislative in September if it passes, and Heather and GM Beilly said no.

**D. Loss of Passport/Driver's License Subcommittee (Christina Hathaway - Chair):**

- i. Christina Hathaway is not present. Magistrate Barbara Goiran reports and states that perhaps this won't even stay with our Committee. We will report and decide at next month's meeting.

**E. Priority of Support Arrears (Heather-Chair):**

- i. Heather explained that the big question is can the Clerk's Computer System be able to handle a statutory change as to how to apply support payments? Heather is pondering whether to even continue this subcommittee and anticipates there will be a vote at next month's meeting to dispense of this subcommittee.

**F. Support Establishment in DV Cases (Maria Gonzalez – Chair):**

- i. Maria Gonzalez is the chair; however, she was unable to make the meeting due to a prior conflict. Heather Apicella gave the report. The last Heather heard was that there was a standstill as this subcommittee was working with the Domestic Violence committee.
- ii. Sarah Sullivan reports that the Domestic Violence committee has determined that paternity should not be decided/established by DV courts. Apparently now there is pressure that child support be established by DV Court even where paternity hasn't been established.
- iii. Angel Bello-Bellini stated that he hasn't read the legislation but knows about it. Angel feels that we need to be absolutely certain that we work with Domestic Violence Victims Activists or else we are going to have a big backlash. Sarah Sullivan confirms that representatives were on the phone call yesterday and Sarah assures we are working with them and staying in contact with them.
- iv. Tom Sasser reports that a whole lot of Rules are going to have to be implemented, even with a statute, regarding procedures if child support will indeed be established at a DV hearing. Without doing it in conjunction with Rules, it will lead to a heap of problems. Heather recommended that if we work on this issue, we do so in conjunction with Big Bar Rules. Jack Moring volunteered to bring this issue before them. Jack said he will put this on the Big Bar Rules Agenda as a tentative item and Sarah Sullivan volunteered to be the presenter. This is subject to our Committee's approval of this in September.

**G. Health/Dental/Medical Expenses (Isabell Loomis and Rhoda Sokoloff – Co-Chairs):**

- i. Neither Isabell nor Rhoda were present. Heather explained that Rhoda Sokoloff is running for Judge, and as such, Heather is unsure whether she will want to continue as a subcommittee Co-Chair due to the massive time commitments ahead of her. Subcommittee member, Charlotte Karlan says she will follow up with Steve Berzner.

**H. Who Pays Child Support to Whom (Charlotte Karlan-Chair):**

- i. Charlotte has a proposal and will be calling a subcommittee telephone conference call to go over the proposal. Heather Apicella recommended that Charlotte set up the telephonic meeting through Summer, this way the subcommittee call will not conflict with any other committee's telephonic conferences. Charlotte said she will do so and have proposed language for the Committee at our September meeting.

**I. Split Parenting Guidelines (Carin Porras- Chair):**

- i. Carin's subcommittee had their telephonic meeting this past Monday. The subcommittee is going to look at other states which have the same Split Parenting issues, and gather some language from them and put together a good proposal. The subcommittee is meeting again, via telephone, this month and will have a proposal for the Committee in September.

**J. FSU CS Guideline Study (Magistrate Goiran- Chair):**

- i. She intends to have a subcommittee meeting once they have had a chance to review the 170 page report. Her goal is to finalize the issues for September meeting and she also plans to work closely with Legislative Committee. GM Goiran plans to disseminate the report to everyone (Magistrate Goiran will first send to Heather Apicella and Heather will email to the committee).

**III. Heather Apicella Commentary:**

- A.** Motion: Heather Apicella moved to prioritize the subcommittees for this upcoming year. Due to the fact that a couple subcommittees are up-in-the-air, we are left with 8 possible sub-committees. Tom Sasser proposes that each member present votes on their top 3 preferences.
- B.** Heather called for the vote: Heather requested that Secretary, David Hirschberg go through the attendance and each member

remaining on the call give their top 3 subcommittees. This is how the vote came out:

- i. Split Parenting Guidelines (10 votes)
- ii. Health/Dental/Medical Expenses (7 votes)
- iii. Who Pays Child Support to Whom? (6 votes)
- iv. Venue Change in Child Support Enforcement (6 votes)
- v. FSU Child Support Guideline Study (5 votes)
- vi. Alimony Guidelines Subcommittee (4 votes)
- vii. Support Establishment in DV Cases (4 votes)
- viii. Loss of Passport/Driver's License Subcommittee (0 votes)

IV. David explained that there is a "tie for third place" between Who Pays CS to Whom Subcommittee and Venue Change Subcommittee. Magistrate Barbara Beilly moves to have four priorities, seconded by both Charlotte Karlan and Carin Porras. Motion approved by acclamation.

**A. The four subcommittee priorities for this year will be:**

- i. **Split Parenting Guidelines;**
- ii. **Health/Dental/Medical Expenses;**
- iii. **Who Pays Child Support to Whom; and**
- iv. **Venue Change in Child Support Enforcement.**

V. Heather moved to adjourn the conference call. Tom Sasser seconded. Meeting adjourned at 1:21 p.m.

Submitted by,

David Hirschberg, Secretary