

FCIC - Child Support Guidelines Review Subcommittee

Friday, February 21, 2020; 10:00 a.m. – 3:00 p.m.
Conference Rooms 119 A&B
State Courts Building, 1501 W. Washington St., Phoenix, AZ 85007

Time*	Agenda Items	Presenter
10:00 a.m.	Call to Order	JUDGE DAVID GASS, CHAIR
10:05	Housekeeping	SUSAN PICKARD, STAFF
10:10	Welcome, Opening Remarks, and Introductions	JUDGE GASS
10:50	Orientation	MS. PICKARD
11:05	Review of Administrative Order No. 2020-10	JUDGE GASS
11:20	Approval of Rules for Conducting Business <ul style="list-style-type: none">• Quorum• Vote that Constitutes an Action• Proxy• Meeting Schedule <input type="checkbox"/> Formal Action Required	JUDGE GASS
11:35	Final Report and Recommendations from the Committee for an Interim Review of the Child Support Guidelines	JANET SELL
11:50	Lunch (\$5.00)	
12:20 p.m.	Data and Case File Review Update	MS. PICKARD
12:35	Open Discussion and Strategic Planning	ALL
2:45	Good of the Order/Call to the Public	JUDGE GASS
	Adjournment	

**All times are approximate and subject to change. The committee chair reserves the right to set the order of the agenda. Please contact Susan Pickard, FCIC-CSGRS staff, at (602) 452-3252 with any questions concerning this agenda. Any person with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting Angela Pennington at (602) 452-3547. Requests should be made as early as possible to allow time to arrange the accommodation.*

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 2: Operations
Section 1-202: Public Meetings

A. Policy. To promote openness in government by assuring that the public has an opportunity to attend the meetings of all public councils of the supreme court and the Administrative Office of the Courts (AOC) while providing flexibility to close meetings when necessary.

B. Definitions. In this section, the following definitions apply:

“Public council” means any council, commission, board or committee established by administrative order that includes any public members or members who are judges or employees of different courts or established by a statute that provides for the supreme court to appoint members and adopt rules.

“Meeting” means gathering of the majority of the members of a public council whether in person or electronically for the purpose of discussing or conducting public council business other than an adjudicatory hearing conducted by a public council.

“Legal advice” means communication to the public council by an attorney employed by or representing any Arizona court regarding facts and information that have legal ramifications, the legality of various legal options, a recommended course of action and response to any questions about the communication.

C. Procedures.

1. Meeting Notice.

a. Posting. Public council staff shall post meeting notices in the state courts building in a public area and on the Arizona Supreme Court internet site maintained by the Administrative Office of the Courts at least 48 hours prior to a meeting. Public council staff shall send additional notice of a meeting held in a county other than Maricopa to the clerk of the court of that county for posting at each location of the superior court in that county at least 48 hours in advance of the meeting. Notice of an emergency meeting shall be provided in these locations as soon as possible after the meeting location, time and agenda are established.

b. Content. A notice shall identify the public council and the date, time and location of the meeting, specifying the name of the building, street address and room number where the meeting is located. The notice shall identify a person or an office to contact to obtain a copy of the meeting agenda. The notice shall include the following statement: "Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, telephone, text telephone number). A person requesting an

accommodation should make the request as early as possible to allow time to arrange the accommodation. (See sample notice, Appendix 1.)

2. Meeting Agenda.

- a. Availability. The contact person for the public council identified in the meeting notice shall have the agenda available at least 48 hours prior to the meeting for distribution in response to requests from the public.
- b. Content. The meeting agenda shall state each item to be addressed. The agenda shall also state, without breaching confidentiality, the general subject of an executive session and the specific provision of this section that authorizes the executive session.
- c. Adherence. All public councils shall adhere to the published meeting agenda unless by majority vote the council determines:
 - (1) Deviation from the agenda is necessary to address a matter that the public council and staff could not have reasonably anticipated, and
 - (2) Delaying the matter until the next meeting would be detrimental to the work of the public council and the interests of the public, and
 - (3) Addressing the matter without public notice would not significantly impair public awareness of the matter.

3. Public Comment. All agendas shall include a "Call to the Public" provision prior to meeting adjournment. The chair of the public council shall announce the opportunity for public comment regardless of whether a member of the public is in attendance or has expressed any desire to comment. The chair may impose reasonable time, place and manner limitations upon meeting participants including setting time limits, banning repetition and prohibiting profanity and disruptive behavior.

4. Public Access to Meetings. The public shall be permitted to attend meetings and listen to deliberations of public councils except as provided in subsection 5 below. The chair may permit public comment, other than during the call to the public, as appropriate. Public council staff shall schedule meetings in locations reasonably accessible to the public, including persons with disabilities, in rooms large enough to accommodate anticipated public attendance.

5. Executive Sessions. Upon a call by the chair or a majority vote of the members constituting a quorum, a public council may hold an executive session but only for the purposes stated below. The chair shall announce the general subject of the executive session and the specific provision of this rule authorizing the executive session without breaching confidentiality. Attendance shall be limited to members of the public council and additional persons whose presence is reasonably necessary for the public council to perform its executive session responsibilities. An executive session may be held for any of the following purposes:

- a. Discussion or consideration of hiring, assignment, appointment, job performance, promotion, demotion, dismissal, salary, discipline, resignation, ethical misconduct or alleged criminal conduct of a public officer, appointee or employee of the Arizona judiciary;
- b. Discussion or consideration of records or matters made confidential or privileged by statute, court rule or this code;
- c. Discussion or consultation with an attorney employed by or representing any judicial entity regarding legal advice, potential litigation or pending litigation;
- d. Discussion or consultation with officers, appointees or employees of the judiciary regarding negotiations for the purchase or lease of real property or for contracting for goods or services;
- e. Discussion or consideration of court security or emergency response;
- f. Discussion or consultation regarding relations with other governmental entities; or
- g. Discussion or consultation in order to consider the position of the public council and to inform staff regarding the position of the public council regarding proposed or pending legislation.

D. Meeting Minutes.

1. Content. Public council staff shall keep meeting minutes, in writing or on tape that include:
 - a. The meeting date, time and place;
 - b. The members attending;
 - c. The matters considered;
 - d. The results of all votes taken; and
 - e. The names of all persons who address the public council.
2. Availability. The contact person identified for each public council shall make the minutes available for public inspection, as soon as practicable but no more than 20 working days after the meeting.
3. Executive sessions. Executive session minutes shall identify persons present and include any instructions given by the public council. Persons present shall keep executive session discussions and minutes confidential except from personnel of the Arizona judiciary who

require access to perform their duties and other persons authorized by law. The chair shall instruct persons who are present at an executive session regarding these confidentiality requirements.

E. Noncompliance.

1. Remedial Measures. All public council chairs and staff persons shall comply with the provisions of this policy as one of the duties of their positions. If noncompliance is discovered, the chair of the public council, chief justice or administrative director shall take reasonable measures consistent with this code to bring the public council into compliance. Such measures may include reconsideration of a matter at a subsequent meeting.
2. Validity. Failure to comply with this code in any respect shall not be a basis for invalidation of any action of a public council.

Adopted by Administrative Order 2002-22 effective March 7, 2002. Amended by Administrative Order 2007-84, effective November 21, 2007.

Section 1-202: Public Meetings

APPENDIX 1

NOTICE OF MEETING

The (name of public council) will hold a meeting on the (date) of (month) 20- .

at

(location)

The meeting will begin at (time) o'clock (am/pm)

An agenda of the items to be considered, discussed, or decided may be obtained from the Administrative Office of the Courts, Arizona Supreme Court, 1501 West Washington, Phoenix, Arizona 85007 at least 24 hours in advance of the meeting. Agendas will be available between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, phone, text telephone number). A person requesting an accommodation should make the request as early as possible to allow time to arrange the requested accommodation.

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
REGULATING USE OF PHOTOGRAPHIC)	Administrative Order
AND VIDEO RECORDING DEVICES)	No. 2019 - <u>142</u>
AT APPELLATE COURTHOUSES AND)	(Replacing Administrative Order
OTHER DESIGNATED FACILITIES)	Order No. 2019-126)
)	

This Administrative Order replaces Administrative Order No. 2019-126, issued on October 16, 2019.

The Chief Justice exercises the Court’s administrative supervision over all the courts of the state. Supreme Court Administrative Order No. 2012-22 recognized “the safety of those who participate in the judicial process is essential to serving the citizens and doing justice in all cases.” Therefore, the Court must protect the privacy and security interests of people who attend Arizona appellate courthouses and appellate court-related proceedings at other designated facilities, including parties who have vital liberty and property interests at stake, victims of crimes, and persons required to participate in foster care review board proceedings. Having their image recorded and displayed on the internet while at a courthouse, other designated facility, or a court-related proceeding at another facility can put these persons in jeopardy, expose them to embarrassment and intimidation, and discourage participation in the judicial process.

The Arizona judiciary must secure the trust and confidence of persons who have business with the court and of the general public by maintaining decorum and minimizing distraction and disruption that would be caused by indiscriminate video and photographic recording at appellate courthouses and appellate court-related proceedings at other designated facilities. Additionally, video of the interior of courthouses and other designated facilities, including security officers and devices, displayed on the internet could be used to circumvent court security protocols. This Order implementing Rule 122.1 concerning courthouses and other designated facilities is needed in addition to the regulation of video recording and photography at a judicial proceeding governed by Supreme Court Rule 122 and Rule 122.1(c)-(e).

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and Rule 122.1 of the Rules of the Supreme Court,

IT IS ORDERED, except as provided in this Order, that all types of video recording, photography, including sharing video or live-streaming to social media sites, or other types of broadcasting (hereinafter collectively referred to as “recording”) are prohibited within the buildings located at 1501 West Washington, Phoenix, Arizona, at 400 West Congress, Tucson, Arizona in areas dedicated to court use, in other designated facilities, including use by a Foster Care Review Board (FCRB) and the Judicial Education Center, and in secured areas within any

other designated facility during use by the Supreme Court, or the Court of Appeals, Division One or Two, unless the person proposing a recording obtains advance written consent of the subjects and permission of the chief justice, chief judge, or designee. This requirement applies to persons intending to record the interior of an appellate courthouse or another designated facility through the exterior surface of the building.

IT IS FURTHER ORDERED that any activity that threatens any person, disrupts court operations, or compromises court security at entrances and exits and on patios, steps, and adjacent parking areas dedicated to court use is prohibited.

IT IS FURTHER ORDERED that a person who seeks to make a recording in an appellate courthouse, in another designated facility, or in the secured area of another location where an appellate court-related proceeding is held, but outside a proceeding itself, must submit a written request to the Administrative Office of the Courts' Public Information Officer that provides the name and contact information of the requester, the written consent of persons to be recorded, and the proposed recording location, date, time, and manner. To assure timely response, the request should be made at least two business days prior to the proposed recording date. If permission for the proposed activity is denied due to an unacceptable location, date, time, or manner, and some alternative is acceptable, the court will inform the requester of that alternative.

IT IS FURTHER ORDERED that scheduled open sessions of public meetings and court-connected educational and ceremonial events, such as school visits, investitures, and State Bar admission ceremonies may be recorded without advance permission subject to the authority of judges or justices, clerks of the court, chairs of court councils, committees, boards or commissions or court management to limit or require termination of recording that threatens any person, disrupts court operations, or compromises court security, or could reveal confidential or private documents or information.

IT IS FURTHER ORDERED that recording is permitted by the court and by court staff in the performance of official duties.

IT IS FURTHER ORDERED that this Order does not prohibit use of a personal recording device or scanner to copy a case file document that is otherwise available for public inspection and copying. This Order does not apply to the office space at a court facility occupied by non-court agencies.

IT IS FURTHER ORDERED that a law enforcement officer with a body-worn camera may activate the recording function of the camera when providing security within a court facility or when responding to a call for law enforcement assistance.

IT IS FURTHER ORDERED that court personnel provide notice and enforce this Order as follows:

1. The court will post a copy of this Order on the court's web site.

2. The court will post a warning sign regarding the conduct prohibited by this Order at every public entry point of an appellate courthouse and other designated facility governed by this Order.
3. Assigned court staff or security officers who observe a person violating this Order will:
 - a. advise the person of the violation orally,
 - b. when applicable, provide a written Photography and Video Recording Violation Warning in a form like that attached,
 - c. direct the person to immediately stop a prohibited recording or activity,
 - d. if the person does not comply, direct the person to leave the appellate courthouse or other designated facility, and
 - e. if the person does not comply, call law enforcement.

Dated this 6th day of November, 2019.

ROBERT BRUTINEL
Chief Justice

**PHOTOGRAPHY AND VIDEO RECORDING VIOLATION
WARNING**

1. Arizona Supreme Court Rule 122: Use of Recording Devices in a Courtroom, prohibits use of recording devices in a courtroom unless permission is given by the judge in advance.
2. Arizona Supreme Court Rule 122.1: Use of Portable Electronic Devices in a Courthouse, authorizes judges, clerks of court, and court administrators to “limit or terminate [recording] activity that is disruptive to court operations or that compromises courthouse security.”
3. Article VI, Section 3, of the Arizona Constitution authorizes the Chief Justice to establish court security policies and procedures.
4. Administrative Order No. 2019-142: Regulating Use of Photographic and Video Recording Devices at Appellate Courthouses and Other Designated Facilities, prohibits use of recording devices unless permission is given in advance.
5. You have been observed violating one or more of the above rules and orders governing photography, videotaping, and filming in a court facility, you are:
 - a. Directed to immediately stop photographing and video recording.
 - b. If you refuse, you will be directed to immediately leave the court facility.
 - c. If you refuse, law enforcement will be called, and you may be arrested, may be held in contempt of court, and may be charged with criminal offenses including:
 - (1) A.R.S. §§ 13-1502 or -1503: Criminal Trespass
 - (2) A.R.S. § 13-2904(A)(1)-(4): Disorderly Conduct
 - (3) A.R.S. § 13-2921(A)(2)-(4): Harassment

Recording Violation Warning

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHMENT OF THE CHILD) Administrative Order
SUPPORT GUIDELINES REVIEW) No. 2020 - 10
SUBCOMMITTEE OF THE FAMILY)
COURT IMPROVEMENT COMMITTEE)
_____)

Pursuant to the Arizona Revised Statutes § 25-320(D), the Supreme Court shall establish guidelines for determining the amount of child support and review the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts.

In accordance with Arizona Code of Judicial Administration § 1-104, the Chief Justice established the standing Family Court Improvement Committee (Committee) to assist the Arizona Judicial Council in carrying out its responsibilities. Administrative Order (A.O.) No. 2019-115 requires that the Committee conduct the federally-mandated quadrennial Child Support Guidelines review and make recommendations on issues raised by the 2017 Committee for an Interim Review of the Child Support Guidelines. This A.O. also allows the Committee Chairperson, in concurrence with the Chief Justice, to establish subcommittees. Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Family Court Improvement Committee Child Support Guidelines Review Subcommittee is established to review the current statewide child support guidelines and make recommendations as provided below:

1. Limited Purpose.

Phase I:

The Subcommittee shall review and make recommendations regarding issues referred for further studies by the 2017 Committee for an Interim Review of the Child Support Guidelines. Further, the Subcommittee may make recommendations regarding other improvements to the guidelines.

Phase II:

The Subcommittee shall:

- Consider economic and labor market data; the impact of guideline policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the Federal poverty level, and factors that impact compliance with child support orders;
- Analyze case data on the application of and deviations from the child support guidelines, as well as the rates of default and imputed child support orders and orders determined using the low-income adjustment.
- Provide a meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives.

2. Membership and Term.

The individuals listed on Appendix A are appointed as members of the Child Support Guidelines Review Subcommittee beginning upon entry of this Order. The terms of the Subcommittee and the members shall expire at the conclusion of the project, scheduled for December 2020.

3. Meetings.

Subcommittee meetings shall be scheduled at the discretion of the Subcommittee Chairperson. Pursuant to Arizona Code of Judicial Administration § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch.

4. Administrative Support.

The Administrative Office of the Courts shall provide staff for the subcommittee who may conduct or coordinate research as requested by the subcommittee.

5. Reports.

The Family Court Improvement Committee shall submit a final report to the Arizona Judicial Council at the December 2020 meeting.

IT IS FURTHER ORDERED that the Child Support Guidelines Review Subcommittee shall publish on the Arizona Judicial Branch internet and make accessible to the public all reports, a subcommittee membership list, the effective date of the guidelines, and the dates of the next review.

Dated this 8th day of January, 2020.

ROBERT BRUTINEL
Chief Justice

Appendix A
Membership List
Child Support Guidelines Review Subcommittee

Chair

Judge David Gass
Court of Appeals, Division I

Members

Judge Bruce R. Cohen
Family Court Presiding Judge
Superior Court in Maricopa County

Carol Park Aden
Attorney
Community Legal Services

Commissioner Joseph Goldstein
Superior Court in Yavapai County

Steve Wolfson
Attorney
Dickinson Wright, PLLC

Rosa Torrez
Operations Administrator
Department of Economic Security
Division of Child Support Services

Mary Boyte Henderson
Attorney
Mary Katherine Boyte, PC

Janet Sell
Unit Chief Counsel
Office of the Attorney General
Child and Family Protection Division
Child Support Services Section

Jennifer A. Mihalovich
State Bar of Arizona Representative
Stewart Law Group

Joi Hollis, Ph.D.
Conciliation Court Director
Superior Court in Pima County

Laura C Belleau
Attorney
Karp & Weiss

Vance Simms, Custodial Parent

Amanda Stanford
Clerk of the Court
Superior Court in Pinal County

Cherie Wasiel, Non-Custodial Parent

Kellie DiCarlo
Certified Legal Document Preparer
Arizona Legal Document Services, LLC

FCIC - Child Support Guidelines Review Subcommittee

Date of Meeting:	Type of Action Required:	Subject:
February 21, 2020	<input checked="" type="checkbox"/> Formal Action/Request <input type="checkbox"/> Information Only <input type="checkbox"/> Other	2020 Meeting Schedule

PRESENTER(S): Susan Pickard, Staff

DISCUSSION: Ms. Pickard will present the following Tuesdays as the subcommittee's meeting schedule:

March 24
 April 28
 June 2
 June 30
 July 28

August 25
 September 29
 October 27
 November 17

RECOMMENDED ACTION OR REQUEST (IF ANY): Motion to adopt the 2020 dates presented as the Subcommittee's meeting schedule with the acknowledgment that the Chair may make changes as necessary.



Final Report and Recommendations

Committee for an Interim Review of the Child
Support Guidelines – December 2017



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Final Report and Recommendations





Final Report and Recommendations

Committee for an Interim Review of the Child Support Guidelines – December 2017

EXECUTIVE SUMMARY

Creation and Charge of Committee

On July 26, 2017, Chief Justice Scott Bales issued Administrative Order 2017-93 establishing the Committee for an Interim Review of the Child Support Guidelines (“committee”). The administrative order directed the committee to:

(a) review the impact a higher minimum wage and new federal regulations have on the Child Support Guidelines.

(b) develop recommendations to the guidelines and if needed, the Arizona Rules of Family Law Procedure.

(c) file a final report and make recommendations to the Arizona Judicial Council (AJC) in December 2017.

The committee met twice before distributing a preliminary report and held a public hearing on October 26, 2017. Additionally, an online public forum was developed and opened to the public commencing September 29, 2017, through November 1, 2017, for comments regarding the committee’s preliminary recommendations. A total of four comments were received. (See Appendix D: Public Comments.)



Chief Justice Scott Bales



Hon. Paul J. McMurdie,
Chair





Summary of Committee Recommendations

A summary of the committee's final recommendations is outlined below. More detailed recommendations are set forth in the body of this report.

- ❖ Adopt the proposed Child Support Guidelines (See Appendices B and C) to become effective April 1, 2018.
- ❖ Recommend the Administrative Office of Courts (AOC) implement updates to the statewide Child Support Calculator and related forms to reflect the recommended revisions to the guidelines.
- ❖ Provide the next child support guidelines quadrennial review committee recommendations to address important substantive issues that were determined to be outside the scope of this review.

RECOMMENDATIONS BASED ON CHANGES TO STATE AND FEDERAL LAW

Introduction

Since the last child support quadrennial review in 2013-2015, there have been major revisions to federal law¹, state law, and caselaw that impact Arizona's Child Support Guidelines. As explained by the Administration for Children and Families, Health and Human Services:

"The goal of the revisions is to increase reliable child support for children by setting child support orders based on the noncustodial parent's earnings, income, or other evidence of ability to pay. Orders set beyond a parent's ability to pay can lead to unintended consequences, such as unmanageable debt, reduced employment, participation in the underground economy, and increased criminal activities. It is counterproductive and not in children's best interests to have their parents engage in a cycle of nonpayment, illegal income generation, and incarceration. Support orders based on the noncustodial parent's ability to pay should result in less conflict between parents, fewer requests for hearings, and less time and resources spent on enforcement."

List of issues addressed

1. Self-support reserve amount
2. Arizona's minimum wage and impact to the self-support reserve
3. New federal guidance on incarceration and ability to pay
4. New federal guidance on imputation of income

¹ [The Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs](#) updates guidelines for setting child support orders at 45 CFR 302.56 and the establishment of child support orders at 45 CFR 303.4.



5. Rounding the child support order to the nearest dollar
6. Global change of terminology – replaced “noncustodial,” “custodial,” and “custody” contextually within the guidelines
7. Provided more guidance in third-party caregiver situations
8. Clarified the proper calculation for parenting arrangements where there are multiple children and different parenting plans

Self-support reserve

The self-support reserve (SSR) test is performed in each child support case to evaluate and verify that the paying parent is financially able to pay the child support order and to maintain at least a minimum standard of living.

The new federal regulation 45 C.F.R. 302.56(c)(1)(ii) requires child support guidelines to take into consideration the basic subsistence needs of the paying parent (and at the state’s discretion the receiving parent) who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve or some other method determined by the state. Arizona already uses a self-support reserve. The current SSR amount is \$1,115, which is based on the 2014 federal poverty level of \$973 for a single person that has been “grossed-up.”

Changes to Arizona’s minimum wage and impact to the self-support reserve amount

Recent state law² has increased the state’s minimum wage from \$8.05 per hour to \$10 per hour on and after January 1, 2017; \$10.50 per hour in 2018; \$11.00 per hour in 2019; and \$12.00 per hour on and after January 1, 2020.

Updating the minimum wage each year will impact the child support guidelines, specifically, the SSR amount. The increase in minimum wage may require low-income obligors to pay a higher percentage of their earnings for child support unless the self-support reserve amount is also increased.

The committee agreed that the SSR amount needs to be increased to correspond to the increase in minimum wage, but the question before the committee is what amount should it be changed to and how to make this determination?

² Arizona Revised Statutes § 23-363



One instructive resource was a 2011 study conducted by the Orange County Department of Child Support Services.³ In summary, the report indicates that orders set above 19 percent of the paying parents' income leads to lower compliance, arrears growth, and missed monthly payments. The committee also looked at alternative amounts, such as basing the SSR on 138 percent of federal poverty level like many other federal programs use.

The committee agreed to change the SSR amount based on the 2011 Orange County study to reflect a threshold that results in the best outcomes for children, and to enable the SSR to vary year to year due to the new minimum wage state law.

The William E. Morris Institute for Justice ("Institute") objects to the establishment of the SSR by exclusive reference to wages "because wages by themselves do not always reflect an inability to pay support." However, the current SSR is based on wages, and the committee believes the overall concern is addressed by the court in the examination of the paying parent's actual ability to pay.

Furthermore, the Institute recommends that "Arizona exercise the discretion found in the federal regulation and perform a SSR test on both parents in each child support case to evaluate and verify that both the paying and receiving parent and children are financially able to maintain at least a minimum standard of living." Section 15 of the guidelines already provides that "the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the receiving parent's household."

The committee recommends that the Court approve and adopt the change in the SSR amount and that the Administrative Office of the Courts will modify the SSR amount within the child support

Self-support reserve



Proposed SSR amount will change annually, based on changes to state minimum wage law.

Calculated at 80% of minimum wage earnings.

Results in no more than 20% of the non-primary parenting time parent's minimum wage earnings for child support order, for one child.

³ [How Do Child Support Order Amounts Affect Payments and Compliance?](#) Prepared by the Research and Reporting Unit of the Orange County Department of Child Support Services, Mark Takayesu, Manager (M.A.), October 2011.



calculator to reflect annual increases to the minimum wage pursuant to Arizona Revised Statutes § 23-363.

Therefore, this committee recommends the following changes to Section 15 of the Child Support Guidelines:

15. SELF-SUPPORT RESERVE TEST

In each case, after determining the child support order, the court shall perform a ~~S~~self-~~S~~support ~~R~~reserve ~~T~~test to verify that the ~~noncustodial~~-~~paying~~ parent is financially able ~~both~~ to pay the child support order and to maintain at least a minimum standard of living, as follows:

The self-support reserve shall be an amount equal to ~~Deduct~~ 80% of the monthly full-time earnings at the current state minimum wage at the time of the order ~~\$1,115~~ (the ~~S~~self-~~S~~support ~~R~~reserve amount). Deduct the self-support reserve amount from the ~~noncustodial~~-~~paying~~ parent's Adjusted Gross Income, except that the court may deduct from such parent's Adjusted Gross Income for purposes of the ~~S~~self-~~S~~support ~~R~~reserve ~~T~~test only, court-ordered arrears on child support for children of other relationships or spousal maintenance, if actually paid. If the resulting amount is less than the child support order, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the ~~custodial~~ receiving parent's household. The test applies only to the current child support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears.

EXAMPLE ONE: Before applying the ~~S~~self-~~S~~support ~~R~~reserve ~~T~~test, the child support order is calculated under the guidelines to be ~~\$253~~ \$492. The adjusted gross income of the ~~noncustodial~~ paying parent is ~~\$1,250~~ \$1,820 at a minimum wage of \$10.50 per hour the self-support reserve amount is \$1,456 (\$10.50 x 40 hours x 52 weeks = \$21,840 ÷ 12 months = \$1,820 x 80% = \$1,456). Subtracting the self-support reserve amount of ~~\$1,115~~ \$1,456 from the ~~noncustodial~~ paying parent's adjusted gross income of ~~\$1,250~~ \$1,820 leaves ~~\$135~~ \$364. Because this resulting amount is less than the ~~\$253~~ \$492 child support order, the court may reduce the child support order to the resulting amount. However, before making any reduction, the court shall examine the self-support capability of the ~~non-paying~~ receiving parent, using the same ~~S~~self-~~S~~support ~~R~~reserve ~~T~~test applied to the ~~noncustodial~~ paying parent.

~~In this example,~~ EXAMPLE TWO: The ~~non-paying~~ receiving parent's proportionate share of the total child support obligation is calculated under the guidelines to be ~~\$233~~ \$404. This parent's Adjusted Gross Income is ~~\$1,150~~ \$1,487. Subtracting the self-support reserve of ~~\$1,115~~ \$1,456 from the ~~non-paying~~ receiving parent's Adjusted Gross Income of ~~\$1,150~~ \$1,487 leaves ~~\$35~~ \$31. Because this resulting amount is less than the parent's proportionate share of the Total Child Support Obligation, it is evident that both parents have insufficient income to be self-supporting. In this situation, the court has discretion to determine whether and in what amount the child support order (the amount the ~~noncustodial~~ paying parent is ordered to pay) may be reduced.



Incarceration and ability to pay

The committee discussed the new federal requirement in 45 C.F.R. § 302.56(c)(3) that requires states to provide that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders. While the committee believed the federal law is consistent with Arizona caselaw, the committee agreed to recommend the following proposed language to Section 5 of the child support guidelines:

5. DETERMINATION OF THE GROSS INCOME OF THE PARENTS

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. If the reduction in income is voluntary but reasonable, the court shall balance that parent's decision and benefits therefrom against the impact the reduction in that parent's share of child support has on the children's best interest. The court may not attribute income to a person who is incarcerated, but may establish or modify support based on actual ability to pay.

Imputation of income

As part of the conversation regarding addressing and codifying an incarceration provision to the guidelines, the committee discussed the inclusion of proposed language to Section 5 regarding the new federal regulation 45 C.F.R. § 302.56(c)(1)(iii), which takes into consideration specific circumstances of the paying parent to the extent known, when determining the amount of imputed income, and the court may not use a standard amount in lieu of fact-gathering in a specific case.

Additionally, the committee discussed removing E(4.) from the guidelines because Temporary Assistance to Needy Families (TANF) funds cannot be considered income for the purposes of calculating child support. After hearing public comment that was opposed to striking E(4.), the committee decided to leave the instruction in the guidelines.⁴ The committee also considered and agreed to include, based on further public comment, another example of when the court may decline to attribute minimum wage. In situations where a parent is the caretaker of a young child and is attributed full-time minimum wage, the court may also attribute costs for ordinary full-time childcare. If the court attributes these amounts, and the receiving parent remains unemployed without being responsible for childcare costs, the result is

⁴ See Appendix D: Public Comments by Ellen Katz, William E. Morris Institute for Justice)



an inflated child support obligation for a low-income paying parent. The committee members also discussed the plight for low-income caretaking parents who are employed and struggling to afford high childcare expenses.

The committee agreed to include a recommendation for additional proposed language to Section 5 in the following manner:

5. DETERMINATION OF THE GROSS INCOME OF THE PARENTS

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. If the reduction in income is voluntary but reasonable, the court shall balance that parent's decision and benefits therefrom against the impact the reduction in that parent's share of child support has on the children's best interest. The court may not attribute income to a person who is incarcerated, but may establish or modify support based on actual ability to pay. In accordance with Arizona Revised Statutes Section 25-320, income of at least minimum wage ~~shall~~ should generally be attributed to a parent ~~ordered to pay child support~~ after considering the specific circumstances of the parents to the extent known. This includes such factors as the parents' assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parents, prevailing earnings level in the local community, and other relevant background factors in the case.⁵ If income is attributed to the parent receiving child support, appropriate childcare expenses may also be attributed.

The court may decline to attribute income to either parent. Examples of cases in which it may be inappropriate to attribute income include, but are not limited to, the following circumstances:

1. A parent is physically or mentally disabled,
2. A parent is engaged in reasonable career or occupational training to establish basic skills or reasonably calculated to enhance earning capacity,
3. Unusual emotional or physical needs of a natural or adopted child require that parent's presence in the home, ~~or~~
4. The parent is a current recipient of Temporary Assistance to Needy Families, or
5. A parent is the caretaker of a young child and the cost of childcare is prohibitive.

⁵ Proposed language is directed by the new federal regulation 45 C.F.R. § 302.56(c)(1)(iii).



Rounding the child support order amount to the nearest dollar

The committee noted that some of the child support calculators round the final child support amount to the nearest dollar, while the statewide calculator retains the exact amount calculated. To simplify child support orders, the committee members agreed that the final amount should be rounded up to the nearest dollar amount if the order is fifty cents or more, and rounded down if it is forty-nine cents or less. The committee members believe this action should not be considered a deviation of the child support amount.

Members reported that occasionally a child support order will not even rise to the amount of the Support Payment Clearinghouse fee, which is currently \$5 per month. The committee members discussed those situations and believe it makes sense to not impose a court order for an amount that is less than the current clearinghouse monthly fee. Like the rounding issue above, the committee members believe this action should not be considered a deviation of the child support amount.

Lastly, the committee believes the example amounts should be updated to better reflect realistic incomes.

The committee agreed to include a recommendation for proposed language to Section 14 in the following manner:

14. DETERMINING THE CHILD SUPPORT ORDER

Unless the calculation results in a negative number, The the court shall order the ~~noncustodial~~ parent with less parenting time to pay child support in an amount equal to his or her proportionate share of the Total Child Support Obligation. The ~~custodial~~ parent receiving child support shall be presumed to spend his or her share directly on the children.

EXAMPLE: On the Schedule, the Basic Child Support Obligation for a Combined Adjusted Gross Income of ~~\$1,500~~ \$3,120 for one child is ~~\$323~~ \$610. To this the court adds ~~\$32~~ \$61 because the child is over 12 years of age (10% in this example). The Total Child Support Obligation is ~~\$355~~ \$671.

The father's share is ~~60%~~ 56% of ~~\$355~~ \$671, or ~~\$213~~ \$373. The mother's share is ~~40%~~ 44% of ~~\$355~~ \$671, or ~~\$142~~ \$298. ~~Custody is granted to the mother~~ and she has more parenting time than father. Under the court-approved parenting plan, parenting time will be exercised by ~~the~~ father for a total of 100 days per year, resulting in an adjustment of ~~\$52~~ \$98 (~~\$323~~ \$610 X 16.1%). After adjusting for parenting time, ~~the~~ father's share is ~~\$161~~ \$275 (~~\$213~~ \$373 less ~~\$52~~ \$98). ~~The F~~father shall pay the child support amount of ~~\$161~~ \$275 per month. The value of ~~the~~ mother's contribution is ~~\$142~~ \$298, and she spends it directly on the child.

For all awards, the child support amount shall be rounded to the nearest whole dollar. A rounded amount is not a deviation under Section 20.



If the amount of child support is less than the current clearinghouse fee, the court shall not impose a child support award unless a deviated award is warranted under Section 20. It is not a deviation under Section 20 if an award is not imposed because it is less than the clearinghouse fee.

Global change of terminology – replaced “noncustodial,” “custodial,” and “custody” in the guidelines

In 2012, the legislature removed the terminology “custody” (including “legal” and “physical”) in Arizona statutes (Title 25 - *Marital and Domestic Relations*) and replaced it with the terminology of “legal decision making” and “parenting time;”⁶ however, the corresponding terminology has not been changed within the Arizona Child Support Guidelines.

Committee members realize that most family law court litigants are self-represented and the difference in terminology between the statutes, rules, and the guidelines, may cause unnecessary confusion. To alleviate misunderstandings or confusion for guideline users, the committee members *initially* recommended a global change to the guidelines by replacing the terminology in the following manner:

- “noncustodial parent” with “non-primary parenting time parent”
- “custodial parent” with “primary parenting time parent”
- “child custody” with “legal decision-making and parenting time”
- “physical custody” with “parenting time”
- “receiving parent” and “paying parent” in the self-support reserve section

Several public comments opposed these changes and suggested inserting “legal decision-making” and “parenting time” in place of “noncustodial” and “custodial” parent. As such, “legal decision-making” relates to the “legal right and responsibility to make nonemergency decisions for a child” and “parenting time” is defined as “the schedule of time during which each parent has access to a child for a specified time.” A.R.S. § 25-401(3) and (5). These terms do not translate properly when used in a guidelines context as labels for an obligee/obligor parent, paying/receiving parent, or for a parent with more, less, or equal parenting time. The committee’s challenge was to identify and label parents at two different times; the first is the time prior to establishment of a child support obligation, and second, the period after determining which parent, if any, will have an obligation to pay child support. The committee again reviewed the guidelines and decided to incorporate appropriate contextual changes to provide the user more clarity and guidance. New terms include the use of “primary residential parent,” “eligible parent,” “parent with more parenting time,” “parent with less parenting time,” “parent receiving child support,” and “parent paying child support.”

⁶ 2012 – Fiftieth Legislative – Second Regular Session, [Chapter 309](#)



The members defined the term “primary residential parent” by adding a new paragraph H. to Section 3:

H. The “primary residential parent” is the parent who has parenting time with the child for the greater part of the year.

The committee recommends the above proposed terminology, which will affect the following sections:

- Section 2. Premises
- Section 3. Presumption
- Section 6. Adjustments to Gross Income
- Section 9. Determining the Total Child Support Obligation
- Section 11. Adjustments for Costs Associated with Parenting Time
- Section 12. Equal Custody
- Section 13. Adjustments for Other Costs
- Section 14. Determining the Child Support Order
- Section 15. Self-support Reserve Test
- Section 16. Multiple Children, Different Parenting Plans
- Section 26. Income and Benefits Received by or on Behalf of Child
- Section 27. Federal Tax Exemption for Dependent Children

Third-party caregivers

Committee members believe that Section 21, Third-Party Caregivers, should include additional language to provide guidance for calculating appropriate child support amounts in third-party situations, such as where a grandparent or guardian cares for a child. Clarifying language should be added that allows other appropriate expenditures under Section 9, such as childcare and health insurance premiums, to be included in the child support worksheet.

Initially, the committee considered inserting language into Section 21 that would allow third-party caregivers to receive support from parents that placed their children with a relative; however, public comment from the William E. Morris Institute of Justice notes that A.R.S. §§ 25-402(B) and 409 do not establish the right to support of that child without a legal interest being awarded.

The committee recommends proposed language to Section 21 in the following manner:

21. THIRD-PARTY CARE-GIVERS

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party caregiver is entitled to



receive child support payments from each parent on behalf of the child. When calculating the amount of child support to be awarded to a third-party caregiver, consider the third-party caregiver's expenses under Section 9, but not the third-party caregiver's income.

EXAMPLE: The parties have one child together who is living with a third-party caregiver. Mother has an adjusted gross income of \$2,500 per month and father has an adjusted gross income of \$2,000 per month. Add both parents' income together for a total adjusted gross income of \$4,500 per month. The total basic support obligation for one child would be \$817. The third-party caregiver pays \$500 per month for medical insurance. Place the \$500 amount as an additional child support obligation under the third-party column. The parents have no recognized expenses for the child under Section 9. Father should be ordered to pay the caregiver \$585 per month and mother should be ordered to pay the caregiver \$732 per month.

RECOMMENDATIONS BASED ON CHANGES TO CASE LAW

Introduction

The committee examined two recent Court of Appeals decisions⁷ that referenced relevant guideline issues that the members discussed to ensure clarity in the guidelines. The relevant issues are: (1) how to calculate child support when the parties have different parenting plans for multiple children, and (2) may a court attribute income beyond that of regular full-time employment without a showing that the income was historically earned from a regular schedule and is anticipated to continue into the future?

The first issue regarding appropriate child support calculations when differing parenting time is ongoing with children is within the scope of the charge of this committee and a recommendation for proposed language follows in the section below - Multiple Children, Different Parenting Plans.

In the second case, in the matter of *Lundy v. Lundy*, the Arizona Court of Appeals, Division 1, noted in a footnote;

"Though the second and third sentences of section 5(A) might appear to conflict, we interpret the Guideline as a whole, avoiding constructions that could render any part meaningless. We read the second sentence to prohibit inclusion of income from traditional overtime or second jobs, and we read the third sentence to permit realistic calculation of income in cases involving a parent whose income does not arise from such discrete sources."

⁷ *Lundy v. Lundy*, 1 CA-CV 15-0612 FC (2016 WL 4140883) and *Mitton v. Mitton*, 1 CA-CV 15-0769FC, 242 Ariz. 201 (2017), 394 P.3d28, 762 Ariz. Adv. Rep.20 (de-published September 12, 2017).



The committee declined to provide a recommendation for this issue regarding attribution of second income during this interim review and considers this question a complex and complicated issue that should be reviewed by the next quadrennial child support guidelines review committee.

MULTIPLE CHILDREN, DIFFERENT PARENTING PLANS

During the first committee meeting, members discussed memorializing the holding in *Mitton* by including in the child support guidelines an example of calculating parenting time in situations where parenting time differs for multiple children. Two sections of the guidelines, Section 11 and 16, have proposed language to ensure guideline users are aware of conducting appropriate calculations on child support worksheets.

The committee recommends adding the following language to Section 11:

11. ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME

If the children have different parenting time schedules, then see Section 16 to determine the parenting time adjustment or to determine if separate worksheets are required. After determining the total number of parenting time days, refer to “Parenting Time Table A” below. The left column of the table sets forth numbers of parenting time days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The parenting time adjustment is calculated as follows: locate the total number of parenting time days per year in the left column of “Parenting Time Table A” and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 8 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises parenting time.

The committee received written and oral comments regarding the calculation of child support based on the holding in *Mitton*. One commenter agrees that an example of how to address multiple children with differing parenting schedules should be included into the guidelines, but does not agree that the holding in *Mitton* should be the basis of that example. The commenter opined that the “average parenting time approach...does not ultimately give the obligor parent the appropriate credit against their support obligation, and will typically result in a support obligation that is far higher than what is contemplated by the Guidelines.” Rather, this individual offers the “incremental increase approach.”

“The basics of the method are that an initial child support obligation is calculated based on the parenting schedule that is common to the greatest number of children. Then, a second calculation is performed for the child or children that exercise different parenting time schedule. The second calculation is performed to find the incremental increase of how much additional support should be paid.”⁸

⁸ See Appendix D: Public Comments by Glenn Halterman, Esq.



The committee did not agree with the underlying rationale of the “incremental increase approach” and declined inclusion into the guidelines. The committee recommends adding language to Section 16 and revising the header of Section 16 as follows:

16. MULTIPLE CHILDREN, ~~DIVIDED CUSTODY~~ DIFFERENT PARENTING PLANS

When each parent ~~is granted~~ exercises physical custody more than half of the parenting time with ~~of~~ at least one of the parties’ children, each parent is obligated to contribute to the support of all the children. However, the amount of current child support to be paid by the parent having the greater child support obligation shall be reduced by the amount of child support owed to that parent by the other parent.

EXAMPLE: (For simplicity, this example does not consider parenting time.) Combined Adjusted Gross Income is \$3,000 per month. Father’s gross income is \$1,000 per month (33.3%) and he has ~~custody more than half of the time with~~ of one child. Mother’s gross income is \$2,000 per month (66.6%) and she has ~~custody more than half of the time with the other~~ of two children.

Prepare a Parent’s Worksheet to determine child support for children in the mother’s household. Locate the Combined Adjusted Gross Income figure of \$3,000 on the Schedule. Select the child support figure in the column for the two children in this household, \$857. ~~The f~~Father’s share is 33.3% of \$857, or \$285.

Prepare a Parent’s Worksheet to determine child support for the child in the father’s household. Locate the Combined Adjusted Gross Income figure of \$3,000. Select the child support figure in the column for the one child in this household, \$592. ~~The m~~Mother’s share is 66.6% of \$592, or \$394.

~~The m~~Mother is obligated to pay ~~the~~ father \$394 for child support. This amount is reduced by the \$285 obligation owed by the father to the mother. Thus, ~~the~~ mother must pay \$109 per month.

When the parties have children with different parenting plans and one parent does not have more than half of the parenting time with any of the children, prepare only one worksheet. To determine the parenting time cost adjustment for the parent who does not have more than half of the parenting time, use an average of the total number of parenting days. Add the total amount of parenting days for each child. Divide that number by the total number of children.

Example: EXAMPLE: The parties have two minor children, one who lives with mother full-time and one who splits time equally between parents. Prepare one worksheet. When entering the parenting time cost adjustment for father, divide father’s total number of parenting days for both children, 182, by the total number of children, two (2). Thus, father’s parenting time cost adjustment would be calculated for 91 days.



ISSUES REFERRED TO THE NEXT CHILD SUPPORT GUIDELINES QUADRENNIAL REVIEW COMMITTEE

Several issues were discussed during the committee meetings that involve issues outside the scope of this review; however, the committee respectfully refers these issues for consideration to the next child support guidelines quadrennial review committee.

1. Section 27. Federal Tax Exemption for Dependent Children of the guidelines allocates federal and state tax exemptions between parents, as they agree, or in a manner that allows each parent to claim allowable federal dependency exemptions proportionate to adjusted gross income. However, the Affordable Care Act (ACA) will penalize the parent who claims the child as a tax exemption for not providing insurance to cover the child’s health care even if the other parent was ordered to provide the insurance.

Many states whose child support guidelines are based on an income shares model, like Arizona, are uncertain of what to do with the medical child support provisions, in light of the ACA. These states recognize that the parent who is required to provide health insurance under the ACA, may not be the same parent ordered to provide insurance by the child support order. Fortunately, the reality is that the current practice is working; however, there remains a misalignment between the state provision and the ACA.

This committee is hopeful that between the end of this review and the commencement of the next quadrennial review, the federal government will make further refinements to the ACA that will result in a practical solution for states that allocate income tax exemptions to both parents on a proportionate share of income basis.

2. Section 5.(A) Determination of the Gross Income of the Parents was recently referenced in a Court of Appeals opinion⁹ that posed the question “may a court attribute income beyond that of regular full-time employment without a showing that the income was historically earned from a regular schedule and is anticipated to continue into the future?”¹⁰ This committee believes further examination of this

⁹ *Lundy v. Lundy*, 1 CA-CV 15-0612 FC (2016 WL 4140883)

¹⁰ In the matter of *Lundy v. Lundy*, the Arizona Court of Appeals, Division 1, noted in a footnote; “Though the second and third sentences of section 5(A) might appear to conflict, we interpret the Guideline as a whole, avoiding



issue is warranted as this provision of the guidelines continues to create confusion for calculating gross income appropriately and could result in inconsistent child support orders.

Examination of this issue will require a more in-depth analysis involving subject matter experts and extensive vetting.

3. The issue of allocating insufficient funds for multiple orders was a topic of great concern for the review committee. The members discussed instances in which a single obligor had several court orders for child support; however, earnings from low-income obligors to fund several support orders for numerous children, usually result in unpaid support for most, if not all, of the orders. Because this issue concerns many policy considerations that lie outside the scope of this interim review, the committee respectfully requests the next review committee consider the issue.

constructions that could render any part meaningless. We read the second sentence to prohibit inclusion of income from traditional overtime or second jobs, and we read the third sentence to permit realistic calculation of income in cases involving a parent whose income does not arise from such discrete sources."

*Appendix A:
Child Support Guidelines Interim Committee Membership*

Chair – **Hon. Paul J. McMurdie**, Court of Appeals, Division 1

MEMBERS

Honorable Suzanne Cohen
Presiding Family Court Judge
Superior Court in Maricopa County

Honorable Lisa Bibbens
Judge
Superior Court in Pima County

Mr. Kiilu Davis
Attorney
Law Offices of Stone & Davis PC

Honorable Joseph P. Goldstein
Judge
Superior Court in Yavapai County

Ms. Annalisa Moore Masunas
Attorney
Moore, Masunas & Moore PLLC

Honorable Michael D. Peterson
Presiding Judge
Superior Court in Graham County

Ms. Janet Sell
Unit Chief Counsel
Office of the Attorney General

Ms. Rosa Torrez
Operations Administrator
Department of Economic Security

AOC Staff

Ms. Kathy Sekardi
Senior Court Policy Analyst
Court Services Division

Ms. Sabrina Nash
Court Specialist
Court Services Division

ARIZONA CHILD SUPPORT GUIDELINES
ADOPTED BY THE ARIZONA SUPREME COURT
EFFECTIVE ~~JULY 1, 2015~~ APRIL 1, 2018

BACKGROUND: The Arizona Child Support Guidelines follow the Income Shares Model. The model was developed by the Child Support Guidelines Project of the National Center for State Courts. The total child support amount approximates the amount that would have been spent on the children if the parents and children were living together. Each parent contributes his or her proportionate share of the total child support amount.

Information regarding development of the guidelines, including economic data and assumptions upon which the Schedule of Basic Support Obligations is based, is contained in the June 27, 2014 report of Center for Policy Research, entitled Economic Review of the Arizona Child Support Schedule.

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 orders 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 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.
- C. 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 spousal maintenance first.

1 The receipt or payment of spousal maintenance shall be treated in accordance
2 with sections 5.A and 6.A. The addition to or adjustment from gross income under
3 these sections shall apply for the duration of the spousal maintenance award.
4

5 D. A parent's legal duty is to support his or her natural or adopted children. The
6 "support" of other persons such as stepchildren or parents is deemed voluntary
7 and is not a reason for an adjustment in the amount of child support determined
8 under the guidelines.
9

10 E. In appropriate cases, a ~~custodial~~ parent HAVING MORE OF THE PARENTING
11 TIME may be ordered to pay child support.
12

13 F. Monthly figures are used to calculate the child support obligation. Any
14 adjustments to the child support amount shall be annualized so that each month's
15 child support obligation is increased or decreased in an equal amount, instead of
16 the obligation for particular months being abated, increased or decreased.
17

18 EXAMPLE: At a child support hearing, ~~in a paternity action~~ a ~~custodial~~ parent
19 requests an adjustment for childcare costs (Section 9.B.1.). The parent incurs
20 childcare costs of \$150 per month but only for nine months of the year. The
21 adjustment for childcare costs must be annualized as follows: Multiply the \$150
22 monthly cost times the nine months that the cost is actually paid each year, for an
23 annual total of \$1,350. Divide this total by 12 months to arrive at an annualized
24 monthly adjustment of \$113 that may be added to the Basic Child Support
25 Obligation when determining the child support order.
26

27 G. When determining the Basic Child Support Obligation under Section 8, the
28 amount derived from the Schedule of Basic Child Support Obligations shall not
29 be less than the amount indicated on the Schedule:
30

31 1. For six children where there are more than six children.
32

33 2. For the Combined Adjusted Gross Income of \$20,000 where the actual
34 Combined Adjusted Gross Income of the parents is greater than \$20,000.
35

36 H. THE "PRIMARY RESIDENTIAL PARENT" IS THE PARENT WHO HAS
37 PARENTING TIME WITH THE CHILD FOR THE GREATER PART OF THE
38 YEAR.
39

40 **3. PRESUMPTION**
41

42 In any action to establish or modify ~~child custody~~ PARENTING TIME, and in any action
43 to establish child support or past support or to modify child support, whether temporary
44 or permanent, local or interstate, the amount resulting from application of these
45 guidelines shall be the amount of child support ordered. These include, without
46 limitation, all actions or proceedings brought under Title 25 of the Arizona Revised

1 Statutes (including maternity and paternity) and juvenile court actions in which a child
2 support order is established or modified. However, if application of the guidelines would
3 be inappropriate or unjust in a particular case, the court shall deviate from the guidelines
4 in accordance with Section 20.

5
6 **4. DURATION OF CHILD SUPPORT**

7
8 Duration of child support is governed by Arizona Revised Statutes, Sections 25-320 and
9 25-501, except as provided in Arizona Revised Statutes, Section 25-1304.

10
11 Upon entry of an initial or modified child support order, the court shall, or in any
12 subsequent action relating to the child support order, the court may, establish a
13 presumptive date for the termination of the current child support obligation. The
14 presumptive termination date shall be the last day of the month of the 18th birthday of the
15 youngest child included in the order unless the court finds that it is projected that the
16 youngest child will not complete high school by age 18. In that event, the presumptive
17 termination date shall be the last day of the month of the anticipated graduation date or
18 age 19, whichever occurs first. The administrative income withholding order issued by
19 the department or its agent in Title IV-D cases and an Order of Assignment issued by the
20 court shall include the presumptive termination date. The presumptive date may be
21 modified upon changed circumstances.

22
23 An employer or other payor of funds honoring an Order of Assignment or an
24 administrative income withholding order that includes the presumptive termination date
25 and is for current child support only, shall discontinue withholding monies after the last
26 pay period of the month of the presumptive termination date. If the Order of Assignment
27 or administrative income withholding order includes current child support and arrearage
28 payment, the employer or other payor of funds shall continue withholding the entire
29 amount listed on the Order of Assignment or administrative income withholding order
30 until further order.

31
32 For purposes of determining the presumptive termination date, it is further presumed:

- 33
34 A. That a child not yet in school will enter 1st grade if the child reaches age 6 on or
35 before September 1 of the year in which the child reaches age 6; otherwise, it is
36 presumed that the child will enter 1st grade the following year; and,
37
38 B. That a child will graduate in the month of May after completing the 12th grade.

39
40 **5. DETERMINATION OF THE GROSS INCOME OF THE PARENTS**

41
42 NOTE: Terms such as “Gross Income” and “Adjusted Gross Income” as used in these
43 guidelines do not have the same meaning as when they are used for tax purposes.

- 44
45 A. Gross income includes income from any source, and may include, but is not
46 limited to, income from salaries, wages, commissions, bonuses, dividends,

1 severance pay, pensions, interest, trust income, annuities, capital gains, social
2 security benefits (subject to Section 26), worker's compensation benefits,
3 unemployment insurance benefits, disability insurance benefits, recurring gifts,
4 prizes, and spousal maintenance. Cash value shall be assigned to in-kind or other
5 non-cash benefits. Seasonal or fluctuating income shall be annualized. Income
6 from any source which is not continuing or recurring in nature need not
7 necessarily be deemed gross income for child support purposes. Generally, the
8 court should not attribute income greater than what would have been earned from
9 full-time employment. Each parent should have the choice of working additional
10 hours through overtime or at a second job without increasing the child support
11 award. The court may, however, consider income actually earned that is greater
12 than would have been earned by full-time employment if that income was
13 historically earned from a regular schedule and is anticipated to continue into the
14 future.

15
16 The court should generally not attribute additional income to a parent if that
17 would require an extraordinary work regimen. Determination of what constitutes
18 a reasonable work regimen depends upon all relevant circumstances including the
19 choice of jobs available within a particular occupation, working hours and
20 working conditions.

- 21
22 B. Gross income does not include sums received as child support or benefits received
23 from means-tested public assistance programs including, but not limited to,
24 Temporary Assistance to Needy Families (TANF), Supplemental Security Income
25 (SSI), Nutrition Assistance and General Assistance.
- 26
27 C. For income from self-employment, rent, royalties, proprietorship of a business, or
28 joint ownership of a partnership or closely held corporation, gross income means
29 gross receipts minus ordinary and necessary expenses required to produce
30 income. Ordinary and necessary expenses do not include amounts determined by
31 the court to be inappropriate for determining gross income for purposes of child
32 support. Ordinary and necessary expenses include one-half of the
33 self-employment tax actually paid.
- 34
35 D. Expense reimbursements or benefits received by a parent in the course of
36 employment or self-employment or operation of a business shall be counted as
37 income if they are significant and reduce personal living expenses.
- 38
39 E. If a parent is unemployed or working below full earning capacity, the court may
40 consider the reasons. If earnings are reduced as a matter of choice and not for
41 reasonable cause, the court may attribute income to a parent up to his or her
42 earning capacity. If the reduction in income is voluntary but reasonable, the court
43 shall balance that parent's decision and benefits therefrom against the impact the
44 reduction in that parent's share of child support has on the children's best interest.
45 THE COURT MAY NOT ATTRIBUTE INCOME TO A PERSON WHO IS
46 INCARCERATED, BUT MAY ESTABLISH OR MODIFY SUPPORT BASED

1 ON ACTUAL ABILITY TO PAY. In accordance with Arizona Revised Statutes
2 Section 25-320, income of at least minimum wage ~~shall~~ SHOULD GENERALLY
3 be attributed to a parent ~~ordered to pay child support.~~ AFTER CONSIDERING
4 THE SPECIFIC CIRCUMSTANCES OF THE PARENTS TO THE EXTENT
5 KNOWN. THIS INCLUDES SUCH FACTORS AS THE PARENTS' ASSETS,
6 RESIDENCE, EMPLOYMENT AND EARNINGS HISTORY, JOB SKILLS,
7 EDUCATIONAL ATTAINMENT, LITERACY, AGE, HEALTH, CRIMINAL
8 RECORD AND OTHER EMPLOYMENT BARRIERS, AND RECORD OF
9 SEEKING WORK, AS WELL AS THE LOCAL JOB MARKET, THE
10 AVAILABILITY OF EMPLOYERS WILLING TO HIRE THE PARENTS,
11 PREVAILING EARNINGS LEVEL IN THE LOCAL COMMUNITY, AND
12 OTHER RELEVANT BACKGROUND FACTORS IN THE CASE. If income is
13 attributed to the parent receiving child support, appropriate childcare expenses
14 may also be attributed.

15
16 The court may decline to attribute income to either parent. Examples of cases in
17 which it may be inappropriate to attribute income include, but are not limited to,
18 the following circumstances:

- 19
20 1. A parent is physically or mentally disabled,
21
22 2. A parent is engaged in reasonable career or occupational training to
23 establish basic skills or reasonably calculated to enhance earning capacity,
24
25 3. Unusual emotional or physical needs of a natural or adopted child require
26 that parent's presence in the home, ~~or~~
27
28 4. The parent is a current recipient of Temporary Assistance to Needy
29 Families, OR-
30
31 5. A PARENT IS THE CARETAKER OF A YOUNG CHILD AND THE
32 COST OF CHILDCARE IS PROHIBITIVE.

- 33
34 F. Only income of persons having a legal duty of support shall be treated as income
35 under the guidelines. For example, income of a parent's new spouse is not treated
36 as income of that parent.
37
38 G. The court shall not take into account the impact of the disposition of marital
39 property except as provided in Arizona Revised Statutes Section 25-320. A-6-D.7.
40 ("...excessive or abnormal expenditures, destruction, concealment or fraudulent
41 disposition of community, joint tenancy and other property held in common.") or
42 to the extent that such property generates income to a parent.
43
44 H. The Schedule of Basic Child Support Obligations is based on net income and
45 converted to gross income for ease of application. The impact of income taxes has

1 been considered in the Schedule (Federal Tax including Earned Income Tax
2 Credit, Arizona State Tax, and FICA).
3
4

5 **6. ADJUSTMENTS TO GROSS INCOME**
6

7 For purposes of this section, “children of other relationships” means natural or adopted
8 children who are not the subject of this particular child support determination.
9

10 Adjustments to gross income for other support obligations are made as follows:
11

- 12 A. The court-ordered amount of spousal maintenance resulting from this or any other
13 marriage, if actually being paid, shall be deducted from the gross income of the
14 parent paying spousal maintenance. Court-ordered arrearage payments shall not
15 be included as an adjustment to gross income.
16
- 17 B. The court-ordered amount of child support for children of other relationships, if
18 actually being paid, shall be deducted from the gross income of the parent paying
19 that child support. Court-ordered arrearage payments shall not be included as an
20 adjustment to gross income.
21
- 22 C. An amount shall be deducted from the gross income of a parent for children of
23 other relationships covered by a court order for whom they are the ~~eustodial~~
24 PRIMARY RESIDENTIAL parent. The amount of the adjustment shall be
25 determined by a simplified application of the guidelines (defined in example
26 below).
27
- 28 D. An amount may be deducted from the gross income of a parent for support of
29 natural or adopted children of other relationships not covered by a court order.
30 The amount of any adjustment shall not exceed the amount arrived at by a
31 simplified application of the guidelines (defined in example below).
32

33 EXAMPLE: A parent having gross monthly income of \$2,000 supports a natural
34 or adopted minor child who is not the subject of the child support case before the
35 court and for whom no child support order exists. To use the Simplified
36 Application of the Guidelines, locate \$2,000 in the Combined Adjusted Gross
37 Income column of the Schedule. Select the amount in the column for one child,
38 \$415. The parent’s income may be reduced up to \$415, resulting in an Adjusted
39 Gross Income of \$1,585.
40

41 **7. DETERMINING THE ADJUSTED GROSS INCOME OF THE PARENTS**
42

43 Adjusted Gross Income is gross income minus the adjustments provided in Section 6 of
44 these guidelines. The Adjusted Gross Income for each parent shall be established. These
45 amounts shall be added together. The sum is the Combined Adjusted Gross Income.
46

1 **8. DETERMINING THE BASIC CHILD SUPPORT OBLIGATION**

2
3 Locate the income closest to the parents' Combined Adjusted Income figure on the
4 Schedule of Basic Child Support Obligations and select the column for the number of
5 children involved. This number is the Basic Child Support Obligation. If the parents'
6 income falls exactly in between two combined adjusted gross income amounts, round up
7 to the nearest combined adjusted income entry on the schedule of basic child support
8 obligations.

9
10 EXAMPLE: The combined adjusted gross income of the parents' is \$8,125 which is
11 exactly between \$8,100 and \$8,150. Round up to the nearest combined adjusted income
12 entry of \$8,150 and use this amount as the basic child support obligation.

13
14 If there are more than six children, the amount derived from the schedule of basic support
15 obligations for six children shall be the presumptive amount. The party seeking a greater
16 sum shall bear the burden of proof that the needs of the children require a greater sum.

17
18 If the combined adjusted gross income of the parties is greater than \$20,000 per month,
19 the amount set forth for combined adjusted gross income of \$20,000 shall be the
20 presumptive Basic Child Support Obligation. The party seeking a sum greater than this
21 presumptive amount shall bear the burden of proof to establish that a higher amount is in
22 the best interests of the children, taking into account such factors as the standard of living
23 the children would have enjoyed if the parents and children were living together, the
24 needs of the children in excess of the presumptive amount, consideration of any
25 significant disparity in the respective percentages of gross income for each party and any
26 other factors which, on a case by case basis, demonstrate that the increased amount is
27 appropriate.

28
29 **9. DETERMINING THE TOTAL CHILD SUPPORT OBLIGATION**

30
31 To determine the Total Child Support Obligation, the court:

32
33 A. Shall add to the Basic Child Support Obligation the cost of the children's medical
34 dental or vision insurance coverage, if any (this provision does not imply any
35 obligation of either parent to provide dental or vision insurance). In determining
36 the amount to be added, only the amount of the insurance cost attributable to the
37 children subject of the child support order shall be included. If coverage is
38 applicable to other persons, the total cost shall be prorated by the number of
39 persons covered. The court may decline to credit a parent for medical, dental or
40 vision insurance coverage obtained for the children if the coverage is not valid in
41 the geographic region where the children reside.

42
43 EXAMPLE: Through an employment-related insurance plan, a parent provides
44 medical insurance that covers the parent, one child subject of the child support
45 case and two other children. Under the plan, the cost of an employee's individual
46 insurance coverage would be \$120. This parent instead pays a total of \$270 for

1 the “family option” that provides coverage for the employee and any number of
2 dependents. Calculate the adjustment for medical insurance as follows: Subtract
3 the \$120 cost of individual coverage from the \$270 paid for the “family option” to
4 find the cost of dependent coverage. The \$150 remainder then is divided by three
5 - the number of covered dependents. The resulting \$50 is added to the Basic Child
6 Support Obligation as the cost of medical insurance coverage for the one child.
7

8 An order for child support shall assign responsibility for providing medical
9 insurance for the children who are the subject of the child support order. If
10 medical insurance of comparable benefits and cost is available to both parents, the
11 court should assign the responsibility to the ~~parent having primary physical~~
12 ~~custody~~ RESIDENTIAL PARENT.
13

14 The court shall also specify the percentage that each parent shall pay for any
15 medical, dental or vision costs of the children which are not covered by insurance.
16 For purposes of this paragraph, non-covered “medical” means medically
17 necessary medical, dental or vision care as defined by Internal Revenue Service
18 Publication 502.
19

20 Except for good cause shown, any request for payment or reimbursement of
21 uninsured medical, dental or vision costs must be provided to the other parent
22 within 180 days after the date the services occur. The parent responsible for
23 payment or reimbursement must pay his or her share, as ordered by the court, or
24 make acceptable payment arrangements with the provider or person entitled to
25 reimbursement within 45 days after receipt of the request.
26

27 Both parents should use their best efforts to obtain services that are covered by the
28 insurance. A parent who is entitled to receive reimbursement from the other
29 parent for medical costs not covered by insurance shall, upon request of the other
30 parent, provide receipts or other evidence of payments actually made.
31

32 B. May add to the Basic Child Support Obligation amounts for any of the following:
33

34 1. Childcare Costs
35

36 Childcare expenses that would be appropriate to the parents’ financial
37 abilities.
38

39 Expenses for childcare shall be annualized in accordance with Section 2.F.
40

41 A PARENT PAYING FOR CHILDCARE MAY BE ELIGIBLE FOR A
42 CREDIT FROM FEDERAL TAX LIABILITY FOR CHILDCARE
43 COSTS ONLY IF THE PARENT HAS PARENTING TIME FOR THE
44 GREATER PART OF THE YEAR. IN AN EQUAL PARENTING TIME
45 SITUATION, NEITHER PARTY SHALL BE ENTITLED TO THE

CREDIT FOR THE PURPOSES OF CALCULATING CHILD SUPPORT.

~~A custodial parent paying for childcare may be eligible for a credit from federal tax liability for childcare costs for dependent children. The custodial parent is the parent who has physical custody of the children for the greater part of the year. In an equal physical custody situation, neither parent shall be entitled to the credit for purposes of calculating child support.~~ Before adding childcare costs to the Basic Child Support Obligation, the court may adjust this cost in order to apportion the benefit that the dependent tax credit will have to the parent incurring the childcare costs.

At lower income levels, the head of household does not incur sufficient tax liability to benefit from the federal childcare tax credit. No adjustment should be made where the income of the ~~custodial~~ ELIGIBLE parent is less than indicated on the following chart:

MONTHLY GROSS INCOME OF THE <u>CUSTODIAL ELIGIBLE PARENT</u>	
ONE CHILD	\$2,600
TWO CHILDREN	\$3,100
THREE CHILDREN	\$3,400
FOUR CHILDREN	\$3,550
FIVE CHILDREN	\$3,650
SIX CHILDREN	\$3,800

If the ~~custodial~~ ELIGIBLE parent's income is greater than indicated on the above chart, the court may adjust this cost for the federal childcare tax credit if the credit is actually claimed or will be claimed.

For one child with monthly childcare costs exceeding \$200, deduct \$50 from the monthly childcare amount. For two or more children with total monthly childcare costs exceeding \$400, deduct \$100 from the monthly childcare amount. See Example One.

For one child with monthly childcare costs of \$200 or less, deduct 25% from the monthly childcare amount. For two or more children with total monthly childcare costs of \$400 or less, deduct 25% from the monthly childcare amount. See Example Two.

1 EXAMPLE ONE: For two children, a parent pays monthly childcare costs
2 of \$550 for nine months of the year. To adjust for the expected tax credit
3 benefit, first determine whether the average costs of childcare exceeds
4 \$400 per month. In this example, because the average cost of \$413 (\$550
5 multiplied by 9 months, divided by 12 months) exceeds the \$400
6 maximum for two or more children, \$100 per month may be subtracted
7 from the average monthly cost. \$313 (\$413 - \$100) may be added to the
8 Basic Child Support Obligation for adjusted childcare costs.
9

10 EXAMPLE TWO: A parent pays monthly childcare costs of \$175 for one
11 child. Because this amount is less than the \$200 maximum for one child,
12 multiply \$175 by 25% (\$175 multiplied by 25% = \$44). Subtract the
13 adjustment from the monthly average (\$175 - \$44 = \$131). The adjusted
14 amount of \$131 may be added to the Basic Child Support Obligation.
15

16 Any adjustment for the payment of childcare costs with pre-tax dollars
17 shall be calculated in a similar manner. A percentage adjustment other
18 than twenty-five percent may be utilized if proven by the parent paying the
19 childcare costs.
20

21 2. Education Expenses
22

23 Any reasonable and necessary expenses for attending private or special
24 schools or necessary expenses to meet particular educational needs of a
25 child, when such expenses are incurred by agreement of both parents or
26 ordered by the court.
27

28 3. Extraordinary Child
29

30 These guidelines are designed to fit the needs of most children. The court
31 may increase the Basic Child Support Obligation to provide for the special
32 needs of gifted or handicapped children.
33

34 4. Older Child Adjustment
35

36 The average expenditures for children age 12 or older exceed the average
37 expenditures for all children by approximately 10%. Therefore, the court
38 may increase child support for a child who has reached the age of 12 years
39 by an amount up to 10% of the child support shown on the Schedule. If the
40 court chooses to make an adjustment, the following method of calculation
41 shall be used.
42

43 EXAMPLE: The Basic Child Support Obligation for one child, age 12, is
44 \$459. As much as \$46 may be added to the basic child support obligation,
45 for a total of \$505. If not all children subject to the order are age 12 or
46 over, the increase will be prorated as follows: assume the Basic Child

1 Support Obligation for three children is \$786. If one of the three children
2 is age 12 or over, assign 1/3 of the Basic Child Support Obligation to the
3 older child (\$262). Up to 10% (\$26) of that portion of the Basic Child
4 Support Obligation may be added as an older child adjustment, increasing
5 the obligation to \$812. NOTE: This prorating method is limited to this
6 section and should not be followed in Section 25.
7
8

9 **10. DETERMINING EACH PARENT'S PROPORTIONATE SHARE OF THE**
10 **TOTAL CHILD SUPPORT OBLIGATION**

11
12 The Total Child Support Obligation shall be divided between the parents in proportion to
13 their Adjusted Gross Incomes. The obligation of each parent is computed by multiplying
14 each parent's share of the Combined Adjusted Gross Income by the Total Child Support
15 Obligation.
16

17 EXAMPLE: Combined Adjusted Gross Income is \$1,000. ~~The f~~Father's Adjusted Gross
18 Income is \$600. Divide ~~the~~ father's Adjusted Gross Income by the Combined Adjusted
19 Income. The result is ~~the~~ father's share of the Combined Adjusted Gross Income. (\$600
20 divided by \$1,000 = 60%). ~~The f~~Father's share is 60%; ~~the~~ mother's share is 40%.
21

22 **11. ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME**

23
24 Because the Schedule of Basic Child Support Obligations is based on expenditures for
25 children in intact households, there is no consideration for costs associated with parenting
26 time. When parenting time is exercised by the ~~noneustodial~~-parent WITH LESS
27 PARENTING TIME, a portion of the costs for children normally expended by the
28 ~~eustodial-PRIMARY RESIDENTIAL~~ parent shifts to the ~~noneustodial-OTHER~~ parent.
29 Accordingly, unless it is apparent from the circumstances that the ~~noneustodial~~-parent
30 WITH LESS PARENTING TIME will not incur costs for the children during parenting
31 time, when proof establishes that parenting time is or is expected to be exercised by ~~the~~
32 ~~noneustodial-THAT~~ parent, an adjustment shall be made to that parent's proportionate
33 share of the Total Child Support Obligation. To calculate child support in equal ~~eustody~~
34 PARENTING TIME cases, see Section 12.
35

36 For purposes of calculating parenting time days, only the time spent by a child with the
37 ~~noneustodial~~-parent WITH LESS PARENTING TIME is considered. Time that the child
38 is in school or childcare is not considered.
39

40 To adjust for the costs of parenting time, first determine the total annual amount of
41 parenting time indicated in a court order or parenting plan or by the expectation or
42 historical practice of the parents. Using the following definitions, add together each block
43 of parenting time to arrive at the total number of parenting time days per year. Calculate
44 the number of parenting time days arising from any block of time the child spends with
45 the ~~noneustodial~~-parent WITH LESS PARENTING TIME in the following manner:
46

- 1 A. Each block of time begins and ends when ~~the nonecustodial~~ THAT parent receives
2 or returns the child from the ~~eustodial~~ PRIMARY RESIDENTIAL parent or from
3 a third party with whom the ~~eustodial~~ PRIMARY RESIDENTIAL parent left the
4 child. Third party includes, for example, a school or childcare provider.
5
6 B. Count one day of parenting time for each 24 hours within any block of time.
7
8 C. ~~to~~ To the extent there is a period of less than 24 hours remaining in the block of
9 time, after all 24-hour days are counted or for any block of time which is in total
10 less than 24 hours in duration:
11
12 1. A period of 12 hours or more counts as one day.
13
14 2. A period of 6 to 11 hours counts as a half-day.
15
16 ~~2.3.~~ 3. A period of 3 to 5 hours counts as a quarter-day.
17
18 ~~3.4.~~ 4. Periods of less than 3 hours may count as a quarter-day if, during those
19 hours, the ~~nonecustodial~~ parent WITH LESS PARENTING TIME pays for
20 routine expenses of the child, such as meals.
21

22 EXAMPLES: FOR THE PURPOSES OF THESE EXAMPLES, MOTHER HAS
23 PARENTING TIME 130 DAYS PER YEAR AND FATHER IS THE PRIMARY
24 RESIDENTIAL PARENT.
25

- 26 1. ~~Nonecustodial parent~~ MOTHER receives the child at 9:00 p.m. on
27 Thursday evening and brings the child to school at 8:00 a.m. on Monday
28 morning, from which ~~eustodial parent~~ FATHER picks up the child at 3:00
29 p.m. on Monday.
30
31 a. 9:00 p.m. Thursday to 9:00 p.m. Sunday is three days.
32 b. 9:00 p.m. Sunday to 8:00 a.m. Monday is 11 hours, which equals a
33 half day.
34 c. Total is 3 ½ days.
35
36 2. ~~Nonecustodial parent~~ MOTHER picks the child up from school at 3:00 p.m.
37 Friday and returns the child to school at 8:00 a.m. on Monday.
38
39 a. 3:00 p.m. Friday to 3:00 p.m. Sunday is two days.
40 b. 3:00 p.m. Sunday to 8:00 a.m. Monday is 17 hours, which equals
41 one day.
42 c. Total is 3 days.
43
44 3. ~~Nonecustodial parent~~ MOTHER picks up child from soccer at noon on
45 Saturday, and returns the child to ~~eustodial parent~~ FATHER at 9:00 p.m.
46 on Sunday.

- a. Noon Saturday to noon Sunday is one day.
- b. Noon Sunday to 9:00 p.m. Sunday is 9 hours, which equals ½ day.
- c. Total is 1 ½ days.

IF THE CHILDREN HAVE DIFFERENT PARENTING TIME SCHEDULES, THEN SEE SECTION 16 TO DETERMINE THE PARENTING TIME ADJUSTMENT OR TO DETERMINE IF SEPARATE WORKSHEETS ARE REQUIRED. After determining the total number of parenting time days, refer to “Parenting Time Table A” below. The left column of the table sets forth numbers of parenting time days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The parenting time adjustment is calculated as follows: locate the total number of parenting time days per year in the left column of “Parenting Time Table A” and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 8 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises parenting time.

PARENTING TIME TABLE A	
Number of Parenting Time Days	Adjustment Percentage
0 - 3	0
4 - 20	.012
21 - 38	.031
39 - 57	.050
58 - 72	.085
73 - 87	.105
88 - 115	.161
116 - 129	.195
130 - 142	.253
143 - 152	.307
153 - 162	.362
163 - 172	.422
173 - 182	.486

EXAMPLE: The Basic Child Support Obligation from the Schedule is \$667 for two children. After making all applicable adjustments under Section 9, such as an adjustment for one older child, the Total Child Support Obligation is \$700 and ~~the noneustodial~~

1 ~~parent's~~ FATHER'S proportionate share is 60%, or \$421. ~~The noncustodial parent~~
 2 FATHER has parenting time with the children a total of 100 days. On Parenting Time
 3 Table A, the range of days for this amount of parenting time is from 88 to 115 days. The
 4 corresponding adjustment percentage is .161. Multiply the \$667 Basic Child Support
 5 Obligation by .161 or 16.1%. The resulting \$107 is subtracted from \$421 (~~the~~
 6 ~~noncustodial parent's~~ FATHER'S proportionate share of the Total Child Support
 7 Obligation), adjusting the child support obligation to \$313.
 8

9 As the number of parenting time days approaches equal time sharing (143 days and
 10 above), certain costs usually incurred only in the ~~eustodial~~ PRIMARY RESIDENTIAL
 11 PARENT'S household are assumed to be substantially or equally shared by both parents.
 12 These costs are for items such as the child's clothing and personal care items,
 13 entertainment and reading materials. If this assumption is rebutted by proof, for example,
 14 that such costs are not substantially or equally shared in each household, only Parenting
 15 Time Table B must be used to calculate the parenting time adjustment for this range of
 16 days. Locate the total number of parenting time days per year in the left columns of
 17 "Parenting Time Table B" and select the adjustment percentage from the adjacent
 18 column. Multiply the Basic Child Support Obligation determined under Section 8 by the
 19 appropriate adjustment percentage. The number resulting from this multiplication then is
 20 subtracted from the proportionate share of the Total Child Support Obligation of the
 21 parent who exercises parenting time.
 22

PARENTING TIME TABLE B	
Number of Parenting Time Days	Adjustment Percentage
143 – 152	.275
153 – 162	.293
163 – 172	.312
173 – 182	.331

23
 24
 25 **12. EQUAL-CUSTODY PARENTING TIME**
 26

27 If the time spent with each parent is essentially equal, the expenses for the children are
 28 equally shared and adjusted gross incomes of the parents also are essentially equal, no
 29 child support shall be paid. If the parents' incomes are not equal, the total child support
 30 amount shall be divided equally between the two households and the parent owing the
 31 greater amount shall be ordered to pay what is necessary to achieve that equal share in the
 32 other parent's household.
 33

34 EXAMPLE: After making all applicable adjustments under Sections 9 and 13, the
 35 remaining child support obligation is \$1,500. The parents' proportionate shares of the
 36 obligation are \$1,000 and \$500. To equalize the child support available in both

1 households, deduct the lower amount from the higher amount ($\$1,000 - \$500 = \$500$),
2 then divide the balance in half ($\$500 \div 2 = \250). The resulting amount, \$250, is paid to
3 the parent with the lower obligation.
4
5
6

7
8 **13. ADJUSTMENTS FOR OTHER COSTS**
9

10 If a parent pays a cost under Section 9.A. or 9.B. (except 9.B.4), deduct the cost from that
11 parent's Proportionate Share of income to arrive at the Preliminary Child Support
12 Amount.
13

14 EXAMPLE: ~~A noncustodial parent FATHER~~ pays for medical insurance through his ~~or~~
15 ~~her~~ employer. This cost is added to the Basic Child Support Obligation pursuant to
16 Section 9.A, then prorated between the parents to arrive at each parent's proportionate
17 child support obligation. Because the cost has already been paid to a third party (the
18 insurance company), the cost must be deducted from ~~the noncustodial parent's~~
19 ~~FATHER'S~~ child support obligation because this portion of the child support obligation
20 has already been paid.
21

22 **14. DETERMINING THE CHILD SUPPORT ORDER**
23

24 ~~UNLESS THE CALCULATION RESULTS IN A NEGATIVE NUMBER, The~~ THE
25 court shall order the ~~noncustodial~~ parent WITH LESS PARENTING TIME to pay child
26 support in an amount equal to his or her proportionate share of the Total Child Support
27 Obligation. The ~~custodial~~ parent RECEIVING CHILD SUPPORT shall be presumed to
28 spend his or her share directly on the children.
29

30 EXAMPLE: On the Schedule, the Basic Child Support Obligation for a Combined
31 Adjusted Gross Income of ~~\$1,500~~ \$3,120 for one child is ~~\$323~~ \$610. To this the court
32 adds ~~\$32~~ \$61 because the child is over 12 years of age (10% in this example). The Total
33 Child Support Obligation is ~~\$355~~ \$671.
34

35 The father's share is ~~60~~ 56% of ~~\$355~~ \$671, or ~~\$213~~ \$373. The mother's share is ~~40~~
36 44% of ~~\$355~~ \$671, or ~~\$142~~ \$298. ~~Custody is granted to the mother and SHE HAS MORE~~
37 PARENTING TIME THAN FATHER. Under the court-approved parenting plan,
38 parenting time will be exercised by ~~the~~ father FOR a total of 100 days per year, resulting
39 in an adjustment of ~~\$52~~ \$98 (~~\$323~~ \$610 X 16.1%). After adjusting for parenting time, ~~the~~
40 father's share is ~~\$161~~ \$275 (~~\$213~~ \$373 less ~~\$52~~ \$98). ~~The~~ father shall pay the child
41 support amount of ~~\$161~~ \$275 per month. The value of ~~the~~ mother's contribution is ~~\$142~~
42 \$298, and she spends it directly on the child.
43

44 FOR ALL AWARDS, THE CHILD SUPPORT AMOUNT SHALL BE ROUNDED TO
45 THE NEAREST WHOLE DOLLAR. A ROUNDED AMOUNT IS NOT A
46 DEVIATION UNDER SECTION 20.

1
2 IF THE AMOUNT OF CHILD SUPPORT IS LESS THAN THE CURRENT
3 CLEARINGHOUSE FEE, THE COURT SHALL NOT IMPOSE A CHILD SUPPORT
4 AWARD UNLESS A DEVIATED AWARD IS WARRANTED UNDER SECTION 20.
5 IT IS NOT A DEVIATION UNDER SECTION 20 IF AN AWARD IS NOT IMPOSED
6 BECAUSE IT IS LESS THAN THE CLEARINGHOUSE FEE.
7

8
9
10 **15. SELF-SUPPORT RESERVE TEST**

11
12 In each case, after determining the child support order, the court shall perform a ~~SS~~Self-
13 support ~~RR~~reserve ~~TT~~Test to verify that the ~~noneustodial-PAYING~~ parent is financially
14 able ~~both~~ to pay the child support order and to maintain at least a minimum standard of
15 living, as follows:

16
17 THE SELF-SUPPORT RESERVE SHALL BE AN AMOUNT EQUAL TO ~~Deduct~~ 80%
18 OF THE MONTHLY FULL-TIME EARNINGS AT THE CURRENT STATE
19 MINIMUM WAGE AT THE TIME OF THE ORDER ~~\$1,115~~ (the ~~SS~~Self-support
20 ~~Reserve-RESERVE~~ amount). ~~DEDUCT THE SELF-SUPPORT RESERVE AMOUNT~~
21 from the ~~noneustodial-PAYING~~ parent's Adjusted Gross Income, except that the court
22 may deduct from such parent's Adjusted Gross Income for purposes of the ~~SelfSelf-~~
23 support ~~Reserve-RESERVE Test-TEST~~ only, court-ordered arrears on child support for
24 children of other relationships or spousal maintenance, if actually paid. If the resulting
25 amount is less than the child support order, the court may reduce the current child support
26 order to the resulting amount after first considering the financial impact the reduction
27 would have on the ~~eustodial-RECEIVING~~ parent's household. The test applies only to the
28 current child support obligation, but does not prohibit an additional amount to be ordered
29 to reduce an obligor's arrears.
30

31 EXAMPLE ONE: Before applying the ~~Self~~SELF-support ~~Reserve-RESERVE~~
32 ~~Test-TEST~~, the child support order is calculated under the guidelines to be ~~\$253~~ \$492.
33 The adjusted gross income of the ~~noneustodial-PAYING~~ parent is ~~\$1,250~~ \$1,820 AT A
34 MINIMUM WAGE OF \$10.50 PER HOUR THE SELF SUPPORT RESERVE
35 AMOUNT IS \$1,456 ($\$10.50 \times 40 \text{ HOURS} \times 52 \text{ WEEKS} = \$21,840 \div 12 \text{ months} =$
36 $\$1,820 \times 80\% = \$1,456$). Subtracting the self-support reserve amount of ~~\$1,115~~ \$1,456
37 from the ~~noneustodial-PAYING~~ parent's adjusted gross income of ~~\$1,250~~ \$1,820 leaves
38 ~~\$135~~ \$364. Because this resulting amount is less than the ~~\$253~~ \$492 child support order,
39 the court may reduce the child support order to the resulting amount. However, before
40 making any reduction, the court shall examine the self-support capability of the
41 ~~non-paying~~RECEIVING parent, using the same ~~SS~~Self-sSupport ~~RR~~Reserve ~~TT~~Test applied
42 to the ~~noneustodial-PAYING~~ parent.
43

44 ~~In this example,~~EXAMPLE TWO: The ~~non-paying~~RECEIVING parent's proportionate
45 share of the total child support obligation is calculated under the guidelines to be ~~\$233~~
46 \$404. This parent's Adjusted Gross Income is ~~\$1,150~~ \$1,487. Subtracting the self-support

1 reserve of ~~\$1,115~~ ~~\$1,456~~ from the ~~non-paying~~ RECEIVING parent's Adjusted Gross
2 Income of ~~\$1,150~~ ~~\$1,487~~ leaves ~~\$35~~ ~~\$31~~. Because this resulting amount is less than the
3 parent's proportionate share of the Total Child Support Obligation, it is evident that both
4 parents have insufficient income to be self-supporting. In this situation, the court has
5 discretion to determine whether and in what amount the child support order (the amount
6 the ~~noneustodial~~ PAYING parent is ordered to pay) may be reduced.
7
8
9

10 **16. MULTIPLE CHILDREN, ~~DIVIDED~~ ~~DIFFERENT CUSTODY~~ PARENTING**
11 **PLANS**

12
13 When each parent ~~is granted~~ EXERCISES physical custody MORE THAN HALF OF
14 THE PARENTING TIME WITH ~~of~~ at least one of the parties' children, each parent is
15 obligated to contribute to the support of all the children. However, the amount of current
16 child support to be paid by the parent having the greater child support obligation shall be
17 reduced by the amount of child support owed to that parent by the other parent.
18

19 EXAMPLE: (For simplicity, this example does not consider parenting time.) Combined
20 Adjusted Gross Income is \$3,000 per month. Father's gross income is \$1,000 per month
21 (33.3%) and he has ~~custody~~ MORE THAN HALF OF THE TIME WITH ~~of~~ one child.
22 Mother's gross income is \$2,000 per month (66.6%) and she has ~~custody~~ MORE THAN
23 HALF OF THE TIME WITH THE OTHER ~~of~~ two children.
24

25 Prepare a Parent's Worksheet to determine child support for children in the mother's
26 household. Locate the Combined Adjusted Gross Income figure of \$3,000 on the
27 Schedule. Select the child support figure in the column for the two children in this
28 household, \$857. ~~The F~~father's share is 33.3% of \$857, or \$285.
29

30 Prepare a Parent's Worksheet to determine child support for the child in the father's
31 household. Locate the Combined Adjusted Gross Income figure of \$3,000. Select the
32 child support figure in the column for the one child in this household, \$592. ~~The~~
33 ~~m~~mother's share is 66.6% of \$592, or \$394.
34

35 ~~The m~~Mother is obligated to pay ~~the~~ father \$394 for child support. This amount is
36 reduced by the \$285 obligation owed by the father to the mother. Thus, ~~the~~ mother must
37 pay \$109 per month.
38

39 WHEN THE PARTIES HAVE CHILDREN WITH DIFFERENT PARENTING PLANS
40 AND ONE PARENT DOES NOT HAVE MORE THAN HALF OF THE PARENTING
41 TIME WITH ANY OF THE CHILDREN, PREPARE ONLY ONE WORKSHEET. TO
42 DETERMINE THE PARENTING TIME COST ADJUSTMENT FOR THE PARENT
43 WHO DOES NOT HAVE MORE THAN HALF OF THE PARENTING TIME, USE
44 AN AVERAGE OF THE TOTAL NUMBER OF PARENTING DAYS. ADD THE
45 TOTAL AMOUNT OF PARENTING DAYS FOR EACH CHILD. DIVIDE THAT
46 NUMBER BY THE TOTAL NUMBER OF CHILDREN.

1
2 EXAMPLE: THE PARTIES HAVE TWO MINOR CHILDREN, ONE WHO LIVES
3 WITH MOTHER FULL-TIME AND ONE WHO SPLITS TIME EQUALLY
4 BETWEEN PARENTS. PREPARE ONE WORKSHEET. WHEN ENTERING THE
5 PARENTING TIME COST ADJUSTMENT FOR FATHER, DIVIDE FATHER'S
6 TOTAL NUMBER OF PARENTING DAYS FOR BOTH CHILDREN, 182, BY THE
7 TOTAL NUMBER OF CHILDREN, TWO (2). THUS, FATHER'S PARENTING TIME
8 COST ADJUSTMENT WOULD BE CALCULATED FOR 91 DAYS.
9

10 **17. CHILD SUPPORT ASSIGNED TO THE STATE**

11
12 If child support has been assigned to the state under Arizona Revised Statutes Section
13 46-407, the obligation of a parent to pay child support shall not be offset by child support
14 arrearages that may be owed to that parent.
15

16 **18. TRAVEL EXPENSES ASSOCIATED WITH PARENTING TIME**

17
18 The court may allocate travel expenses of the child associated with parenting time in
19 cases where one-way travel exceeds 100 miles. In doing so, the court shall consider the
20 means of the parents and may consider how their conduct (such as a change of residence)
21 has affected the costs of parenting time. To the extent possible, any allocation shall
22 ensure that the child has continued contact with each parent. A parent who is entitled to
23 receive reimbursement from the other parent for allocated parenting time expenses shall,
24 upon request of the other parent, provide receipts or other evidence of payments actually
25 made. The allocation of expenses does not change the amount of the child support
26 ordered.
27

28 **19. GIFTS IN LIEU OF MONEY**

29
30 Once child support has been ordered by the court, the child support is to be paid in
31 money. Gifts of clothing, etc. in lieu of money are not to be offset against the child
32 support order except by court order.
33

34 **20. DEVIATIONS**

35
36 A. The court shall deviate from the guidelines, i.e., order child support in an amount
37 different from that which is provided pursuant to these guidelines, after
38 considering all relevant factors, including those set forth in Arizona Revised
39 Statutes Section 25-320, and applicable case law, only if all of the following
40 criteria are met:

- 41
42 1. Application of the guidelines is inappropriate or unjust in the particular
43 case,
44

2. The court has considered the best interests of the child in determining the amount of a deviation. A deviation that reduces the amount of child support paid is not, by itself, contrary to the best interests of the child,
 3. The court makes written findings regarding 1. and 2. above in the Child Support Order, Minute Entry or Child Support Worksheet,
 4. The court shows what the order would have been without the deviation, and
 5. The court shows what the order 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 or stated on the record pursuant to Rule 69, Arizona Rules of Family Law Procedure (*ARFLP*).
 2. All parties have entered into the agreement with knowledge of the amount of child support that would have been ordered under the guidelines but for the agreement,
 3. All parties have entered into the agreement free of duress and coercion, and
 4. The court complies with the requirements of Section 20.A.

In cases with significant disparity of income between the ~~custodial and noncustodial~~ parent~~s~~, a deviation may be appropriate.

21. THIRD-PARTY CARE-GIVERS

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party caregiver is entitled to receive child support payments from each parent on behalf of the child. WHEN CALCULATING THE AMOUNT OF CHILD SUPPORT TO BE AWARDED TO A THIRD-PARTY CAREGIVER, CONSIDER THE THIRD-PARTY CAREGIVER'S EXPENSES UNDER SECTION 9, BUT NOT THE THIRD-PARTY CAREGIVER'S INCOME.

EXAMPLE: THE PARTIES HAVE ONE CHILD TOGETHER WHO IS LIVING WITH A THIRD-PARTY CAREGIVER. MOTHER HAS AN ADJUSTED GROSS INCOME OF \$2,500 PER MONTH AND FATHER HAS AN ADJUSTED GROSS INCOME OF \$2,000 PER MONTH. ADD BOTH PARENTS' INCOME TOGETHER FOR A TOTAL ADJUSTED GROSS INCOME OF \$4,500 PER MONTH. THE TOTAL BASIC SUPPORT OBLIGATION FOR ONE CHILD WOULD BE \$817. THE THIRD-PARTY

1 CAREGIVER PAYS \$500 PER MONTH FOR MEDICAL INSURANCE. PLACE THE
2 \$500 AMOUNT AS AN ADDITIONAL CHILD SUPPORT OBLIGATION UNDER
3 THE THIRD-PARTY COLUMN. THE PARENTS HAVE NO RECOGNIZED
4 EXPENSES UNDER SECTION 9. FATHER SHOULD BE ORDERED TO PAY THE
5 CAREGIVER \$585 PER MONTH AND MOTHER SHOULD BE ORDERED TO PAY
6 THE CAREGIVER \$732 PER MONTH.

7
8 **22. COURT'S FINDINGS**

9
10 The court shall make findings in the record as to: Gross Income, Adjusted Gross Income,
11 Basic Child Support Obligation, Total Child Support Obligation, each parent's
12 proportionate share of the child support obligation, and the child support order.

13
14 The findings may be made by incorporating a worksheet containing this information into
15 the file.

16
17 If the court attributes income above minimum wage income, the court shall explain the
18 reason for its decision.

19
20 The child support order shall be set forth in a sum certain and start on a date certain. A
21 new child support order shall be filed upon any change in the amount or due date of the
22 child support obligation.

23
24 **23. EXCHANGE OF INFORMATION**

25
26 The court shall order that every twenty-four months, financial information such as tax
27 returns, financial affidavits, and earning statements be exchanged between the parties.

28
29 Unless the court has ordered otherwise, at the time the parties exchange financial
30 information, they shall also exchange residential addresses and the names and addresses
31 of their employers.

32
33 **24. MODIFICATION**

34
35 A. Standard Procedure

36
37 Pursuant to Arizona Revised Statutes Sections 25-327 and 25-503, either parent or
38 the state Title IV-D agency may ask the court to modify a child support order
39 upon a showing of a substantial and continuing change of circumstances.

40
41 B. Simplified Procedure

42
43 Either parent or the state Title IV-D agency may request the court to modify a
44 child support order if application of the guidelines results in an order that varies
45 15% or more from the existing amount. A fifteen percent variation in the amount
46 of the order will be considered evidence of substantial and continuing change of

1 circumstances. A request for modification of the child support amount must be
2 accompanied by a completed and sworn “Parent’s Worksheet for Child Support
3 Amount,” and documentation supporting the incomes if different from the court’s
4 most recent findings regarding income of the parents. If the party requesting the
5 modification is unable to provide documentation supporting the other party’s
6 income, the requesting party shall indicate that the income amount is
7 attributed/estimated and state the basis for the amount listed. The state Title IV-D
8 agency may submit a parent’s worksheet.
9

10 The simplified procedure also may be used by either parent or the state Title IV-D
11 agency to modify a child support order to assign or alter the responsibility to
12 provide medical insurance for a child who is subject of a child support order. A
13 modification of the medical assignment or responsibility does not need to vary by
14 15% or more from the existing amount to use the simplified procedure.
15

16 A copy of the request for modification of child support and the “Parent’s
17 Worksheet for Child Support Amount,” including supporting documentation,
18 showing that the proposed child support amount would vary 15% or more from
19 the existing child support order shall be served on the other parent, or on both
20 parents if filed by the state Title IV-D agency, pursuant to Rule 27, Arizona Rules
21 of Family Law Procedure (*ARFLP*).
22

23 If the requested modification is disputed, the parent receiving service must request
24 a hearing within 20 days of service. If service is made outside the state, as
25 provided in Rule 42, *ARFLP*, the parent receiving service must request a hearing
26 within 30 days of service.
27

28 A party requesting a hearing shall file a written request for hearing accompanied
29 by a completed and sworn “Parent’s Worksheet for Child Support Amount.”
30 Copies of the documents filed, together with the notice of hearing, shall be served
31 on the other party and, if appropriate, the state Title IV-D agency by first class
32 mail not less than ten judicial days prior to the hearing.
33

34 Upon proof of service and if no hearing is requested within the time allowed, the
35 court will review the request and enter an appropriate order or set the matter for
36 hearing.
37

38 If any party requests a hearing within the time allowed, the court shall conduct
39 such hearing. No order shall be modified without a hearing if one is requested.
40

41 The notice provision of Rule 44, *ARFLP*, does not apply to this simplified
42 modification procedure.
43

44 A request to modify child support, request for a hearing and notice of hearing,
45 “Parent’s Worksheet for Child Support Amount” and child support order filed or

1 served pursuant to this subsection must be made using forms approved by the
2 Arizona Supreme Court or substantially similar forms.

3
4 Approved forms are available from the Clerk of the Superior Court.

5
6 **25. EFFECT OF CESSATION OF CHILD SUPPORT FOR ONE CHILD**

7
8 If child support for more than one child was ordered under these guidelines and thereafter
9 the duty to support one of the children stops, the order is not automatically reduced by
10 that child's share. To obtain a modification to the child support order, a request must be
11 made in writing to the court to recalculate the child support obligation pursuant to these
12 guidelines. The procedure specified in Section 24 may be used for this purpose.

13
14 EXAMPLE: The child support order for Combined Adjusted Gross Income of \$1,500,
15 with four children is \$621. One child graduates from high school and turns 18. In
16 determining the new child support amount, do not deduct one-fourth of the order for a
17 new order of \$466. Instead, determine a new child support order by applying the
18 guidelines. (NOTE: This method varies from the one used in Section 9.B.4).

19
20 **26. INCOME AND BENEFITS RECEIVED BY OR ON BEHALF OF CHILD**

21
22 A. Income earned or money received by a child from any source other than court-
23 ordered child support shall not be counted toward either parent's child support
24 obligation except as stated herein. However, income earned or money received by
25 or on behalf of a person for whom child support is ordered to continue past the
26 age of majority pursuant to Arizona Revised Statute Sections 25-320.~~BE~~ and
27 25-809.F may be credited against any child support obligation.

28
29 B. Benefits, such as Social Security Disability or Insurance, received by a ~~eustodial~~
30 parent on behalf of a child, as a result of contributions made by the ~~OTHER~~
31 parent WHO IS ORDERED TO PAY ~~paying~~ child support shall be credited as
32 follows:

33
34 1. If the amount of the child's benefit for a given month is equal to or greater
35 than the paying parent's child support obligation, then that parent's
36 obligation is satisfied.

37
38 2. Any benefit received by the child for a given month in excess of the child
39 support obligation shall not be treated as an arrearage payment nor as a
40 credit toward future child support payments.

41
42 3. If the amount of the child's benefit for a given month is less than the
43 parent's child support obligation, the parent shall pay the difference unless
44 the court, in its discretion, modifies the child support order to equal the
45 benefits being received at that time.

1 C. Except as otherwise provided in section 5.~~b~~B, any benefits received directly, and
2 not on behalf of a child, by either the ~~custodial~~-parent RECEIVING CHILD
3 SUPPORT or the parent paying child support as a result of his or her own
4 contributions, shall be included as part of that parent's gross income.
5

6 **27. FEDERAL TAX EXEMPTION FOR DEPENDENT CHILDREN**
7

8 All the federal and state tax exemptions applicable to the minor children shall be
9 allocated between the parents as they agree, or, in the absence of their agreement, in a
10 manner that allows each parent to claim allowable federal dependency exemptions
11 proportionate to adjusted gross income in a reasonable pattern that can be repeated in no
12 more than 5 years. This may be done by allocating claiming of the children or claiming of
13 specific years. To implement this provision, the proportionate share of the combined
14 adjusted gross income of both parents is rounded to the nearest fraction with a
15 denominator no larger than 5 (i.e. 1/2, 1/3, 2/3, 1/4, 3/4, 1/5, 2/5, 3/5, 4/5). For illustrative
16 purposes, assume father earns \$60,000 and mother earns \$40,000 of the combined
17 adjusted gross income of \$100,000. Father's share of the combined income is 3/5. If
18 father earned \$30,000 and mother earned \$20,000, then 3/5 would still be the fraction
19 with a denominator of 5 or less that comes closest to father's share of the parents'
20 combined adjusted gross income. The dependency exemption shall therefore be allocated
21 utilizing this fraction. If a parent otherwise entitled to the dependency exemption would
22 derive no tax benefit from claiming it in any given tax year, then the entire exemption for
23 that tax year, and not just the share indicated by the preceding sentence, may be allocated
24 to the parent who would derive a tax benefit for that tax year. An Internal Revenue
25 Service Form 8332 may need to be signed and filed with a parent's income tax return.
26

27 The court may deny the right to present or future tax exemption when a history of non-
28 payment of child support exists. The allocation of the exemption may be conditioned
29 upon payment by December 31 of the total court-ordered monthly child support
30 obligation for the current calendar year and any court-ordered arrearage payments due
31 during that calendar year for which the exemption is to be claimed. If these conditions
32 have been met, the ~~custodial~~-parent RECEIVING CHILD SUPPORT will need to execute
33 the necessary Internal Revenue Service form (Form 8332) to transfer the exemption. If
34 the ~~noncustodial~~-PAYING parent has paid the current child support, but has not paid the
35 court-ordered arrearage payments, the ~~noncustodial~~-PAYING parent shall not be entitled
36 to claim the exemption.
37

38 EXAMPLE: ~~Noncustodial~~-THE PAYING parent's percentage of gross income is
39 approximately 67% (2/3) and ~~custodial~~-THE RECEIVING parent's percentage is
40 approximately 33% (1/3). All payments are current. If there are three children, the
41 ~~noncustodial~~-PAYING parent would be entitled to claim the exemption for two children
42 and the ~~custodial~~-RECEIVING parent would be entitled to claim the exemption for one
43 child. If there is only one child, the ~~noncustodial~~-PAYING parent would be entitled to
44 claim the child two out of every three years, and the ~~custodial~~-RECEIVING parent would
45 claim the child one out of every three years.
46

1 For purposes of this section only, a ~~noncustodial-PAYING~~ parent shall be credited as
2 having paid child support that has been deducted on or before December 31 pursuant to
3 an order of assignment if the amount has been received by the court or clearinghouse by
4 January 15 of the following year.
5

6 **28. CHILD SUPPORT ARREARS**
7

8 A. When setting an amount for a payment on arrears, the court should take into
9 consideration that interest accrues on the principal balance. If the court sets a
10 payment on arrears less than the amount of the accruing monthly interest, the
11 court shall make a finding why the amount is less than the accruing monthly
12 interest. Upon a showing of substantial and continuing changed circumstances,
13 the court may adjust the amount of payment on arrears.
14

15 B. When a current child support obligation terminates, before adjusting the order of
16 assignment to an amount less than the current child support amount and the
17 payment on arrears, the court shall consider the total amount of arrears and the
18 accruing interest, and the time that it will take the obligor to pay these amounts.
19

20 **29. EFFECTIVE DATE AND GROUNDS FOR MODIFICATION**
21

22 A. Except for defaults or as otherwise agreed upon by the parties, all child support
23 orders entered after ~~June 30, 2015~~ MARCH 31, 2018 shall be made pursuant to
24 these guidelines, whether they be original orders or modifications of pre-existing
25 orders, unless the court determines otherwise based on good cause shown. In
26 cases of default, the guidelines in effect at the time of filing the action will be
27 used. The parties may agree to use either the guidelines in effect at the time of
28 filing the action or those in effect at the time the order is entered.
29

30 B. A substantial variance between an existing child support order and an amount
31 resulting from application of the new guidelines may be considered evidence of a
32 substantial and continuing change of circumstances for purposes of a
33 modification. A variance of at least 15% would be evidence of a substantial and
34 continuing change of circumstances.
35

Proposed Child Support Guidelines (Effective April 1, 2018)

1

Schedule of Basic Support Obligations						
Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
750	174	255	303	312	372	404
800	185	271	323	360	396	431
850	196	287	341	381	419	456
900	206	301	358	399	439	478
950	216	315	374	418	460	500
1000	225	329	391	436	480	522
1050	235	343	407	455	500	544
1100	245	357	424	473	521	566
1150	255	371	440	492	541	588
1200	264	385	457	510	561	610
1250	274	399	473	528	581	632
1300	284	414	490	547	602	654
1350	293	428	506	565	622	676
1400	303	442	523	584	642	698
1450	313	456	539	602	662	720
1500	323	470	556	621	683	742
1550	332	484	572	639	703	764
1600	342	498	589	657	723	786
1650	351	511	604	675	742	807
1700	360	524	620	692	761	828
1750	369	537	635	709	780	848
1800	379	551	651	727	799	869
1850	388	564	666	744	818	889
1900	397	577	681	761	837	910
1950	406	590	697	778	856	931
2000	415	603	712	796	875	951
2050	424	616	727	812	894	971
2100	433	629	742	829	912	991
2150	442	641	757	845	930	1011
2200	450	654	772	862	948	1031
2250	459	667	786	878	966	1050
2300	468	679	801	895	984	1070
2350	477	692	816	911	1003	1090
2400	486	705	831	928	1021	1109
2450	495	717	845	944	1039	1129

Proposed Child Support Guidelines (Effective April 1, 2018)

2500	503	730	860	961	1057	1149
2550	512	742	875	977	1075	1169
2600	521	755	890	994	1093	1188
2650	530	768	905	1010	1111	1208
2700	539	780	919	1027	1130	1228
2750	547	793	934	1043	1148	1248
2800	556	806	949	1060	1166	1267
2850	565	818	964	1076	1184	1287
2900	574	831	978	1093	1202	1307
2950	583	844	993	1109	1220	1326
3000	592	857	1008	1126	1239	1347
3050	601	870	1024	1144	1258	1367
3100	610	883	1039	1161	1277	1388
3150	619	896	1055	1178	1296	1409
3200	628	909	1070	1195	1315	1429
3250	637	922	1085	1212	1334	1450
3300	646	935	1101	1230	1353	1470
3350	655	948	1116	1247	1372	1491
3400	663	961	1132	1264	1391	1512
3450	672	974	1147	1281	1409	1532
3500	681	987	1163	1299	1428	1553
3550	690	1000	1178	1316	1447	1573
3600	699	1013	1193	1333	1466	1594
3650	708	1026	1209	1350	1485	1614
3700	717	1039	1224	1367	1504	1635
3750	726	1052	1240	1385	1523	1656
3800	735	1065	1255	1402	1542	1676
3850	744	1078	1270	1419	1561	1697
3900	753	1091	1286	1436	1580	1717
3950	760	1101	1297	1449	1594	1733
4000	765	1108	1306	1458	1604	1744
4050	771	1115	1314	1468	1614	1755
4100	776	1123	1322	1477	1625	1766
4150	781	1130	1330	1486	1635	1777
4200	786	1137	1339	1495	1645	1788
4250	791	1144	1347	1504	1655	1799
4300	796	1152	1355	1514	1665	1810
4350	802	1159	1363	1523	1675	1821
4400	807	1166	1371	1532	1685	1832
4450	812	1173	1379	1541	1695	1842
4500	817	1180	1388	1550	1705	1853
4550	822	1188	1396	1559	1715	1864
4600	827	1195	1404	1568	1725	1875

Proposed Child Support Guidelines (Effective April 1, 2018)

4650	833	1202	1412	1577	1735	1886
4700	838	1209	1420	1586	1745	1897
4750	843	1216	1428	1596	1755	1908
4800	848	1224	1437	1605	1765	1919
4850	853	1231	1445	1614	1775	1930
4900	858	1238	1453	1623	1785	1940
4950	863	1245	1461	1632	1795	1951
5000	869	1252	1469	1641	1805	1962
5050	874	1259	1477	1650	1815	1973
5100	877	1265	1483	1657	1822	1981
5150	881	1270	1489	1664	1830	1989
5200	885	1275	1495	1670	1837	1997
5250	889	1281	1502	1677	1845	2005
5300	892	1286	1508	1684	1852	2014
5350	896	1291	1514	1691	1860	2022
5400	900	1296	1520	1698	1867	2030
5450	903	1302	1526	1704	1875	2038
5500	907	1307	1532	1711	1882	2046
5550	911	1312	1538	1718	1890	2054
5600	915	1318	1544	1725	1897	2063
5650	918	1323	1550	1732	1905	2071
5700	922	1328	1556	1739	1912	2079
5750	926	1333	1563	1745	1920	2087
5800	930	1339	1569	1752	1927	2095
5850	933	1344	1575	1759	1935	2103
5900	937	1349	1581	1766	1942	2111
5950	941	1354	1587	1773	1950	2120
6000	944	1360	1593	1779	1957	2128
6050	948	1365	1599	1786	1965	2136
6100	952	1370	1605	1793	1972	2144
6150	956	1376	1611	1800	1980	2152
6200	959	1380	1616	1805	1986	2159
6250	962	1384	1620	1810	1991	2164
6300	965	1388	1625	1815	1996	2170
6350	968	1392	1629	1819	2001	2175
6400	971	1395	1633	1824	2006	2181
6450	973	1399	1637	1828	2011	2186
6500	976	1403	1641	1833	2016	2192
6550	979	1407	1645	1837	2021	2197
6600	982	1411	1649	1842	2026	2203
6650	985	1415	1653	1847	2031	2208
6700	988	1418	1657	1851	2036	2213
6750	991	1422	1661	1856	2041	2219

Proposed Child Support Guidelines (Effective April 1, 2018)

6800	994	1426	1665	1860	2046	2224
6850	997	1430	1670	1865	2051	2230
6900	1000	1434	1674	1869	2056	2235
6950	1002	1438	1678	1874	2061	2241
7000	1005	1442	1682	1879	2066	2246
7050	1008	1445	1686	1883	2071	2252
7100	1011	1449	1690	1888	2077	2257
7150	1014	1453	1694	1892	2082	2263
7200	1017	1457	1698	1897	2087	2268
7250	1020	1461	1702	1901	2092	2274
7300	1023	1465	1706	1906	2097	2279
7350	1024	1466	1708	1908	2099	2281
7400	1026	1468	1710	1910	2101	2284
7450	1027	1470	1712	1912	2103	2286
7500	1029	1472	1714	1914	2106	2289
7550	1030	1474	1716	1916	2108	2291
7600	1032	1476	1718	1918	2110	2294
7650	1033	1478	1719	1921	2113	2296
7700	1035	1479	1721	1923	2115	2299
7750	1036	1481	1723	1925	2117	2301
7800	1038	1483	1725	1927	2119	2304
7850	1039	1485	1727	1929	2122	2306
7900	1041	1487	1729	1931	2124	2309
7950	1042	1489	1731	1933	2126	2311
8000	1044	1491	1732	1935	2129	2314
8050	1045	1492	1734	1937	2131	2316
8100	1047	1494	1736	1939	2133	2319
8150	1048	1496	1738	1941	2136	2321
8200	1050	1498	1740	1943	2138	2324
8250	1051	1500	1742	1946	2140	2326
8300	1053	1502	1744	1948	2142	2329
8350	1054	1504	1745	1950	2145	2331
8400	1055	1505	1747	1952	2147	2333
8450	1058	1509	1751	1956	2152	2339
8500	1063	1516	1759	1965	2161	2349
8550	1068	1522	1767	1973	2171	2360
8600	1072	1529	1774	1982	2180	2370
8650	1077	1536	1782	1991	2190	2380
8700	1082	1543	1790	1999	2199	2391
8750	1087	1549	1798	2008	2209	2401
8800	1092	1556	1806	2017	2218	2411
8850	1096	1563	1813	2025	2228	2422
8900	1101	1570	1821	2034	2238	2432

Proposed Child Support Guidelines (Effective April 1, 2018)

8950	1106	1576	1829	2043	2247	2443
9000	1111	1583	1837	2051	2257	2453
9050	1116	1590	1844	2060	2266	2463
9100	1120	1597	1852	2069	2276	2474
9150	1125	1603	1860	2077	2285	2484
9200	1130	1610	1868	2086	2295	2494
9250	1134	1616	1874	2093	2302	2503
9300	1137	1620	1879	2099	2309	2509
9350	1140	1624	1884	2104	2315	2516
9400	1143	1629	1889	2110	2321	2523
9450	1146	1633	1894	2116	2327	2530
9500	1149	1637	1899	2121	2334	2537
9550	1152	1642	1904	2127	2340	2543
9600	1155	1646	1909	2133	2346	2550
9650	1158	1650	1914	2138	2352	2557
9700	1161	1655	1920	2144	2358	2564
9750	1164	1659	1925	2150	2365	2570
9800	1168	1664	1930	2156	2372	2578
9850	1171	1669	1936	2162	2379	2585
9900	1174	1674	1941	2169	2385	2593
9950	1178	1678	1947	2175	2392	2600
10000	1181	1683	1953	2181	2399	2608
10050	1185	1688	1958	2187	2406	2615
10100	1188	1693	1964	2194	2413	2623
10150	1191	1698	1969	2200	2420	2630
10200	1195	1703	1975	2206	2427	2638
10250	1198	1707	1981	2212	2434	2645
10300	1202	1712	1986	2219	2441	2653
10350	1205	1717	1992	2225	2447	2660
10400	1207	1720	1996	2229	2452	2665
10450	1210	1724	2000	2234	2457	2671
10500	1213	1728	2004	2238	2462	2676
10550	1215	1731	2008	2243	2467	2681
10600	1218	1735	2012	2247	2472	2687
10650	1220	1738	2016	2252	2477	2692
10700	1223	1742	2020	2256	2482	2698
10750	1226	1745	2024	2261	2487	2703
10800	1228	1749	2028	2265	2492	2708
10850	1231	1753	2032	2270	2497	2714
10900	1233	1756	2036	2274	2502	2719
10950	1236	1760	2040	2279	2507	2725
11000	1239	1763	2044	2283	2511	2730
11050	1241	1767	2048	2288	2516	2735

Proposed Child Support Guidelines (Effective April 1, 2018)

11100	1244	1771	2052	2292	2521	2741
11150	1246	1774	2056	2297	2526	2746
11200	1249	1778	2060	2301	2531	2752
11250	1251	1781	2064	2306	2536	2757
11300	1254	1785	2068	2310	2541	2762
11350	1257	1788	2072	2315	2546	2768
11400	1259	1792	2076	2319	2551	2773
11450	1262	1796	2080	2324	2556	2778
11500	1264	1799	2084	2328	2561	2784
11550	1267	1803	2088	2333	2566	2789
11600	1270	1806	2092	2337	2571	2795
11650	1272	1810	2096	2342	2576	2800
11700	1275	1814	2100	2346	2581	2805
11750	1277	1817	2105	2351	2586	2811
11800	1280	1821	2109	2356	2591	2817
11850	1283	1825	2114	2361	2597	2823
11900	1286	1829	2119	2366	2603	2830
11950	1289	1833	2123	2372	2609	2836
12000	1292	1838	2128	2377	2615	2842
12050	1295	1842	2133	2383	2621	2849
12100	1298	1846	2138	2388	2627	2855
12150	1301	1850	2143	2393	2633	2862
12200	1304	1854	2147	2399	2638	2868
12250	1306	1858	2152	2404	2644	2874
12300	1309	1863	2157	2409	2650	2881
12350	1312	1867	2162	2415	2656	2887
12400	1315	1871	2167	2420	2662	2894
12450	1318	1875	2171	2425	2668	2900
12500	1321	1879	2176	2431	2674	2906
12550	1324	1883	2181	2436	2680	2913
12600	1327	1887	2186	2441	2686	2919
12650	1330	1891	2190	2447	2691	2926
12700	1333	1896	2195	2452	2697	2932
12750	1336	1900	2200	2457	2703	2938
12800	1338	1904	2205	2463	2709	2945
12850	1341	1908	2210	2468	2715	2951
12900	1344	1912	2214	2473	2721	2957
12950	1347	1916	2219	2479	2727	2964
13000	1350	1920	2224	2484	2732	2970
13050	1353	1924	2229	2489	2738	2977
13100	1356	1929	2233	2495	2744	2983
13150	1359	1933	2238	2500	2750	2989
13200	1362	1937	2243	2505	2756	2996

Proposed Child Support Guidelines (Effective April 1, 2018)

13250	1365	1941	2248	2511	2762	3002
13300	1367	1945	2252	2516	2768	3008
13350	1370	1949	2257	2521	2774	3015
13400	1373	1953	2262	2527	2779	3021
13450	1376	1958	2267	2532	2785	3028
13500	1379	1962	2272	2537	2791	3034
13550	1382	1966	2276	2543	2797	3040
13600	1385	1970	2281	2548	2803	3047
13650	1388	1974	2286	2553	2809	3053
13700	1391	1978	2291	2559	2815	3059
13750	1393	1982	2295	2564	2820	3066
13800	1396	1986	2300	2569	2826	3072
13850	1399	1991	2305	2575	2832	3079
13900	1402	1995	2310	2580	2838	3085
13950	1405	1999	2315	2585	2844	3091
14000	1408	2003	2319	2591	2850	3098
14050	1411	2007	2324	2596	2856	3104
14100	1414	2011	2329	2601	2861	3110
14150	1417	2015	2334	2607	2867	3117
14200	1420	2019	2338	2612	2873	3123
14250	1422	2024	2343	2617	2879	3130
14300	1425	2028	2348	2623	2885	3136
14350	1428	2032	2353	2628	2891	3142
14400	1431	2036	2357	2633	2897	3149
14450	1434	2040	2362	2639	2903	3155
14500	1437	2044	2367	2644	2908	3161
14550	1440	2048	2372	2649	2914	3168
14600	1443	2052	2377	2655	2920	3174
14650	1446	2056	2381	2660	2926	3180
14700	1448	2060	2385	2665	2931	3186
14750	1451	2064	2390	2669	2936	3192
14800	1454	2068	2394	2674	2941	3197
14850	1457	2072	2398	2679	2947	3203
14900	1460	2076	2402	2684	2952	3209
14950	1463	2079	2407	2688	2957	3214
15000	1466	2083	2411	2693	2962	3220
15050	1468	2087	2415	2698	2968	3226
15100	1471	2091	2419	2703	2973	3231
15150	1474	2095	2424	2707	2978	3237
15200	1477	2099	2428	2712	2983	3243
15250	1480	2102	2432	2717	2988	3248
15300	1483	2106	2436	2722	2994	3254
15350	1485	2110	2441	2726	2999	3260

Proposed Child Support Guidelines (Effective April 1, 2018)

15400	1488	2114	2445	2731	3004	3266
15450	1491	2118	2449	2736	3009	3271
15500	1494	2122	2453	2741	3015	3277
15550	1497	2125	2458	2745	3020	3283
15600	1500	2129	2462	2750	3025	3288
15650	1502	2133	2466	2755	3030	3294
15700	1505	2137	2471	2760	3036	3300
15750	1508	2141	2475	2764	3041	3305
15800	1511	2145	2479	2769	3046	3311
15850	1514	2148	2483	2774	3051	3317
15900	1517	2152	2488	2779	3056	3322
15950	1519	2156	2492	2783	3062	3328
16000	1522	2160	2496	2788	3067	3334
16050	1525	2164	2500	2793	3072	3339
16100	1528	2168	2505	2798	3077	3345
16150	1531	2171	2509	2802	3083	3351
16200	1534	2175	2513	2807	3088	3356
16250	1536	2179	2517	2812	3093	3362
16300	1539	2183	2522	2817	3098	3368
16350	1542	2187	2526	2821	3103	3373
16400	1545	2190	2530	2826	3108	3379
16450	1547	2194	2534	2830	3114	3384
16500	1550	2198	2539	2836	3119	3391
16550	1553	2202	2544	2841	3125	3397
16600	1556	2206	2548	2846	3131	3403
16650	1559	2211	2553	2852	3137	3410
16700	1562	2215	2558	2857	3143	3416
16750	1565	2219	2562	2862	3148	3422
16800	1568	2223	2567	2867	3154	3429
16850	1570	2227	2572	2873	3160	3435
16900	1573	2231	2577	2878	3166	3441
16950	1576	2235	2581	2883	3172	3447
17000	1579	2239	2586	2888	3177	3454
17050	1582	2243	2591	2894	3183	3460
17100	1585	2247	2595	2899	3189	3466
17150	1588	2251	2600	2904	3195	3473
17200	1590	2255	2605	2909	3200	3479
17250	1593	2259	2609	2915	3206	3485
17300	1596	2263	2614	2920	3212	3491
17350	1599	2267	2619	2925	3218	3498
17400	1602	2271	2623	2930	3223	3504
17450	1605	2276	2628	2936	3229	3510
17500	1608	2280	2633	2941	3235	3516

Proposed Child Support Guidelines (Effective April 1, 2018)

17550	1610	2284	2638	2946	3241	3523
17600	1613	2288	2642	2951	3246	3529
17650	1616	2292	2647	2957	3252	3535
17700	1619	2296	2652	2962	3258	3541
17750	1622	2300	2656	2967	3264	3548
17800	1625	2304	2661	2972	3270	3554
17850	1628	2308	2666	2978	3275	3560
17900	1630	2312	2670	2983	3281	3567
17950	1633	2316	2675	2988	3287	3573
18000	1636	2320	2680	2993	3293	3579
18050	1639	2324	2684	2999	3298	3585
18100	1642	2328	2689	3004	3304	3592
18150	1645	2332	2694	3009	3310	3598
18200	1648	2336	2699	3014	3316	3604
18250	1650	2340	2703	3019	3321	3610
18300	1653	2345	2708	3025	3327	3617
18350	1656	2349	2713	3030	3333	3623
18400	1659	2353	2717	3035	3339	3629
18450	1662	2357	2722	3040	3344	3635
18500	1665	2361	2727	3046	3350	3642
18550	1667	2365	2731	3051	3356	3648
18600	1670	2369	2736	3056	3362	3654
18650	1673	2373	2741	3061	3368	3661
18700	1676	2377	2745	3067	3373	3667
18750	1679	2381	2750	3072	3379	3673
18800	1682	2385	2755	3077	3385	3679
18850	1685	2389	2759	3082	3391	3686
18900	1687	2393	2764	3088	3396	3692
18950	1690	2397	2769	3093	3402	3698
19000	1693	2401	2774	3098	3408	3704
19050	1696	2405	2778	3103	3414	3711
19100	1699	2409	2783	3109	3419	3717
19150	1702	2414	2788	3114	3425	3723
19200	1705	2418	2792	3119	3431	3729
19250	1707	2422	2797	3124	3437	3736
19300	1710	2426	2802	3130	3442	3742
19350	1713	2430	2806	3135	3448	3748
19400	1716	2434	2811	3140	3454	3755
19450	1719	2438	2816	3145	3460	3761
19500	1722	2442	2820	3150	3466	3767
19550	1725	2446	2825	3156	3471	3773
19600	1727	2450	2830	3161	3477	3779
19650	1729	2453	2833	3164	3481	3784

Proposed Child Support Guidelines (Effective April 1, 2018)

19700	1732	2456	2836	3168	3485	3788
19750	1734	2459	2839	3172	3489	3792
19800	1736	2462	2843	3175	3493	3797
19850	1738	2465	2846	3179	3497	3801
19900	1740	2467	2849	3183	3501	3806
19950	1742	2470	2853	3186	3505	3810
20000	1744	2473	2856	3190	3509	3815

ARIZONA CHILD SUPPORT GUIDELINES
ADOPTED BY THE ARIZONA SUPREME COURT
EFFECTIVE APRIL 1, 2018

BACKGROUND: The Arizona Child Support Guidelines follow the Income Shares Model. The model was developed by the Child Support Guidelines Project of the National Center for State Courts. The total child support amount approximates the amount that would have been spent on the children if the parents and children were living together. Each parent contributes his or her proportionate share of the total child support amount.

Information regarding development of the guidelines, including economic data and assumptions upon which the Schedule of Basic Support Obligations is based, is contained in the June 27, 2014 report of Center for Policy Research, entitled Economic Review of the Arizona Child Support Schedule.

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 orders 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 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.
- C. The fact that a 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 spousal maintenance first.

The receipt or payment of spousal maintenance shall be treated in accordance with Sections 5.A and 6.A. The addition to or adjustment from gross income under these sections shall apply for the duration of the spousal maintenance award.

- D. A parent’s legal duty is to support his or her natural or adopted children. The “support” of other persons such as stepchildren or parents is deemed voluntary and is not a reason for an adjustment in the amount of child support determined under the guidelines.
- E. In appropriate cases, a parent having more of the parenting time may be ordered to pay child support.
- F. Monthly figures are used to calculate the child support obligation. Any adjustments to the child support amount shall be annualized so that each month’s child support obligation is increased or decreased in an equal amount, instead of the obligation for particular months being abated, increased or decreased.

EXAMPLE: At a child support hearing, a parent requests an adjustment for childcare costs (Section 9.B.1.). The parent incurs childcare costs of \$150 per month but only for nine months of the year. The adjustment for childcare costs must be annualized as follows: Multiply the \$150 monthly cost times the nine months that the cost is actually paid each year, for an annual total of \$1,350. Divide this total by 12 months to arrive at an annualized monthly adjustment of \$113 that may be added to the Basic Child Support Obligation when determining the child support order.

- G. When determining the Basic Child Support Obligation under Section 8, the amount derived from the Schedule of Basic Child Support Obligations shall not be less than the amount indicated on the Schedule:
 - 1. For six children where there are more than six children.
 - 2. For the Combined Adjusted Gross Income of \$20,000 where the actual Combined Adjusted Gross Income of the parents is greater than \$20,000.
- H. The “primary residential parent” is the parent who has parenting time with the child for the greater part of the year.

3. PRESUMPTION

In any action to establish or modify parenting time, and in any action to establish child support or past support or to modify child support, whether temporary or permanent, local or interstate, the amount resulting from application of these guidelines shall be the amount of child support ordered. These include, without limitation, all actions or proceedings brought under Title 25 of the Arizona Revised Statutes (including maternity and paternity) and juvenile court actions in which a child support order is established or modified.

However, if application of the guidelines would be inappropriate or unjust in a particular case, the court shall deviate from the guidelines in accordance with Section 20.

4. DURATION OF CHILD SUPPORT

Duration of child support is governed by Arizona Revised Statutes, Sections 25-320 and 25-501, except as provided in Arizona Revised Statutes, Section 25-1304.

Upon entry of an initial or modified child support order, the court shall, or in any subsequent action relating to the child support order, the court may, establish a presumptive date for the termination of the current child support obligation. The presumptive termination date shall be the last day of the month of the 18th birthday of the youngest child included in the order unless the court finds that it is projected that the youngest child will not complete high school by age 18. In that event, the presumptive termination date shall be the last day of the month of the anticipated graduation date or age 19, whichever occurs first. The administrative income withholding order issued by the department or its agent in Title IV-D cases and an Order of Assignment issued by the court shall include the presumptive termination date. The presumptive date may be modified upon changed circumstances.

An employer or other payor of funds honoring an Order of Assignment or an administrative income withholding order that includes the presumptive termination date and is for current child support only, shall discontinue withholding monies after the last pay period of the month of the presumptive termination date. If the Order of Assignment or administrative income withholding order includes current child support and arrearage payment, the employer or other payor of funds shall continue withholding the entire amount listed on the Order of Assignment or administrative income withholding order until further order.

For purposes of determining the presumptive termination date, it is further presumed:

- A. That a child not yet in school will enter 1st grade if the child reaches age 6 on or before September 1 of the year in which the child reaches age 6; otherwise, it is presumed that the child will enter 1st grade the following year; and,
- B. That a child will graduate in the month of May after completing the 12th grade.

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 26), worker’s compensation benefits, unemployment insurance benefits, disability insurance benefits, recurring gifts, prizes, and spousal

maintenance. Cash value shall be assigned to in-kind or other non-cash benefits. Seasonal or fluctuating income shall be annualized. Income from any source which is not continuing or recurring in nature need not necessarily be deemed gross income for child support purposes. Generally, the court should not attribute income greater than what would have been earned from full-time employment. Each parent should have the choice of working additional hours through overtime or at a second job without increasing the child support award. The court may, however, consider income actually earned that is greater than would have been earned by full-time employment if that income was historically earned from a regular schedule and is anticipated to continue into the future.

The court should generally not attribute additional income to a parent if that would require an extraordinary work regimen. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours and working conditions.

- B. Gross income does not include sums received as child support or benefits received from means-tested public assistance programs including, but not limited to, Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), Nutrition Assistance and General Assistance.
- 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 do not include amounts determined by the court to be inappropriate for determining gross income for purposes of child support. Ordinary and necessary expenses include one-half of the self-employment tax actually paid.
- 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. If the reduction in income is voluntary but reasonable, the court shall balance that parent's decision and benefits therefrom against the impact the reduction in that parent's share of child support has on the children's best interest. The court may not attribute income to a person who is incarcerated, but may establish or modify support based on actual ability to pay. In accordance with Arizona Revised Statutes Section 25-320, income of at least minimum wage should generally be attributed to a parent after considering the specific circumstances of the parents to the extent known. This includes such factors as the parents' assets, residence, employment and earnings history, job skills, educational attainment,

literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parents, prevailing earnings level in the local community, and other relevant background factors in the case. If income is attributed to the parent receiving child support, appropriate childcare expenses may also be attributed.

The court may decline to attribute income to either parent. Examples of cases in which it may be inappropriate to attribute income include, but are not limited to, the following circumstances:

1. A parent is physically or mentally disabled,
 2. A parent is engaged in reasonable career or occupational training to establish basic skills or reasonably calculated to enhance earning capacity,
 3. Unusual emotional or physical needs of a natural or adopted child require that parent's presence in the home
 4. The parent is a current recipient of Temporary Assistance to Needy Families, or
 5. A parent is the caretaker of a young child and the cost of childcare is prohibitive.
- F. Only income of persons having a legal duty of support shall be treated as income under the guidelines. For example, income of a parent's new spouse is not treated as income of that parent.
- 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.D.7. ("...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 Schedule of Basic Child Support Obligations is based on net income and converted to gross income for ease of application. The impact of income taxes has been considered in the Schedule (Federal Tax including Earned Income Tax Credit, Arizona State Tax, and FICA).

6. ADJUSTMENTS TO GROSS INCOME

For purposes of this section, "children of other relationships" means natural or adopted children who are not the subject of this particular child support determination.

Adjustments to gross income for other support obligations are made as follows:

Proposed Child Support Guidelines (Effective April 1, 2018)

- A. The court-ordered amount of spousal maintenance resulting from this or any other marriage, if actually being paid, shall be deducted from the gross income of the parent paying spousal maintenance. Court-ordered arrearage payments shall not be included as an adjustment to gross income.
- B. The court-ordered amount of child support for children of other relationships, if actually being paid, shall be deducted from the gross income of the parent paying that child support. Court-ordered arrearage payments shall not be included as an adjustment to gross income.
- C. An amount shall be deducted from the gross income of a parent for children of other relationships covered by a court order for whom they are the primary residential parent. The amount of the adjustment shall be determined by a simplified application of the guidelines (defined in example below).
- D. An amount may be deducted from the gross income of a parent for support of natural or adopted children of other relationships not covered by a court order. The amount of any adjustment shall not exceed the amount arrived at by a simplified application of the guidelines (defined in example below).

EXAMPLE: A parent having gross monthly income of \$2,000 supports a natural or adopted minor child who is not the subject of the child support case before the court and for whom no child support order exists. To use the Simplified Application of the Guidelines, locate \$2,000 in the Combined Adjusted Gross Income column of the Schedule. Select the amount in the column for one child, \$415. The parent's income may be reduced up to \$415, resulting in an Adjusted Gross Income of \$1,585.

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 income closest to the parents' Combined Adjusted 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. If the parents' income falls exactly in between two combined adjusted gross income amounts, round up to the nearest combined adjusted income entry on the schedule of basic child support obligations.

EXAMPLE: The Combined Adjusted Gross Income of the parents' is \$8,125 which is exactly between \$8,100 and \$8,150. Round up to the nearest combined adjusted income entry of \$8,150 and use this amount as the Basic Child Support Obligation.

If there are more than six children, the amount derived from the schedule of basic support obligations for six children shall be the presumptive amount. The party seeking a greater sum shall bear the burden of proof that the needs of the children require a greater sum.

If the Combined Adjusted Gross Income of the parties is greater than \$20,000 per month, the amount set forth for Combined Adjusted Gross Income of \$20,000 shall be the presumptive Basic Child Support Obligation. The party seeking a sum greater than this presumptive amount shall bear the burden of proof to establish that a higher amount is in the best interests of the children, taking into account such factors as the standard of living the children would have enjoyed if the parents and children were living together, the needs of the children in excess of the presumptive amount, consideration of any significant disparity in the respective percentages of gross income for each party and any other factors which, on a case by case basis, demonstrate that the increased amount is appropriate.

9. DETERMINING THE TOTAL CHILD SUPPORT OBLIGATION

To determine the Total Child Support Obligation, the court:

- A. Shall add to the Basic Child Support Obligation the cost of the children's medical dental or vision insurance coverage, if any (this provision does not imply any obligation of either parent to provide dental or vision insurance). In determining the amount to be added, only the amount of the insurance cost attributable to the children subject of the child support order shall be included. If coverage is applicable to other persons, the total cost shall be prorated by the number of persons covered. The court may decline to credit a parent for medical, dental or vision insurance coverage obtained for the children if the coverage is not valid in the geographic region where the children reside.

EXAMPLE: Through an employment-related insurance plan, a parent provides medical insurance that covers the parent, one child subject of the child support case and two other children. Under the plan, the cost of an employee's individual insurance coverage would be \$120. This parent instead pays a total of \$270 for the "family option" that provides coverage for the employee and any number of dependents. Calculate the adjustment for medical insurance as follows: Subtract the \$120 cost of individual coverage from the \$270 paid for the "family option" to find the cost of dependent coverage. The \$150 remainder then is divided by three - the number of covered dependents. The resulting \$50 is added to the Basic Child Support Obligation as the cost of medical insurance coverage for the one child.

An order for child support shall assign responsibility for providing medical insurance for the children who are the subject of the child support order. If medical insurance of comparable benefits and cost is available to both parents, the court should assign the responsibility to the primary residential parent.

The court shall also specify the percentage that each parent shall pay for any medical, dental or vision costs of the children which are not covered by insurance. For purposes of this paragraph, non-covered “medical” means medically necessary medical, dental or vision care as defined by Internal Revenue Service Publication 502.

Except for good cause shown, any request for payment or reimbursement of uninsured medical, dental or vision costs must be provided to the other parent within 180 days after the date the services occur. The parent responsible for payment or reimbursement must pay his or her share, as ordered by the court, or make acceptable payment arrangements with the provider or person entitled to reimbursement within 45 days after receipt of the request.

Both parents should use their best efforts to obtain services that are covered by the insurance. A parent who is entitled to receive reimbursement from the other parent for medical costs not covered by insurance shall, upon request of the other parent, provide receipts or other evidence of payments actually made.

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

1. Childcare Costs

Childcare expenses that would be appropriate to the parents’ financial abilities.

Expenses for childcare shall be annualized in accordance with Section 2.F.

A parent paying for childcare may be eligible for a credit from federal tax liability for childcare costs only if the parent has parenting time for the greater part of the year. In an equal parenting time situation, neither party shall be entitled to the credit for the purposes of calculating child support.

Before adding childcare costs to the Basic Child Support Obligation, the court may adjust this cost in order to apportion the benefit that the dependent tax credit will have to the parent incurring the childcare costs.

At lower income levels, the head of household does not incur sufficient tax liability to benefit from the federal childcare tax credit. No adjustment should be made where the income of the eligible parent is less than indicated on the following chart:

MONTHLY GROSS INCOME OF THE ELIGIBLE PARENT	
ONE CHILD	\$2,600
TWO CHILDREN	\$3,100
THREE CHILDREN	\$3,400
FOUR CHILDREN	\$3,550
FIVE CHILDREN	\$3,650
SIX CHILDREN	\$3,800

If the eligible parent's income is greater than indicated on the above chart, the court may adjust this cost for the federal childcare tax credit if the credit is actually claimed or will be claimed.

For one child with monthly childcare costs exceeding \$200, deduct \$50 from the monthly childcare amount. For two or more children with total monthly childcare costs exceeding \$400, deduct \$100 from the monthly childcare amount. See Example One.

For one child with monthly childcare costs of \$200 or less, deduct 25% from the monthly childcare amount. For two or more children with total monthly childcare costs of \$400 or less, deduct 25% from the monthly childcare amount. See Example Two.

EXAMPLE ONE: For two children, a parent pays monthly childcare costs of \$550 for nine months of the year. To adjust for the expected tax credit benefit, first determine whether the average costs of childcare exceeds \$400 per month. In this example, because the average cost of \$413 ($\550 multiplied by 9 months, divided by 12 months) exceeds the \$400 maximum for two or more children, \$100 per month may be subtracted from the average monthly cost. \$313 ($\$413 - \100) may be added to the Basic Child Support Obligation for adjusted childcare costs.

EXAMPLE TWO: A parent pays monthly childcare costs of \$175 for one child. Because this amount is less than the \$200 maximum for one child, multiply \$175 by 25% ($\175 multiplied by 25% = \$44). Subtract the adjustment from the monthly average ($\$175 - \$44 = \$131$). The adjusted amount of \$131 may be added to the Basic Child Support Obligation.

Any adjustment for the payment of childcare costs with pre-tax dollars shall be calculated in a similar manner. A percentage adjustment other than twenty-five percent may be utilized if proven by the parent paying the childcare costs.

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. Extraordinary Child

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.

4. Older Child Adjustment

The average expenditures for children age 12 or older exceed the average expenditures for all children by approximately 10%. Therefore, the court may increase child support for a child who has reached the age of 12 years by an amount up to 10% of the child support shown on the Schedule. If the court chooses to make an adjustment, the following method of calculation shall be used.

EXAMPLE: The Basic Child Support Obligation for one child, age 12, is \$459. As much as \$46 may be added to the basic child support obligation, for a total of \$505. If not all children subject to the order are age 12 or over, the increase will be prorated as follows: assume the Basic Child Support Obligation for three children is \$786. If one of the three children is age 12 or over, assign 1/3 of the Basic Child Support Obligation to the older child (\$262). Up to 10% (\$26) of that portion of the Basic Child Support Obligation may be added as an older child adjustment, increasing the obligation to \$812. NOTE: This prorating method is limited to this section and should not be followed in Section 25.

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 the Combined Adjusted Gross Income by the Total Child Support Obligation.

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

11. ADJUSTMENT FOR COSTS ASSOCIATED WITH PARENTING TIME

Because the Schedule of Basic Child Support Obligations is based on expenditures for children in intact households, there is no consideration for costs associated with parenting time. When parenting time is exercised by the parent with less parenting time, a portion of the costs for children normally expended by the primary residential parent shifts to the other parent. Accordingly, unless it is apparent from the circumstances that the parent with less parenting time will not incur costs for the children during parenting time, when proof establishes that parenting time is or is expected to be exercised by that parent, an adjustment shall be made to that parent's proportionate share of the Total Child Support Obligation. To calculate child support in equal parenting time cases, see Section 12.

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.

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 expectation or historical practice of the parents. Using the following definitions, 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:

- A. Each block of time begins and ends when that parent receives or returns the child from the primary residential parent or from a third party with whom the primary residential parent left the child. Third party includes, for example, a school or childcare provider.
- B. Count one day of parenting time for each 24 hours within any block of time.
- C. 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:
 - 1. A period of 12 hours or more counts as one day.
 - 2. A period of 6 to 11 hours counts as a half-day.
 - 4. A period of 3 to 5 hours counts as a quarter-day.
 - 5. Periods of less than 3 hours may count as a quarter-day if, during those hours, the parent with less parenting time pays for routine expenses of the child, such as meals.

EXAMPLES: For the purposes of these examples, mother has parenting time 130 days per year and father is the primary residential parent.

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1. Mother receives the child at 9:00 p.m. on Thursday evening and brings the child to school at 8:00 a.m. on Monday morning, from which father picks up the child at 3:00 p.m. on Monday.
 - a. 9:00 p.m. Thursday to 9:00 p.m. Sunday is three days.
 - b. 9:00 p.m. Sunday to 8:00 a.m. Monday is 11 hours, which equals a half day.
 - c. Total is 3 ½ days.

2. Mother picks the child up from school at 3:00 p.m. Friday and returns the child to school at 8:00 a.m. on Monday.
 - a. 3:00 p.m. Friday to 3:00 p.m. Sunday is two days.
 - b. 3:00 p.m. Sunday to 8:00 a.m. Monday is 17 hours, which equals one day.
 - c. Total is 3 days.

3. Mother picks up child from soccer at noon on Saturday, and returns the child to father at 9:00 p.m. on Sunday.
 - a. Noon Saturday to noon Sunday is one day.
 - b. Noon Sunday to 9:00 p.m. Sunday is 9 hours, which equals ½ day.
 - c. Total is 1 ½ days.

If the children have different parenting time schedules, then see Section 16 to determine the parenting time adjustment or to determine if separate worksheets are required. After determining the total number of parenting time days, refer to “Parenting Time Table A” below. The left column of the table sets forth numbers of parenting time days in increasingly higher ranges. Adjacent to each range is an adjustment percentage. The parenting time adjustment is calculated as follows: locate the total number of parenting time days per year in the left column of “Parenting Time Table A” and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 8 by the appropriate adjustment percentage. The number resulting from this multiplication then is subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises parenting time.

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PARENTING TIME TABLE A	
Number of Parenting Time Days	Adjustment Percentage
0 - 3	0
4 - 20	.012
21 - 38	.031
39 - 57	.050
58 - 72	.085
73 - 87	.105
88 - 115	.161
116 - 129	.195
130 - 142	.253
143 - 152	.307
153 - 162	.362
163 - 172	.422
173 - 182	.486

EXAMPLE: The Basic Child Support Obligation from the Schedule is \$667 for two children. After making all applicable adjustments under Section 9, such as an adjustment for one older child, the Total Child Support Obligation is \$700 and father's proportionate share is 60%, or \$421. Father has parenting time with the children a total of 100 days. On Parenting Time Table A, the range of days for this amount of parenting time is from 88 to 115 days. The corresponding adjustment percentage is .161. Multiply the \$667 Basic Child Support Obligation by .161 or 16.1%. The resulting \$107 is subtracted from \$421 (father's proportionate share of the Total Child Support Obligation), adjusting the child support obligation to \$313.

As the number of parenting time days approaches equal time sharing (143 days and above), certain costs usually incurred only in the primary residential parent's household are assumed to be substantially or equally shared by both parents. These costs are for items such as the child's clothing and personal care items, entertainment and reading materials. If this assumption is rebutted by proof, for example, that such costs are not substantially or equally shared in each household, only Parenting Time Table B must be used to calculate the parenting time adjustment for this range of days. Locate the total number of parenting time days per year in the left columns of "Parenting Time Table B" and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 8 by the appropriate adjustment percentage. The

number resulting from this multiplication then is subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises parenting time.

PARENTING TIME TABLE B	
Number of Parenting Time Days	Adjustment Percentage
143 – 152	.275
153 – 162	.293
163 – 172	.312
173 – 182	.331

12. EQUAL PARENTING TIME

If the time spent with each parent is essentially equal, the expenses for the children are equally shared and adjusted gross incomes of the parents also are essentially equal, no child support shall be paid. If the parents' incomes are not equal, the total child support amount shall be divided equally between the two households and the parent owing the greater amount shall be ordered to pay what is necessary to achieve that equal share in the other parent's household.

EXAMPLE: After making all applicable adjustments under Sections 9 and 13, the remaining child support obligation is \$1,500. The parents' proportionate shares of the obligation are \$1,000 and \$500. To equalize the child support available in both households, deduct the lower amount from the higher amount ($\$1,000 - \$500 = \$500$), then divide the balance in half ($\$500 \div 2 = \250). The resulting amount, \$250, is paid to the parent with the lower obligation.

13. ADJUSTMENTS FOR OTHER COSTS

If a parent pays a cost under Section 9.A. or 9.B. (except 9.B.4), deduct the cost from that parent's Proportionate Share of income to arrive at the Preliminary Child Support Amount.

EXAMPLE: Father pays for medical insurance through his employer. This cost is added to the Basic Child Support Obligation pursuant to Section 9.A, then prorated between the parents to arrive at each parent's proportionate child support obligation. Because the cost has already been paid to a third party (the insurance company), the cost must be deducted from father's child support obligation because this portion of the child support obligation has already been paid.

14. DETERMINING THE CHILD SUPPORT ORDER

Unless the calculation results in a negative number, the court shall order the parent with less parenting time to pay child support in an amount equal to his or her proportionate share of the Total Child Support Obligation. The parent receiving child support shall be presumed to spend his or her share directly on the children.

EXAMPLE: On the Schedule, the Basic Child Support Obligation for a Combined Adjusted Gross Income of \$3,120 for one child is \$610. To this the court adds \$61 because the child is over 12 years of age (10% in this example). The Total Child Support Obligation is \$671.

The father's share is 56% of \$671, or \$373. The mother's share is 44% of \$671, or \$298, and she has more parenting time than father. Under the court-approved parenting plan, parenting time will be exercised by father for a total of 100 days per year, resulting in an adjustment of \$98 ($\$610 \times 16.1\%$). After adjusting for parenting time, father's share is \$275 ($\373 less \$98). Father shall pay the child support amount of \$275 per month. The value of mother's contribution is \$298, and she spends it directly on the child.

For all awards, the child support amount shall be rounded to the nearest whole dollar. A rounded amount is not a deviation under Section 20.

If the amount of child support is less than the current clearinghouse fee, the court shall not impose a child support award unless a deviated award is warranted under Section 20. It is not a deviation under Section 20 if an award is not imposed because it is less than the clearinghouse fee.

15. SELF-SUPPORT RESERVE TEST

In each case, after determining the child support order, the court shall perform a self-support reserve test to verify that the paying parent is financially able to pay the child support order and to maintain at least a minimum standard of living, as follows:

The self-support reserve shall be an amount equal to 80% of the monthly full-time earnings at the current state minimum wage at the time of the order (the self-support reserve amount). Deduct the self-support reserve amount from the paying parent's Adjusted Gross Income, except that the court may deduct from such parent's Adjusted Gross Income for purposes of the self-support reserve test only, court-ordered arrears on child support for children of other relationships or spousal maintenance, if actually paid. If the resulting amount is less than the child support order, the court may reduce the current child support order to the resulting amount after first considering the financial impact the reduction would have on the receiving parent's household. The test applies only to the current child support obligation, but does not prohibit an additional amount to be ordered to reduce an obligor's arrears.

EXAMPLE ONE: Before applying the self-support reserve test, the child support order is calculated under the guidelines to be \$492. The adjusted gross income of the paying parent is \$1,820 at a minimum wage of \$10.50 per hour the self-support reserve amount is \$1,456 ($\$10.50 \times 40 \text{ hours} \times 52 \text{ weeks} = \$21,840 \div 12 \text{ months} = \$1,820 \times 80\% = \$1,456$). Subtracting the self-support reserve amount of \$1,456 from the paying parent's adjusted gross income of \$1,820 leaves \$364. Because this resulting amount is less than the \$492 child support order, the court may reduce the child support order to the resulting amount. However, before making any reduction, the court shall examine the self-support capability of the receiving parent, using the same self-support reserve test applied to the paying parent.

EXAMPLE TWO: The receiving parent's proportionate share of the total child support obligation is calculated under the guidelines to be \$404. This parent's Adjusted Gross Income is \$1,487. Subtracting the self-support reserve of \$1,456 from the receiving parent's Adjusted Gross Income of \$1,487 leaves \$31. Because this resulting amount is less than the parent's proportionate share of the Total Child Support Obligation, it is evident that both parents have insufficient income to be self-supporting. In this situation, the court has discretion to determine whether and in what amount the child support order (the amount the paying parent is ordered to pay) may be reduced.

16. MULTIPLE CHILDREN, DIFFERENT PARENTING PLANS

When each parent exercises more than half of the parenting time with at least one of the parties' children, each parent is obligated to contribute to the support of all the children. However, the amount of current child support to be paid by the parent having the greater child support obligation shall be reduced by the amount of child support owed to that parent by the other parent.

EXAMPLE: (For simplicity, this example does not consider parenting time.) Combined Adjusted Gross Income is \$3,000 per month. Father's gross income is \$1,000 per month (33.3%) and he has more than half of the time with one child. Mother's gross income is \$2,000 per month (66.6%) and she has more than half of the time with the other two children.

Prepare a Parent's Worksheet to determine child support for children in the mother's household. Locate the Combined Adjusted Gross Income figure of \$3,000 on the Schedule. Select the child support figure in the column for the two children in this household, \$857. Father's share is 33.3% of \$857, or \$285.

Prepare a Parent's Worksheet to determine child support for the child in the father's household. Locate the Combined Adjusted Gross Income figure of \$3,000. Select the child support figure in the column for the one child in this household, \$592. Mother's share is 66.6% of \$592, or \$394.

Mother is obligated to pay father \$394 for child support. This amount is reduced by the \$285 obligation owed by the father to the mother. Thus, mother must pay \$109 per month.

When the parties have children with different parenting plans and one parent does not have more than half of the parenting time with any of the children, prepare only one worksheet. To determine the parenting time cost adjustment for the parent who does not have more than half of the parenting time, use an average of the total number of parenting days. Add the total amount of parenting days for each child. Divide that number by the total number of children.

EXAMPLE: The parties have two minor children, one who lives with mother full-time and one who splits time equally between parents. Prepare one worksheet. When entering the parenting time cost adjustment for father, divide father's total number of parenting days for both children, 182, by the total number of children, two (2). Thus, father's parenting time cost adjustment would be calculated for 91 days.

17. CHILD SUPPORT ASSIGNED TO THE STATE

If child support has been assigned to the state under Arizona Revised Statutes Section 46-407, the obligation of a parent to pay child support shall not be offset by child support arrearages that may be owed to that parent.

18. TRAVEL EXPENSES ASSOCIATED WITH PARENTING TIME

The court may allocate travel expenses of the child associated with parenting time in cases where one-way travel exceeds 100 miles. 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 parenting time. To the extent possible, any allocation shall ensure that the child has continued contact with each parent. A parent who is entitled to receive reimbursement from the other parent for allocated parenting time expenses shall, upon request of the other parent, provide receipts or other evidence of payments actually made. The allocation of expenses does not change the amount of the child support ordered.

19. GIFTS IN LIEU OF MONEY

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

20. DEVIATIONS

A. The court shall deviate from the guidelines, i.e., order child support in an amount different from that which is provided pursuant to these guidelines, after considering all relevant factors, including those set forth in Arizona Revised Statutes Section 25-320, and applicable case law, only if all of the following criteria are met:

1. Application of the guidelines is inappropriate or unjust in the particular case,

2. The court has considered the best interests of the child in determining the amount of a deviation. A deviation that reduces the amount of child support paid is not, by itself, contrary to the best interests of the child,
 3. The court makes written findings regarding 1. and 2. above in the Child Support Order, Minute Entry or Child Support Worksheet,
 4. The court shows what the order would have been without the deviation, and
 5. The court shows what the order 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 or stated on the record pursuant to Rule 69, Arizona Rules of Family Law Procedure (*ARFLP*).
 2. All parties have entered into the agreement with knowledge of the amount of child support that would have been ordered under the guidelines but for the agreement,
 3. All parties have entered into the agreement free of duress and coercion, and
 4. The court complies with the requirements of Section 20.A.

In cases with significant disparity of income between the parents, a deviation may be appropriate.

21. THIRD-PARTY CAREGIVERS

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party caregiver is entitled to receive child support payments from each parent on behalf of the child. When calculating the amount of child support to be awarded to a third-party caregiver, consider the third-party caregiver's expenses under Section 9, but not the third-party caregiver's income.

EXAMPLE: The parties have one child together who is living with a third-party caregiver. Mother has an Adjusted Gross Income of \$2,500 per month and father has an Adjusted Gross Income of \$2,000 per month. Add both parents' income together for a Total Adjusted Gross Income of \$4,500 per month. The Total Basic Support Obligation for one child would be \$817. The third-party caregiver pays \$500 per month for medical insurance. Place the \$500 amount as an additional child support obligation under the third-party column. The parents have no recognized expenses under Section 9. Father should be ordered to pay the caregiver \$585 per month and mother should be ordered to pay the caregiver \$732 per month.

22. COURT’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 order.

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

If the court attributes income above minimum wage income, the court shall explain the reason for its decision.

The child support order shall be set forth in a sum certain and start on a date certain. A new child support order shall be filed upon any change in the amount or due date of the child support obligation.

23. EXCHANGE OF INFORMATION

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

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.

24. MODIFICATION

A. Standard Procedure

Pursuant to Arizona Revised Statutes Sections 25-327 and 25-503, either parent or the state Title IV-D agency may ask the court to modify a child support order upon a showing of a substantial and continuing change of circumstances.

B. Simplified Procedure

Either parent or the state Title IV-D agency may request the court to modify a child support order if application of the guidelines results in an order that varies 15% or more from the existing amount. A fifteen percent variation in the amount of the order will be considered evidence of substantial and continuing change of circumstances. A request for modification of the child support amount must be accompanied by a completed and sworn “Parent’s Worksheet for Child Support Amount,” and documentation supporting the incomes if different from the court’s most recent findings regarding income of the parents. If the party requesting the modification is unable to provide documentation supporting the other party’s income, the requesting party shall indicate that the income amount is

attributed/estimated and state the basis for the amount listed. The state Title IV-D agency may submit a parent's worksheet.

The simplified procedure also may be used by either parent or the state Title IV-D agency to modify a child support order to assign or alter the responsibility to provide medical insurance for a child who is subject of a child support order. A modification of the medical assignment or responsibility does not need to vary by 15% or more from the existing amount to use the simplified procedure.

A copy of the request for modification of child support and the "Parent's Worksheet for Child Support Amount," including supporting documentation, showing that the proposed child support amount would vary 15% or more from the existing child support order shall be served on the other parent, or on both parents if filed by the state Title IV-D agency, pursuant to Rule 27, Arizona Rules of Family Law Procedure (*ARFLP*).

If the requested modification is disputed, the parent receiving service must request a hearing within 20 days of service. If service is made outside the state, as provided in Rule 42, *ARFLP*, the parent receiving service must request a hearing within 30 days of service.

A party requesting a hearing shall file a written request for hearing accompanied by a completed and sworn "Parent's Worksheet for Child Support Amount." Copies of the documents filed, together with the notice of hearing, shall be served on the other party and, if appropriate, the state Title IV-D agency by first class mail not less than ten judicial days prior to the hearing.

Upon proof of service and if no hearing is requested within the time allowed, the court will review the request and enter an appropriate order or set the matter for hearing.

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

The notice provision of Rule 44, *ARFLP*, does not apply to this simplified modification procedure.

A request to modify child support, request for a hearing and notice of hearing, "Parent's Worksheet for Child Support Amount" and child support order filed or served pursuant to this subsection must be made using forms approved by the Arizona Supreme Court or substantially similar forms.

Approved forms are available from the Clerk of the Superior Court.

25. EFFECT OF CESSATION OF CHILD SUPPORT FOR ONE CHILD

If child support for more than one child was ordered under these guidelines and thereafter the duty to support one of the children stops, the order is not automatically reduced by that child's share. To obtain a modification to the child support order, a request must be made in writing to the court to recalculate the child support obligation pursuant to these guidelines. The procedure specified in Section 24 may be used for this purpose.

EXAMPLE: The child support order for Combined Adjusted Gross Income of \$1,500, with four children is \$621. One child graduates from high school and turns 18. In determining the new child support amount, do not deduct one-fourth of the order for a new order of \$466. Instead, determine a new child support order by applying the guidelines. (NOTE: This method varies from the one used in Section 9.B.4).

26. INCOME AND BENEFITS RECEIVED BY OR ON BEHALF OF CHILD

- A. Income earned or money received by a child from any source other than court-ordered child support shall not be counted toward either parent's child support obligation except as stated herein. However, income earned or money received by or on behalf of a person for whom child support is ordered to continue past the age of majority pursuant to Arizona Revised Statute Sections 25-320.E and 25-809.F may be credited against any child support obligation.
- B. Benefits, such as Social Security Disability or Insurance, received by a parent on behalf of a child, as a result of contributions made by the other parent who is ordered to pay child support shall be credited as follows:
 - 1. If the amount of the child's benefit for a given month is equal to or greater than the paying parent's child support obligation, then that parent's obligation is satisfied.
 - 2. Any benefit received by the child for a given month in excess of the child support obligation shall not be treated as an arrearage payment nor as a credit toward future child support payments.
 - 3. If the amount of the child's benefit for a given month is less than the parent's child support obligation, the parent shall pay the difference unless the court, in its discretion, modifies the child support order to equal the benefits being received at that time.
- D. Except as otherwise provided in Section 5.B, any benefits received directly, and not on behalf of a child, by either the parent receiving child support or the parent paying child support as a result of his or her own contributions, shall be included as part of that parent's gross income.

27. FEDERAL TAX EXEMPTION FOR DEPENDENT CHILDREN

All the federal and state tax exemptions applicable to the minor children shall be allocated between the parents as they agree, or, in the absence of their agreement, in a manner that allows each parent to claim allowable federal dependency exemptions proportionate to adjusted gross income in a reasonable pattern that can be repeated in no more than 5 years. This may be done by allocating claiming of the children or claiming of specific years. To implement this provision, the proportionate share of the combined adjusted gross income of both parents is rounded to the nearest fraction with a denominator no larger than 5 (i.e. $1/2$, $1/3$, $2/3$, $1/4$, $3/4$, $1/5$, $2/5$, $3/5$, $4/5$). For illustrative purposes, assume father earns \$60,000 and mother earns \$40,000 of the combined adjusted gross income of \$100,000. Father's share of the combined income is $3/5$. If father earned \$30,000 and mother earned \$20,000, then $3/5$ would still be the fraction with a denominator of 5 or less that comes closest to father's share of the parents' combined adjusted gross income. The dependency exemption shall therefore be allocated utilizing this fraction. If a parent otherwise entitled to the dependency exemption would derive no tax benefit from claiming it in any given tax year, then the entire exemption for that tax year, and not just the share indicated by the preceding sentence, may be allocated to the parent who would derive a tax benefit for that tax year. An Internal Revenue Service Form 8332 may need to be signed and filed with a parent's income tax return.

The court may deny the right to present or future tax exemption when a history of non-payment of child support exists. The allocation of the exemption may be conditioned upon payment by December 31 of the total court-ordered monthly child support obligation for the current calendar year and any court-ordered arrearage payments due during that calendar year for which the exemption is to be claimed. If these conditions have been met, the parent receiving child support will need to execute the necessary Internal Revenue Service form (Form 8332) to transfer the exemption. If the paying parent has paid the current child support, but has not paid the court-ordered arrearage payments, the paying parent shall not be entitled to claim the exemption.

EXAMPLE: The paying parent's percentage of gross income is approximately 67% ($2/3$) and the receiving parent's percentage is approximately 33% ($1/3$). All payments are current. If there are three children, the paying parent would be entitled to claim the exemption for two children and the receiving parent would be entitled to claim the exemption for one child. If there is only one child, the paying parent would be entitled to claim the child two out of every three years, and the receiving parent would claim the child one out of every three years.

For purposes of this section only, a paying parent shall be credited as having paid child support that has been deducted on or before December 31 pursuant to an order of assignment if the amount has been received by the court or clearinghouse by January 15 of the following year.

28. CHILD SUPPORT ARREARS

- A. When setting an amount for a payment on arrears, the court should take into consideration that interest accrues on the principal balance. If the court sets a payment on arrears less than the amount of the accruing monthly interest, the court shall make a finding why the amount is less than the accruing monthly interest. Upon a showing of substantial and continuing changed circumstances, the court may adjust the amount of payment on arrears.
- B. When a current child support obligation terminates, before adjusting the order of assignment to an amount less than the current child support amount and the payment on arrears, the court shall consider the total amount of arrears and the accruing interest, and the time that it will take the obligor to pay these amounts.

29. EFFECTIVE DATE AND GROUNDS FOR MODIFICATION

- A. Except for defaults or as otherwise agreed upon by the parties, all child support orders entered after March 31, 2018 shall be made pursuant to these guidelines, whether they be original orders or modifications of pre-existing orders, unless the court determines otherwise based on good cause shown. In cases of default, the guidelines in effect at the time of filing the action will be used. The parties may agree to use either the guidelines in effect at the time of filing the action or those in effect at the time the order is entered.
- B. A substantial variance between an existing child support order and an amount resulting from application of the new guidelines may be considered evidence of a substantial and continuing change of circumstances for purposes of a modification. A variance of at least 15% would be evidence of a substantial and continuing change of circumstances.

Proposed Child Support Guidelines (Effective April 1, 2018)

Schedule of Basic Support Obligations						
Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
750	174	255	303	312	372	404
800	185	271	323	360	396	431
850	196	287	341	381	419	456
900	206	301	358	399	439	478
950	216	315	374	418	460	500
1000	225	329	391	436	480	522
1050	235	343	407	455	500	544
1100	245	357	424	473	521	566
1150	255	371	440	492	541	588
1200	264	385	457	510	561	610
1250	274	399	473	528	581	632
1300	284	414	490	547	602	654
1350	293	428	506	565	622	676
1400	303	442	523	584	642	698
1450	313	456	539	602	662	720
1500	323	470	556	621	683	742
1550	332	484	572	639	703	764
1600	342	498	589	657	723	786
1650	351	511	604	675	742	807
1700	360	524	620	692	761	828
1750	369	537	635	709	780	848
1800	379	551	651	727	799	869
1850	388	564	666	744	818	889
1900	397	577	681	761	837	910
1950	406	590	697	778	856	931
2000	415	603	712	796	875	951
2050	424	616	727	812	894	971
2100	433	629	742	829	912	991
2150	442	641	757	845	930	1011
2200	450	654	772	862	948	1031
2250	459	667	786	878	966	1050
2300	468	679	801	895	984	1070
2350	477	692	816	911	1003	1090
2400	486	705	831	928	1021	1109
2450	495	717	845	944	1039	1129
2500	503	730	860	961	1057	1149

Proposed Child Support Guidelines (Effective April 1, 2018)

2550	512	742	875	977	1075	1169
2600	521	755	890	994	1093	1188
2650	530	768	905	1010	1111	1208
2700	539	780	919	1027	1130	1228
2750	547	793	934	1043	1148	1248
2800	556	806	949	1060	1166	1267
2850	565	818	964	1076	1184	1287
2900	574	831	978	1093	1202	1307
2950	583	844	993	1109	1220	1326
3000	592	857	1008	1126	1239	1347
3050	601	870	1024	1144	1258	1367
3100	610	883	1039	1161	1277	1388
3150	619	896	1055	1178	1296	1409
3200	628	909	1070	1195	1315	1429
3250	637	922	1085	1212	1334	1450
3300	646	935	1101	1230	1353	1470
3350	655	948	1116	1247	1372	1491
3400	663	961	1132	1264	1391	1512
3450	672	974	1147	1281	1409	1532
3500	681	987	1163	1299	1428	1553
3550	690	1000	1178	1316	1447	1573
3600	699	1013	1193	1333	1466	1594
3650	708	1026	1209	1350	1485	1614
3700	717	1039	1224	1367	1504	1635
3750	726	1052	1240	1385	1523	1656
3800	735	1065	1255	1402	1542	1676
3850	744	1078	1270	1419	1561	1697
3900	753	1091	1286	1436	1580	1717
3950	760	1101	1297	1449	1594	1733
4000	765	1108	1306	1458	1604	1744
4050	771	1115	1314	1468	1614	1755
4100	776	1123	1322	1477	1625	1766
4150	781	1130	1330	1486	1635	1777
4200	786	1137	1339	1495	1645	1788
4250	791	1144	1347	1504	1655	1799
4300	796	1152	1355	1514	1665	1810
4350	802	1159	1363	1523	1675	1821
4400	807	1166	1371	1532	1685	1832
4450	812	1173	1379	1541	1695	1842
4500	817	1180	1388	1550	1705	1853
4550	822	1188	1396	1559	1715	1864
4600	827	1195	1404	1568	1725	1875
4650	833	1202	1412	1577	1735	1886

Proposed Child Support Guidelines (Effective April 1, 2018)

4700	838	1209	1420	1586	1745	1897
4750	843	1216	1428	1596	1755	1908
4800	848	1224	1437	1605	1765	1919
4850	853	1231	1445	1614	1775	1930
4900	858	1238	1453	1623	1785	1940
4950	863	1245	1461	1632	1795	1951
5000	869	1252	1469	1641	1805	1962
5050	874	1259	1477	1650	1815	1973
5100	877	1265	1483	1657	1822	1981
5150	881	1270	1489	1664	1830	1989
5200	885	1275	1495	1670	1837	1997
5250	889	1281	1502	1677	1845	2005
5300	892	1286	1508	1684	1852	2014
5350	896	1291	1514	1691	1860	2022
5400	900	1296	1520	1698	1867	2030
5450	903	1302	1526	1704	1875	2038
5500	907	1307	1532	1711	1882	2046
5550	911	1312	1538	1718	1890	2054
5600	915	1318	1544	1725	1897	2063
5650	918	1323	1550	1732	1905	2071
5700	922	1328	1556	1739	1912	2079
5750	926	1333	1563	1745	1920	2087
5800	930	1339	1569	1752	1927	2095
5850	933	1344	1575	1759	1935	2103
5900	937	1349	1581	1766	1942	2111
5950	941	1354	1587	1773	1950	2120
6000	944	1360	1593	1779	1957	2128
6050	948	1365	1599	1786	1965	2136
6100	952	1370	1605	1793	1972	2144
6150	956	1376	1611	1800	1980	2152
6200	959	1380	1616	1805	1986	2159
6250	962	1384	1620	1810	1991	2164
6300	965	1388	1625	1815	1996	2170
6350	968	1392	1629	1819	2001	2175
6400	971	1395	1633	1824	2006	2181
6450	973	1399	1637	1828	2011	2186
6500	976	1403	1641	1833	2016	2192
6550	979	1407	1645	1837	2021	2197
6600	982	1411	1649	1842	2026	2203
6650	985	1415	1653	1847	2031	2208
6700	988	1418	1657	1851	2036	2213
6750	991	1422	1661	1856	2041	2219
6800	994	1426	1665	1860	2046	2224

Proposed Child Support Guidelines (Effective April 1, 2018)

6850	997	1430	1670	1865	2051	2230
6900	1000	1434	1674	1869	2056	2235
6950	1002	1438	1678	1874	2061	2241
7000	1005	1442	1682	1879	2066	2246
7050	1008	1445	1686	1883	2071	2252
7100	1011	1449	1690	1888	2077	2257
7150	1014	1453	1694	1892	2082	2263
7200	1017	1457	1698	1897	2087	2268
7250	1020	1461	1702	1901	2092	2274
7300	1023	1465	1706	1906	2097	2279
7350	1024	1466	1708	1908	2099	2281
7400	1026	1468	1710	1910	2101	2284
7450	1027	1470	1712	1912	2103	2286
7500	1029	1472	1714	1914	2106	2289
7550	1030	1474	1716	1916	2108	2291
7600	1032	1476	1718	1918	2110	2294
7650	1033	1478	1719	1921	2113	2296
7700	1035	1479	1721	1923	2115	2299
7750	1036	1481	1723	1925	2117	2301
7800	1038	1483	1725	1927	2119	2304
7850	1039	1485	1727	1929	2122	2306
7900	1041	1487	1729	1931	2124	2309
7950	1042	1489	1731	1933	2126	2311
8000	1044	1491	1732	1935	2129	2314
8050	1045	1492	1734	1937	2131	2316
8100	1047	1494	1736	1939	2133	2319
8150	1048	1496	1738	1941	2136	2321
8200	1050	1498	1740	1943	2138	2324
8250	1051	1500	1742	1946	2140	2326
8300	1053	1502	1744	1948	2142	2329
8350	1054	1504	1745	1950	2145	2331
8400	1055	1505	1747	1952	2147	2333
8450	1058	1509	1751	1956	2152	2339
8500	1063	1516	1759	1965	2161	2349
8550	1068	1522	1767	1973	2171	2360
8600	1072	1529	1774	1982	2180	2370
8650	1077	1536	1782	1991	2190	2380
8700	1082	1543	1790	1999	2199	2391
8750	1087	1549	1798	2008	2209	2401
8800	1092	1556	1806	2017	2218	2411
8850	1096	1563	1813	2025	2228	2422
8900	1101	1570	1821	2034	2238	2432
8950	1106	1576	1829	2043	2247	2443

Proposed Child Support Guidelines (Effective April 1, 2018)

9000	1111	1583	1837	2051	2257	2453
9050	1116	1590	1844	2060	2266	2463
9100	1120	1597	1852	2069	2276	2474
9150	1125	1603	1860	2077	2285	2484
9200	1130	1610	1868	2086	2295	2494
9250	1134	1616	1874	2093	2302	2503
9300	1137	1620	1879	2099	2309	2509
9350	1140	1624	1884	2104	2315	2516
9400	1143	1629	1889	2110	2321	2523
9450	1146	1633	1894	2116	2327	2530
9500	1149	1637	1899	2121	2334	2537
9550	1152	1642	1904	2127	2340	2543
9600	1155	1646	1909	2133	2346	2550
9650	1158	1650	1914	2138	2352	2557
9700	1161	1655	1920	2144	2358	2564
9750	1164	1659	1925	2150	2365	2570
9800	1168	1664	1930	2156	2372	2578
9850	1171	1669	1936	2162	2379	2585
9900	1174	1674	1941	2169	2385	2593
9950	1178	1678	1947	2175	2392	2600
10000	1181	1683	1953	2181	2399	2608
10050	1185	1688	1958	2187	2406	2615
10100	1188	1693	1964	2194	2413	2623
10150	1191	1698	1969	2200	2420	2630
10200	1195	1703	1975	2206	2427	2638
10250	1198	1707	1981	2212	2434	2645
10300	1202	1712	1986	2219	2441	2653
10350	1205	1717	1992	2225	2447	2660
10400	1207	1720	1996	2229	2452	2665
10450	1210	1724	2000	2234	2457	2671
10500	1213	1728	2004	2238	2462	2676
10550	1215	1731	2008	2243	2467	2681
10600	1218	1735	2012	2247	2472	2687
10650	1220	1738	2016	2252	2477	2692
10700	1223	1742	2020	2256	2482	2698
10750	1226	1745	2024	2261	2487	2703
10800	1228	1749	2028	2265	2492	2708
10850	1231	1753	2032	2270	2497	2714
10900	1233	1756	2036	2274	2502	2719
10950	1236	1760	2040	2279	2507	2725
11000	1239	1763	2044	2283	2511	2730
11050	1241	1767	2048	2288	2516	2735
11100	1244	1771	2052	2292	2521	2741

Proposed Child Support Guidelines (Effective April 1, 2018)

11150	1246	1774	2056	2297	2526	2746
11200	1249	1778	2060	2301	2531	2752
11250	1251	1781	2064	2306	2536	2757
11300	1254	1785	2068	2310	2541	2762
11350	1257	1788	2072	2315	2546	2768
11400	1259	1792	2076	2319	2551	2773
11450	1262	1796	2080	2324	2556	2778
11500	1264	1799	2084	2328	2561	2784
11550	1267	1803	2088	2333	2566	2789
11600	1270	1806	2092	2337	2571	2795
11650	1272	1810	2096	2342	2576	2800
11700	1275	1814	2100	2346	2581	2805
11750	1277	1817	2105	2351	2586	2811
11800	1280	1821	2109	2356	2591	2817
11850	1283	1825	2114	2361	2597	2823
11900	1286	1829	2119	2366	2603	2830
11950	1289	1833	2123	2372	2609	2836
12000	1292	1838	2128	2377	2615	2842
12050	1295	1842	2133	2383	2621	2849
12100	1298	1846	2138	2388	2627	2855
12150	1301	1850	2143	2393	2633	2862
12200	1304	1854	2147	2399	2638	2868
12250	1306	1858	2152	2404	2644	2874
12300	1309	1863	2157	2409	2650	2881
12350	1312	1867	2162	2415	2656	2887
12400	1315	1871	2167	2420	2662	2894
12450	1318	1875	2171	2425	2668	2900
12500	1321	1879	2176	2431	2674	2906
12550	1324	1883	2181	2436	2680	2913
12600	1327	1887	2186	2441	2686	2919
12650	1330	1891	2190	2447	2691	2926
12700	1333	1896	2195	2452	2697	2932
12750	1336	1900	2200	2457	2703	2938
12800	1338	1904	2205	2463	2709	2945
12850	1341	1908	2210	2468	2715	2951
12900	1344	1912	2214	2473	2721	2957
12950	1347	1916	2219	2479	2727	2964
13000	1350	1920	2224	2484	2732	2970
13050	1353	1924	2229	2489	2738	2977
13100	1356	1929	2233	2495	2744	2983
13150	1359	1933	2238	2500	2750	2989
13200	1362	1937	2243	2505	2756	2996
13250	1365	1941	2248	2511	2762	3002

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13300	1367	1945	2252	2516	2768	3008
13350	1370	1949	2257	2521	2774	3015
13400	1373	1953	2262	2527	2779	3021
13450	1376	1958	2267	2532	2785	3028
13500	1379	1962	2272	2537	2791	3034
13550	1382	1966	2276	2543	2797	3040
13600	1385	1970	2281	2548	2803	3047
13650	1388	1974	2286	2553	2809	3053
13700	1391	1978	2291	2559	2815	3059
13750	1393	1982	2295	2564	2820	3066
13800	1396	1986	2300	2569	2826	3072
13850	1399	1991	2305	2575	2832	3079
13900	1402	1995	2310	2580	2838	3085
13950	1405	1999	2315	2585	2844	3091
14000	1408	2003	2319	2591	2850	3098
14050	1411	2007	2324	2596	2856	3104
14100	1414	2011	2329	2601	2861	3110
14150	1417	2015	2334	2607	2867	3117
14200	1420	2019	2338	2612	2873	3123
14250	1422	2024	2343	2617	2879	3130
14300	1425	2028	2348	2623	2885	3136
14350	1428	2032	2353	2628	2891	3142
14400	1431	2036	2357	2633	2897	3149
14450	1434	2040	2362	2639	2903	3155
14500	1437	2044	2367	2644	2908	3161
14550	1440	2048	2372	2649	2914	3168
14600	1443	2052	2377	2655	2920	3174
14650	1446	2056	2381	2660	2926	3180
14700	1448	2060	2385	2665	2931	3186
14750	1451	2064	2390	2669	2936	3192
14800	1454	2068	2394	2674	2941	3197
14850	1457	2072	2398	2679	2947	3203
14900	1460	2076	2402	2684	2952	3209
14950	1463	2079	2407	2688	2957	3214
15000	1466	2083	2411	2693	2962	3220
15050	1468	2087	2415	2698	2968	3226
15100	1471	2091	2419	2703	2973	3231
15150	1474	2095	2424	2707	2978	3237
15200	1477	2099	2428	2712	2983	3243
15250	1480	2102	2432	2717	2988	3248
15300	1483	2106	2436	2722	2994	3254
15350	1485	2110	2441	2726	2999	3260
15400	1488	2114	2445	2731	3004	3266

Proposed Child Support Guidelines (Effective April 1, 2018)

15450	1491	2118	2449	2736	3009	3271
15500	1494	2122	2453	2741	3015	3277
15550	1497	2125	2458	2745	3020	3283
15600	1500	2129	2462	2750	3025	3288
15650	1502	2133	2466	2755	3030	3294
15700	1505	2137	2471	2760	3036	3300
15750	1508	2141	2475	2764	3041	3305
15800	1511	2145	2479	2769	3046	3311
15850	1514	2148	2483	2774	3051	3317
15900	1517	2152	2488	2779	3056	3322
15950	1519	2156	2492	2783	3062	3328
16000	1522	2160	2496	2788	3067	3334
16050	1525	2164	2500	2793	3072	3339
16100	1528	2168	2505	2798	3077	3345
16150	1531	2171	2509	2802	3083	3351
16200	1534	2175	2513	2807	3088	3356
16250	1536	2179	2517	2812	3093	3362
16300	1539	2183	2522	2817	3098	3368
16350	1542	2187	2526	2821	3103	3373
16400	1545	2190	2530	2826	3108	3379
16450	1547	2194	2534	2830	3114	3384
16500	1550	2198	2539	2836	3119	3391
16550	1553	2202	2544	2841	3125	3397
16600	1556	2206	2548	2846	3131	3403
16650	1559	2211	2553	2852	3137	3410
16700	1562	2215	2558	2857	3143	3416
16750	1565	2219	2562	2862	3148	3422
16800	1568	2223	2567	2867	3154	3429
16850	1570	2227	2572	2873	3160	3435
16900	1573	2231	2577	2878	3166	3441
16950	1576	2235	2581	2883	3172	3447
17000	1579	2239	2586	2888	3177	3454
17050	1582	2243	2591	2894	3183	3460
17100	1585	2247	2595	2899	3189	3466
17150	1588	2251	2600	2904	3195	3473
17200	1590	2255	2605	2909	3200	3479
17250	1593	2259	2609	2915	3206	3485
17300	1596	2263	2614	2920	3212	3491
17350	1599	2267	2619	2925	3218	3498
17400	1602	2271	2623	2930	3223	3504
17450	1605	2276	2628	2936	3229	3510
17500	1608	2280	2633	2941	3235	3516
17550	1610	2284	2638	2946	3241	3523

Proposed Child Support Guidelines (Effective April 1, 2018)

17600	1613	2288	2642	2951	3246	3529
17650	1616	2292	2647	2957	3252	3535
17700	1619	2296	2652	2962	3258	3541
17750	1622	2300	2656	2967	3264	3548
17800	1625	2304	2661	2972	3270	3554
17850	1628	2308	2666	2978	3275	3560
17900	1630	2312	2670	2983	3281	3567
17950	1633	2316	2675	2988	3287	3573
18000	1636	2320	2680	2993	3293	3579
18050	1639	2324	2684	2999	3298	3585
18100	1642	2328	2689	3004	3304	3592
18150	1645	2332	2694	3009	3310	3598
18200	1648	2336	2699	3014	3316	3604
18250	1650	2340	2703	3019	3321	3610
18300	1653	2345	2708	3025	3327	3617
18350	1656	2349	2713	3030	3333	3623
18400	1659	2353	2717	3035	3339	3629
18450	1662	2357	2722	3040	3344	3635
18500	1665	2361	2727	3046	3350	3642
18550	1667	2365	2731	3051	3356	3648
18600	1670	2369	2736	3056	3362	3654
18650	1673	2373	2741	3061	3368	3661
18700	1676	2377	2745	3067	3373	3667
18750	1679	2381	2750	3072	3379	3673
18800	1682	2385	2755	3077	3385	3679
18850	1685	2389	2759	3082	3391	3686
18900	1687	2393	2764	3088	3396	3692
18950	1690	2397	2769	3093	3402	3698
19000	1693	2401	2774	3098	3408	3704
19050	1696	2405	2778	3103	3414	3711
19100	1699	2409	2783	3109	3419	3717
19150	1702	2414	2788	3114	3425	3723
19200	1705	2418	2792	3119	3431	3729
19250	1707	2422	2797	3124	3437	3736
19300	1710	2426	2802	3130	3442	3742
19350	1713	2430	2806	3135	3448	3748
19400	1716	2434	2811	3140	3454	3755
19450	1719	2438	2816	3145	3460	3761
19500	1722	2442	2820	3150	3466	3767
19550	1725	2446	2825	3156	3471	3773
19600	1727	2450	2830	3161	3477	3779
19650	1729	2453	2833	3164	3481	3784
19700	1732	2456	2836	3168	3485	3788

Proposed Child Support Guidelines (Effective April 1, 2018)

19750	1734	2459	2839	3172	3489	3792
19800	1736	2462	2843	3175	3493	3797
19850	1738	2465	2846	3179	3497	3801
19900	1740	2467	2849	3183	3501	3806
19950	1742	2470	2853	3186	3505	3810
20000	1744	2473	2856	3190	3509	3815

Victor Garnice

Public Comment

I have been a family law attorney for over 40 years. The Guidelines formula for parenting time allowance has been and continues to be a destructive feature in the way it is structured.

The present formula has fixed percentages of allowances in a series of steps, each step constituting a range of time measured in days:

PARENTING TIME TABLE A

Number of Parenting Time Days Adjustment Percentage

0 - 3	0
4 - 20	.012
21 - 38	.031
39 - 57	.050
58 - 72	.085
73 - 87	.105
88 - 115	.161
116 - 129	.195
130 - 142	.253
143 - 152	.307
153 - 162	.362
163 - 172	.422
173 - 182	.486

It is further complicated by the contorted definitions of time for this purpose:

- B. Count one day of parenting time for each 24 hours within any block of time.
- C. 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:
 - 1. A period of 12 hours or more counts as one day.
 - 2. A period of 6 to 11 hours counts as a half-day.
 - 3. A period of 3 to 5 hours counts as a quarter-day.
 - 4. Periods of less than 3 hours may count as a quarter-day if, during those hours, the noncustodial parent pays for routine expenses of the child, such as meals.

The result is an explosion in litigation over parenting time, much of which is artificial and based solely on child support considerations. Litigants engage in what would otherwise be unnecessary hostility and use significant resources, and those of the courts, battling over the minutiae over pickup and return times so as to artificially move from one step to the next. For example, disputes over pick-up and drop-off time to make a parenting time stay at one or the other parent's either five hours or six hours, since the difference of a between a quarter-day and a half-day multiplied by the number of days in a year

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can push the parenting time allowance up or down a step or two. For example, a dispute between five hours and six hours multiplied by an exchange once per week can result in an annualized differential of 13 days, enough to raise or lower that parenting time allowance, for example, from .253 to .362.

Often, the parenting time schedules are made unnecessarily complicated as the two competing parents bargain for these tweaks in parenting time out of nothing more than financial greed. Don't think that this is hypothetical or a rare fluke. I see it frequently.

Certainly a parenting time allowance is appropriate. But these artificial steps are not. The solution is to eliminate the steps and have a fixed percentage allowance on a per day basis. So, for example, let's say your daily adjustment percentage is .0015. Parenting time allowance for 87 days would be an annual adjustment percentage of .1305 (.0015 x 87). Under this scheme, parenting time allowance for 88 days would be an annual adjustment percentage of .1320 (.0015 x 88). Parenting time allowance for 89 days would be .1335 (.0015 x 89). Each day would stand on its own and there would be no artificial push to get above or below the next step.

This is a reform that should have been made decades ago but has not been addressed. As a result, there are overcrowded court divisions, overtaxed court and private mediation services and ADR, increased hostility between parents and children whose lives become more disrupted than they would otherwise be as they continue to be used as budgetary pawns.

Annestelle Pedreiro

Public Comment

I believe that to maintain the living standard, as the minimum wage increases, child support should also increase accordingly. The cost of living has increased while minimum wage has been stagnate. It is hurting working families and individuals to contribute to the economy if they are struggling to make ends meet. This is also effecting single-parent households who need the appropriate support for their children and families. I think this is a positive step forward to help those in need.

William E. Morris Institute for Justice

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Phone 602-252-3432

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October 25, 2017

To: Committee for an Interim Review
of the Child Support Guidelines

Re: Comments to Preliminary Report
of the Committee for an Interim
Review of the Child Support
Guidelines

Dear Chair and Committee Members:

The William E. Morris Institute for Justice (“Institute”) submits these comments to the Arizona Supreme Court Committee for an Interim Review of the Child Support Guidelines (“committee”). Recently, the committee published a Preliminary Report and Recommendations (“Preliminary Report”) and requested public comment. The Institute is a non-profit program that advocates on behalf of low-income Arizonans and provides its comments pursuant to 45 C.F.R. § 302.56(h)(3) which requires the committee to specifically seek comment from “low-income custodial and non-custodial parents and their representatives.” The Institute is a representative of low-income parents in Arizona.

As you are aware, the Child Support Guidelines are used to establish child support throughout Arizona for unmarried, divorcing and divorced parents. Arizona Child Support Guidelines for actions filed after June 30, 2015. A.R.S. § 25-320, Appendix (“Guidelines”). Many parents who pay or receive child support are low-income and most are not represented by counsel. Our understanding is that approximately 85% of family law litigants in Maricopa County are unrepresented. These parents rely on the income standards set forth in the Guidelines to be fair and just so that their children have the financial resources appropriate to their needs and each parent’s ability to pay.

I. The Importance of Child Support

The appropriate determination of child support is an area of critical importance to Arizona families because child support plays an increasingly important role in keeping children out of poverty. A study conducted by the Urban Institute found that 625,000 children nationally would have lived in poverty had they not received child support.

Sorenson, *Child Support Plays an Increasingly Important Role for Poor Custodial Parents*, Urban Institute, at 1, December 17, 2010, <http://www.urban.org/url.cfm?ID=412272>. Without child support income, these families would need an additional \$4.4 billion to escape poverty.” *Id.* As little as \$100 received in child support each month decreases the number of families returning to public assistance from 30% to 10%. Trotzky, *Child Support and Child Poverty*, Family Law Forum, at 2, 2013, <https://www.mnbar.org/docs/default-source/sections/child-support-and-child-poverty.pdf?sfvrsn=4>.

In 2015, 51% of all families with children in Arizona had income below 200% of the federal poverty level (the national average is 43%). *Arizona Demographics*, National Center for Children in Poverty, http://www.nccp.org/profiles/profiles/state_profile.php?state=AZ&id=6. As this research shows, the award of child support is critical to the reduction of childhood poverty in Arizona.

II. The Institute Supports the Following Committee Recommendations

A. Incarcerated Parents

Federal regulations provide that the Guidelines not treat incarceration as voluntary unemployment. 45 C.F.R. § 302.56(c)(3). Thus, the committee recommends that the court not impute minimum wage to incarcerated parents unless a parent has an actual ability to pay the child support ordered. The Institute supports this recommendation. Parents should not be ordered to pay support during periods of incarceration unless they have the ability to pay because the accrual of child support arrearages during incarceration creates barriers to their successful re-entry into society. However, legal services advocates advise that there are some parents who may be able to pay support because they own businesses that continue to generate income during their incarceration or they have savings and other assets that can be used for the support.

B. Rounding Support to the Nearest Dollar Amount

The Institute supports the committee’s recommendation that courts round child support to the nearest whole dollar rather than to the exact amount calculated by the statewide calculator. These provisions streamline the establishment and collection of support.

C. No Support Orders for Amounts Less than the Clearinghouse Fee

The Institute supports the committee’s recommendation to not impose a child support court order for less than the monthly clearinghouse fee, which is currently \$5. The Institute concurs that in these limited instances, the support ordered will not go to a child and it does not make sense to impose support if it will not benefit a child.

D. Examples of Multiple Children and Different Parenting Plans

The Institute supports the committee's memorializing of the holding in *Mitton* by including in the Guidelines an example of how to calculate parenting time in situations where parenting time differs for multiple children. *Mitton v. Mitton*, 242 Ariz. 201, 394 P.3d 28 (App. 2017). The examples clarify how support should be calculated when children have differing parenting time schedules and will lead to greater consistency in the awards of support when there are multiple children with different parenting plans.

III. The Institute Suggests Changes to the Following Recommendations

A. Global Change in Terminology

The committee recommends that the terms “non-primary parenting time parent” and “primary parenting time parent” be adopted to describe the different types of custodial arrangements available to parents. The Institute opposes the use of these terms. These terms “primary parenting time parent” and “non-primary parenting time parent” are not found A.R.S. § 25-401 (the custody definitional section of Title 25) and they are overly complicated. The Institute recommends that committee use “legal decision-making” and “parenting time” as these are the terms adopted by the legislature and codified in A.R.S. § 25-401(3) and (5). The use of standard definitional terms will alleviate misunderstanding among guideline users, many who are self-represented and may become confused by the use of complicated terms not found in A.R.S. § 25-401.

B. Attribution of Minimum Wage

1. The Attribution of Minimum Wage Should Be Discretionary and the Parents' Specific Circumstances Considered

The current Guidelines provide that “in accordance with Arizona Revised Statutes Section 25-320, income of at least minimum wage shall be attributed to a parent ordered to pay child support.” *Guidelines*, Section 5(E) at 4. The committee now recommends that attribution of minimum wage income be discretionary. Preliminary Report at 6. The Institute supports the committee's recommendations because there are simply too many instances when the attribution of income to a parent may be unwarranted and unjust for it to be a mandatory provision. The federal regulation upon which Arizona's recommendation is based, describes some of the factors the court should consider when determining whether to attribute income, such as:

assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers

willing to hire the non-custodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.

45 C.F.R. § 302.56(c)(1)(iii).

The Institute supports the consideration of the above factors and recommends that additional factors be included in the new Guidelines, such as whether a parent is the caretaker of a young child; if affordable child care is available to the caretaking parent; whether the parent has reliable transportation to commute to and from work; and whether the child's schedule permits the caretaking parent to accept work (such as when a child is in school for only a few hours a day). Although these factors are not included in the federal regulation, legal services advocates advise the Institute that these circumstances are frequently the reasons why low-income parents cannot participate in full-time minimum wage work. These would be appropriate factors for court consideration.

2. Full-Time Child Care Expenses Must be Attributed to Caretaking Parents who are Attributed Minimum Wage

It is the Institute's understanding that the general practice throughout the State of Arizona is to attribute minimum wage to both parents. However, the Institute understands that when courts attribute minimum wage to caretaking parents, child care expenses are not always attributed to those caretaking parents. This practice ignores the child care needs of caretaking parents and the costs associated with full-time employment. Working parents need others to care for their children during their working hours and pay others for these services. If a caretaking parent is going to be attributed full-time minimum wage income then that parent must also be attributed the normal and ordinary full-time child care expenses that go along with full-time employment. Legal services advocates advise that the lack of affordable child care is a reason many parents are not employed. The Institute recommends that the attribution of child care be made mandatory when income is attributed to a caretaking parent.

3. TANF Should Remain an Example of When Minimum Wage Should not be Attributed to a Parent

Child support is based upon providing for the needs of the child relative to a parent's ability to pay. For these reasons, being a current recipient of Temporary Assistance to Needy Families ("TANF") currently is and should remain a reason why income is not attributed to a parent who earns less than minimum wage. Presently, the Guidelines contain examples of when minimum wage should not be attributed income to a parent. *Guidelines* at 5(E) at 5. One example is when a parent is a current recipient of TANF. *Id.* In the Preliminary Report, the committee recommends to delete the receipt of TANF as an example of when the court may decline to attribute minimum wage income

to a parent. Preliminary Report at 6-7. The committee provides no reason or rationale for this change.

The Institute requests that the receipt of TANF remain a reason minimum wage income should not be attributed to a parent. Attribution of income is appropriate for cases in which a parent voluntarily impoverishes him or herself in order to avoid paying child support or does not want to work. This is not what happens with the receipt of TANF because a parent must work, unless exempted, as a condition to receive this public benefit. When a parent applies for TANF, the State assesses whether the parent is employable and the conditions under which employment is required. If the parent is employable, the State requires the parent to engage in work-related activities as a condition to receive TANF. A.R.S. § 46-292(B)(2). If a parent is on TANF and not earning minimum wage, it is because the parent has been exempted from the TANF work-related requirement. Family courts should give deference to these employability determinations. The attribution of income to a parent on TANF (who is exempted from full time minimum wage requirements) is inconsistent with the award of public assistance and premises underlying the attribution of income to a parent.

Moreover, when families go on TANF, they must assign, or turn over, their rights to child support to the state as reimbursement for TANF benefits. As stated earlier, the attribution of income to a caretaking parent reduces the payor's support obligation and thus the amount that the payor reimburses the state for the TANF benefits.

C. Self-Support Reserve

Pursuant to federal regulation, Arizona must take into consideration the basic subsistence needs of the noncustodial parent (and at Arizona's discretion, the custodial parent and children) who has a limited ability to pay by incorporating a low-income adjustment, such as a SSR or some other method determined by Arizona. 45 C.F.R. § 302.56(c)(1)(ii).

Arizona already uses a SSR. The current SSR amount is \$1,115, which is based on the 2014 federal poverty level of \$973 for a single person that has been "grossed-up." Preliminary Report at 3. The committee now recommends changing how the SSR is calculated in Arizona. Instead of determining the SSR by reference to a certain percentage of the federal poverty Guidelines, the committee recommends that the SSR be established at 80% of full-time minimum wage earnings. *Id.* at 4.

Pursuant to federal regulation, Arizona may consider the subsistence needs of the caretaking parent and the children. 45 C.F.R. § 302.56(c)(1)(ii). Arizona currently does not consider the subsistence needs of the caretaking parent and children. *Guidelines*, Section 15 at 14. The Preliminary Report made recommendations to consider the impact on the caretaking parent but this does not require the committee to consider the

subsistence needs of the family or conduct a SSR test on the caretaking parent. Preliminary Report at 4.

The Institute objects to the establishment of the SSR by exclusive reference to wages because wages by themselves do not always reflect an inability to pay support. Wages are but one factor that determines if a parent has sufficient resources to meet subsistence needs. For example, a parent may meet his needs sufficiently by relying on savings and barter. In addition, a parent earning less than minimum wage may have low or no living expenses and more than sufficient income to meet subsistence needs.

In addition, the Institute recommends that Arizona exercise the discretion found in the federal regulation and perform a SSR test on both parents in each child support case to evaluate and verify that both the paying and receiving parent and children are financially able to maintain at least a minimum standard of living. It is likely that low-income caretaking parents and children are more low-income than paying parents because they have to stretch their limited income among multiple family members. Considering the needs of the entire family is more consistent with the purposes behind the Guidelines which are to “establish a standard of support for children consistent with the reasonable needs of children and the ability of parents to pay.” *Guidelines*, Section 1(A) at 1.

Thus, the Institute proposes that the SSR amount be established at amounts up to 80% of the monthly full-time minimum wage earnings after consideration of the parties' actual financial resources, living expenses and subsistence needs. This will allow the court to establish an accurate subsistence SSR amounts based upon the economic circumstances of the entire family.

IV. The Institute Opposes the Following Recommendation Concerning Third-Party Caregivers

Finally, the Institute opposes the committee's recommendation concerning when child support may be awarded to third-party caregivers because the recommendations is inconsistent with Arizona law. The current Guidelines provide support to third parties in the following circumstances:

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency or under color of authority, the third-party caregiver is entitled to receive child support payments from each parent on behalf of the child.

Id., Section 21 at 17.

The committee recommends amending this section to read:

When a child lives with a third-party caregiver by virtue of a court order, administrative placement by a state agency, OR PLACEMENT BY A PARENT ~~or under color of 25 authority~~, the third-party caregiver is entitled to receive child support payments from each parent on behalf of the child. WHEN CALCULATING THE AMOUNT OF CHILD SUPPORT TO BE AWARDED TO A THIRD-PARTY CAREGIVER, CONSIDER THE THIRD-PARTY CAREGIVER'S EXPENSES UNDER SECTION 9, BUT NOT THE THIRD-PARTY CAREGIVER'S INCOME.

Preliminary Report, Section 21 at 19.

The Institute objects to the committee's amendment of the Guidelines to provide for third-party support under Title 25 when a child is placed in the care of a third-party by a parent. There is no provision in Title 25 that allows support to be established merely because one parent placed the child in the care of a third-party. Arizona law requires there be an established legal relationship. For example, parent-child, guardianship, and legal custody order. While parents have a duty to support their child(ren), third-parties must establish and be awarded a legal interest in the care and custody of a child under Arizona law to establish the right to support of that child. The creation of a legal interest is statutory. Arizona's legislature has not provided in A.R.S. §§ 25-402(B) or 409 for the award of child support to third parties. These sections control the rights and obligations of third-parties under Title 25 and had the legislature intended that third-parties be awarded child support under Chapter 4, Article 1 of Title 25 then the Arizona legislature would have made provision for it.

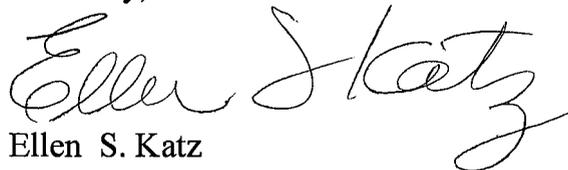
Moreover, the committee appears to have exceeded the scope of the interim review by its recommendation of when a third-party can be awarded support and the standard under which this support may be ordered. The Institute opposes the committee's creation of this third-party caregiver right to support as it is beyond the scope of the interim review as set forth by the terms of the Arizona Supreme Court. Arizona Supreme Court, Administrative Order No. 2017-93 (July 26, 2017). The Administrative Order provided that the purpose of the committee was to "review the impact a higher minimum wage and new federal regulations have on the Child Support Guidelines and make recommendations accordingly to the Guidelines and, if needed, the Arizona Rules of Family Law Procedure." *Id.* at 1. The committee has provided no justification explaining why it reviewed and made this recommendation as to third-party child support and has cited no federal regulation mandating this review. The Institute recommends that this recommendation be withdrawn.

V. Conclusion

The careful consideration of the rights and obligations of parents to their children is of critical importance to low-income persons both to maintain a parent's limited income and to ensure that children are provided with the support they need to mature into productive adults. The Institute thanks the committee for the opportunity to comment on the Interim Review of the Child Support Guidelines and provide suggestions. The Institute requests that the committee review the recommendations and consider the comments contained in this letter.

Thank you for the opportunity to submit these comments. If you have any questions concerning this letter, please contact Ellen Katz at eskatz@qwestoffice.net.

Sincerely,

A handwritten signature in cursive script that reads "Ellen S. Katz". The signature is written in black ink and is positioned above the printed name.

Ellen S. Katz

Glenn Halterman

Comments

(SUBMISSION #1 of 4. Unfortunately, the form only provides a limited amount of space to submit comments, and I have more to submit regarding this issue than space allows. Therefore, I am making multiple submissions.)

My comments pertain to the issue of multiple children with different parenting plans. I was the attorney for the father in the Mitton v. Mitton matter (at trial, at the Court of Appeals, and for the Petition for Review at the Supreme Court), which addressed this issue. For what it's worth, I am a Certified Family Law Specialist. (I also apologize for any formatting issues that may be transmitted as a result of the submission of these comments through the website.)

Months ago, when I read the first page of the Mitton opinion (1 CA-CV 15-0769 FC) and saw that the trial court's improper child support calculation was "Vacated and Remanded" it was a good moment. The feeling I had for my new opinion was not unlike the feeling one might have when getting a new pet: I got what I wanted, he was mine, and we were going to be together a long time. However, as I continued to read the opinion and eventually reached the conclusion, I discovered the unfortunate truth: there was something very wrong with the decision, I knew it had to be put down, even if that meant losing my new-found companion. So, with the help of a Petition for Review and the members of the Arizona Supreme Court, we took Mitton out back and did what had to be done: the Mitton opinion was depublished.

Based on the draft minutes from the September 21, 2017 meeting of the Committee, despite the depublishing of the opinion, the Committee is planning to memorialize the holding in Mitton by including in the Guidelines an example of calculating parenting time in situations where parenting time differs for multiple children. While I agree with the decision to include an example of how to address multiple children with differing parenting schedules, I do not agree that the holding in Mitton should be the basis of that example. In fact, if the Committee were to ultimately move forward with including the Mitton calculation in the Guidelines, it would effectively be digging up the remains of my former pet in an attempt to give it new life, which would take this from a play on Disney's Old Yeller to a version of Stephen King's Pet Sematary (Mr. King's spelling). However, the Committee should let sleeping dogs – and dead dogs – lie.

The problem with the Mitton formula, which might be referred to as the "average parenting time approach," is that it does not ultimately give the obligor parent the appropriate credit against their support obligation, and will typically result in a support obligation that is far higher than what is contemplated by the Guidelines. The shortcomings of this method of calculation have been noted by at least one other court. In the case of *In re Marriage of Blanford*, 937 N.E.2d 356 (Ind. App., 2010), the Indiana appellate court stated that the approach of averaging parenting time to determine the parenting time credit "suffers from its own difficulties," noting that by "averaging the parenting time"

among the children the obligor parent may receive “too much or too little credit in calculating his support obligations.” We can do better than the Mitton formula.

I am not the only attorney who believes that the Mitton formula is problematic and should be eschewed. As I filed my Petition for Review with the Supreme Court, the Arizona Chapter of the American Academy of Matrimonial Lawyers expressed a willingness to file an amicus brief with respect to Mitton Opinion (which I reasonably anticipated would disapprove of the Court of Appeals’ child support formula set forth in Mitton). I also had another had another colleague approach me in the hall and express his disappointment with the formula that the Court of Appeals had set forth and which, until it was depublished, would have been the required method of calculating support. I also believe I can safely say that even my opposing counsel in Mitton did not believe that the formula set forth in the Mitton holding was sound.

If the Mitton formula is not adopted and incorporated into the Guidelines, the void in the Guidelines must still be filled to address the method of calculation with multiple children and different parenting schedules. Three years ago, prior to my involvement in the Mitton case, averaging the different parenting time schedules as the Mitton decision directs would have seemed like a reasonable approach. However, after being forced to look more closely at the issue, I no longer believe that to be the case. In the end, and as a result of my immersion into this matter, I have developed a method of calculation that is consistent with the Guidelines and which I believe should be adopted and included in the Guidelines.

The method of calculation I have come upon I refer to as the “incremental increase approach.” The basics of the method are that an initial child support obligation is calculated based on the parenting schedule that is common to the greatest number of children. Then, a second calculation is performed for the child or children that exercise a different parenting time schedule. The second calculation is performed to find the incremental increase of how much additional support should be paid. This is certainly easier to understand when seen in an example. (NOTE: This is not simply a matter of preparing two child support worksheets based on the different parenting schedules and adding them together. That is what the trial court did in Mitton and that method was specifically rejected by the Court of Appeals.)

Here is an example of the incremental increase approach (based on the facts in the Mitton case):

Father’s gross monthly income is \$6,300 per month. Mother’s gross monthly income for child support purposes is \$3,700 per month.

Father’s share of the insurance costs for the three children is \$69 per month. Mother’s share of the insurance costs for the three children is \$51 per month.

The parties have three children. The parties exercise equal parenting time with two boys (“Twins”) and a girl, who is over age 12, (“Daughter”) and lives full-time with Mother (i.e., no parenting time exercised with Father).

This approach involves the use of three child support worksheets.

Because the Twins share the parenting time schedule that it common to the greatest number of children

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(two), the first worksheet (Worksheet #1) is based on the Twins alone. Based on the parties' equal time with the Twins, Father will have a child support obligation for the Twins of \$223.19 per month.

The next calculation will determine how much additional support should be paid for Daughter and involves two child support worksheets.

The second worksheet (Worksheet #2) is based on Mother having two children full-time (no parenting time to Father); this shows in an obligation of \$1,064.69. The third worksheet (Worksheet #3) is based on Mother having three children full-time; this results in an obligation of \$1,278.00. The obligation from the second worksheet (\$1,064.69) is subtracted from the third worksheet (\$1,278.00), giving a figure of \$213.31, which provides the additional support payment from Father for Daughter's care.

That result (\$213.31) is added to the obligation from Worksheet #1 (\$223.19), giving a Final Child Support Obligation for Father of \$436.50 per month.

This approach of using three worksheets to arrive at a final support amount in the case of multiple children and different parenting plans was utilized in the case of *Lawrence v. Webber*, 894 A.2d 480, 2006 ME 36 (Me., 2006), in which the parties had a virtually identical parenting time situation as existed in *Mitton*:

"In conclusion, in this case there are three child support worksheets. The first addresses the two boys, for whom the parties provide substantially equal care, based on three children in the family. The second is the supplemental worksheet addressing the child support requirement for the boys, pursuant to 19-A M.R.S. § 2006(5)(D-1). The third worksheet addresses the daughter, who is in the primary care of her mother, and is based on three children. Because each of the worksheets, on the facts of this case, require the father to pay the mother, the amount of child support calculated from the supplemental worksheet is added to his child support obligation from the third worksheet to establish the father's final child support obligation." *Id.* at 485.

Just as the court in *Lawrence* calculated the child support obligation for daughter "based on three children," the incremental increase method above calculates Daughter's obligation based on Daughter being the third child in Mother's household. It does this by determining how much additional support should be paid to a parent if third child (full-time) is added to a household that already has two other children full time. Thus, the "incremental" increase of support - in addition to the two other children - is calculated.

Under the facts as they existed in the *Mitton* case, the incremental increase approach results in a monthly obligation from Father to Mother of \$436.50 per month. Importantly, this method of calculation is true to one of the most basic principles of the Guidelines, which is to apportion that Total Child Support Obligation between the parties in proportion to their respective incomes. The incremental increase approach does this with precision.

The Total Child Support Obligation based on the *Mitton* facts is \$2,138.10. This Total is calculated by taking the Basic Child Support Obligation for 3 children (\$1,953.00) and adding the total insurance costs (\$120) and the older child adjustment (\$65.10). The breakdown of how the Total is allocated between the parties is as follows:

MOTHER'S SHARE OF THE TOTAL SUPPORT OBLIGATION:

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Mother's share of obligation for Twins spent directly on Twins: \$618.31

Mother's payment of insurance for Twins: \$34.00

Mother's share of obligation for Daughter spent directly on Daughter: \$121.79

Mother's payment of insurance for Daughter: \$17.00

TOTAL: \$791.10

Mother's share of \$791.10 is 37% of the Total Child Support Obligation of \$2,138.10, consistent with her 37% share of the parties' combined gross income.

FATHER'S SHARE OF TOTAL SUPPORT OBLIGATION:

Father's share of obligation for Twins spent directly on Twins: \$841.50

Father's payment of insurance for Twins: \$46.00

Father's payment of support to Mother for Twins: \$223.19

Father's payment of support for Daughter: \$213.31

Father's payment of insurance for Daughter: \$23.00

TOTAL: \$1,347.00

Father's share of \$1,347.00 is 63% of the Total Child Support Obligation of \$2,138.10, consistent with his 63% share of the parties' combined gross income.

Therefore, the incremental increase calculation apportions the parties' respective obligations in accordance with their incomes, consistent with the Guidelines.

In contrast, the average parenting time method from Mitton results in a monthly obligation from Father to Mother of \$897.17 (which is based on Father only having an average of 122 parenting days per year ($\$182.5 + 182.5 + 0 = 365 \div 3 \approx 122$)).

This child support obligation of \$897.17 is disproportionately high. In fact, if Father did not have any parenting time with any of the children, Father's child support payment to Mother would be \$1,278.00. Therefore, the child support obligation with Father having no parenting time is only \$380.83 more than the obligation calculated pursuant to the Mitton method, with Father having two out of three children half of the time.

The problems with the Mitton approach become more pronounced when comparing what Father's support obligation would be for two children half the time (or three children half of the time) with the obligation calculated under Mitton.

Based on an equal time share for two children (the Twins), Father's obligation would be \$223.19. Adding one additional child (Daughter) and calculating support for three children on a 50/50 schedule would increase Father's obligation to \$268.95. Thus, the addition of a third child with equal parenting time only increases Father's support obligation \$45.76.

However, as stated above, Father's monthly child support obligation would be \$897.17 under the Mitton approach (with Father having equal time with the Twins and no parenting time with Daughter). This amount is \$628.22 more than if the parties were exercising equal time with all three children: \$897.17 vs. \$268.95. In other words, although Daughter's time with Mother only doubles between these calculations, the amount of additional support paid by Father increases almost 14-fold ($\$628.22 \div$

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\$45.76 = 13.728). This is not a reasonable result.

This inequity can be demonstrated another way. If the parties have each of the Twins for 15 days per month (which is a sufficiently close approximation for these purposes), Father's child support obligation to Mother is \$223.19. If, in addition to the Twins, both parties have Daughter for 15 days per month, Father's obligation increases \$45.76 to \$268.95. Under the actual parenting time arrangement, with Daughter not having any parenting time with Father, Daughter spends an additional 15 days per month with Mother (i.e., 15 days more than the 50/50 schedule that results in Father's monthly obligation to Mother of \$268.95). Even though Mother's parenting time with Daughter only increases by an additional 15 days per month, Father's child support obligation increases \$628.22 per month under the Mitton approach. Therefore, the first 15 days per month Daughter is with Mother adds another \$45.76 to Father's child support obligation (over what he would pay for the Twins alone), but Daughter's next 15 days per month with Mother adds an additional \$628.22 per month to Father's obligation. Clearly, this is an unreasonably disproportionate result.

Moreover, although Father's child support obligation for the Twins with 50/50 parenting time is only \$223.19 per month, under the Mitton approach the addition of a third child living full-time with Mother quadruples Father's obligation to \$897.19. However, if having two children half the time results in an obligation of \$223.19 per month for those two children, then logically having one additional child full time should result in an additional obligation for the "full-time" child that is roughly the same as the obligation for the two "half-time" children. In this case, Mother spends 182.5 parenting days per child with each of the Twins, or 365 parenting days per year between both boys. That is the same number of parenting days Mother spends with Daughter (365). Therefore, the additional monthly child support for Daughter should be approximately the same as what would be ordered for the Twins alone. As such, based simply on this reasoning (and not taking into account the economy of scale present in the Guidelines) Father's total child support obligation should be no more than $\$223.19 \times 2 = \446.38 .

In fact, based on the incremental increase approach, the amount Father should be paying Mother for his support of all three children is \$436.50.

As shown above, taking an average of the parenting time under Arizona's Guidelines has the effect of granting too little credit to the obligor parent. This unfair result occurs because taking an average of the parenting time exercised with each of the children results in a fictitious parenting time figure. Based on the Mitton approach, it is assumed that Father spends the same amount of time with each child: 122 days. On its face, this is a false assumption. Father does not spend 122 days with all three of his children; he spends 182.5 days with two of his children and no parenting days with a third child. The average parenting time approach assumes that Father only has children in his home one-third of the time. However, Father actually has two of his children in his home half the time. Likewise, the Mitton approach also assumes that Mother has all three children in her care two-thirds of the time (243 days per year). However, Mother actually only has two of the children half of the time and another child full time. Therefore, while averaging the parenting time may be an easy approach to calculating support, it is not an accurate approach, as noted in Blanford.

In addition, based on the Mitton approach, and the 122 days of average parenting time credit Father would be deemed to have, Father would only receive a 19.5% reduction in his child support obligation attributable to his parenting time (a reduction of only \$380.84 from his Total Child Support Obligation of \$1,347.00). Therefore, the Mitton average parenting time method assumes that Father only spends

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\$380.84 directly on the children while they are in his care; Father is expected to satisfy the remainder of his \$1,347.00 child support share by paying \$69.00 for insurance and a \$897.17 cash payment to Mother.

In contrast, if Father had equal time with all three of the children, Father would receive a parenting time credit of \$1,009.05 – the amount he would be presumed to spend directly on the care of the children. The remainder of Father’s Total Child Support Obligation would be satisfied by a \$69.00 insurance payment and a direct cash payment to Mother of \$268.95. Again, under the Mitton approach, Father’s would only receive a \$380.84 parent time credit – the amount he is presumed to spend directly on the children. Thus, under the Mitton approach, Father is expected to spend \$628.21 ($\$1,009.05 - \$380.84 = \628.21) per month less in his own household – and consequently \$628.21 less on the two children that live with him half of the time – because Daughter spends 15 additional days in Mother’s home each month. The average parenting time approach also results in Mother having \$1,637.27 per month available to spend directly on the children in her care, based on the \$740.10 the Guidelines presume she spends on the children directly, plus the \$897.17 Father pays to Mother. Therefore, under the Mitton average parenting time approach, Mother has \$1,637.27 per month to spend directly on the children which they are in her care, while Father only has \$380.84 per month to spend directly on the children while they are in his care. Thus, of the \$2,018.10 that is allocated by the Mitton approach to be spent directly on the children in each household (the Total Child Support Obligation \$2,138.10 less the combined amount paid by the parties for insurance \$120.00), 83.66% of the funds are available for Mother’s household and only 16.34% of the funds are available for Father’s household. Clearly, the average parenting time approach disproportionately, and negatively, affects the Twins who are in Father’s care 50% of the time.

On the other hand, the incremental increase approach avoids such a drastic reallocation of resources while appropriately affording Mother the lion’s share of the funds to spend on the children while they are in her care, since she has more children to support in her household. Ultimately, under in incremental increase approach, Mother would have \$1,176.60 to spend directly on the children, and Father would have \$841.50; as a percentage, 58.30% of the funds would be available for Mother’s household and 41.70% of the funds would be available for Father’s household. This allocation is far fairer than the Mitton calculation and is consistent with the Guidelines. Moreover, as set forth above, this method precisely allocates the Total Child Support Obligation between the parties in proportion to the respective shares of the parties’ combined gross income. Therefore, Father’s method of calculation is not only fair, but it is true to the Guidelines. I would ask the Committee to consider the adoption of this approach.

I appreciate the Committee’s consideration of these comments and would be happy to provide additional supporting documentation for review.



Final Report and Recommendations of the Committee for an Interim Review of the
Child Support Guidelines

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December 2017



Legislative Report

2019 Minnesota Child Support Task Force

Activities and Recommendations

October 31, 2019

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Minnesota Statutes, Chapter 3.197, requires the disclosure of the cost to prepare this report. The estimated cost of preparing this report is \$3,848.

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I. Executive Summary

The Child Support Task Force (task force) was created by the Minnesota Legislature in 2016 following recommendations of a previous Child Support Work Group (work group). It was created to advise the commissioner of the Minnesota Department of Human Services (department) on matters relevant to maintaining effective and efficient child support guidelines that will best serve Minnesota children.

The task force met 29 times between September 2016 and June 2019. Recognizing the profound impact child support has on Minnesota families, it solicited and accepted public comment from hundreds of parents, grandparents, child support professionals, and others in the community.

In addition to detailed child support presentations, task force members reviewed guideline models, economic models and data, information on guidelines from other states, issues relevant to updating child support guidelines, and other issues identified in the authorizing legislation. The task force focused on determining the best way to reflect the current economic climate in updating guidelines to ensure “right-sized” child support orders. This report identifies all issues the task force considered, describes task force deliberations, and provides and explains its decisions and recommendations.

The task force recommends legislative changes to Minnesota’s child support statutes that:

- Update the basic support guidelines set forth in Minn. Stat. 518A.35 as proposed by the task force.
- Apply the self-support reserve to both parents' parental income for determining child support (PICS) in the child support worksheet and create a new deviation factor for when one or both parents' PICS is below the self-support reserve.
- Apply the self-support reserve to PICS rather than gross income.
- Deduct court-ordered support obligations when determining PICS rather than gross income.
- Increase the cap on the deduction for non-joint children, who are not the subject of court orders, from two to six.
- Apply the deduction for non-joint children for whom a parent does not have a court-ordered support obligation to all legally recognized non-joint children, and increase the calculation of the deduction from 50% of the guideline amount to 75%.
- Clarify that the deviation factors set forth in Minn. Stat. 518A.43 apply to cases where a child is residing with a non-parent caretaker.
- Create a deviation factor for out-of-home placement cases where family reunification is the goal.
- Create a permanent advisory body to address remaining priority issues, provide a venue for public input, and develop a process in which the guidelines may be routinely updated.

II. Introduction

This report was prepared and submitted by the commissioner of the Minnesota Department of Human Services (department), with advice from the Child Support Task Force pursuant to Minn. Stat., section 518A.79. Summaries of task force activities, identified issues, methods, and recommendations are included.

History and Context

The Minnesota Legislature created the Child Support Work Group in 2015, Laws of Minnesota 2015, chapter 71, section 121, to address the parenting expense adjustment in Minn. Stat., section 518A.36, and make recommendations on the composition of a permanent Child Support Task Force. With administrative support from the department, the work group met six times in 2015. It published the Child Support Work Group Final Report in January 2016, and made recommendations regarding composition and role of the task force, and additional recommendations regarding issues that should be prioritized.

III. Legislation and Organization

In response to the report of the work group, the legislature passed Minn. Stat., section 518.79, establishing the task force, which was subject to the open meeting law. The task force expired on June 30, 2019.

Purpose

The purpose of the task force was to advise the commissioner of the Minnesota Department of Human Services on matters relevant to maintaining effective and efficient child support guidelines that best serve Minnesota children, and considers the changing dynamics of families.

Membership

The task force consisted of:

- Two members of the Minnesota House of Representatives, one appointed by the speaker of the house and one by the minority leader
- Two members of the Minnesota Senate, one appointed by the majority leader and one by the minority leader
- One representative from the Minnesota County Attorneys Association

- One staff member from the department’s Child Support Division
- One representative from a tribe with an approved Title IV-D program appointed by resolution of the Minnesota Indian Affairs Council
- One representative from the Minnesota Family Support Recovery Council
- One child support magistrate, family court referee, or district court judge or retired judge, with experience in child support matters, appointed by the chief justice of the Supreme Court
- Four parents, at least two of whom represent diverse cultural and social communities, appointed by the commissioner with equal representation between custodial and noncustodial parents
- One representative from the Minnesota Legal Services Coalition, and
- One representative from the Family Law Section, Minnesota Bar Association.

See Appendix B for a list of task force members.

Organization

Per enacting legislation, the commissioner’s designee convened the first task force meeting. The department administered the task force through the Child Support Division. It was required to annually elect a chair, and meet at least three times per year.

Diversity and Inclusion

Work group members raised concerns regarding diversity and inclusion in work group composition, and recommended steps be taken to ensure diversity of task force members. It was recommended the task force include tribal representation and at least two parents representing diverse cultural backgrounds. Task force members should consult annually with the Cultural and Ethnic Communities Leadership Council (CECLC). Department staff met with the CECLC administrator on Nov. 29, 2016, and the task force administrator attended the Feb. 17, 2017, CECLC meeting. Jimmy Loyd, original chair of the task force, attended a CECLC meeting on Sept. 15, 2017, along with three other members and the task force administrator, to discuss task force work. The task force administrator also attended a CECLC meeting on May 17, 2019, to provide an update on work completed by the task force.

Duties

General duties of the task force included, but were not limited to:

- Serving in an advisory capacity to the commissioner of human services
- Reviewing effects of implementing the parenting expense adjustment enacted by the 2016 legislature
- Preparing for and advising the commissioner on development of the quadrennial review report at least every four years

- Collecting and studying information and data relating to child support awards, and
- Conducting a comprehensive review of child support guidelines, economic conditions, and other matters relevant to maintaining effective and efficient child support guidelines.

In addition, the legislature adopted the following priority issues the task force was required to review, address, and make recommendations on:

- The self-support reserve for custodial and noncustodial parents
- Simultaneous child support orders
- Obligor subject to child support orders in multiple counties
- Parents with multiple families
- Non-nuclear families, such as grandparents, relatives, and foster parents who are caretakers of children
- Standards to apply for modifications, and
- Updating Minn. Stat., section 518A.35, subd. 2, guidelines for basic support.

Report and Recommendations

The task force was required to submit a report summarizing its activities, identifying concerns and methods of addressing issues, and recommending legislative action, if needed. The first report was submitted to the legislature Feb. 15, 2018. This is its final report.

Structure and Administration

As required by statute, the department convened the first task force meeting on Sept. 28, 2016. It was held at the State Office Building, where most meetings were held. The department engaged staff from Management Analysis and Development (MAD), Minnesota Management and Budget (MMB), to facilitate meetings. From September 2016 through December 2017, meetings were facilitated by Charlie Peterson, senior management consultant. Stacy Sjogren, senior management consultant, served as facilitator from January 2018 through June 2019. The department hired two task force administrators: Elizabeth Rusinak-Mowers, serving from October 2016 through March 2017, and Sonya Smith, from May 2017 through February 2018. Jessica Raymond, Child Support Division policy analyst, took over task force administration from March 2018 to June 2019.

With rare exception, meetings were conducted monthly on the last Wednesday of the month. To better accommodate public comment, five meetings were held around the state.

The task force elected Jimmy Loyd, a noncustodial parent member, as its chair and Tammie Campbell, former custodial parent member, as vice chair in September 2016. Loyd and Campbell guided meeting agendas and at times addressed members of the public or the press. Campbell resigned from the task force on May 31, 2017. Because the term for chair was annual, Loyd and Rahya Iliff, custodial parent member, were elected in November 2017. Loyd resigned in November 2018 and Iliff served as chair from December 2018 through June 2019.

Beginning Jan. 1, 2018, the task force was subject to Minn. Stat., chapter 13E, the open meeting law. Though not required by law at the outset, administration of task force meetings were conducted in the spirit of the open meeting law. Task force meetings were open to the public, and a public comment period was offered at every meeting. Materials including agendas, minutes, presentations, consultative reports, etc., were on the task force website.

By agreement of task force members, decision making was conducted by consensus, with the possibility for super majority vote, if consensus was not possible.

In early 2017, the department, with consultation from the task force, contracted with two economists to inform task force work. Two reports were commissioned from Dr. Jane Venohr and Dr. William Comanor to offer differing perspectives on broad issues regarding child support guidelines and the cost of raising a child. Dr. Venohr was retained following a Request for Proposal (RFP) process to provide continuing guidance and consultation on more detailed issues. Because of the complexity of issues and variety of thoughts, the task force also consulted with economists R. Mark Rogers and Don Bieniewicz.

The task force also invited Amy Anderson, assistant Ramsey County attorney, also a certified public accountant, to consult in development of the basic support table, particularly the creation of a low-income adjustment, and the extension of the table from combined monthly incomes of \$15,000 to \$30,000.

In addition to consultation with economists and other subject matter experts, the task force and the department prioritized public comment. This was received in multiple formats to allow the public to engage in a way that is most convenient. Opportunities included public comment periods at regular meetings, five extended public comment forums in the metro area and greater Minnesota, email submission of comments to the department, and an online survey one day before, the day of, and one day after each public comment forum.

IV. Current Minnesota Child Support Guidelines

Federal law mandates that states have child support guidelines courts must use to set child support amounts.¹ Minnesota's first guidelines were established in 1983. Those guidelines set child support by assessing a percentage of the obligated parent's net income. By 2005, demographic changes and a changing view of families led to a desire for new guidelines to better reflect the financial role of both parents in raising a child.

Minnesota's Basic Support Table

In 2007, Minnesota transitioned from a percentage of the obligated parent's income guidelines model, where only the obligated parent's income is considered when calculating child support obligations, to an income shares model, where both parents' incomes are taken into account. The policy behind this change was founded on the premise that both parents share financial responsibility for their children, and that children are entitled to the

¹ See 42 USC, section 667.

same level of expenditure they would have received if they lived with both parents as a family. Accordingly, numbers in the guidelines table represent the total estimated cost of raising children for both parties.

The majority of the economic model underlying child support guidelines is based on a 2001 study of data from the Consumer Expenditure Survey on the cost of child-rearing conducted by the U.S. Department of Agriculture (USDA).

Minnesota's Calculation of Support

A child support order consists of the following types of ongoing support:

- Basic child support is an amount paid to help pay for a child's daily living expenses, including but not limited to housing, food, clothing, transportation and education.
- Medical support is the provision of health care coverage for a child, a monthly amount paid to the other parent providing health care coverage; a contribution towards public coverage and/or share of unreimbursed and uninsured medical expenses incurred by a child. The method to collect unreimbursed and uninsured medical expenses is in Minn. Stat., section 518A.41, subd. 17.
- Child care support is paid by one parent to the parent who incurs the cost of their child's care while the parents attend work or school. Child care support expenses are divided between the parents based on their proportional share of income calculated to determine child support, also adjusted by the amount of estimated federal and state child care tax credits.

Each type of support is calculated separately. When added together it is the total child support obligation. The income of both parents is used to calculate child support. Gross income is used, with adjustments for non-joint children in the home, Social Security benefits paid on behalf of a child, and other court-ordered support. A court might impute income to a parent based on their earning potential, even if the parent is not earning income.

Basic support is calculated in two steps:

1. **Percentage of combined income** – each parent is assigned a percentage of combined income used to calculate support amounts.² These percentage shares are used in calculating each type of child support, not just basic support.
2. **Combined guidelines basic support** – combined incomes of the parties, together with the number of joint children, are used to determine a basic support amount, as provided in a statutory table. The combined basic support amount increases with income and number of children.

To calculate an initial base support amount, the basic support from the statutory guidelines table is multiplied by the obligated parent's percentage of combined income. Medical and child care support is determined by

² For example, if parent A earns \$3,000 per month, and parent B earns \$2,000, their combined income is \$5,000 per month, with parent A's income representing 60% of combined income, and parent B's income representing 40%.

multiplying each parent's percentage of combined income by the family's actual costs. The child care support obligation includes an adjustment to account for tax benefits received by the parent who pays for child care.

The basic support amount may be reduced by a parenting expense adjustment, intended to reflect the presumption that a parent incurs costs for their child during parenting time. The parenting expense adjustment is calculated using each parent's court-ordered overnights or overnight equivalents, and their relative support obligations.

After support is calculated, Minnesota uses a self-support reserve to determine if the obligated parent has the ability to pay the entire child support obligation. The self-support reserve is intended to recognize that obligors need to have income available to support themselves. The reserve is set at 120% of the federal poverty guidelines (FPG) amount for a household of one. If an obligated parent's child support obligation plus the self-support reserve exceeds their income, the child support obligation is reduced. If a child support obligor's income is less than the self-support reserve, a minimum order is typically set by the court. Minimum order amounts are \$50 for one or two children, \$75 for three or four children, and \$100 for five or more children. In some cases, the court will set the order at \$0 or reserve child support as an issue for future determination.

V. Summary of Task Force Meetings and Activities

Introduction

There have been 29 full task force meetings since its creation in 2016, as well as five meetings of two small work groups that met during the 2018 legislative session. The department provided the legislature with a report on task force activities in February 2018.³ The report:

- Summarized activities of the task force from September 2016 through December 2017
- Set forth and explained the task force's decisions regarding the update to the basic support table
- Recommended a legislative change to Minn. Stat., section 518A.39, the statute governing the modification of orders or decrees

Since the February 2018 report, the task force has developed recommendations to update the basic support table, and addressed issues related to the self-support reserve, parents with multiple families, and support for non-nuclear families.

³ For the full text of the 2018 task force report and other materials, see the Minnesota Child Support Task Force website at <https://mn.gov/dhs/general-public/about-dhs/advisory-councils-task-forces/child-support-task-force.jsp>

January 2018 – May 2018: Tax Adjustment and the Self-Support Reserve Small Work Groups

At its Jan. 31, 2018, meeting, the task force finalized a timeline for making the remaining decisions needed to update the basic support table, and set the 2018 meeting schedule, including an approach for continuing work during the legislative session. One of the task force chairs proposed that small work groups meet during the legislative session to examine specific issues and report back to the full task force when it reconvened May 30, 2018. The task force agreed that the purpose of the small group meetings would be to discuss issues and evaluate options, but not to make any binding decisions. Two small groups were formed, one was assigned to explore various tax adjustment options, and the other was assigned to examine issues related to the self-support reserve.

The tax adjustment group met three times from February 2018 – April 2018. With the help of Venohr and department staff, the group examined the approaches of other states that provide an adjustment for taxes in calculating child support. The group confirmed that in light of decisions already made by the task force, Minnesota could potentially provide an adjustment for taxes by implementing:

- An adjustment within the table
- An adjustment in the worksheet
- A deviation factor, or
- A standardized net income approach.

The self-support reserve group met twice from March 2018 – April 2018. At these meetings, department staff provided an overview of the current self-support reserve; the group examined potential changes such as:

- Increasing the amount of the self-support reserve to 165% FPG
- Applying the self-support reserve to both parents, and
- Using a percentage of the obligated parent's income as a cap.

When the task force reconvened in May 2018, both small groups reported what they learned. The task force voted against a few of the options that the tax adjustment small group had vetted, but made no decision on how best to deal with taxes in child support calculations. No vote was taken on issues related to the self-support reserve.

June 2018 – December 2018: Self-Support Reserve, Adjustments for Low and High Incomes

At the June 27, 2018, meeting the task force discussed the interrelated nature of the self-support reserve, tax adjustments, adjustments for low incomes and minimum orders, and determined these issues must be examined together. It invited Amy Anderson, assistant Ramsey County attorney, who had previously given a presentation on known issues with the current Minnesota basic support table, to share thoughts on the best way to proceed. The task force was interested in Anderson's views not only as a subject matter expert on current child support guidelines, but also because of her professional experience as a certified public accountant and tax preparer. Anderson stated she believed the first step is to develop an adjustment for combined incomes of \$6,000 and below in the new table from Dr. Venohr, and decide what the minimum order amounts and the

self-support should be. Only after that work was done did Anderson think it was appropriate to determine whether an additional adjustment for taxes would be necessary.

Anderson identified the following issues with both the current and Venohr's updated basic support tables:

- Basic support amounts constitute a high percentage of income for low-income parents, especially for those with multiple children, and
- All available income above the self-support reserve goes to the support obligation at certain low-income levels.

The task force solicited Anderson's help in developing a low-income adjustment and new minimum order amounts, and ultimately adopted them at the Nov. 28, 2018, meeting. At subsequent meetings, it reviewed the interplay between the low-income adjustment and the self-support reserve at various levels with Venohr, who attended the Oct. 4, 2018, meeting, and Anderson. The task force evaluated the self-support reserve using both the current and updated guidelines at:

- 120% of FPG, or \$1,214 per month for 2018
- 135% of FPG, or \$1,366 per month for 2018
- 145% of FPG, or \$1,467 per month for 2018
- 165% of FPG, or \$1,669 per month for 2018, and
- 200% of FPG, or \$2,023 per month for 2018.

The group considered the effect that the self-support reserve would have on other obligations such as medical and child care supports, as well as how the parenting expense adjustment would impact the presumptive basic support obligations.

The task force also examined the possibility of applying the self-support reserve to the income of both parents and weighed the pros and cons of methods used by other states that consider the subsistence needs of the non-obligated parent. The options evaluated included:

- Showing the subtraction of the self-support reserve in the child support calculation worksheet for both parents' incomes and providing it for informational purposes to the court
- Creating a requirement that the non-obligated parent's subsistence needs be considered before reducing the obligated parent's support amount due to the self-support reserve
- Creating a presumption that the self-support reserve will reduce the obligated parent's support obligation when applicable, but the presumption may be rebutted by evidence the reduction will harm the other parent and children, and
- Creating a prohibition against reducing obligated parent's support amount due to the self-support reserve when the other parent's income is below the self-support reserve.

The task force ultimately voted on a hybrid approach of these options and crafted proposed statutory language to effectuate the desired changes to the self-support reserve and deviation statutes. For the task force's proposed legislative changes, see section VIII: Implementation Language.

At the Nov. 28, 2018, meeting the task force set aside a portion of the meeting to discuss concerns about use of the phrases “custodial” and “noncustodial” parents, as members of both the public and task force expressed that these labels had the potential to be inaccurate and offensive. The task force acknowledged that despite many efforts to find more palatable terminology, there has long been a tension between the attempt to shift away from using labels that focus on a custody designation while also ensuring that the laws surrounding child support, public assistance and taxes make sense. The task force was unable to come to a decision about what terminology should be used when it is necessary to distinguish between the parents, but did commit to try using other phrases in lieu of “custodial” and “noncustodial” parents during meetings. Other phrases considered included:

- Non-residential parent and residential parent
- Obligated parent and other parent
- Obligor and obligee
- Parent with whom the child does not reside and parent with whom the child resides
- Paying parent and receiving parent, and
- Payer and payee or recipient.

At the Dec. 19, 2018, meeting department staff from the Economic Assistance and Employment Supports and Child Care Assistance Program areas presented on Minnesota public assistance programs to supplement the task force’s understanding of resources available to low-income families. Presenters gave an overview of each program’s standards for eligibility, work requirements, and the number of families participating in the programs. The task force engaged in a dialog with department staff, examining the effect that receipt of child support has on participating families’ eligibility.

Also at the December 19 meeting, the task force shifted its focus to the high-income end of the basic support table and discussed the possibility of extending the table beyond the current maximum of combined incomes of \$15,000 per month. Specific advantages inherent to such an extension included providing greater uniformity to court-ordered support obligations for families with higher incomes, and bringing the table in line with current wages, which have increased since the table was last updated.

At both the November and December meetings, members discussed whether the task force should meet during the 2019 legislative session, as the four legislators on the task force would likely be unable to attend. Given the number of issues to be addressed, and that the task force was to expire June 30, 2019, it decided to meet during the legislative session. To better accommodate members’ schedules, the facilitator developed a process in which any member who was unable to attend meetings in person could vote on decisions via email to the administrator prior to meetings, or select an alternate to attend and vote by proxy.

February 2019 – April 2019: Multiple Families

After completing the update of the basic support table, the task force moved onto the priority issue of addressing child support cases involving parents with multiple families. At the Feb. 27, 2019, meeting department staff presented on how Minnesota currently provides deductions for parents with non-joint children. A non-joint child is defined as the legal child of one, but not both of the parents in the support

proceeding, not including stepchildren.⁴ The presentation highlighted that current Minnesota law, which provides two different deductions for non-joint children, can produce significantly different results for similarly situated parents with non-joint children, depending on whether a parent has a court-ordered support obligation. Identified inconsistencies in deductions for non-joint children include the deduction for:

- Non-joint children in the home is capped at two, whereas the deduction for a parent with court-ordered support obligations is unlimited and based on actual support amounts
- Court-ordered support obligations and non-joint children in the home do not include other legally recognized non-joint children for whom a parent may also be providing support, and
- Court-ordered support obligations reduces the amount of income from which the self-support reserve is subtracted, whereas deductions for non-joint children in the home do not.

In addition to recommending corrections for the above inequities, the task force also analyzed the option of providing the same deduction for all non-joint children, regardless of whether a parent has a court-ordered obligation. It evaluated the methods of other states that do this. Members also analyzed the advantages and disadvantages to moving away from the practice of having two different deductions for non-joint children, in addition to expanding the deduction for non-joint children in the home to all legally recognized non-joint children.⁵

The task force also analyzed the impact of calculating the deduction for non-joint children without court orders using the methods of various states. Minnesota is unique in calculating the deduction at 50% of the guideline amount at the income for the parent with non-joint children; most states use 75% of the guideline amount.

April 2019 – June 2019: Non-nuclear Families and Low-income Adjustment

At the Apr. 24, 2019, meeting the task force also began examining issues unique to non-nuclear families, which the statute that created the task force defines as grandparents, parents, relatives, and foster parents who are caretakers of children. The task force considered alternatives to the current way support is calculated when a child is residing with a non-parent caretaker. Members discussed the current method and whether Minnesota should consider diverting from the current practice of not considering the caretaker's income in calculating support. Members also expressed a desire to learn more about other states' approaches to:

- Calculating parents' support obligations when child is residing with a non-parent caretaker
- Calculating and pursuing child support in foster care cases, and
- Administrative redirection of existing child support orders.

⁴ See Minn. Stat., section 518A.39, subd. 12.

⁵ The deduction for non-joint children for whom a parent does not have a court-ordered support obligation is currently limited to non-joint children who primarily reside in the parent's household. See Minn. Stat., section 518A.33.

At the May 29, 2019, meeting the task force continued its discussion of non-nuclear families, focusing particularly on whether there should be a deviation factor for out-of-home placement cases where family reunification is the goal.⁶ Venohr, in an April 2018 brief to the task force, recommended that it consider creating a deviation factor for these cases, as studies indicate that the pursuit and collection of child support often impedes the parents' ability to reunify with their child. Members also reviewed the statutory language of other states that provide this type of deviation factor, and discussed the merits of adopting similar legislation, while also acknowledging that such legislation could result in a loss of funds to reimburse the government for the cost of foster care.

Also at the May 29 meeting, Venohr attended via phone to discuss an issue she identified with the low-income adjustment in the new basic support table. While reviewing the portion of the table adjusted for low-incomes, Venohr noted that when the obligor's income is \$6,000 or less, there are instances when the support obligation increases when the obligee's income increases. She clarified that the issue is due to a mathematical mechanism in the low-income adjustment, not because Minnesota uses an income-shares model. Venohr proposed that the task force consider adopting a "shaded area approach" used by North Carolina, which would apply when the obligor's income falls within the shaded area of the table (\$6,000 or less). Under this approach, two child support calculations would be done if the obligor's income was within that range, one using both parents' incomes and one using only the obligor's income; the lesser amount would be the presumptive support obligation.

The task force continued its discussion of this issue at the June 12, 2019, meeting where department staff provided graphs demonstrating that when an obligor's gross monthly income is in the range of \$1,500 (above the self-support reserve), and \$3,500 per month, the support obligation can increase as the obligee's income increases. Department staff also shared examples of how the parenting expense adjustment interacts with the low-income adjustment and shaded area approach.

Task force members discussed the issue and shaded area approach with Venohr, who attended by phone, as well as Anderson, who developed the low-income adjustment.⁷ Anderson explained that the increased support amounts occur because the support amounts for obligors with gross monthly income of \$3,500 or less were decreased as a matter of policy to make payments more manageable for low-income families. The adjustment also takes into account that as the obligee has more income, they are not likely to receive or be eligible for public assistance; without these resources, more support is required. Regarding the shaded area approach used by North Carolina, Anderson pointed out that its basic support table results in much higher support obligations. Anderson stated that the new basic support table with the low-income adjustment results in lower, and therefore more reasonable, basic support obligations for low-income obligors than the current table. The majority of members agreed that the low-income adjustment developed by Anderson supports the policy goal of

⁶ The phrase "out-of-home placement" refers to cases in which children have been removed from their homes due to involvement with either the child welfare or juvenile justice system.

⁷ See Appendix C for an explanation of how the low-income adjustment was developed by Amy Anderson.

ensuring that court orders are right-sized, and the decision of whether to adopt a shaded area approach was not necessary.

Also at the June 12 meeting, a discussion of issues related to non-nuclear families continued. It further analyzed various methods of calculating support for cases where a child is in the custody of a non-parent caretaker, including:

- Minnesota's current method of 100% of the guideline amount for each parent's individual Parental Income for Determining Child Support (PICS)
- Tennessee's method, which uses the parents' combined PICS, and
- Minnesota's current method, but decreased to 75% of the guideline amount for each parent's individual PICS.

Members discussed the support obligation amounts using various methods and noted that the Tennessee method results in a higher support amount for low-income parents than the current Minnesota method. The possibility of creating a new deviation factor for cases where children are residing with non-parent caretakers was also discussed, or clarify in statute that the current deviation factors apply to non-parent caretakers as well as parents.

The decision made at the May 29, 2019, meeting to create a deviation factor for out-of-home placement cases where family reunification is the goal was also re-visited. The task force clarified that the deviation is meant to address cases in which the:

- Child is in foster care and the child support obligation is assigned to the state
- Parent(s) have a voluntary or court-ordered reunification plan, and
- Parent(s) do not have the ability to pay expenses related to a reunification plan and child support to reimburse the government.

Members discussed the option of adding specific language to the deviation factor for out-of-home placement cases to clarify that expenses associated with a parent's reunification plan may be considered. It also discussed that while a new deviation factor will be helpful, to better serve these families there should be an overall shift in current Minnesota policy and statute to prioritize family reunification over reimbursing the government for the cost of foster care.

Public Comment Meetings and Contribution to Quadrennial Review

The task force is required to hold one meeting annually dedicated to public comment. In addition to these meetings, occurring Sept. 17, 2017, in Minneapolis, and Oct. 4, 2018, in St. Cloud, it has a public comment segment at the end of every official meeting. Responses to a questionnaire developed by the task force in fall 2017 were also used in the 2018 Quadrennial Review of the Minnesota Guidelines, and provide insight into how

the guidelines and child support program are serving Minnesota families.⁸ Department staff presented the findings and recommendation of the 2018 Quadrennial Review at the Oct. 31, 2018, meeting.

VI. Decisions

The decisions below provide the basis for recommendations made by the task force, the result of either consensus or super-majority vote.

Updating the Basic Support Table

The bulk of time and attention was devoted to updating the basic support guidelines in Minn. Stat., section 518A.35, subd. 2. In her initial report to the task force, Venohr identified 11 factors that needed to be discussed to develop updated basic support guidelines. The decisions on those factors are below.

The Guidelines Model

The task force evaluated the following options for the basic support guidelines model: The income shares model, percentage of obligated parents' income model, Melson formula, cost shares model, or development of a new/hybrid model. Many meetings were devoted to discussing the advantages and disadvantages unique to each model; on Sept. 27, 2017, members voted unanimously to continue using the income shares model. The consensus was that the income shares model is the most equitable as it takes into consideration the incomes of both parents when calculating basic support obligations. Other compelling considerations were maintaining the status quo so the parenting expense adjustment effective Aug. 1, 2018, could continue to be used, along with the disadvantages of additional major investments of time and money needed to switch models, as well as to determine a new parenting expense adjustment.

The Economic Basis

The task force deliberated on which economic basis to use in updating the basic support guidelines. It was presented with a variety of economic models relating to the measurement of child-rearing expenditures, including measurements from the USDA, which forms the majority of the economic basis of the current guidelines, as well as the Betson-Rothbarth and Comanor methodologies. On Oct. 25, 2017, nine of the 12 task force members voted to continue to use the USDA measurement of child-rearing expenditures. The remaining three members voted to use Dr. Comanor's method. It was the consensus that though the USDA would form the basis of the guidelines, this would be a starting point only and adjustments would be made.

⁸ The full text of the Quadrennial Review is at <https://edocs.dhs.state.mn.us/lfserver/Public/DHS-7832A-ENG>.

Price Levels

On Oct. 25, 2017, the task force voted to use data from the 2017 Consumer Price Index, as it is the most recent data available, and most accurately reflects current costs of child-rearing.

Adjustment for State Cost of Living and Exclusion of Highly Variable Child-Rearing Expenses

The task force voted Apr. 26, 2017, that because the cost of living in Minnesota is very close to the national average, no adjustment was needed. It was also decided that members would recommend highly variable child-rearing expenses, such as medical and child care, continue to be calculated as separate support obligations if changes to the guidelines are enacted.

Adjustments for Time Sharing

The task force voted to continue to use the parenting expense adjustment that were effective Aug. 1, 2018, in Minn. Stat., section 518A.36.

Related to this decision, members also decided that it would be beneficial for Minn. Stat., section 518A.39, governing the standard for modification of child support orders, to be amended. In its first report, recommended section 518A.39 be modified so it is clear that individuals whose support obligations may decrease or increase due solely to implementation of the new parenting expense adjustment are not barred from doing so, if the potential change in support meets statutory modification thresholds of plus or minus 25% and \$75. Legislation clarifying the statute was enacted in 2018.⁹

Adjustments for Two or More Children

The task force voted to adopt the options for multipliers for two and three children, as presented in Venohr's November 2017 report. The multiplier chosen for one to two children is a Betson-Rothbarth adjustment, a smaller amount than the multiplier used by the USDA. The second multiplier for two to three children is a USDA amount that is applied to the Betson-Rothbarth figure for two children. The result is an amount for three children that is less than the USDA numbers for three children. The multipliers suggested by the USDA for four, five and six children, discussed in the November 2017 report, were not chosen. At a later meeting, members voted to adopt Anderson's multipliers for four, five and six children. The multiplier for three to four children (8%) is smaller than the multiplier suggested by the USDA; the multiplier is further reduced for each additional child. In the lower income adjustment range, multiplier amounts are not exact, as the focus was on adjusting support amounts incrementally.

⁹ See Minn. Stat., section 518A.39.

Families that Spend More or Less of Their Income

The issue of families that spend more or less of their income is one that must only be addressed when the guidelines are based on Betson-Engel or Betson-Rothbarth measurements. Since the task force voted to use USDA measurements, based on expenditures made with after-tax income, no decision was required.

Tax Assumptions and Adjustments

An additional adjustment for taxes was not required because members elected to use USDA measurements. However, the task force agreed to explore the possibility of providing a standardized tax adjustment. A number of options used by other states were examined. Due to complexity of the issue, as well as the major changes to the federal tax code, it did not recommend a particular tax adjustment. Members did agree to recommend that if an adjustment for taxes is enacted by the legislature, it should not be addressed in the basic support table. It was recommended that this be included in the child support worksheet to increase transparency.

Low-income Adjustment and Minimum Order

On Nov. 28, 2018, the task force voted to adopt a low-income adjustment in the table for combined monthly incomes of \$6,000 and below, as well as a range of minimum order amounts that begins at \$50 per month for one child, and incrementally increase to \$100 for six or more children. The low-income adjustment was developed as a matter of policy to correct issues that affect low-income obligors under current guidelines, basic support obligations that constitute high percentages of obligors' incomes and that all additional income above the self-support reserve goes towards the support obligation. The low-income adjustment also increases the amount of support available to contribute to other obligations, such as medical and child care support.

Adjustments at High Incomes

At the Dec. 19, 2018, meeting members debated whether to extend the table beyond the current cap of \$15,000. Advantages considered include providing more uniformity for high income cases, as well as recognizing that salaries and wages have increased since the table was last updated. The majority voted to extend the table to \$30,000 per month.

Self-support Reserve

The task force was assigned to address the issue of the self-support reserve, as well as the possibility of providing it to both parents; decisions on this priority are below.

Application to Both Parents

The task force voted early to apply the self-support reserve to both parents rather than continuing to apply it only to the obligated parent's income, in concept. After the conceptual vote, members examined a variety of methods in which this could be implemented, ranging from the self-support reserve deduction appearing in the worksheet for both parents for merely informational purposes, to creating a strict prohibition against reducing

the obligated parent's support amount when the custodial parent's income is below the self-support reserve. It eventually voted in favor of a hybrid approach, deciding that the self-support reserve should be applied to both parents' incomes and appear in a more detailed manner in the worksheet, as this will increase transparency for all parties and the court. It also voted in favor of creating a new deviation factor that allows, but does not require, the court to consider deviation from the presumptive child support obligation, if one or both parents are below the self-support reserve.

Amount of Self-support Reserve

Members examined the self-support reserve at various levels of the FPG and its impact on the current basic support table and proposed table with the low-income adjustment. A range from 120% of the FPG, the current amount in Minnesota, to 200% of FPG was examined. The majority of members voted to continue to use 120% of FPG as the low-income adjustment in the table, making the presumptive basic support obligation a more manageable amount, reducing obligations for low-income obligors from 25% of income to less than 16% under the new proposal. An additional consideration was that the highest self-support reserve nationally is New York, at 135% of the FPG. To raise the amount to that, or beyond, would be difficult to justify economically, as Minnesota's cost of living is not comparable to New York.

Multiple Families

Another priority topic assigned to the task force was to examine and make recommendations on issues related to multiple families. While it did not have time to analyze all facets of this complex topic, the following decisions regarding adjustments for non-joint children were made.

Self-support Reserve Deducted from PICS

At the Feb. 27, 2019, meeting the task force voted in favor of deducting the self-support reserve from PICS, rather than from gross income, to correct inconsistent outcomes for similarly situated families. Under current Minnesota law, the self-support reserve is subtracted from a parent's gross income, while court-ordered support obligations are excluded from gross income; deductions for non-joint children in the home are subtracted when determining parental income for support. One consequence of this is if there are two parents with incomes very near the self-support reserve, with identical circumstances except that one has a court-ordered support obligation for a non-joint child and the other has a non-joint child in the household. Only the former will receive a reduction in the support obligation. By subtracting the self-support reserve from the PICS, both parents receive protection of the self-support reserve.

Court-ordered Support Obligations Deducted when Calculating PICS

While discussing the interplay of the self-support reserve and the two types of deductions for non-joint children, the task force also decided that court-ordered support obligations should be deducted from monthly income when determining PICS, rather than excluded from gross income. This change would not have an impact on the calculation of child support, or a resulting obligation, however, it would be more logical and less confusing for all parties if both deductions for non-joint children occur at the same time.

Deductions for Non-joint Children

On Apr. 24, 2019, the task force voted in favor of continuing to use two separate deductions for non-joint children, depending on whether there is a court-ordered support obligation. Considerations to continue this practice rather than using a uniform deduction based on a parent's income and number of non-joint children were that court-ordered support obligations include other obligations such as child care and medical support. Court-ordered amounts may vary significantly based on the actual circumstances of a non-joint child's other parent; deducting the actual court-ordered amounts yields the most accurate depiction of a parent's income available to support the joint child for whom support is being calculated.

At the same meeting, members voted in favor of a number of changes to the deduction for non-joint children for whom a parent does not have a court-ordered obligation for child support. They voted in favor of increasing the limit on deductions from two children to six, as this is where the basic support table ends, increasing the calculation from 50% of the guideline amount for a parent's income to 75%, as this is the approach utilized by most states and tends to equalize the support available for all children.

It also voted in favor of expanding the deduction for non-joint children from those who "reside primarily" in the parent's home to all legally recognized non-joint children for whom a parent does not have a court-ordered support obligation. Legally recognized non-joint children are those for whom the parents have a properly filed and signed recognition of parentage, a court-ordered adjudication, or a child was born during the parents' marriage and their names are on the birth certificate.¹⁰ One important policy consideration the task force discussed when contemplating this change is that the expanded definition will capture legally recognized non-joint children who are overlooked by current statute.

Non-nuclear Families

Another assignment was to examine and make recommendations on issues related to non-nuclear families. The decisions on this priority issue are below.

Calculation of Support when Children Reside with Non-parent Caretaker

The task force voted to continue Minnesota's current practice of not considering a caretaker's income when children are residing with a non-parent. Caretakers in these cases are not legally obligated to take care of children was the rationale for maintaining the status quo.

Members voted in favor of continuing to use Minnesota's current method for calculating support when children are residing with a non-parent caretaker. They also voted in favor of clarifying that deviation factors in Minn. Stat. 518A.43 apply to non-parent caretaker cases, as current statute only refers to the parents and children.

¹⁰ See Minn. Stat., section 257.54.

Deviation Factor for Out-of-home Placement Cases

A deviation factor was created for out-of-home placement cases where family reunification is the goal, by majority vote. It was found that successful family reunification can be impeded by collection of child support in these cases, and that as a matter of policy, reunification should be prioritized over reimbursement of the government for children's cost of care.

VII. Report Recommendations

The task force recommends legislative changes to Minnesota's child support statutes that:

- **Update the basic support guidelines in Minn. Stat. 518A.35 as proposed by the task force.** The current guidelines are based on economic data that is more than 18 years old. The proposed basic support table developed by the task force brings Minnesota's guidelines in line with the current cost of child-rearing, provides a low-income adjustment that makes basic support obligations more manageable for low-income obligors, and creates greater uniformity for families at higher incomes by extending beyond the current limit of \$15,000 per month for combined monthly PICS. For more information about Minnesota's current basic support table, see pages 10-11.
- **Apply the self-support reserve to both parents' income in the child support worksheet, and create a new deviation factor for when one or both parents' PICS is below the self-support reserve.** Current guidelines only take into consideration the obligated parent's subsistence needs when calculating support. Applying the self-support reserve deduction to both parents' incomes not only provides additional information to the court, it also increases transparency for parents, and acknowledges as a matter of policy that both parents have basic needs that must be met. Creation of the deviation factor when one or both of the parents are below the self-support reserve provides the court with greater flexibility to determine a support amount appropriate to the facts of each case. For more information about the self-support reserve, see page 12.
- **Apply the self-support reserve to PICS rather than gross income.** Current guidelines subtract the self-support reserve from a parent's gross income, rather than the income for determining child support. This can result in disparate outcomes for obligors in identical circumstances, depending on whether a parent has a court order for their non-joint child. Subtracting the self-support reserve from the PICS instead of gross income would remedy this inequity. For further discussion of this issue, see page 22.
- **Deduct court-ordered support obligations when determining PICS.** Current guidelines subtract a parent's deductions for non-joint children at different steps in the child support calculation, depending on whether there is a court-ordered support obligation. The task force recommends a legislative change to have deductions occur at the same time to ease confusion for both parents and child support practitioners. For further discussion of this issue, see page 22.

- **Increase the cap on the deduction for non-joint children who are not the subject of court orders from two to six.** Minnesota’s deduction for non-joint children in the home is currently limited to two, regardless of how many more children a parent may actually be supporting in their household. By contrast, there is no limit to the amount of court-ordered support obligations that a parent may deduct from their income. Changing the cap from two to six non-joint children will help correct the inconsistent treatment of non-joint children in how support is calculated. For further discussion of this issue, see page 23.
- **Apply non-joint child deduction to all legally recognized non-joint children for whom a parent does not have a court order, and increase the calculation of the deduction from 50% of the guideline amount to 75%.** Current guidelines do not provide a deduction for all non-joint legal children that a parent may be supporting without a court order. To correct this, the task force recommends extending the deduction to all legally recognized non-joint children so support will be more fairly allocated. Similarly, the increase in the deduction for non-joint children without court orders from 50% to 75% will equalize support available for all children for whom a parent is legally responsible to support. For further discussion of this issue, see page 23.
- **Clarify that deviation factors in Minn. Stat. 518A.43 apply to cases where a child is residing with a non-parent caretaker.** The task force recommends maintaining the current method of calculating support in cases where children are residing with a non-parent caretaker. A statutory change to Minn. Stat. 518A.43 will clarify that deviation factors apply to these cases so that the court has the ability to tailor support obligations to the unique facts of a case. For further discussion of this issue, see page 23.
- **Create a deviation factor for out-of-home placement cases where family reunification is the goal.** Current guidelines do not provide a specific deviation factor for cases in which children have been removed from their homes due to involvement with either the child welfare or juvenile justice systems. The establishment and collection of child support to reimburse the government for children’s cost of care often presents a barrier for families working toward reunification. Creation of a deviation factor for these cases will provide relief for families and better enable them to reach the goal of reunification. Recognizing that this is only one small step in helping these families, the task force recommends making substantial changes to policy and statutes to prioritize family reunification over reimbursement of the government in these cases. For further discussion of this issue, see page 24.
- **Create a permanent advisory body to address remaining priority issues, provide a venue for public input, and develop a process in which the guidelines may be routinely updated.** While the task force worked diligently to address issues of updating the basic support table, the self-support reserve, multiple families and non-nuclear families, there is still work to be done. The task force recommends creation of a permanent advisory body to address the remaining issues of obligors with orders in multiple counties, simultaneous orders, and standards applicable for modifications. The advisory body would also be charged with developing a way to continually update the child support guidelines with changing costs of raising children and family dynamics, and providing a forum for public comment.

VIII. Implementation language

518A.42 Ability to Pay; Self-Support Adjustment

Subdivision 1. Ability to pay.

(a) It is a rebuttable presumption that a child support order should not exceed the obligor's ability to pay. To determine the amount of child support the obligor has the ability to pay, the court shall follow the procedure set out in this section.

(b) The court shall calculate ~~the obligor's~~ each parent's income available for support by subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from ~~the obligor's~~ each parent's gross income PICS. If the obligor's income available for support calculated under this paragraph is equal to or greater than the obligor's support obligation calculated under section 518A.34, the court shall order child support under section 518A.34.

(c) If the obligor's income available for support calculated under paragraph (b) is more than the minimum support amount under subdivision 2, but less than the guideline amount under section 518A.34, then the court shall apply a reduction to the child support obligation in the following order, until the support order is equal to the obligor's income available for support:

(1) medical support obligation;

(2) child care support obligation; and

(3) basic support obligation.

(d) If the obligor's income available for support calculated under paragraph (b) is equal to or less than the minimum support amount under subdivision 2 or if the obligor's ~~gross income~~ PICS is less than 120 percent of the federal poverty guidelines for one person, the minimum support amount under subdivision 2 applies.

(e) If one or both of the parent's PICS is less than 120 percent of federal poverty guidelines for one person, the court may consider the factors set forth at 518A.43 subd. 1 to determine if a deviation from the presumptive child support obligation is appropriate.

518A.43 Deviations From Child Support Guidelines

Subdivision 1. General factors.

Among other reasons, deviation from the presumptive child support obligation computed under section 518A.34 is intended to encourage prompt and regular payments of child support and to prevent either parent or the joint children from living in poverty. In addition to the child support guidelines and other factors used to calculate the child support obligation under section 518A.34, the court must take into consideration the following factors in

setting or modifying child support or in determining whether to deviate upward or downward from the presumptive child support obligation:

(1) all earnings, income, circumstances, and resources of each parent, including real and personal property, but excluding income from excess employment of the obligor or obligee that meets the criteria of section 518A.29, paragraph (b);

(2) the extraordinary financial needs and resources, physical and emotional condition, and educational needs of the child to be supported;

(3) the standard of living the child would enjoy if the parents were currently living together, but recognizing that the parents now have separate households;

(4) whether the child resides in a foreign country for more than one year that has a substantially higher or lower cost of living than this country;

(5) which parent receives the income taxation dependency exemption and the financial benefit the parent receives from it;

(6) the parents' debts as provided in subdivision 2; and

(7) the obligor's total payments for court-ordered child support exceed the limitations set forth in section 571.922; and

(8) whether one or both of the parent's PICS is less than 120 percent of the federal poverty guidelines for one person.

IX. Appendices

- A. Minnesota Child Support Task Force membership
- B. Updated basic support table as proposed by the task force
- C. Explanation of the updated basic support table
- D. Task force minority report
- E. Department of Human Services Response to minority report

Appendix A: Minnesota Child Support Task Force Membership

Four members representing parents:

- Rahya Iliff, effective Oct. 25, 2017, (replacing former member Tammie Campbell)
- Joseph Russell, effective Feb. 27, 2019, (replacing former member Jimmy Loyd)
- Jason Smith
- Mia Wilson, effective Oct. 25, 2017, (replacing former member Laura Vang)

One member representing the Minnesota Department of Human Services:

- Shaneen Moore, director, Child Support Division, effective Mar. 7, 2018, (replacing former member Jeffrey Jorgenson)
- Julie Erickson, supervisor, Child Support Division, alternate

One member representing the Minnesota County Attorney's Association:

- Melissa Rossow, assistant Ramsey County attorney
- Rachelle Drakeford, assistant Hennepin County attorney, alternate

One member representing the Minnesota Family Support Recovery Council:

- Lisa Kontz, assistant Dakota County attorney
- Sandy Thorne, supervisor, Clay County, alternate

One member representing Minnesota Court Administration:

- Jodie Metcalf, child support magistrate

One member representing the Minnesota Legal Services Coalition:

- Beth Assell, attorney, effective Nov. 28, 2018, (replacing former member Melinda Hugdahl)

One member representing Minnesota Native American Tribal Child Support Programs:

Rachel Sablan, director, Mille Lacs Band of Ojibwe Child Support Program

One member representing the Minnesota State Bar Association, Family Law section:

Victoria Taylor, attorney, effective Aug. 29, 2018, (replacing former member Pamela Waggoner)

Two members from the Minnesota House of Representatives:

- Representative Laurie Pryor, effective Feb. 22, 2017, (replacing former member Rep. JoAnn Ward)
- Representative Peggy Scott

Two members from the Minnesota Senate:

- Senator Mary Kiffmeyer
- Senator Melissa Wiklund

Appendix B: Updated Basic Support Table as Proposed by the Task Force

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
\$0 to \$1,299	\$50	\$60	\$70	\$80	\$90	\$100
1,300 to 1,399	60	70	80	90	100	110
1,400 to 1,499	70	80	90	110	120	130
1,500 to 1,599	80	90	110	130	140	150
1,600 to 1,699	90	110	130	150	160	170
1,700 to 1,700	110	130	155	175	185	195
1,800 to 1,899	130	150	180	200	210	220
1,900 to 1,999	150	175	205	235	245	255
2,000 to 2,099	170	200	235	270	285	295
2,100 to 2,199	190	225	265	305	325	335
2,200 to 2,299	215	255	300	345	367	379
2,300 to 2,399	240	285	335	385	409	423
2,400 to 2,499	265	315	370	425	451	467
2,500 to 2,599	290	350	408	465	493	511
2,600 to 2,699	315	385	446	505	535	555

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2,700 to 2,799	340	420	484	545	577	599
2,800 to 2,899	365	455	522	585	619	643
2,900 to 2,999	390	490	560	625	661	687
3,000 to 3,099	415	525	598	665	703	731
3,100 to 3,199	440	560	636	705	745	775
3,200 to 3,299	465	595	674	745	787	819
3,300 to 3,399	485	630	712	785	829	863
3,400 to 3,499	505	665	750	825	871	907
3,500 to 3,599	525	695	784	861	910	948
3,600 to 3,699	545	725	818	897	949	989
3,700 to 3,799	565	755	852	933	988	1,030
3,800 to 3,899	585	785	886	969	1,027	1,071
3,900 to 3,999	605	815	920	1,005	1,065	1,111
4,000 to 4,099	625	845	954	1,041	1,103	1,151
4,100 to 4,199	645	875	988	1,077	1,142	1,191
4,200 to 4,299	665	905	1,022	1,113	1,180	1,230
4,300 to 4,399	685	935	1,056	1,149	1,218	1,269

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
4,400 to 4,499	705	965	1,090	1,185	1,256	1,308
4,500 to 4,599	724	993	1,122	1,219	1,292	1,345
4,600 to 4,699	743	1,021	1,154	1,253	1,328	1,382
4,700 to 4,799	762	1,049	1,186	1,287	1,364	1,419
4,800 to 4,899	781	1,077	1,218	1,321	1,400	1,456
4,900 to 4,999	800	1,105	1,250	1,354	1,435	1,493
5,000 to 5,099	818	1,132	1,281	1,387	1,470	1,529
5,100 to 5,199	835	1,159	1,312	1,420	1,505	1,565
5,200 to 5,299	852	1,186	1,343	1,453	1,540	1,601
5,300 to 5,399	869	1,213	1,374	1,486	1,575	1,638
5,400 to 5,499	886	1,240	1,405	1,519	1,610	1,674
5,500 to 5,599	903	1,264	1,434	1,550	1,643	1,708
5,600 to 5,699	920	1,288	1,463	1,581	1,676	1,743
5,700 to 5,799	937	1,312	1,492	1,612	1,709	1,777
5,800 to 5,899	954	1,336	1,521	1,643	1,742	1,811
5,900 to 5,999	971	1,360	1,550	1,674	1,775	1,846
6,000 to 6,099	988	1,383	1,577	1,703	1,805	1,877

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
6,100 to 6,199	993	1,391	1,586	1,713	1,815	1,887
6,200 to 6,299	999	1,399	1,594	1,722	1,825	1,898
6,300 to 6,399	1,005	1,406	1,603	1,732	1,836	1,909
6,400 to 6,499	1,010	1,414	1,612	1,741	1,846	1,920
6,500 to 6,599	1,016	1,422	1,621	1,751	1,856	1,931
6,600 to 6,699	1,021	1,430	1,630	1,761	1,866	1,941
6,700 to 6,799	1,027	1,438	1,639	1,770	1,876	1,951
6,800 to 6,899	1,032	1,445	1,648	1,780	1,887	1,962
6,900 to 6,999	1,038	1,453	1,657	1,790	1,897	1,973
7,000 to 7,099	1,044	1,462	1,666	1,800	1,908	1,984
7,100 to 7,199	1,050	1,470	1,676	1,810	1,918	1,995
7,200 to 7,299	1,056	1,479	1,686	1,821	1,930	2,007
7,300 to 7,399	1,063	1,488	1,696	1,832	1,942	2,019
7,400 to 7,499	1,069	1,496	1,706	1,843	1,953	2,032
7,500 to 7,599	1,075	1,505	1,716	1,854	1,965	2,043
7,600 to 7,699	1,081	1,514	1,725	1,863	1,975	2,054
7,700 to 7,799	1,087	1,522	1,735	1,874	1,986	2,066

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
7,800 to 7,899	1,093	1,531	1,745	1,885	1,998	2,078
7,900 to 7,999	1,099	1,540	1,755	1,896	2,009	2,090
8,000 to 8,099	1,106	1,548	1,765	1,907	2,021	2,102
8,100 to 8,199	1,112	1,557	1,775	1,917	2,032	2,114
8,200 to 8,299	1,118	1,566	1,785	1,928	2,044	2,126
8,300 to 8,399	1,124	1,574	1,795	1,939	2,055	2,137
8,400 to 8,499	1,131	1,583	1,804	1,949	2,066	2,149
8,500 to 8,599	1,137	1,592	1,814	1,960	2,078	2,161
8,600 to 8,699	1,143	1,600	1,824	1,970	2,089	2,173
8,700 to 8,799	1,149	1,609	1,834	1,981	2,100	2,185
8,800 to 8,899	1,155	1,618	1,844	1,992	2,112	2,197
8,900 to 8,999	1,162	1,626	1,854	2,003	2,124	2,209
9,000 to 9,099	1,168	1,635	1,864	2,014	2,135	2,221
9,100 to 9,199	1,174	1,644	1,874	2,024	2,146	2,232
9,200 to 9,299	1,180	1,652	1,884	2,035	2,158	2,244
9,300 to 9,399	1,186	1,661	1,893	2,045	2,168	2,255
9,400 to 9,499	1,193	1,670	1,903	2,056	2,179	2,267

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
9,500 to 9,599	1,199	1,678	1,913	2,066	2,190	2,278
9,600 to 9,699	1,205	1,687	1,923	2,077	2,202	2,290
9,700 to 9,799	1,211	1,696	1,933	2,088	2,214	2,302
9,800 to 9,899	1,217	1,704	1,943	2,099	2,225	2,314
9,900 to 9,999	1,224	1,713	1,953	2,110	2,237	2,326
10,000 to 10,099	1,230	1,722	1,963	2,121	2,248	2,338
10,100 to 10,199	1,236	1,730	1,973	2,131	2,259	2,350
10,200 to 10,299	1,242	1,739	1,983	2,142	2,270	2,361
10,300 to 10,399	1,248	1,748	1,992	2,152	2,281	2,373
10,400 to 10,499	1,254	1,756	2,002	2,163	2,292	2,384
10,500 to 10,599	1,261	1,765	2,012	2,173	2,304	2,396
10,600 to 10,699	1,267	1,774	2,022	2,184	2,316	2,409
10,700 to 10,799	1,273	1,782	2,032	2,195	2,327	2,420
10,800 to 10,899	1,279	1,791	2,042	2,206	2,338	2,432
10,900 to 10,999	1,285	1,800	2,052	2,217	2,349	2,444
11,000 to 11,099	1,292	1,808	2,061	2,226	2,360	2,455
11,100 to 11,199	1,298	1,817	2,071	2,237	2,372	2,467

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
11,200 to 11,299	1,304	1,826	2,081	2,248	2,384	2,479
11,300 to 11,399	1,310	1,834	2,091	2,259	2,395	2,491
11,400 to 11,499	1,316	1,843	2,101	2,270	2,406	2,503
11,500 to 11,599	1,323	1,852	2,111	2,280	2,417	2,514
11,600 to 11,699	1,329	1,860	2,121	2,291	2,428	2,526
11,700 to 11,799	1,335	1,869	2,131	2,302	2,439	2,537
11,800 to 11,899	1,341	1,878	2,141	2,313	2,451	2,549
11,900 to 11,999	1,347	1,886	2,150	2,323	2,463	2,561
12,000 to 12,099	1,354	1,895	2,160	2,333	2,474	2,573
12,100 to 12,199	1,360	1,904	2,170	2,344	2,485	2,585
12,200 to 12,299	1,366	1,912	2,180	2,355	2,497	2,597
12,300 to 12,399	1,372	1,921	2,190	2,366	2,509	2,609
12,400 to 12,499	1,378	1,930	2,200	2,377	2,520	2,621
12,500 to 12,599	1,385	1,938	2,210	2,387	2,531	2,633
12,600 to 12,699	1,391	1,947	2,220	2,397	2,542	2,644
12,700 to 12,799	1,397	1,956	2,230	2,408	2,553	2,656
12,800 to 12,899	1,403	1,964	2,240	2,419	2,565	2,668

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
12,900 to 12,999	1,409	1,973	2,250	2,430	2,576	2,680
13,000 to 13,099	1,416	1,982	2,259	2,440	2,587	2,691
13,100 to 13,199	1,422	1,990	2,269	2,451	2,599	2,703
13,200 to 13,299	1,428	1,999	2,279	2,462	2,610	2,715
13,300 to 13,399	1,434	2,008	2,289	2,473	2,622	2,727
13,400 to 13,499	1,440	2,016	2,299	2,484	2,633	2,739
13,500 to 13,599	1,446	2,025	2,309	2,494	2,644	2,751
13,600 to 13,699	1,453	2,034	2,318	2,504	2,655	2,762
13,700 to 13,799	1,459	2,042	2,328	2,515	2,666	2,773
13,800 to 13,899	1,465	2,051	2,338	2,526	2,677	2,784
13,900 to 13,999	1,471	2,060	2,348	2,537	2,688	2,795
14,000 to 14,099	1,477	2,068	2,358	2,547	2,699	2,807
14,100 to 14,199	1,484	2,077	2,368	2,558	2,711	2,819
14,200 to 14,299	1,490	2,086	2,378	2,569	2,722	2,831
14,300 to 14,399	1,496	2,094	2,388	2,580	2,734	2,843
14,400 to 14,499	1,502	2,103	2,398	2,590	2,746	2,855
14,500 to 14,599	1,508	2,111	2,407	2,600	2,757	2,867

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
14,600 to 14,699	1,515	2,120	2,417	2,611	2,768	2,879
14,700 to 14,799	1,521	2,129	2,427	2,622	2,780	2,891
14,800 to 14,899	1,527	2,138	2,437	2,633	2,792	2,903
14,900 to 14,999	1,533	2,146	2,447	2,643	2,802	2,914
15,000 to 15,099	1,539	2,155	2,457	2,654	2,813	2,926
15,100 to 15,199	1,545	2,163	2,466	2,664	2,825	2,937
15,200 to 15,299	1,551	2,171	2,476	2,675	2,836	2,949
15,300 to 15,399	1,557	2,180	2,486	2,685	2,847	2,961
15,400 to 15,499	1,563	2,188	2,495	2,695	2,858	2,973
15,500 to 15,599	1,569	2,197	2,505	2,706	2,869	2,985
15,600 to 15,699	1,575	2,205	2,514	2,716	2,880	2,996
15,700 to 15,799	1,581	2,214	2,524	2,727	2,891	3,008
15,800 to 15,899	1,587	2,222	2,534	2,737	2,902	3,019
15,900 to 15,999	1,593	2,230	2,543	2,747	2,913	3,030
16,000 to 16,099	1,599	2,239	2,553	2,758	2,924	3,042
16,100 to 16,199	1,605	2,247	2,562	2,768	2,935	3,053
16,200 to 16,299	1,611	2,256	2,572	2,779	2,946	3,065

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
16,300 to 16,399	1,617	2,264	2,582	2,789	2,957	3,076
16,400 to 16,499	1,623	2,272	2,591	2,799	2,968	3,088
16,500 to 16,599	1,629	2,281	2,601	2,810	2,979	3,099
16,600 to 16,699	1,635	2,289	2,610	2,820	2,990	3,110
16,700 to 16,799	1,641	2,298	2,620	2,830	3,001	3,121
16,800 to 16,899	1,647	2,306	2,629	2,840	3,011	3,132
16,900 to 16,999	1,653	2,315	2,639	2,851	3,022	3,143
17,000 to 17,099	1,659	2,323	2,649	2,861	3,033	3,155
17,100 to 17,199	1,665	2,331	2,658	2,871	3,044	3,167
17,200 to 17,299	1,671	2,340	2,668	2,882	3,055	3,178
17,300 to 17,399	1,677	2,348	2,677	2,892	3,066	3,189
17,400 to 17,499	1,683	2,357	2,687	2,902	3,077	3,201
17,500 to 17,599	1,689	2,365	2,696	2,912	3,088	3,212
17,600 to 17,699	1,695	2,373	2,705	2,922	3,098	3,223
17,700 to 17,799	1,701	2,382	2,715	2,932	3,109	3,234
17,800 to 17,899	1,707	2,390	2,724	2,942	3,119	3,245
17,900 to 17,999	1,713	2,399	2,734	2,953	3,130	3,256

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
18,000 to 18,099	1,719	2,407	2,744	2,963	3,141	3,268
18,100 to 18,199	1,725	2,415	2,753	2,973	3,152	3,279
18,200 to 18,299	1,731	2,424	2,763	2,984	3,163	3,290
18,300 to 18,399	1,737	2,432	2,772	2,994	3,174	3,301
18,400 to 18,499	1,743	2,441	2,782	3,004	3,185	3,313
18,500 to 18,599	1,749	2,449	2,791	3,014	3,196	3,324
18,600 to 18,699	1,755	2,457	2,801	3,024	3,206	3,335
18,700 to 18,799	1,761	2,466	2,811	3,035	3,217	3,346
18,800 to 18,899	1,767	2,474	2,820	3,045	3,227	3,357
18,900 to 18,999	1,773	2,483	2,830	3,056	3,238	3,368
19,000 to 19,099	1,779	2,491	2,840	3,066	3,249	3,380
19,100 to 19,199	1,785	2,499	2,849	3,076	3,260	3,392
19,200 to 19,299	1,791	2,508	2,859	3,087	3,271	3,403
19,300 to 19,399	1,797	2,516	2,868	3,097	3,282	3,414
19,400 to 19,499	1,803	2,525	2,878	3,107	3,293	3,426
19,500 to 19,599	1,809	2,533	2,887	3,117	3,304	3,437
19,600 to 19,699	1,815	2,541	2,896	3,127	3,315	3,448

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
19,700 to 19,799	1,821	2,550	2,906	3,138	3,326	3,459
19,800 to 19,899	1,827	2,558	2,915	3,148	3,337	3,470
19,900 to 19,999	1,833	2,567	2,925	3,159	3,348	3,481
20,000 to 20,099	1,839	2,575	2,935	3,170	3,359	3,492
20,100 to 20,199	1,845	2,583	2,944	3,180	3,370	3,504
20,200 to 20,299	1,851	2,592	2,954	3,191	3,381	3,515
20,300 to 20,399	1,857	2,600	2,963	3,201	3,392	3,526
20,400 to 20,499	1,863	2,609	2,973	3,211	3,403	3,538
20,500 to 20,599	1,869	2,617	2,983	3,221	3,414	3,549
20,600 to 20,699	1,875	2,625	2,992	3,231	3,425	3,561
20,700 to 20,799	1,881	2,634	3,002	3,241	3,436	3,572
20,800 to 20,899	1,887	2,642	3,011	3,251	3,446	3,583
20,900 to 20,999	1,893	2,651	3,021	3,262	3,457	3,594
21,000 to 21,099	1,899	2,659	3,031	3,272	3,468	3,606
21,100 to 21,199	1,905	2,667	3,040	3,282	3,479	3,618
21,200 to 21,299	1,911	2,676	3,050	3,293	3,490	3,629
21,300 to 21,399	1,917	2,684	3,059	3,303	3,501	3,640

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
21,400 to 21,499	1,923	2,693	3,069	3,313	3,512	3,652
21,500 to 21,599	1,929	2,701	3,078	3,323	3,523	3,663
21,600 to 21,699	1,935	2,709	3,088	3,334	3,534	3,674
21,700 to 21,799	1,941	2,718	3,098	3,345	3,545	3,686
21,800 to 21,899	1,947	2,726	3,107	3,355	3,556	3,697
21,900 to 21,999	1,953	2,735	3,117	3,366	3,567	3,708
22,000 to 22,099	1,959	2,743	3,127	3,376	3,578	3,720
22,100 to 22,199	1,965	2,751	3,136	3,386	3,589	3,732
22,200 to 22,299	1,971	2,760	3,146	3,397	3,600	3,743
22,300 to 22,399	1,977	2,768	3,155	3,407	3,611	3,754
22,400 to 22,499	1,983	2,777	3,165	3,417	3,622	3,766
22,500 to 22,599	1,989	2,785	3,174	3,427	3,633	3,777
22,600 to 22,699	1,995	2,793	3,183	3,437	3,644	3,788
22,700 to 22,799	2,001	2,802	3,193	3,447	3,655	3,800
22,800 to 22,899	2,007	2,810	3,203	3,458	3,666	3,811
22,900 to 22,999	2,013	2,819	3,213	3,469	3,677	3,823
23,000 to 23,099	2,019	2,827	3,223	3,480	3,688	3,835

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
23,100 to 23,199	2,025	2,835	3,232	3,490	3,699	3,847
23,200 to 23,299	2,031	2,844	3,242	3,501	3,710	3,858
23,300 to 23,399	2,037	2,852	3,251	3,511	3,721	3,869
23,400 to 23,499	2,043	2,861	3,261	3,521	3,732	3,881
23,500 to 23,599	2,049	2,869	3,270	3,531	3,743	3,892
23,600 to 23,699	2,055	2,877	3,279	3,541	3,754	3,903
23,700 to 23,799	2,061	2,886	3,289	3,551	3,765	3,914
23,800 to 23,899	2,067	2,894	3,298	3,561	3,775	3,925
23,900 to 23,999	2,073	2,903	3,308	3,572	3,786	3,936
24,000 to 24,099	2,079	2,911	3,318	3,582	3,797	3,948
24,100 to 24,199	2,085	2,919	3,327	3,592	3,808	3,960
24,200 to 24,299	2,091	2,928	3,337	3,603	3,819	3,971
24,300 to 24,399	2,097	2,936	3,346	3,613	3,830	3,982
24,400 to 24,499	2,103	2,945	3,356	3,623	3,841	3,994
24,500 to 24,599	2,109	2,953	3,365	3,633	3,852	4,005
24,600 to 24,699	2,115	2,961	3,375	3,644	3,863	4,016
24,700 to 24,799	2,121	2,970	3,385	3,655	3,874	4,028

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
24,800 to 24,899	2,127	2,978	3,394	3,665	3,884	4,039
24,900 to 24,999	2,133	2,987	3,404	3,676	3,895	4,050
25,000 to 25,099	2,139	2,995	3,414	3,686	3,906	4,062
25,100 to 25,199	2,145	3,003	3,423	3,696	3,917	4,074
25,200 to 25,299	2,151	3,012	3,433	3,707	3,928	4,085
25,300 to 25,399	2,157	3,020	3,442	3,717	3,939	4,096
25,400 to 25,499	2,163	3,029	3,452	3,727	3,950	4,108
25,500 to 25,599	2,169	3,037	3,461	3,737	3,961	4,119
25,600 to 25,699	2,175	3,045	3,471	3,747	3,972	4,130
25,700 to 25,799	2,181	3,054	3,481	3,758	3,983	4,141
25,800 to 25,899	2,187	3,062	3,490	3,768	3,994	4,152
25,900 to 25,999	2,193	3,071	3,500	3,779	4,005	4,164
26,000 to 26,099	2,199	3,079	3,510	3,790	4,016	4,176
26,100 to 26,199	2,205	3,087	3,519	3,800	4,027	4,188
26,200 to 26,299	2,211	3,096	3,529	3,811	4,038	4,199
26,300 to 26,399	2,217	3,104	3,538	3,821	4,049	4,210
26,400 to 26,499	2,223	3,113	3,548	3,831	4,060	4,222

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
26,500 to 26,599	2,229	3,121	3,557	3,841	4,071	4,233
26,600 to 26,699	2,235	3,129	3,566	3,851	4,082	4,244
26,700 to 26,799	2,241	3,138	3,576	3,861	4,093	4,255
26,800 to 26,899	2,247	3,146	3,586	3,872	4,104	4,267
26,900 to 26,999	2,253	3,155	3,596	3,883	4,115	4,278
27,000 to 27,099	2,259	3,163	3,606	3,893	4,126	4,290
27,100 to 27,199	2,265	3,171	3,615	3,903	4,137	4,302
27,200 to 27,299	2,271	3,180	3,625	3,914	4,148	4,313
27,300 to 27,399	2,277	3,188	3,634	3,924	4,159	4,324
27,400 to 27,499	2,283	3,197	3,644	3,934	4,170	4,336
27,500 to 27,599	2,289	3,205	3,654	3,945	4,181	4,347
27,600 to 27,699	2,295	3,213	3,664	3,956	4,192	4,359
27,700 to 27,799	2,301	3,222	3,674	3,967	4,204	4,371
27,800 to 27,899	2,307	3,230	3,683	3,977	4,215	4,382
27,900 to 27,999	2,313	3,239	3,693	3,988	4,226	4,393
28,000 to 28,099	2,319	3,247	3,703	3,998	4,237	4,405
28,100 to 28,199	2,325	3,255	3,712	4,008	4,248	4,417

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
28,200 to 28,299	2,331	3,264	3,722	4,019	4,259	4,428
28,300 to 28,399	2,337	3,272	3,731	4,029	4,270	4,439
28,400 to 28,499	2,343	3,281	3,741	4,039	4,281	4,451
28,500 to 28,599	2,349	3,289	3,750	4,049	4,292	4,462
28,600 to 28,699	2,355	3,297	3,759	4,059	4,303	4,473
28,700 to 28,799	2,361	3,306	3,769	4,069	4,314	4,485
28,800 to 28,899	2,367	3,314	3,778	4,079	4,324	4,496
28,900 to 28,999	2,373	3,323	3,788	4,090	4,335	4,507
29,000 to 29,099	2,379	3,331	3,798	4,100	4,346	4,519
29,100 to 29,199	2,385	3,339	3,807	4,110	4,357	4,531
29,200 to 29,299	2,391	3,348	3,817	4,121	4,368	4,542
29,300 to 29,399	2,397	3,356	3,826	4,131	4,379	4,553
29,400 to 29,499	2,403	3,365	3,836	4,141	4,390	4,565
29,500 to 29,599	2,409	3,373	3,845	4,151	4,401	4,576
29,600 to 29,699	2,415	3,381	3,854	4,161	4,412	4,587
29,700 to 29,799	2,421	3,390	3,864	4,172	4,423	4,598
29,800 to 29,899	2,427	3,398	3,874	4,182	4,433	4,609

Combined PICS	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
29,900 to 29,999	2,433	3,407	3,884	4,193	4,444	4,620
30,000 and over	2,439	3,415	3,894	4,204	4,455	4,631

Appendix C: Description of Updated Basic Support Table

The purpose of this appendix is to explain adjustments made to the basic support table for low- and high-income parents, as well as for families with four, five or six joint children. As part of her work for the Minnesota Child Support Task Force, Dr. Jane Venohr presented various options for a basic support table. In her report dated Jan. 23, 2018, she presented a table referred to as option B.4, based on USDA numbers using specific multipliers to adjust for additional children (140% for two and 114% for three).

In her Jan. 23, 2018, report, Venohr indicated the task force may want to make a low-income adjustment to the B.4 table, similar to the one when the current Minnesota guidelines were adopted. The task force invited Amy Anderson, an assistant Ramsey County attorney, who worked in child support for 23 years, to design a low-income adjustment. Anderson is also a CPA and had previously presented concerns related to the current support table regarding low-income parents.

Option B.4 remains the foundation for the table recommended by the task force. The basic support amounts for families with combined incomes of \$6,000-\$15,000, and one to three joint children, come from this table. Anderson proposed, and the task force voted to accept, the following adjustments.

Low-income Adjustment

The low-income adjustment made the following changes to the B.4 table:

The first combined parental income range of the table was adjusted to include the current self-support reserve amount of \$1,249. This is the income range where the minimum basic support amount applies.

The minimum basic support amount stayed at \$50 for one child and increased by \$10 for each additional child to a maximum of \$100 for six children.

The option B.4 table resulted in basic support amounts that were all 25.55% of an obligor's gross monthly income, up to \$3,199 for one child. Those basic support amounts were reduced significantly to only reach 15% of an obligor's gross monthly income, up to \$3,500. This represents the primary low-income adjustment.

For the combined parental income range of \$3,500 to \$6,000, a gradual increase was calculated to reach the amounts in the B-4 table at \$6,000. The combined parental income of \$6,000 is where the table has the maximum percentage of an obligor's income going to support. The percentage of income paid as basic support gradually reduces from there.

The low-income adjustments for obligations for two and three children are close to the original multipliers Venohr used in the B.4 table for two and three children (140% for two and 114% for three). However, the multipliers are not exactly the same at these income levels because the obligations are too low to be adjusted in accordance with the multipliers in the B.4 table.

Extension of Table for Four, Five or Six Children

The table was extended to provide guidelines of basic support obligations for families with four, five or six children using multipliers of 108%, 106% and 104%, respectively. These multipliers are less than the current table and less than the recommendation of Venohr, based on information from the National Research Council.

High-income Adjustment

The table was extended from a combined parental income of \$15,000 to \$30,000. The amounts were calculated using the same additional amount of basic support per \$100 as option B.4 at \$15,000. For example, from \$14,900 to \$15,000 of income, basic support increased by \$6 for every \$100 of income. After \$15,000 the increases are the same. Also, the same multipliers for additional children were used. This continued the downward trend of the basic support amount as a percentage of income that started at \$6,000, reflecting that at higher incomes a smaller percentage of income is needed for support of children.

Appendix D: Task Force Minority Report

Minority Report

2019 Minnesota Child Support Task Force

I. Introduction

This minority report is prepared and submitted by several members of the 2019 Minnesota Child Support Task Force. Many key factors, data and changes in the dynamics of families were not considered by the task force. This minority report is to help people understand the issues regarding child support orders that inadequately reflect the economic data. Many policy and economic changes proposed by the majority of the task force do not accurately reflect child rearing expenses of two separate households and are not based on reliable economic data for these ever-changing households.

The state child support program is authorized and directed from the federal Title IV-D Child support Collection and Enforcement agency and laws. The intent of the federal Title IV-D program is to ensure the “basic needs” of the child are provided for, so that the child(ren) do not qualify for public assistance or to pay back public assistance provided to a custodial parent when the other parent isn’t involved.

The task force was given economic presentations from two economists: Dr. Jane Venohr and Dr. William Comanor. The majority of the task force voted on an “either/or” economic basis from these two economists, rather than applying all economic theories accordingly. Majority members ignored the economic information presented by Dr. William Comanor. The goal of the task force was to update the Basic Support Table to reflect the current economic data on child costs to ensure the basic needs of a child.

It is important to point out that the majority of the members of the task force are employed fulltime and are partially or fully funded through federal funds under Social Security Title IV-D (federal incentives to states to collect child support) and usually voted in favor of the custodial parent issues. This demonstrated a conflict of interest and notable bias in favor of one parent at the detriment of the other parent, despite the majority of IV-D cases consisting of two involved co-parents. Most of the time, issues that were brought up by the paying parents (Obligor) were not even discussed or taken into consideration.

The majority of cases in state IV-D child support system involve two custodial parents who are or who want to be equally sharing the responsibility of raising their children, and the majority have never been or never would qualify for any public assistance. The state agency’s jurisdiction over these purely private cases must be questioned since all authority for the state program is derived from the federal IV-D law and regulations. The Minnesota State Title IV-D Child Support Agency appears to forget the program does have limits, and they do not have free reign jurisdiction over all families and all children.

The Title IV-D child support program was never meant to be a public collection and enforcement agency for purely private cases that would never be at risk of falling on public assistance.

The majority of the members of the task force, voted in favor of supporting one parent financially, at the expense and heavy burden of the other parent. Or, other times, the majority of the task force members seem to believe that “income equalization” is a goal of the IV-D program, when that has never been part of the federal law. Additionally, the task force too often made recommendations in favor of the state child support agency. It seems obvious that is why the task force voted to increase child support amounts and raise the income cap. They want more people from the “never public assistance” paying cases at the high end of income to have higher levels of child support to ensure they will continue to collect more overall child support to make up for the losses if they reduce child support at the lower levels of income.

If there is any doubt about whether the MN Child Support Agency is acting under the authorization of the Federal Title IV-D program and the Social Security Act, and if there is any doubt that it is NOT the role of the state child support office to represent the children, see the Minnesota Application for IV-D Child Support Services, and the Signature clause on page 2-5, as follows:

I authorize the child support agency, under the provisions of Title IV-D of the Social Security Act, to sign support checks in my name and take legal actions relating to child support on behalf of the child(ren) I am applying for.

I understand that the County Attorney's Office represents only the county and the State of Minnesota, and does not represent either parent, the child(ren) or other custodian of the child(ren).

We recommend a task force that has a fair representation of people who support the Obligor's viewpoint, more members from the public, more legislators, and less people from government programs funded by the collection of child support. People who work for government programs should only serve as an advisory body and provide the information that is requested. The task force should be led by legislators.

II. Public Comment

There was a public comment time for 30 minutes at the end of each task force meeting. Each individual was only given three minutes to comment, even though time allowed for further discussion. Early in the process the public was given up to 5 minutes at the monthly meetings, but that was cut back to 3 minutes. Task force meetings were held during the day when the public is working. The public who attended these meetings should be respected of their personal time commitment and allowed longer time to speak. The extended public comment forums were held on Wednesdays. Historically, these are times when Obligor receive their one day a week parenting time with their children making it difficult for many to attend.

III. Federal Law

The Minnesota Child Support Agency gets their authority from Federal Title IV-D law and regulations. This also means there are limitations to the program. The Federal Title IV-D Child Support Agency was established to implement the Federal laws with the help of state agencies, which also must be directed and clarified in state law consistent with federal law. State agencies have convinced unknowing state legislators to continue to expand the authority and expense of the state agency without just cause.

Federal law only mandates states have child support guidelines for Social Security Title IV-D Grants to States for Aid and Services to Needy Families with Children and for Child-Welfare Services. Federal law does **not** mandate “lifestyle” policies enacted by the State of Minnesota.¹ Nor does federal IV-D law ever require or mention anything about goals or requirements for income equalization between the two households. Nor did Congress ever record anything that would indicate they intended this government program to include two involved parents who are financially self-sufficient, meeting all the needs of their children, and not relying on government public assistance/government welfare programs.

State IV-D Child Support is governed by Federal Child Support Law. The state agency does not have the authority to expand the program under the premise of IV-D. The expansion of the child support program is purely a state policy issue and is not mandated by the federal government. Child support should not be used as hidden alimony or lifestyle support as it currently is being used. The federal law does not require the states to ensure the child has “a lifestyle or standard of living the child is accustomed to.” Child support guideline laws were historically enacted to provide for the basic need of children.

¹ See 42 U.S. Code Subchapter IV-TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD-WELFARE SERVICES.

IV. The Economic Basis

There is no economic data or model that accurately reflects the child expenses for two household families. Federal law requires that states use economic data to determine basic child support. Economic models reviewed for updating the basic support guidelines rely on data from the Consumer Expenditure Survey. This data is based solely on a married couple with children and does not accurately reflect the child expenses of families with two separate households.

The USDA model is based off data from a married couple with children, it does not consider that in a two separate household family with children, there are two distinct households, each with their own costs to maintain that household regardless of parenting time or whether the children are there or not. For example, in the USDA model, housing cost consists of 29% of the total child expenditures. However, in two household families, the housing expense is incurred by each household, regardless of parenting time. Only the housing expense for the Obligee is considered when calculating child support. There is no calculation to provide expenses to the Obligor for his or her housing expense for the children. **There are no models or data that recognize the expenses for divorced or separated families.**

The USDA model assumes that in households with incomes between \$59,200 and \$107,400, have an increase in out of pocket costs on average of \$1,081 per month for a child. In this assumption, there must be an increase in wages to cover this cost. Simply put, parents do not receive an increase at their place of employment to cover the costs of raising a child as the USDA models show. As Dr. Comanor's method explains, there is a shift in expenses within the household and there is not an out of pocket increase as current child support guidelines theory assumes.

Another flaw of the USDA model is it utilizes opportunity costs. An opportunity cost is "the loss of potential gain from other alternatives when one alternative is chosen." For example, the USDA model calculates a cost when a home office is turned into a bedroom for a child. While there is no actual cost associated with this, the USDA wrongly applies an opportunity cost (the loss of potential income for not utilizing the home office, for example) as an expense allocated to the children. These opportunity costs do not accurately reflect actual expenses for the children in two household families.

The differences between the USDA model and Dr. Comanor's economic analysis and model on how to determine the expenses of the children vary widely.² The USDA model inaccurately includes imputed costs. Dr. Comanor uses an economic model that closely estimates what families with children actually spend in regard to economic expenditures in households. Most families shift expenses within the household to cover the costs associated with children. Parents change their own spending and living habits to accommodate the expenses for their children. This is because there is not an increase in income available to the family just because they have children. Expenditures like transportation (which consist of 15% of the USDA) do not drastically change. There always was a vehicle, with repair costs and insurance costs, that always had an unused back seat. One could argue that there are more trips for child related activities to show an increase in costs, however there are less trips for the parents to offset this increase.

There are many issues and problems when using an "out of pocket" model like the USDA to determine the child expenses. As stated above, the USDA model is only for married couple with children. When applied to the basic child support guidelines, it is the Obligor that incurs these "out of pocket" expenses for the children and is also required to maintain the "lifestyle" the child would have if the parents were still together. To reiterate, housing expense consists of 29% of the USDA model, the Obligor must maintain their half of this expense, regardless of parenting time, in addition to covering the expense included in the basic child support calculation.

The task force reviewed an Orange County California study³ which collected information and data regarding the Obligor's ability to pay child support. Orange County California reviewed cases where the child support amount was being paid, the amount of child support needed to support children and at what amounts child support was paid on time. Their research found that the child support orders should not exceed 17 -19% of the person's **Net Income**. This child support amount includes support for medical and childcare expenses. However, the state of Minnesota's child support guidelines has total child support orders well above this threshold. Basic child support (Not including Medical or Child Care) in Minnesota alone is around 16% of **Gross Income** which far exceeds the findings of the study in ability to pay.

The economic data provided to the study group by Dr. William Comanor, or cost shares as presented by the economic data provided by R Mark Rogers and Don Bieniewicz, or the figures as determined by state Foster Care regarding the cost to support the basic needs of a child, or some combination of the these must be considered. At the very least, if the USDA data is used, housing should be removed. The task force voted on using USDA with adjustments. During the course of the task force, little-to-no effort was made to discuss all necessary “adjustments” (particularly downward) for joint combined incomes over \$4000/month or for parents who had 35% parenting time or more, in which cases, the table to determine child support appears too high.

We recommend the State of Minnesota take into consideration the true economic basis for a two-household family when determining the expenses for the children. We recommend that housing expenses are excluded from the basic child support model to accurately reflect that each individual household is responsible for maintaining their own housing expense regardless of parenting time.

² William S. Comanor, Report of the Minnesota Child Support Task Force, 2017

https://mn.gov/dhs/assets/2017-02-22-Dr-Comanor-Report-to-the-Minnesota-Child-Support-Task-Force_tcm1053-280776.pdf

³ Steven Eldred, *How Do Child Support Order Amounts Affect Payments and Compliance?*, 2011

<http://www.css.ocgov.com/civica/filebank/blobdload.asp?BlobID=27829>

V. Adjustments at High Incomes

There is no economic data to support an economic basis for increase in the basic support table to monthly combined incomes of \$30,000. In fact, the USDA model does not have data for combined monthly incomes above \$17,000. Simply put, we do not know what parents whose combined monthly income is above \$17,000 spend on their children. Child support was created to cover the basic needs of the child, not to cover the “lifestyle” of higher income homes. Federal law requires that child support be based off economic data and without any economic data above \$17,000 in combined monthly income, it is ill advised for the table to be increased to this amount.

We recommend that since there is no economic data regarding child expenses above \$17,000 in monthly income, that the basic child support table for incomes above \$17,000 not be adopted.

VI. Deviation Factor for Out-of-Home Placement Cases.

The task force voted to create a deviation factor for out-of-home placement cases in the foster care system where family reunification is the goal. Family reunification with non-custodial parents should also be the goal in most family court cases. Currently, this is not happening. There is no deviation factor

for non-custodial parents trying to reunify with their children. If the collection of child support in cases of foster care is impeding reunification, as discussed in the task force, then reunification with parents, regardless of the type of case should be prioritized over the reimbursement of the government for the children's cost of care.

We recommend that since reunification with parents should be the goal of our current child custody policies, that this deviation factor be applied to all parents, regardless if it is a custody case or foster care case.

VII. Parenting Expense Adjustment

The method used to calculate the parenting expense adjustment mainly uses overnight parenting time to determine the percentage of time each parent has with the children. The issue with using overnight stays to calculate the parenting expense adjustment is that overnights have the least amount of expenses and the housing expenses are covered by both parents simultaneously regardless which parent has custody.

The current task force did not consider fixing the problem created by the 2016 legislative changes to child support that went into effect in August of 2018, which resulted in excessive increases in child support for the obligor who had multiple children, in the same family, and 35% or more parenting time. The 2016 change were intended to remove the "cliff." While the "cliff" was mitigated by the 2016 legislation, fundamental inequities still exist in the table for parents who have 35% or more parenting time.

We recommend that the parenting expense adjustment should give more consideration to "awake" parenting time since the child utilizes more expenses during the day. The total time the child is with each parent should be calculated when determining the parenting expense adjustment.

VIII. Low Income Adjustment

The USDA model for the expenditures on children for families reflects very high expenditures for low income wage earners. Child support calculations for low income wage earners have historically been a higher percentage of income making the ability to pay next to impossible. This change is crucial for low income wage earners ability to pay child support and maintain healthy homes.

The issue with the new Basic Support Table that is being recommended by the task force, is an increase in child support orders for the Obligor when the Obligor's income stays the same and the Obligee's income increases. This occurs when the Obligor's income is at or below \$6000.00 per month. The issue is that the Obligor's basic child support amount increases when the Obligee's income increases. They do not have any additional money to pay the higher child support amounts.

Many states use an income shares model that takes into consideration the income of both parents. Minnesota enacted an Income Shares model, in order to have a reasonable process to calculate child support and guidelines that would better reflect the financial role of both parents in raising their children. The Income Shares model is used so both parents would be financially responsible to support the children. The purpose of using an Income Shares model is if the Obligee earned more money, than the Obligor's child support amount would be less. The current Minnesota calculator does not consistently apply this policy and needs to be further adjusted.

Minnesota's child support laws are created around the premise that the child should maintain the same standard of living as if the parents were living together. The issue here is that when the obligee's income increases so does the obligor's basic child support amount. Without a change in income, the obligor's income available to maintain the same standard of living is decreased, while the obligee's income for the standard of living is increased. The State of Minnesota cannot enact a policy that would decrease the standard of living for a non-custodial parent while the standard of living for the custodial parent increases. This goes against the basic premises of Minnesota's Child Support laws and legislative intent.

We recommend that child support orders do not increase simply because the income of the Obligee increases.

IX. Self-Support Reserve

Federal Law requires state's child support guidelines must consider the basic subsistence needs of the obligated parent who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve. The purpose of the Self Support Reserve is to make sure the Obligor has the ability to pay for the basic living expenses.

Minnesota has a self-support reserve law that is currently in Statute 518A.42 - ABILITY TO PAY; SELF-SUPPORT ADJUSTMENT. Subdivision 1. Ability to pay. (a) It is a rebuttable presumption that a child support order should not exceed the obligor's ability to pay. (b).....subtracting a monthly self-support reserve equal to 120 percent of the federal poverty guidelines for one person from the obligor's gross income.

A small group of task force members met for several weeks and studied the self-support issue. They made a recommendation to change the self-support reserve to 165% of Federal Poverty Guidelines. The idea was to base the self-support reserve on current state of Minnesota minimum wage laws. We agree with using 165% of the Federal Poverty Guidelines for the self-support reserve.

To determine the amount of the self-support reserve, Minnesota has already determined what minimum wage should be to account for the basic needs of an individual. We should look at the state's minimum wage law to figure out the amount of income a person needs to pay for basic living expenses. If you use Gross Income for the Obligor, then you need to take into consideration the amount of taxes the Obligor pays and deduct the amount of taxes to figure out how much money the Obligor has to pay for the living expenses.

We recommend reviewing Minnesota wage law and its correlation with the self-support reserve. That this self-support reserve also allows the Obligor to pay for his or her living expenses plus the expenses of the child, when the child is with them.

X. Annual Net Household Resources

As a task force total resources for each individual parent was largely ignored. Below is a table that demonstrates the Annual Net Household Resources (after Federal Taxes but before Child Support) of both the Obligee and Obligor Parent. (Table1) It shows that the Obligee Parent has significantly more financial resources than those of the Obligor. The Minnesota Child Support Program has failed to recognize the financial benefit to the Obligee of the Federal Tax Code which includes the IRS Earned Income Credit (EIC) and the IRS Child Tax Credit (CTC) along with the beneficial IRS Head of Household Filing Status. Essentially, the Federal Tax Code over the years has created a separate Child Support system and the Federal IV-D Program has failed to recognize this and to make appropriate downward adjustments for Obligor’s Child Support payments.

The second and third table below incorporates into the first document the additional impact of both the current Minnesota Child Support Calculation (Table 2), and the calculation that would be used if the new Child Support Tables as proposed by Minnesota DHS were to be incorporated (Table 3). The results show that after establishing Child Support on the Obligor, the Obligee has nearly twice the financial resources of the Obligor at the lower income levels and significantly higher resources even at State Median Income levels.

Table 1:

Annual Net Household Resources (after Federal Taxes):

Both Incomes	Obligee	Obligor
\$16,640	\$19,905	\$14,655
\$20,000	\$22,686	\$17,236
\$30,000	\$29,291	\$24,766
\$40,000	\$35,449	\$32,221
\$44,500	\$38,771	\$35,520
\$50,000	\$42,876	\$39,551

Table 2:

Annual Net Household Resources (after Federal Taxes and using Current MN Child Support Tables):

Both Gross Incomes		Obligee		Obligor		MN Child Support
\$16,640		\$21,561		\$12,999		\$1,656
\$20,000		\$26,238		\$13,684		\$3,552
\$30,000		\$33,935		\$20,122		\$4,644
\$40,000		\$40,669		\$27,001		\$5,220
\$44,500		\$44,279		\$30,012		\$5,508
\$50,000		\$48,804		\$33,623		\$5,928

Table 3:

Annual Net Household Resources (after Federal Taxes and using Proposed MN Child Support Tables):

Both Gross Incomes		Obligee		Obligor		MN Child Support
\$16,640		\$20,625		\$13,935		\$ 720
\$20,000		\$23,766		\$16,156		\$1,080
\$30,000		\$32,771		\$21,286		\$3,480
\$40,000		\$41,269		\$26,401		\$5,820
\$44,500		\$45,551		\$28,740		\$6,780
\$50,000		\$50,616		\$31,811		\$7,740

We consider these situations to be entirely unacceptable as it fails to recognize the Best Interest of Children by failing to allow Obligor's sufficient financial resources to actively participate as a parent in their Children's lives. Simply stated, The State of Minnesota is preventing the Obligor from receiving a sufficient Living Income. At the lowest income levels, the State is participating in pushing the Obligor's household to the edge of poverty.

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Minority Report – Supplemental Input

Input from other members of the public as provided for Minority Report

July 2019

1. USDA so-called “data” --- derived from consumer surveys, therefore is not accurate or reliable enough to determine actual costs of the basic needs of a child
2. Lack of inclusion of overwhelming widespread dissatisfaction in public testimony
3. Problem with income shared model – goes opposite of common sense
4. When mom gets a job, dad’s child support goes up
5. Real cost to raise child not determined ... see foster care example
6. Private cases issue – child support collection, only program without eligibility standards
7. Lifestyle support no justified – this is a welfare program that has been erroneously “mainstreamed” to middle and upper class
8. Ineffectiveness and lack of improvement of collections percentages from low income subset has clearly demonstrated the IV-D child support program is ineffective and not practical
9. Child support calculated on gross income is not fair or realistic – task force members who are part of the IV-d agency said during task force meetings that gross income was used “because it was easier” for the agency ... NOT because it was more fair or because it was more accurate to calculate actual costs
10. There was an early agreement to adhere to “consensus” (everyone agrees or we don’t move forward), but that was quickly abandoned and instead it became a task force by “majority rules” and the task force was dominated by those employed by the IV-D agency.

11. A staggering admission by Jody Metcalf's public statement in Mankato "we know child support is too high" – this renders the program illegal.
12. Not one dollar in child support has ever been accounted for by mothers – there is NO requirement for any of the child support paid to actually be spent on the child
13. Drivers license suspensions are unconstitutional unlawful and unintended consequences do not make sense – it is ineffective and punitive...it even makes it impossible for a parent to fulfill their parenting time – this negatively impacts the child.
14. NO assessment of how program is working nor any way to meaningfully challenge the program if changes are needed ... no needs or performance assessment
15. No acknowledgement that both parents' relationship with the child and time with the child is more critical than money – no acknowledgement by MN Supreme Court Case (Larry Nelson case) that parenting time IS child support.
16. A change in public policy is needed to recognize equal shared parenting is best for most children.
17. A recognition that child support has been set too high but no talk about reimbursing excess collections
18. No talk about collected but not distributed child support.
19. Make up of the task force members not appropriate for meaningful self examination or analysis. The public has NO confidence in the DHS ability to police itself.
20. Report did not make even mention of key controlling authorities and compliance with them or problems complying
21. NO mention of a "balance sheet" of "executive summary" of financial performance of the program.

Solutions/Recommendations

A. Housing Cost: If MN uses USDA, it would be more economically accurate to remove all housing from the expected child support because both parents are equally responsible for their own housing. If MN insists on including housing, there is NO WAY one child adds costs 29% of the housing budget, as the USDA data indicates.

B. Transportation Cost: If MN uses UDSA, consider removing or reducing the transportation costs. It is highly likely the transportation costs are highly inflated. There is no evidence that families with an additional child spend more on transportation. (They likely just use their car time differently).

C. Clothing Costs: including clothing in child support does not make sense. Most of them time when there are two households, each parent usually has a set of clothing in each household.

D. Need to ensure that the USDA table is clearly understood – anytime spending was more than people earned, the USDA table must be adjusted. This was not clearly analyzed by the task force.

E. Cap Child Support Obligations:

i. No child support obligation should ever exceed the amount that the state has determined is needed for basic needs in foster care.

ii. Consider this: if, for example, the self-support reserve for ONE ADULT is 165% of federal poverty guideline (\$12,590/year) equaling \$20,609/year:

1. that means the policy would be to allow one adult \$20,609 to financially pay for their basic needs (at 165% of poverty guideline). Divide that total by month, and it is \$1717/month (gross before taxes or other required withholdings) for the basic needs of one adult.

2. If an adult is supposed to live off \$1717 a month, NO child should need more than that for their “basic needs” (only requirement for child support according to federal IV-D law). If both parents are equally responsible financially for their children, then NO child support should ever be more than half that, \$858/month INCLUDING childcare and medical. A child’s basic needs should never exceed an adult’s basic needs.

iii. No child support for the obligor should ever be over 19% of obligors net income, (including childcare and medical) as per Orange County study

1. Increases for multiple child should be extremely minimal

F. Revisit information by economist Comanor. The details learned from economist Dr. William Comanor should be revisited and taken more seriously.

G. Self Support Reserve for Obligee must also consider public assistance obligee gets as income. If MN gives both parents a self-support reserve, then the parent receiving all public assistance should incorporate all public assistance as income

i. HOWEVER, the moms’ receipt of public assistance should NOT increase the dads obligation, unless it is to pay back public assistance ... and unless the fit available dad is first offered to care for the child in lieu of the child being on public assistance

H. Obligee incomes increases should not increase obligor’s child support.

i. If MN imputes income to the (usually mom Obligee), the (usually dad obligor) should not have higher child support based on moms imputed income

ii. The MN table must be adjusted so that when moms’ income (as Obligee) increases, it does NOT mean a child support increase for dad (as obligor), when his income stays the same

I. Make it clear in every court order

i. You don't pay child support to be able to see your child, you pay child support because you won't/don't/are unable to parent your child and you are expecting the other parent to do it.

ii. Child support is for basic needs only

iii. Never public assistance cases do not have to use full IV-D services and they can exchange money between them privately until and unless the Obligee goes on public assistance.

J. Reduce use of full IV-D services for never public assistance cases. Change MN law so that the county agencies DO NOT encourage full IV-D services, but rather discourage full IV-D services in favor of non IV-D wage withholding only for private never public assistance cases. Plus, remind people there are many ways to exchange funds these days, privately, without the use of either expensive government service.

K. Expenses not covered by child support and are the sole obligation of the parent wanting the expense, or equally divide if the parents agree on the expense: Be clear in statute what child support does NOT include and what costs must be handled differently and separately:

i. Extracurricular, piano lessons, sports, etc.

L. Eliminate lifestyle support (or standard of living). Remove the Minnesota statute that says child support must compensate for the "lifestyle the child is accustomed to." NO person is guaranteed any lifestyle.

i. Legislature should delete: 518A.43 Subd 1 (3) the standard of living the child would enjoy if the parents were currently living together, but recognizing that the parents now have separate households;

ii. PROBLEM: although this says "but recognizing that the parents now have separate households" that is not clear what it means and wholly ignored by those who have put the child support table together

iii. Because those words are in statute "the standard of living the child should enjoy if the parents were currently living together" is in statute, it gives the impression that "lifestyle" support is the public policy ...this must be removed. Members of the task force repeatedly made statements that would indicate they believed the IV-D agency was responsible to maintain a standard of living for a child. This must stop.

iv. It is economically IMPOSSIBLE to maintain the same standard of living after divorce and separation in one household, much less two households. You can't have the same standard of living when the same income is now paying for not one (often unaffordable) household, but two households.

v. Title IV-D law does NOT require lifestyle support, nor does it require maintaining or creating any standard of living for anyone.

M. Support private agreements for non-welfare cases. Make is clear in statute that parties who have never been on public assistance and who do not have any expectation of being on public assistance can

at any time agree to their own LOWER support amount that they believe adequately covers the child's basic needs, without deviation hurdles.

N. Legislative Sub-Committee on Child Support. Start a legislative sub-committee for child support that includes legislators not just with the background on these issues gained through involvement in task force and/or legislation (which is important) but also needed are those with specific expertise who are willing to become expert on these issues and tackle this out-of-control child support issue. SO many of the SAME problems have gone on for SO long for SO many Minnesotan's because "fixes" to child support just keep getting delayed and delayed. The SAME problems have been complained about for 20 straight years with little to no meaningful or substantial change.

i. This committee should include:

1. EQUAL number of R and DFL legislators, who:

a. representing each parent

2. At least 2 accountants, tax experts, or financial planners, or actuaries or math experts/professionals on each side (know and can work with spreadsheets, and more complex formulas, etc.)

3. Others to be determined and discussed more thoroughly

4. Citizens, citizens groups representing affected parents

O. SIMPLIFY CHILD SUPPORT. It has clearly become WAY TOO COMPLICATED. There is no reason that child support can't be simplified. It has become way too complicated, it was clearly even difficult for this task force to understand, much less unravel.

P. Federal IV-D Waiver. Get a waiver or clarification from the Federal Title IV-D agency to ensure it is clear (also make it clear in MN statute) that "never public assistance" cases who are not at any risk of falling on public assistance DO NOT have to be in the state IV-D program, collected through the state.

i. Also lacking, no one who enters the program is told that their private data will be shared with 42 different government agencies.

ii. Also needed, get a waiver or clarification that Minnesota can incorporate means testing for Title IV-D services, so that the state child support agency no longer becomes a public collection service for purely private cases that will likely never be on public assistance.

Q. Parenting Time Adjustment: Clarify how "overnights" are calculated for parenting time adjustment. It does say in statute that calculations other than overnights can be used – but there is no clarity in statute and therefore no consistency between judges and counties. Also, revisit the parenting time adjustments for those with 35% parenting or more, and reconsider the economic analysis for how these were derived to reduce excessive expectations of one parent more than the other.

R. CHIPS law. Change so that if mom gets charged with CHIPS case and kids are temporarily taken away that the dad, whether joint custodial parent or non-custodial parent gets FIRST CHANCE to get the children fulltime, unless there has been a finding of unfitness for the dad.

S. While this is a long list it does not represent all the needed changes in the Minnesota child support guideline chart, laws, or policies.

Appendix E: Department of Human Services Response to Minority Report

The Department of Human Services (DHS) prepared the 2019 Minnesota Child Support Task Force Report to convey the activities and recommendations of the Child Support Task Force. DHS has included a minority report so members of the task force who did not agree on all task force recommendations could voice their dissent. The minority report was drafted in its entirety by the signing members and attached to the task force report without consultation with or editing by DHS.

This response seeks to correct factual errors contained in the minority report. This response does not express DHS's position as to policy, economics, or the characterization of the IV-D program, the task force members, or Minnesota families as articulated in the minority report.

The minority report states that the Minnesota child support program overreaches its federal authority. Specifically, it implies that child support guidelines are limited to providing for the "basic needs" of children and explicitly states that the goals of the program are exclusively related to public assistance and limiting government liability for paying for children.

The Minnesota IV-D program is in compliance with federal law. The following regulations apply related to the statements made in the minority report:

- Federal law requires that IV-D services be available to all families, regardless of their status as public assistance recipients. 42 CFR § 302.33 makes clear that in addition to receipt of public assistance, any individual must be able to access services by making application to the agency. The only permissible difference in services for families receiving public assistance versus not receiving public assistance is that there are fees associated with non-public assistance services.
- Federal regulations do not require that the guidelines address the "basic needs" of children. Among other things, 42 CFR § 302.56 requires that a child support order be based on the noncustodial parent's earnings, income and other evidence of ability to pay. The guidelines also must be based on specific descriptive and numeric criteria. No federal laws require or suggest that support be limited to basic subsistence needs of children.
- 42 CFR § 302.56 mandates that there be one set of guidelines for setting child support orders and those guidelines must be available to all persons in the state. Therefore, it would be impermissible for Minnesota to exclude from child support guidelines or provide alternative guidelines for non-public assistance or non-IV-D families.

The minority report states that "The majority of cases in state IV-D child support system involve two custodial parents who are or who want to be equally sharing the responsibility of raising their children, and ***the majority have never been or never would qualify for any public assistance.***" This statement is inaccurate. Approximately 27 percent of the recipients on cases in our system do not and never have ***received*** public assistance. DHS has no available data to measure whether someone does not or has ever qualified for public assistance or not.

In addition to factual errors, DHS is unable to verify any statements regarding the impacts of the parenting expense adjustment on child support or the resources of the parties as depicted in the minority report. The minority report does not include references or data to support any assertions it makes. For example, no

information is provided to explain how the resources charts in the minority report were calculated – how many children are supported, how much parenting time is involved, what impact parenting time has on the calculations, and how taxes and tax credits are calculated.

DHS appreciates the time and effort put forth by all members of the task force, including those members who took the extra time to prepare the minority report. During the nearly three years of meetings, parents and organizations were represented by a well-informed, curious, and open-minded group of people seeking to do right by the families in Minnesota who are impacted by child support. We are thankful for the significant amount of time and energy they put into work of the task force.