

Summary of Rep. Moeller's Child Support Bill Draft (H-3267.2)

Section	Current Law	Bill draft
1 Intent		Leg. intends to implement recommendations made by the 2011 workgroup, including use of the residential schedule credit worksheet and formulas contained in the final report.
2 Definitions		"Children not before the court" means children for whom support is not being determined in the current proceeding, but who are the children of one of the parents involved in the proceeding based on the parent-child relationship under the Uniform Parentage Act or based on a court order establishing de facto parentage.
3 Economic Table	Table is presumptive up to \$12K of combined monthly net income (CMNI) and contains two age brackets for different support amounts (for children under 12 and children age 12 - 18).	Amounts are updated based Dr. David Betson's table created at the request of the workgroup. Does not differentiate based on children's ages. A very general comparison between the old and the new table shows that the basic child support amount will be higher when child are under 12, but generally lower for parents of a certain CMNI when child is 12-18.
4 Limitations on child support	When parent's monthly net income is below 125% of the federal poverty guideline, a support order of not less than \$50/child must be entered unless it would be unjust. The basic support obligation cannot reduce the obligor's net income below the "self-support reserve" of 125% of the federal poverty level, except for the \$50 minimum.	The statute is amended to clarify that self-support reserve is measured by 125% of federal poverty guideline <i>for a one-person family</i> (approximately \$1,134/month in 2011).
5 Deviations	Court may deviate from the presumptive child support amount owed if: (1) child spends a significant amount of time with the obligor, unless there would be insufficient funds in the receiving household to meet the basic needs of the child or the child is on TANF; or (2) parents have children from other relationships to whom support is owed.	Shared residential time and children from other relationships are no longer reasons for deviations, but instead are a basis for court to adjust the presumptive child support amounts.
6 Adjustment for children not before the court	Can be a deviation from the presumptive child support	Court must adjust presumptive child support amount when obligor has children not before the court (CNBC). Court must use the whole family formula. Child support schedule must first be applied to the parents and children before the court to determine the standard amount. CNBC are not counted to determine standard amount, but counted in the adjusted calculation. Stepchildren are not CNBC, but can be a reason to deviate. Court must consider total circumstances of both households. No adjustment if it would result in insufficient funds to the receiving household and would be unjust, or if the obligee's net income before support is at or below 125% of federal poverty level for the obligee's household size, or if the obligor has not actually paid support for CNBC unless there is a reasonable justification. The whole family formula is included in statute.

<p>7 Adjustment for shared residential schedule</p>	<p>Can be a deviation from the presumptive child support</p>	<p>Court must adjust the presumptive child support amount based on the number of overnights in a court order or administrative law judge findings, if the number of overnights is at least 14% of annual overnights. Adjustment must be based on the table included in statute. No adjustment if would mean insufficient funds in the receiving household to meet basic needs of the child; the obligee's net income before the payment is at or below 125% of federal poverty level guidelines for one person; or the child is on TANF. If feasible, and within available resources, the DCS must create a residential credit calculator available online.</p>
<p>8 Residential time credit table</p>		<p>Based on Indiana's table. The "total" column represents the anticipated total out-of-pocket expenses expressed as a % of the basic support obligation that will be incurred by the parent who makes the transfer payment. Total expenses are the sum of transferred and duplicated expenses. The "duplicated" column represents the duplicated expenses and it is assumed that equal residential time results in 50% of the basic child support obligation being duplicated. Annual overnights column will determine the fractions of total and duplicated to be used in the residential time credit worksheet.</p> <p>According to the Indiana model, "duplicated" expenses are fixed expenses (such as cost of having an extra bedroom) and do not transfer from one parent to the other with the child. Transferred expenses are incurred when the child resides with the parent and expenses are "transferred" to the other parent when the child moves from one to the other (such as cost of food).</p>
<p>9 Postsecond. educational support</p>	<p>Support schedule is advisory, not mandatory for PSE support. Court has discretion regarding whether and for how long to award PSE based on statutory factors. Child must enroll in an accredited school, be actively pursuing a course of study, and be in good standing. The PSE must be automatically suspended during periods the child is not in compliance w/ conditions. PSE may not be ordered beyond 23rd birthday, unless exceptional circumstances. Court must direct PSE payments be made to school if feasible, then to child (if not residing with either parent), then to child or parent (if child residing with parent).</p>	<p>Child must be enrolled full time, as defined by the school. Unless the support order provides otherwise, a parent may suspend PSE payment if child fails to comply with conditions. Suspension of payment remains until child can prove compliance. A parent or child may file a motion in court if there is dispute regarding compliance, unless the order provides otherwise.</p> <p>When child is living with a parent, a change in the child's living situation is a basis to change the terms of the PSE payment to the other parent. If the child is no longer living with either parent, both parents must make payments to the school, if feasible, or the child.</p>
<p>10 Worksheets</p>	<p>AOC must develop worksheets and instructions.</p>	<p>AOC must develop a worksheet to calculate residential credit that is consistent with the workgroup's report.</p>
<p>11 Delayed effective date</p>		<p>Effective October 1, 2012.</p>