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FOB JAMES, JR.
Governor

State of Alabama Department of Human Resources

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50 Ripley Street
Montgomery, Alabama 36130

P. L. Corley
Acting Commissio

MEMORANDUM
December 29, 1995

To: County Directors of Human Resources

From: Philip L. Browning, Director
Child Support Enforcement Division

Re: Rule 32, Child Support Guidelines
C S E D Memo #95-51

- Action Required: 1) Review requirements of the child support guidelines with staff
- 2) Retain memorandum until further notice

Representatives from the Administration for Children and Families, Office of Child Support Enforcement (OCSE), Atlanta Regional Office, visited several Alabama counties in June 1995. The purpose of the visit was to conduct a review of Alabama's compliance with Federal requirements related to Review and Adjustment and Child Support Guidelines procedures. The review was done in response to complaints OCSE had received from non-custodial parents (NCP) and from a father's advocacy group alleging that the Department was not providing services to NCP's for downward adjustments and Rule 32 requirements were not being followed.

In the follow-up report to the Division, OCSE representatives stated that in the past, NCP's were denied services if a review indicated a downward adjustment was necessary. However, with the publication of Administrative Letter #6584, Review and Adjustment policy, child support staff were made aware that appropriate services must be provided to the NCP. They also noted that the passage of Act No. 94-800, Role of the IV-D Attorney, helped resolve conflict of interest issues the Department had experienced related to providing services to the NCP for downward adjustments.

The report also identified instances where Rule 32, Child Support Guidelines requirements were not followed. For example, OCSE representatives noted that verified income information, for both parents, was not used to compute the guidelines. In most cases the income of the non-custodial parent had been verified. However, staff were not adequately verifying income information for the custodial parent. Rule 32 states:

"Income statements of the parents shall be verified with documentation of both current and past earnings. Suitable documentation of current earnings includes pay stubs, employer statements, or receipts and expenses if self-employed."

Child support staff must obtain and use verified income information for the custodial and non-custodial parent when computing the guidelines.

Exhibit A

In addition, Rule 32 requires that the CS-41, Child Support Obligation Income Statement/Affidavit and CS-42, Child Support Guidelines be filed in each action to establish or modify child support obligations; and "in stipulated cases", the CS-43, Child Support Guidelines Notice of Compliance should also be filed. OCSE representatives noted that several court files which were reviewed did not include all of the required documents. The report cited instances where support amounts were incorrectly calculated or deviated from the guidelines calculation amount and no CS-43 was completed explaining the reason for the deviation.

OCSE representatives also noted that the process of imputing income varies from county to county and recommended consistency be established across the State. Child support staff should review Rule 32 instructions related to imputing income in cases where the parents are found by the court to be voluntarily unemployed or underemployed. Staff should also review the guidelines definitions of income and the specific categories of income which should and should not be considered when computing the guidelines.

This memorandum is to serve as a reminder to staff that Rule 32, Child Support Guidelines requirements must be followed.

Please review Rule 32 for more detailed information. If you have any questions, contact your Child Support Field Supervisor or you may call the Division at 334-242-9300, attnet 220-9300.

PLB:dm

cc: Deputy Commissioner
Regional Managers
Legal Office
Administrative Office of Courts
District Attorneys
Private Attorneys with CS Responsibilities
Child Support Field Supervisors
Child Support Enforcement Division Staff
Mobile Investigation and Recovery
Jefferson County Family Court-CS Unit