

How is Child Support Determined?

by Chris Hinson

In order to establish consistency and predictability in the amount of child support awards, the federal government mandates child support guidelines to be used by the states. The particular guidelines are different in each state.

Income

Most of the guidelines take into consideration the income of both parents. The percentage of the couple's combined income that each parent contributes helps determine the amount they will be obligated to pay in child support. Some states will base their formula on gross income, while others will use net income.

Deductions

If a parent is already paying child support or alimony from a previous situation, they will generally be allowed to deduct that amount from their income. Typically, there are two requirements to qualify for this deduction: the support payments must be court-ordered (not voluntary) and the parent must actually be making the payments. A parent is not allowed to make deductions from his or her income for the support of a subsequent spouse or children.

Childcare expense

States will usually also take into consideration the amount that the parents must spend on childcare in order to work or look for work. Some states will adjust the amount allowed for this expense to account for the federal dependant care exemption on federal income taxes. In states that provide a dependent care exemption on state income taxes, the expense may be adjusted to reflect this as well.

Healthcare expense

The child support order needs to spell out who will pay for the children's health insurance. The amount spent on health insurance is added to the basic child support order and then credited to the parent who pays it. Many states' guidelines call for a certain amount of additional support to cover out of pocket health care expenses that may be incurred. Extraordinary medical expenses will be taken into

consideration as well.

Other expenses

The basic support order may also be increased to account for other unusual expenses such as special educational needs of gifted or handicapped children. The cost of visitation expenses, such as travel for the parent or child, are usually divided between the parents in proportion to their incomes. The non-custodial parent would then receive a credit for the amount of this expense that belongs to the custodial parent.

Shared Custody and Visitation

Many of the guidelines try to account for the amount of time that the children spend with each parent in determining the amount of the child support award. The more time that the children spend with the non-custodial parent, the more expenses that parent incurs to support the children. In situations where there is shared custody or extensive visitation, the amount of child support awarded will probably be less than in situations where there is sole custody and little visitation.

In a case to determine the amount of child support that should be awarded, there is a presumption that the child support guidelines provide the correct amount. However, it is possible to obtain an award that is higher or lower than the amount determined by the guidelines. This will require a judicial determination of extenuating factors that require a deviation from the guidelines.