

SUPREME COURT OF ARIZONA

ORDER ADOPTING REVISED STATEWIDE
CHILD SUPPORT GUIDELINES

Revised Administrative Order 89-26

The Supreme Court, having approved the attached statewide child support guidelines on December 12, 1989, now, therefore,

IT IS ORDERED THAT the guidelines shall be effective for all child support awards, whether they be original awards or modifications of pre-existing awards, made in actions filed after December 31, 1989.

DATED AND ENTERED this 10th day of January, 1990, at the State Capitol in Phoenix, Arizona.

FOR THE COURT

Frank X. Gordon, Jr.
Chief Justice

ARIZONA CHILD SUPPORT GUIDELINES
ADOPTED BY
THE ARIZONA SUPREME COURT
FOR
ACTIONS FILED AFTER DECEMBER 31, 1989

1. Purposes

- a. To establish a standard of support for children consistent with the reasonable needs of children and the ability of parents to pay;
- b. To make child support awards consistent for persons in similar circumstances;
- c. To give parents and courts guidance in establishing child support orders and to promote settlements;
- d. To comply with state law (Arizona Revised Statutes Section 25-320) and federal law (42 United States Code Section 651 et seq., 45 Code of Federal Regulations Section 302.56) and any amendments thereto.

2. Premises

- a. These guidelines apply to all natural children, whether born in or out of wedlock, and to all adopted children.
- b. The child support award should permit the children a standard of living that as closely as possible approximates the one they would have had if the family remained together, recognizing the cost of maintaining two households.
- c. The child support obligation has priority over all other financial obligations; the existence of non-support-related financial obligations is generally not a reason for deviating from the guidelines.
- d. The fact that a custodial parent receives child support does not mean that he or she may not also be entitled to spousal maintenance.

If the court is establishing both child support and spousal maintenance, the court shall determine the appropriate amount of child support first.

- e. A parent's legal duty is to support his or her natural or adopted children. Support of "other children" as defined in Section 6.a. may result in an adjustment pursuant to Section 6.b.

The "support" of other persons such as stepchildren or parents is deemed voluntary and is not a reason for an adjustment pursuant to Section 6.b.

- f. Duration of support is governed by Arizona Revised Statutes Section 25-320.

3. Presumption

In any action to establish or modify child custody, and in any action to establish or modify child support, whether temporary or permanent, local or URESA (Uniform Reciprocal Enforcement of Support Act), the amount resulting from application of these guidelines shall be the amount of child support ordered. However, if application of the guidelines would be inappropriate or unjust in a particular case the court may deviate from the guidelines in accordance with Section 15.

4. Multiple Children, Divided Custody

When each parent is awarded custody of at least one of the parties' children, each parent is obligated to pay support to the other parent. However, the amount of support to be paid by the parent having the greater support obligation shall be reduced by the amount of support owed to that parent by the other parent.

EXAMPLE: Combined Adjusted Gross Income is \$2000 per month. Father's gross income is \$1500 per month (75%) and he has custody of one child. Mother's gross income is \$500 per month (25%) and she has custody of two children.

Prepare a Parent's Worksheet to determine support for children in the mother's household. Locate the Combined Adjusted Gross Income figure of \$2000 on the Schedule. Select the support figure in the column for the two children in this household, \$494. The father's share is 75% of \$494, or \$370.50.

Prepare a Parent's Worksheet to determine support for the child in the father's household. Locate the Combined Adjusted Gross Income figure of \$2000. Select the support figure in the column for the one child in this household, \$318. The mother's share is 25% of \$318, \$79.50.

The father is obligated to pay the mother \$370.50 for child support. This amount is reduced by the \$79.50 obligation owed by the mother to the father. Thus, the father shall pay \$291 per month.

5. Determination of The Gross Income of the Parents

NOTE: Terms such as "Gross Income" and "Adjusted Gross Income" as used in these guidelines do not have the same meaning as when they are used for tax purposes.

- a. Gross income includes income from any source, and may include, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits (subject to Section 23), workmen's compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, and spousal maintenance received from a spouse who is not the parent of the children for whom support is being determined. Cash value shall be assigned to in-kind or other non-cash benefits. Seasonal, overtime, or fluctuating income shall be averaged.
- b. Gross income does not include benefits received from means-tested public assistance programs including, but not limited to, aid to families with dependent children, supplemental security income, food stamps, general assistance, or sums received as child support.
- c. For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, gross income means gross receipts minus ordinary and necessary expenses required to produce income. "Ordinary and necessary expenses" does not include amounts determined by the court to be inappropriate for determining gross income for purposes of child support.
- d. Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business shall be counted as income if they are significant and reduce personal living expenses.
- e. If a parent is unemployed or working below full earning capacity, the court may consider the reasons. If earnings are reduced as a matter of choice and not for reasonable cause, the court may attribute income to a parent up to his or her earning capacity. Pursuant to Arizona Revised Statutes Section 25-320.G, income of at least minimum wage shall be attributed to a parent ordered to pay child support. If income is attributed to the parent receiving child support, appropriate child care expenses shall also be attributed.
- f. Income of a parent's new spouse is not treated as income of that parent under these guidelines.

- g. The court shall not take into account the impact of the disposition of marital property except as provided in Arizona Revised Statutes Section 25-320.A.6. ("...excessive or abnormal expenditures, destruction, concealment or fraudulent disposition of community, joint tenancy and other property held in common.") or to the extent that such property generates income to a parent.
- h. The payment of income taxes has been considered in the Schedule.

6. Adjustments to Gross Income

- a. The amount of court-ordered spousal maintenance for a spouse who is not the parent of the children for whom support is being determined and the amount of court-ordered child support of other children actually paid, shall be deducted from the gross income of the payor. "Other children" means natural or adopted children who are not the subject of this particular child support determination.
- b. As authorized in Section 2.e, support of natural or adopted children not covered by a court order may be considered as an adjustment factor. Any adjustment will be made to gross income and the amount of any adjustment will be determined by a simplified application of the guidelines to determine the basic amount of support that would be ordered for the other children in question.

7. Determining The Adjusted Gross Income of the Parents

Adjusted Gross Income is gross income minus the adjustments provided in Section 6 of these guidelines. The Adjusted Gross Income for each parent shall be established. These amounts shall be added together. The sum is the Combined Adjusted Gross Income.

8. Determining The Basic Child Support Obligation

Locate the Combined Adjusted Gross Income figure on the Schedule of Basic Child Support Obligations, and select the column for the number of children involved. This number is the Basic Child Support Obligation.

9. Determining The Total Child Support Obligation

To determine the Total Child Support Obligation, the court:

- a. Must add to the Basic Child Support Obligation the cost of the children's medical insurance coverage, which will be paid as ordered pursuant to Section 14 of these guidelines.

b. May add to the Basic Child Support Obligation amounts for any of the following:

1. Child Care Costs:

Child care expenses appropriate to the parents' financial abilities, and to the lifestyle of the children had the family remained intact.

2. Education Expenses:

Any reasonable and necessary expenses for attending private or special schools or necessary expenses to meet particular educational needs of a child, when such expenses are incurred by agreement of both parents or ordered by the court.

3. Older Child Adjustment:

The average expenditures for children over age twelve exceed the average expenditures for all children by approximately ten percent. Therefore, the court may increase child support for an older child by an amount up to ten percent of the support shown on the Schedule. If the court chooses to make an adjustment, the following method of calculation shall be used.

EXAMPLE: Award for one child, age 13, is \$200. The court could award up to \$20 extra for a total of \$220. If not all children subject to the order are over age 12, the increase will be prorated as follows: Assume the award for three children is \$300. If one of the three children is over age 12, assign 1/3 of the total support award to the older child (\$100) and increase that portion of the award by 10%, to \$110. The total award would then be \$310. NOTE: This proration method is limited to this section and should not be followed in Section 21.

4. Extraordinary Child Adjustment

These guidelines are designed to fit the needs of most children. The court may increase the Basic Child Support Obligation to provide for the special needs of gifted or handicapped children.

10. Determining Each Parent's Proportionate Share of the Total Child Support Obligation

The Total Child Support Obligation shall be divided between the parents in proportion to their Adjusted Gross Incomes. The obligation of each parent is computed by multiplying

each parent's share of their Combined Adjusted Gross Income by the Total Child Support Obligation.

11. Determining The Child Support Award

The court shall order the noncustodial parent to pay child support in an amount equal to his or her proportionate share of the Total Child Support Obligation. The custodial parent shall be presumed to spend his or her share on the children.

EXAMPLE: One child, age 15. Combined Adjusted Gross Income is \$1,000. The father's Adjusted Gross Income is \$600. Divide the father's Adjusted Gross Income by the Combined Adjusted Income. The result is the father's share of the Combined Adjusted Gross Income. (\$600 divided by \$1000 = 60%) So, the father's share is 60%; the mother's share is 40%.

On the Schedule, the Basic Child Support Obligation for a Combined Adjusted Gross Income of \$1000 for One Child is \$189. To this the judge adds \$11 because the child is over twelve years of age (approximately 6% in this example). The Total Child Support Obligation is \$200.

The father's share is 60% of \$200, or \$120. The mother's share is 40% of \$200, or \$80. Custody is awarded to the mother. The father shall pay the child support amount of \$120 per month. The value of the mother's contribution is \$80, and she spends it directly on the child.

12. Visitation Expenses

The court may allocate visitation expenses. In doing so, the court shall consider the means of the parents and may consider how their conduct (such as a change of residence) has affected the costs of visitation.

13. Gifts in Lieu of Money

The child support award is to be paid in money. Gifts of clothing, etc. in lieu of money are not to be offset against the support award except by court order.

14. Medical Insurance

An order for child support shall assign responsibility for providing medical insurance for the children who are the subject of the support award. The court shall also specify the percentage of uninsured medical expenses for the children that each parent shall pay. The apportionment should reflect each parent's respective ability to pay.

15. Deviations

- a. The court may deviate from the guidelines, i.e., order support in an amount different from that which is provided pursuant to these guidelines, only if all of the following five criteria are met:
 1. Application of the guidelines is inappropriate or unjust in the particular case,
 2. Deviation is in the best interests of the child,
 3. The court makes written findings regarding 1 and 2 above,
 4. The court shows what the award would have been without the deviation, and
 5. The court shows what the award is after deviating.
- b. The court may deviate from the guidelines based upon an agreement of the parties only if all of the following criteria are met:
 1. The agreement is in writing,
 2. All parties have signed the agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement,
 3. All parties have signed the agreement free of duress and coercion, and
 4. The court complies with the requirements of Section 15.a.

Unless there is a deviation pursuant to this section, the amount of child support ordered shall not be less than \$50 per month.

16. Impact of Physical Custody Arrangements

It is the intention of these guidelines to remove financial incentives associated with custody and visitation arrangements.

Generally, there shall be no deviation from these guidelines as a result of joint custody or visitation in accordance with the visitation practices or visitation guidelines used in the county where the child support order is being entered. In recognition of exceptional physical custody arrangements, the court may deviate from these guidelines pursuant to Section 15 after considering:

- a) The percentage of time each parent has physical custody of the children, and
- b) To what extent, if any, the physical custody arrangements reduce the expenses of the parent receiving support.

The court may also consider to what extent, if any, the arrangements increase the expenses of the parent paying support.

EXAMPLE - Extraordinary Visitation: The Total Child Support Obligation pursuant to Section 9 is \$600 per month. The father's share is \$400. The father exercises standard visitation, and, in addition, has the children for one additional month. The court determines that this extra visitation will save the mother \$120 for food, recreation, and babysitting. The \$120 amount is annualized to obtain a monthly impact of \$10. Thus, the father's monthly support obligation is reduced by \$10, from \$400 to \$390.

17. Judge's Findings

The court shall make findings in the record as to: gross income, adjusted gross income, basic child support obligation, total child support obligation, each parent's proportionate share of the child support obligation, and the child support award.

The findings may be made by incorporating a worksheet containing this information into the file.

18. Exchange of Information

The court shall order that every twenty-four months the parties exchange financial information such as tax returns, spousal affidavits, and earning statements.

Unless the court has ordered otherwise, at the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers.

19. Failure to Comply

If a parent's support obligation is reduced because of an act which is to be performed and then the parent fails to perform it (e. g., shared physical custody arrangement), the award may be reconsidered and a compensatory order entered by the court.

20. Modification

a. Standard Procedure

Pursuant to Arizona Revised Statutes Section 12-2453, either parent may ask the court to modify a child support order upon a showing of a substantial and continuing change of circumstance.

b. Simplified Procedure

Either parent may request the court to modify a child support order if application of the guidelines results in an award that varies 15 percent or more from the existing amount. Such variation will be considered prima facie evidence of substantial and continuing change of circumstances. Any such request for modification of child support must be accompanied by a completed and sworn "Parent's Worksheet for Child Support Amount."

A copy of the request for modification of child support and the "Parent's Worksheet for Child Support Amount" showing that the proposed child support amount would vary 15 percent or more from the existing child support order shall be served on the other parent pursuant to Rule 4, Rules of Civil Procedure.

The parent receiving service has 20 days in which to request a hearing on the proposed modification. If Service of Process is made by an alternative method of service provided in Rule 4(e), Rules of Civil Procedure, the parent receiving service has 30 days in which to request a hearing on the proposed modification.

Upon proof of service and if no hearing is requested within the time allowed, the court shall enter an order modifying the support award in accordance with the calculations provided.

If either party requests a hearing within the time allowed, the court shall conduct such hearing within 20 days of the request. No order shall be modified without a hearing if one is requested.

Any petition to modify child support pursuant to this subsection must be made using a form approved by the Arizona Supreme Court.

21. Effect of Cessation of Support for One Child

If support for more than one child was ordered under these guidelines and thereafter the duty to support one of the children stops, the award is not automatically reduced by

that child's share. To obtain a modification to the support award, a request must be made in writing to the court to recalculate the support obligation pursuant to these guidelines. The procedure specified in Section 20 may be used for this purpose.

EXAMPLE: The award for an income of \$600, with four children is \$207. One child dies. In determining the new child support amount, do not deduct one-fourth of the award for a new award of \$155.25. Instead, refer to the Schedule for three children, whereunder the award is \$187. (NOTE: This method varies from the one used in Section 9.b.3.)

22. Income of a Child

Income earned or money received by a child from sources other than child support shall not relieve a parent of the support obligation established by these guidelines.

23. Credit for Benefits

Benefits, such as social security disability or insurance, received by a child as a result of contributions made by the parent paying support shall be credited as follows:

- a. Only the benefits received by the parent are included as part of that parent's gross income.
- b. If the amount of the child's benefit for a given month is equal to or greater than the parent's child support obligation, then the parent's obligation is satisfied. Any benefit received by the child for a given month in excess of the child support obligation is not treated as an arrearage payment nor as a future payment.
- c. If the amount of the child's benefit for a given month is less than the parent's child support obligation, the parent must pay the difference.

24. Effective Date

All child support awards in actions filed after December 31, 1989, shall be made pursuant to these guidelines, whether they be original awards or modifications of pre-existing awards.

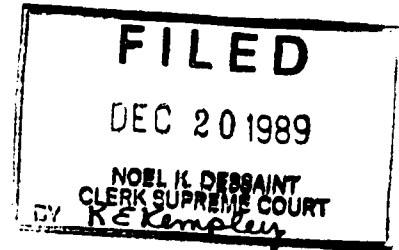
SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS

This schedule is only part of the overall guidelines and must be used together with the accompanying information.

Child support awards based upon income of less than \$500 per month or greater than \$7500 per month shall be based on the facts of each case.

The discretion of the court must be used in determining child support for families with more than four children.

COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN
500	90	135	175	190
600	115	170	187	207
700	157	187	199	224
800	171	265	279	314
900	184	286	359	404
1000	189	307	385	434
1100	210	327	410	463
1200	223	346	434	490
1300	235	366	459	517
1400	248	385	483	544
1500	269	404	506	570
1600	271	422	528	595
1700	282	440	550	620
1800	293	457	572	645
1900	305	475	595	671
2000	318	494	619	698
2100	330	513	642	725
2200	343	531	666	752
2300	355	550	690	779
2400	368	569	714	806
2500	380	588	738	833
2600	392	606	761	859
2700	404	625	784	885
2800	415	644	808	911
2900	427	662	831	937
3000	439	681	855	964
3100	451	700	878	990
3200	463	718	901	1016
3300	474	737	925	1042
3400	486	756	948	1068
3500	498	775	972	1095
3600	508	790	990	1115
3700	516	802	1005	1132
3800	524	814	1020	1149
3900	532	826	1035	1166
4000	540	838	1050	1183
4250	560	868	1088	1226
4500	580	899	1126	1269
4750	600	929	1164	1312
5000	620	959	1201	1354
5250	640	989	1239	1396
5500	660	1020	1277	1440
5750	680	1050	1315	1482
6000	700	1080	1352	1525
6250	715	1104	1390	1567
6500	730	1128	1428	1610
6750	735	1152	1466	1652
7000	750	1176	1504	1695
7250	760	1200	1542	1737
7500	770	1224	1580	1780



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 3. The court makes written findings regarding 1 and 2 above,
 4. The court shows what the award would have been without the deviation, and
 5. The court shows what the award is after deviating.
- b. The court may deviate from the guidelines based upon an agreement of the parties only if all of the following criteria are met:
 1. The agreement is in writing,
 2. All parties have signed the agreement with knowledge of the amount of support that would have been ordered by the guidelines but for the agreement,
 3. All parties have signed the agreement free of duress and coercion, and
 4. The court complies with the requirements of Section 15.a.

Unless there is a deviation pursuant to this section, the amount of child support ordered shall not be less than \$50 per month.

16. Impact of Physical Custody Arrangements

It is the intention of these guidelines to remove financial incentives associated with custody and visitation arrangements.

Generally, there shall be no deviation from these guidelines as a result of joint custody or visitation in accordance with the visitation practices or visitation guidelines used in the county where the child support order is being entered. In recognition of exceptional physical custody arrangements, the court may deviate from these guidelines pursuant to Section 15 after considering:

- a) The percentage of time each parent has physical custody of the children, and
- b) To what extent, if any, the physical custody arrangements reduce the expenses of the parent receiving support.

The court may also consider to what extent, if any, the arrangements increase the expenses of the parent paying support.

EXAMPLE - Extraordinary Visitation: The Total Child Support Obligation pursuant to Section 9 is \$600 per month. The father's share is \$400. The father exercises standard visitation, and, in addition, has the children for one additional month. The court determines that this extra visitation will save the mother \$120 for food, recreation, and babysitting. The \$120 amount is annualized to obtain a monthly impact of \$10. Thus, the father's monthly support obligation is reduced by \$10, from \$400 to \$390.

17. Judge's Findings

The court shall make findings in the record as to: gross income, adjusted gross income, basic child support obligation, total child support obligation, each parent's proportionate share of the child support obligation, and the child support award.

The findings may be made by incorporating a worksheet containing this information into the file.

18. Exchange of Information

The court shall order that every twenty-four months the parties exchange financial information such as tax returns, spousal affidavits, and earning statements.

Unless the court has ordered otherwise, at the time the parties exchange financial information, they shall also exchange residential addresses and the names and addresses of their employers.

19. Failure to Comply

If a parent's support obligation is reduced because of an act which is to be performed and then the parent fails to perform it (e. g., shared physical custody arrangement), the award may be reconsidered and a compensatory order entered by the court.

20. Modification

a. Standard Procedure

Pursuant to Arizona Revised Statutes Section 12-2453, either parent may ask the court to modify a child support order upon a showing of a substantial and continuing change of circumstance.

b. Simplified Procedure

Either parent may request the court to modify a child support order if application of the guidelines results in an award that varies 15 percent or more from the existing amount. Such variation will be considered prima facie evidence of substantial and continuing change of circumstances. Any such request for modification of child support must be accompanied by a completed and sworn "Parent's Worksheet for Child Support Amount."

A copy of the request for modification of child support and the "Parent's Worksheet for Child Support Amount" showing that the proposed child support amount would vary 15 percent or more from the existing child support order shall be served on the other parent pursuant to Rule 4, Rules of Civil Procedure.

The parent receiving service has 20 days in which to request a hearing on the proposed modification. If Service of Process is made by an alternative method of service provided in Rule 4(e), Rules of Civil Procedure, the parent receiving service has 30 days in which to request a hearing on the proposed modification.

Upon proof of service and if no hearing is requested within the time allowed, the court shall enter an order modifying the support award in accordance with the calculations provided.

If either party requests a hearing within the time allowed, the court shall conduct such hearing within 20 days of the request. No order shall be modified without a hearing if one is requested.

Any petition to modify child support pursuant to this subsection must be made using a form approved by the Arizona Supreme Court.

21. Effect of Cessation of Support for One Child

If support for more than one child was ordered under these guidelines and thereafter the duty to support one of the children stops, the award is not automatically reduced by

that child's share. To obtain a modification to the support award, a request must be made in writing to the court to recalculate the support obligation pursuant to these guidelines. The procedure specified in Section 20 may be used for this purpose.

EXAMPLE: The award for an income of \$600, with four children is \$240. One child dies. In determining the new child support amount, do not deduct one-fourth of the award for a new award of \$180. Instead, refer to the Schedule for three children, whereunder the award is \$220. (NOTE: This method varies from the one used in Section 9.b.3.)

22. Income of a Child

Income earned or money received by a child from sources other than child support shall not relieve a parent of the support obligation established by these guidelines.

23. Credit for Benefits

Benefits, such as social security disability or insurance, received by a child as a result of contributions made by the parent paying support shall be credited as follows:

- a. Only the benefits received by the parent are included as part of that parent's gross income.
- b. If the amount of the child's benefit for a given month is equal to or greater than the parent's child support obligation, then the parent's obligation is satisfied. Any benefit received by the child for a given month in excess of the child support obligation is not treated as an arrearage payment nor as a future payment.
- c. If the amount of the child's benefit for a given month is less than the parent's child support obligation, the parent must pay the difference.

24. Effective Date

All child support awards in actions filed after December 31, 1989, shall be made pursuant to these guidelines, whether they be original awards or modifications of pre-existing awards.

SCHEDULE OF BASIC CHILD SUPPORT OBLIGATIONS

This schedule is only part of the overall guidelines and must be used together with the accompanying information.

Child support awards based upon income of less than \$500 per month or greater than \$7500 per month shall be based on the facts of each case.

The discretion of the court must be used in determining child support for families with more than four children.

COMBINED ADJ. GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN
500	90	135	175	190
600	115	170	187	207
700	157	187	199	224
800	171	255	279	314
900	184	286	359	404
1000	189	307	385	434
1100	210	327	410	463
1200	223	346	434	490
1300	235	366	459	517
1400	248	385	483	544
1500	269	404	506	570
1600	271	422	528	595
1700	282	440	550	620
1800	293	457	572	645
1900	305	475	595	671
2000	318	494	619	698
2100	330	513	642	725
2200	343	531	666	752
2300	355	550	690	779
2400	368	569	714	806
2500	380	588	738	833
2600	392	606	761	859
2700	404	625	784	885
2800	415	644	808	911
2900	427	662	831	937
3000	439	681	855	964
3100	451	700	878	990
3200	463	718	901	1016
3300	474	737	925	1042
3400	486	756	948	1068
3500	498	775	972	1095
3600	508	790	990	1115
3700	518	802	1005	1132
3800	524	814	1020	1149
3900	532	826	1035	1166
4000	540	838	1050	1183
4250	560	868	1088	1226
4500	580	899	1126	1269
4750	600	929	1164	1312
5000	620	959	1201	1354
5250	640	989	1239	1396
5500	660	1020	1277	1440
5750	680	1050	1315	1482
6000	700	1080	1352	1525
6250	715	1104	1390	1567
6500	730	1128	1428	1610
6750	735	1152	1466	1652
7000	750	1176	1504	1695
7250	760	1200	1542	1737
7500	770	1224	1580	1780