

FCIC - Child Support Guidelines Review Subcommittee

| Date of Meeting: | Type of Action Required: | Subject: |
|------------------|------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| January 25, 2021 | <input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other | Parenting Time and Time Spent at School or with a Caregiver |

PRESENTER(S): Judge Bruce Cohen

DISCUSSION: To amend Section V.A, B and C as follows:

A. Because the Schedule of Basic Support Obligations is based on expenditures for children of intact households, the Schedule does not consider the costs associated with parenting time.

1. When both parents exercise parenting time, the costs for the child normally expended in one household transfer to the other household.
2. When parenting time is or is expected to be exercised by both parents, an adjustment is made to the proportionate share of the Combined Child Support Obligation.
3. The methods for calculating parenting in these Guidelines are directions for determining child support. They do not alter parenting time orders and must not be used to interpret parenting time orders. For purposes of calculating parenting time days, only the time spent by a child with the parent with less parenting time is considered. Time that the child is in school or childcare is not considered.

B. Parenting time is calculated based upon the segments of time that are assigned to each parent. The parenting time for either parent begins at the time of exchange of the child from one parent to the other. Unless otherwise provided in the court order, if the exchange occurs at school or with a caregiver, the receiving parent's time commences at the end of the end of the day. Conversely, the other parent's segment ends at the same time.

Example: School days for this example begin with a drop off at school at 8:30 am and the school day ends at 3:00 p.m. The exchange of the child between the parents occurs at school and is tied to the school day.

Parent A is entitled to parenting time beginning at the end of the school day on Monday through drop off at school on Wednesday morning, which is 8:30 a.m. Parent B's parenting time begins at the end of the school day on Wednesday, which is 3 p.m. In determining Parent A's parenting time segment, Parent A is deemed to have the child from 3 p.m. on Monday until 3 p.m. on Wednesday. Parent A therefore has two days of parenting time in this segment.

C. To adjust for the costs of parenting time, first determine the total annual amount of parenting time indicated in a court order or parenting plan or by the parents' expectation or historical practice. Using the following for guidance, add together each block of parenting time to arrive at the total number of parenting-time days per year. Calculate the number of parenting-time days arising from any block of time the child spends with the parent with less parenting time in the following manner:

~~1. Each block of time begins and ends when the parent with less parenting time receives the child from, or returns the child to, the parent with more parenting time or a third party with whom the parent with more parenting time left the child. Third party includes, for example, a school or childcare provider,~~

1. Count 1 day of parenting time for each 24 hours within any block of time, and
2. To the extent there is a period of less than 24 hours remaining in the block of time, after all 24-hour days are counted or for any block of time which is in total less than 24 hours in duration:
 - a. A period of 12 hours or more counts as 1 day,
 - b. A period of 6 to 11 hours counts as a ½ -day,
 - c. A period of 3 to 5 hours counts as a ¼ -day, and
 - d. Periods of less than 3 hours may count as a ¼ -day if, during those hours, the parent with less parenting time pays for routine expenses of the child, such as meals.

Example 1: Parent A has less parenting time than Parent B. Parent A receives the child at 98:00 p.m. on Thursday ~~evening~~ and ~~brings the child to school~~ returns the child to Parent B at 87:00 a.m. on Monday ~~morning, from which Parent B picks up the child at 3:00 p.m. on Monday.~~

- 89:00 p.m. Thursday to 89:00 p.m. Sunday is 3 days.
- 89:00 p.m. Sunday to 87:00 a.m. Monday is 11 hours, which equals a ½ day.
- Total is 3 ½ days for that week.

Example 2: Parent A has less parenting time than Parent B. Parent A picks the child up ~~from school~~ at 3:00 p.m. Friday and returns the child to ~~school~~ Parent B at 8:00 a.m. on Monday.

- 3:00 p.m. Friday to 3:00 p.m. Sunday is 2 days.
- 3:00 p.m. Sunday to 8:00 a.m. Monday is 17 hours, which equals 1 day.
- Total is 3 days for that week.

Example 3: Parent A has less parenting time than Parent B. Parent A picks up child ~~from soccer~~ at noon on Saturday and returns the child to Parent B at 9:00 p.m. on Sunday.

- Noon Saturday to noon Sunday is 1 day.
- Noon Sunday to 9:00 p.m. Sunday is 9 hours, which equals ½ day.
- Total is 1 ½ days for that week.

RECOMMENDED ACTION OR REQUEST (IF ANY):

To approve the recommended amendment to Section V.A, B and C.