



Committee Corner

This Month's featured Committee: Child –Support

The child-support committee is chaired by the Honorable Debra Lehrmann, and has two co-vice chairs, Barton Resnicoff, and Joseph Booth. In its regular meetings the committee has focused on continuing education, state legislation, administration of support, federal administration of child-support, the adoption of uniform State laws or procedures for child-support and international child-support concerts.

The child-support committee last met at the Austin, Texas meeting on April 16, 2005.

In the Fall 2005 session, the child-support committee is going to present a program to strategize uncovering undisclosed income and underutilized earning capacity for the determination of appropriate child-support and spousal support awards.

Bart Resnicoff will produce the program; Lyne Ranson will moderate. Other speakers include Candace Brannen Peoples and Heidi Muckler, former IRS employee and current CPA.

Attention will also be given to working or ways to maximize available dollars by investigating issues such as tax effects so a maximum amount of assets are preserved for the use of the family.

The child-support committee believes the on-line resource center is an underutilized asset and is hopeful that future efforts will be more successful in accelerating its use; contributions are welcome!

The committee briefly discussed the accelerating trend in administrative management of child support. With Florida being a recent example, many states are using administrative mechanisms for the establishment and enforcement of child support; this is true especially in low-income situations. Some concerns were raised in the discussion whether an appropriate balance could be struck between the due process concerns and administrative efficiency.

The committee has discussed the important aspects (both pro and con) of a uniform or model set of child-support guidelines drafted by the National Conference of Commissioners on State Laws (**NCUSSL**).

Progress on the UIFSA 2001 amendments.

The following jurisdictions have adopted 2001 UIFSA:

Arizona; California; Colorado; Illinois; Maine; Mississippi; Nebraska; New Mexico; Oklahoma; Texas; Utah; Virginia; Washington; West Virginia; and, Wyoming.

Also at this point these three jurisdictions are still considering the 2001 act: District of Columbia, Indiana, and, South Carolina. The chances of it passing in the District of Columbia and the South Carolina this year appear to be very good.

The PRIDE Act (Placed on Calendar in Senate)[S.667.PCS] is the most current version of federal legislation to enact the UIFSA 2001 version by simply amending the current statute by including the language "adopted as of August, 2001." The last major action on this bill occurred March 30, 2005 by Senator Grassley from the committee on finance who had filed a written report.

The committee is looking into gaining official ABA support of UIFSA 2001.

Other federal legislation of interest would be the bankruptcy abuse prevention and consumer protection act of 2005, which was signed by the president on April 20, 2005. This amendment to the bankruptcy code includes child-support provisions – the automatic stays would not affect income-withholding assignments to collect child support or other support enforcement mechanisms, such as licensure suspension and credit reporting.

Joseph W. Booth, reporting.