

IN THE SUPREME COURT OF ALABAMA  
December 28, 2018

ORDER

IT IS ORDERED that Rule 32(A)(1), Alabama Rules of Judicial Administration, be amended to read in accordance with Appendix A to this order and that the Committee Comments to the Amendment of Rule 32(A)(1) Effective January 1, 2019, be adopted to read in accordance with Appendix B to this order;

IT IS FURTHER ORDERED that the amendment of Rule 32(A)(1) and the adoption of the Committee Comments to the Amendment of Rule 32(A)(1) are effective January 1, 2019;

IT IS FURTHER ORDERED that the following note from the reporter of decisions be added to follow Rule 32:

"Note from the reporter of decisions: The order amending effective January 1, 2019, Rule 32(A)(1) and adopting the Committee Comments to the Amendment of Rule 32(A)(1) Effective January 1, 2019, is published in that volume of Alabama Reporter that contains Alabama cases from \_\_\_ So. 3d."

Stuart, C.J., and Bolin, Parker, Shaw, Main, Wise, Bryan, Sellers, and Mendheim, JJ., concur.

**Witness my hand this 28th day of December, 2018.**



**Clerk, Supreme Court of Alabama**

**FILED  
December 28, 2018  
11:22 am  
Clerk  
Supreme Court of Alabama**

APPENDIX A

Rule 32(A)(1), Alabama Rules of Judicial Administration

(1) Reasons for deviating from the guidelines. Reasons for deviating from the guidelines may include, but are not limited to, the following:

(a) Shared physical custody or visitation rights providing for periods of physical custody or care of children by the obligor parent substantially in excess of those customarily approved or ordered by the court;

(b) Extraordinary costs of transportation for purposes of visitation borne substantially by one parent;

(c) Expenses of college education incurred prior to a child's reaching the age of majority;

(d) Assets of, or unearned income received by or on behalf of, a child or children;

(e) The assumption under the Schedule of Basic Child-Support Obligations that the custodial parent will claim the federal and state income-tax exemptions for the children in his or her custody will not be followed in the case;

(f) The actual child-care costs incurred on behalf of the children because of the employment or job search of either parent exceeds the costs allowed under subsection (B)(8) of this rule by twenty percent (20%) or more;

(g) A parent incurs child-care costs associated with the parent's training or education necessary to obtain a job or to enhance that parent's earning potential, not to exceed a reasonable time as determined by the court. To justify deviating from the guidelines on this basis, the parent must prove by a preponderance of the evidence that the job training or education will benefit the child or children being supported, and child-care costs associated with such training or education shall not exceed the amount required to provide care from a licensed source for the child or children, based on a schedule of

guidelines developed by the Alabama Department of Human Resources; and

(h) Other facts or circumstances that the court finds contribute to the best interest of the child or children for whom child support is being determined.

The existence of one or more of the reasons enumerated in this section does not require the court to deviate from the guidelines, but the reason or reasons may be considered in deciding whether to deviate from the guidelines. The court may deviate from the guidelines even if no reason enumerated in this section exists, if evidence of other reasons justifying deviation is presented.

APPENDIX B

Committee Comments to the Amendment to Rule 32(A)(1)  
Effective January 1, 2019

Former subsection (A)(1)(g) was redesignated as subsection (A)(1)(h), and a new subsection (A)(1)(g) was added to allow a trial court to deviate from the child-support guidelines when a parent incurs child-care costs associated with the parent's training or education necessary to obtain a job or to enhance that parent's earning potential.