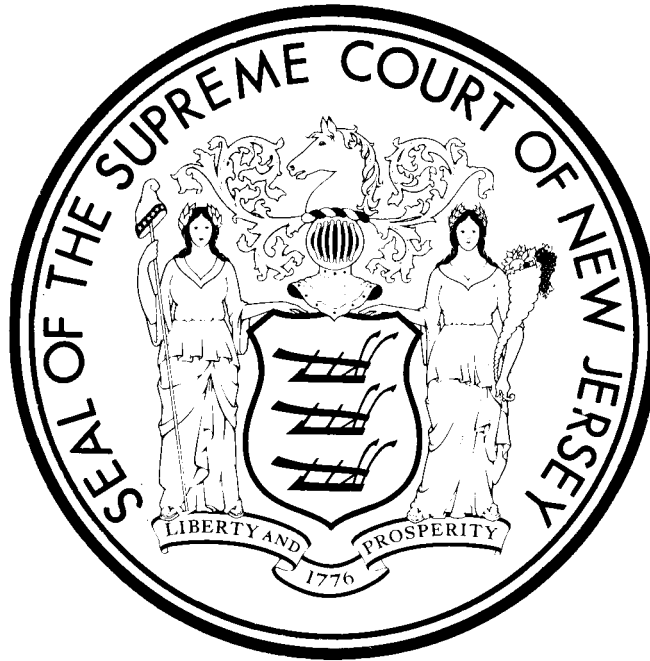


FAMILY PRACTICE COMMITTEE



2011-2013

SUPPLEMENTAL REPORT

April 10, 2013

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I. Introduction

The Supreme Court Family Practice Committee ("Committee") recommends that the Supreme Court adopt the proposed amendments to the Rules Appendix contained in this supplemental report. Also in this supplemental report, the Committee reviewed other issues, which resulted in no recommendations or non-rule recommendations.

In the proposed changes to the Rules Appendix contained in this report, deleted text is bracketed [as such], and added text is underlined as such. No change in the text of the Rules Appendix is indicated by ". . . no change."

In the 2011-2013 Rules Cycle, the Committee reviewed a number of issues, many of them related to the federal quadrennial review of the Child Support Guidelines pursuant to 42 U.S.C.A. § 667. This supplemental report includes many recommendations based on the analysis and recommendations set forth in the "Rutgers School of Social Work, New Jersey Child Support Institute Quadrennial Review: Final Report - March 22, 2013" ("Rutgers Report"), Attachment F.

II. Proposed Amendments to Rule 5:6A, Appendix IX

A. Quadrennial Review of the New Jersey Child Support Guidelines

1. History of Quadrennial Review in New Jersey

Federal law requires each state to adopt Child Support Guidelines as a condition of federal approval of the state plan under Title IV-D of the federal Social Security Act. 42 U.S.C.A. § 667. The state must review and revise, if appropriate, the Child Support Guidelines at least once every four years. 45 C.F.R. §302.56(e). New Jersey adopted Child Support Guidelines in 1986 to create consistency in its child support awards. Under the Family Support Act of 1988, states are required to review their guidelines every four years to assure that the awards are accurately capturing the child-rearing costs of children.

Since the first adoption of Guidelines in New Jersey, there have been two comprehensive reviews. The first major revision, adopted in 1997, made significant modifications to the calculation process to account for overnight parenting time, among other things. The second was adopted in 2006, and incorporated a revised child support award schedule. The revision proposed in this report is the third major review of the Guidelines. Rules of Court, Appendix IX.

The Guidelines adopted in New Jersey are based on the "Income Shares Model," which calculates child support using both parents' incomes. It presumes the child to be entitled to the same amount of expenditures the child would have received had the parents lived together. The source of all information gathered to create the award schedule found in Rules Appendix IX-F is the federal Consumer Expenditure Survey ("CEX"). The U.S. Department of Labor, Bureau of Labor Statistics, collects CEX data on an ongoing basis. The CEX is the most detailed and best available source of national data on household expenditures upon which economists generally

rely to determine what families are spending on children. It is a challenge to determine the allocation of shared expenses between the children and the adults.

Economists begin by comparing the spending of childless households to the spending of households with one, two and three children at every income level. This "marginal cost" approach does not, however, completely describe the cost of children because resources are often stretched to the financial limits of a household's income, forcing adults to spend less on themselves to cover the additional expenses for the children. This phenomenon leads economists to develop theories regarding the cost of raising children by analyzing focused spending and developing "estimators" to determine the cost of children. Appendix IX-A sets forth the use of the *Engel* and *Rothbarth* estimators.

In each review of the New Jersey Child Support Guidelines, an expert was retained to sort through the economic theories and recommend the best analysis of economic data available to inform the amendments of the child support award schedule to ensure that the calculation process was accurate and fair. In the first quadrennial review, Dr. Robert G. Williams, founder of Policy Studies, Inc. (PSI), and one of the leading experts in the country, was retained. In the 1997 and 2005 revisions, the expert assistance offered by PSI was augmented by the more current research and methodology of Dr. David M. Betson of the University of Notre Dame. The revised child support award schedule adopted in 2006, using the same experts and methodology of the previous reviews, however, raised concerns about the accuracy of the Appendix IX-F child support amounts. This prompted a complete re-evaluation of New Jersey's income shares model, *Betson-Rothbarth* estimator and the analysis of the CEX data. See "Rutgers School of Social Work, New Jersey Child Support Institute Quadrennial Review: Final Report - March 22, 2013" ("Rutgers Report"), Attachment F.

2. Quadrennial Review Completed in the 2011-2013 Rules Term

In mid-2009, the Committee began the quadrennial review process involving the following stakeholders: the Department of Human Services (DHS), Division of Family Development (DFD), Office of Child Support Services (OCSS), New Jersey's designated State Title IV-D agency, which is responsible for the federal funds allotted to New Jersey for child support establishment and enforcement; the Judiciary, which includes the judges who establish and modify child support orders and the probation divisions that enforce those orders; the county welfare agencies (CWAs); and Rutgers, The State University of New Jersey, School of Social Work. Dr. William Rodgers, III, Chief Economist of the John J. Heldrich Center for Workforce Development, Edward Bloustein School of Planning and Public Policy, at Rutgers University, was the lead expert in this quadrennial review. Dr. Rodgers previously served as the Chief Economist at the U.S. Department of Labor and is a current member of the Bureau of Labor Statistics (BLS – the creator of the CEX).

The result of this multi-year, expansive effort is the new child support award schedule (Rules Appendix IX-F), Attachment E, which for the first time captures spending in families over a twelve year period (2000-2011). That period encompasses prosperous years, recession years and the current slow recovery years. Also for the first time, the spending data (2011 shown in figures collected in the first quarter of 2012) is the most current ever used for a quadrennial review in New Jersey.

After examining other child support models, the Committee decided that the structure of New Jersey's current income shares model afforded the fairest method of determining child support. Some of the Guidelines refinements adopted are as follows:

- CEX analysis is now based on total family outlays to capture mortgage principal, which is a departure from the former expenditure-based guidelines.

- Dr. Rodgers developed a new variant of the *Rothbarth* estimator based on an updated analysis of prior economic theories.
- There is new clarity regarding adding *all* school tuition spending as a supplemental expense, along with unique child related expenses such as a child's car.
- To cure former inequities, there is new treatment given to non-means tested government derivative benefits for a child (e.g., social security disability (SSD) benefits) requiring a new calculation for the Child Support Guidelines worksheets.

See Rutgers Report, Exhibit I, Introduction, for a summary of changes; Rutgers Report, Exhibit II, Table 10, for the comparison of the current and proposed child support awards schedules. This comparison also is set out in graph form. See Rutgers Report, Chapter 6, Figures 1 through 6. The results were unexpected. There are some increases, but there were also decreases in unexpected areas.

Therefore, the Committee endorses the majority of the Rutgers Report and recommends adopting the proposals as set forth in this supplemental report to the Supreme Court.

3. Other Issues Addressed in the Quadrennial Review

a. Auto Expenses and Auto Insurance

The issue presented is whether the basic child support amount includes those automobile expenses and insurance costs incurred by a parent that are related to the exclusive use by the child. The Committee believes that such expenses should be an add-on to the basic child support amount. The Committee also discussed, but did not reach a conclusion as to whether the expenses for the child's car include the cost of insurance for that vehicle as distinguished from the insurance cost for adding a licensed minor driver residing in the home. Therefore, the Committee recommends the amendment of Rules Appendix IX-A, paragraph 8

("Transportation"), and the adoption of new paragraph 21(p), to clarify that the Appendix IX-F schedule does not include automobile expenses incurred for the intended primary use of the child.

b. Determination of Parenting Time Adjustment in Situations with Multiple Children and Each Child has a Different Parenting Time Schedule

This issue arises in cases with multiple children and each child has a different parenting time schedule. The Child Support Guidelines are structured to calculate the estimated basic support for multiple children of the relationship. The basic support amount is then adjusted, giving credit for the shifts in costs from one parent to another during parenting time. This adjustment is appropriate when all children in the calculation have the same parenting time schedule. The Committee considered whether a mathematical formula should be developed to accommodate situations involving multiple children with varying parenting time schedules (e.g., a non-custodial parent is awarded 104 annual overnight stays with one child and 52 annual overnight stays with the other child). The Committee concluded that these types of situations are fact sensitive and best left to the sound discretion of the court.

Therefore, the Committee recommends adopting new paragraph 21(r) in Appendix IX-A, *Other Factors that May Require an Adjustment to a Guidelines-Based Award*, to include multiple children with varying time schedules as a reason for deviation from the Child Support Guidelines.

c. Equal (50%) Joint Custody Situations

The Committee considered the manner in which child support should be determined when both parents equally share residential custody. The Committee also considered whether the

lower-earning parent should be presumed to be the Parent of Primary Residence (PPR) and receive an adjustment in the controlled expenses of the child support.

In shared parenting situations, the Child Support Guidelines accommodate shifts in the parental expenditures of variable (37%) and fixed (38%) expenses. It is presumed, however, that the controlled expenses (25%) are incurred by the PPR. In situations in which parents share equal parenting time, there may not be designations of PPR and Parent of Alternate Residence (PAR). The Committee concluded that Benisch v. Benisch, 347 N.J. Super. 393 (App. Div. 2002), is dispositive in such situations. Benisch held that "[t]hose definitions of PPR and PAR, quite clearly, cannot be applied" in such cases. Although Wunsch-Deffler v. Deffler, 406 N.J. Super. 505 (Ch. Div. 2009), suggests a mathematical formula that can be used in such situations, the Committee agreed that such situations are fact sensitive and best left to the sound discretion of the court.

Therefore, the Committee recommends adopting new paragraph 21(q) in Appendix IX-A, *Other Factors that May Require an Adjustment to a Guidelines-Based Award*, to include equal parenting time as a reason for deviation.

d. Accounting for Social Security Disability Derivative Benefits

The Committee has reviewed concerns about the treatment of Social Security derivative benefits for a child, which are based on the disability and work history of a custodial parent. The current New Jersey Child Support Guidelines account for Social Security Disability (SSD) derivative child benefits by (1) excluding such benefits from either parent's income; and (2) deducting such benefits from the total basic child support amount, before calculating each parent's share of the basic child support amount.

In the 2007-2009 Rules Term, the Committee initially looked at the problem that arises from this treatment of derivative benefits when it is the custodial parent who becomes disabled.

The Committee's Final Report from that term describes the problem:

When the disabled parent is the custodial parent, . . . the child's household loses significant income from the parent's lost employment income in addition to a reduction or elimination of the non-custodial parent's obligation to support the child. The effect of the deduction from the basic support amount creates a windfall to the obligor by reducing or eliminating his or her obligation to provide support for the child.

2007-2009 Family Practice Committee Report at 58.

The Committee acknowledges that expert review and advice was helpful in addressing the issue. The Committee recommended, in the short term, to permit court discretion to deviate from the Guidelines in such situations. The Supreme Court agreed, and effective September 1, 2010, the Court adopted the following amendment to Appendix IX-A and IX-B:

There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall effect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the [G]uidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.

Exhibit VI of the Rutgers Report sets forth an analysis and recommendation by Margaret Campbell Haynes, J.D., Senior Associate at The Center for the Support of Families (CSF), entitled "Treatment of Social Security Disability Derivative Benefits" ("Derivative Benefits report"). The Derivative Benefits report reviewed the viability of continuing to exclude Social Security derivative benefits from either parent's income and the benefits being deducted from the total basic support amount before calculating each share of the award. The Derivative Benefits

report specifically considered other viable approaches to provide both uniform and equitable treatment of Social Security Disability derivative child benefits, regardless of which parent is disabled.

After careful consideration of the Derivative Benefits report, the Committee endorses these recommendations, which are consistent with policies adopted by the majority of states that have expressly addressed the issue. Those states include the amount of the Social Security Disability derivative child benefits in the income of the disabled parent, and, in turn, credit the amount of the benefits dollar-for-dollar toward the disabled parent's child support obligation, up to the amount of that obligation. Such an approach is consistent with the view that the benefits should be treated as substitute income of the disabled parent and fosters equitable treatment of parents.

The Committee proposes treating all government benefits for a child that are similarly derived from one of the parties in a uniform manner. The proposal treats non-means-tested government benefits paid for a child that are based on the work history, disability or government benefit of one of the parties (such as Social Security Disability or Retirement, Black Lung and Veteran's Administration benefits) as income of the party from whom the benefit is derived. It also provides for a credit against that party's share of the basic child support, which is equal to the amount of the benefit. In this way, the benefit is treated as a substitute for income of the party from whom it is derived that has been kept by, or paid to, the custodial parent as a substitute for child support.

The Committee further proposes that means-tested government benefits for a child (such as SSI or TANF) continue to be excluded from income. The Committee proposes that non-means-tested government benefits that are not based upon the disability or work history of one of

the parties (such as adoption subsidies or Social Security survivor benefits) be included as income to the party who actually receives the benefit, usually the custodial parent.

Therefore, the Committee recommends amending Appendix IX-A, paragraph 10, to treat a child's derivative benefit as income to the disabled parent (CP or NCP), and not as a direct credit to child support. The Committee further recommends amending both the sole and shared parenting worksheets, Rules Appendix IX-C and IX-D (Attachments C and D) to apply the proposed derivative benefits recommendation.

Recommendation Based on the Quadrennial Review

Based on the analyses and conclusions described in this supplemental report, the Committee recommends adopting the following revised Rule Appendices:

- Appendix IX-A - Considerations in the Use of Child Support Guidelines (Attachment A)
- Appendix IX-B - Sole Parenting and Shared Parenting Worksheet Line Instructions (Attachment B)
- Appendix IX-C - Sole Parenting Worksheet (Attachment C)
- Appendix IX-D - Shared Parenting Worksheet (Attachment D)
- Appendix IX-F - Schedule of Child Support Awards (Attachment E)

III. Issues Considered Without Recommendation

A. Inclusion of Lump Sum Alimony in Child Support Calculation

The Committee reviewed the issue of whether a lump sum alimony award must be included in the child support calculation and concluded that there is no statutory requirement to support such a calculation. Lump sum alimony awards are a creation of negotiated settlements. When parties and attorneys negotiate lump sum alimony, they should similarly negotiate the child support consequences for that choice. Where a negotiated settlement that includes lump sum alimony fails to address the collateral issue of the treatment of such alimony for child support, there is no basis for the Committee to recommend a uniform standard for inserting the missing contract terms. It is more appropriate to leave such an interpretation issue to the sound discretion of a judge based on the facts evidenced at a hearing regarding the intent of the parties at the time of the agreement.

Therefore, the Committee recommends no action on this issue.

B. Biennial Adjustment of Appendix IX-F, Child Support Award Schedule

As part of the discussion to adjust the Child Support Guidelines to keep pace with inflation, the Committee considered whether an automatic biennial adjustment of Appendix IX-F would be appropriate to keep pace with increases in the cost of living and to buffer against large changes in the child support award schedule that may occur as a consequence of quadrennial reviews. Based on discussions with Dr. Rodgers and other social science resources, the Committee believes that an automatic biennial adjustment to Appendix IX-F is not appropriate.

The R. 5:6B cost of living adjustment (COLA) is rooted in the economic data that over time, incomes generally rise. Rather than doing an individual review of families, the COLA increase in R. 5:6B assumes that the income of the parents in a given case will have increased at roughly the same rate as inflation.

Applying a COLA increase to the child support award schedule reflects a misunderstanding of the relationship of time to the award charts. While the R. 5:6B COLA focuses on the application of the economic assumption that a family's income will increase over time, the income levels in the child support awards remain constant over time. For example, when one considers the child support award for families with one child and combined income of \$50,000, over time many families to whom this award applied will move up to a higher income range (as reflected in the R. 5:6B COLA), but that does not alter the factors for calculating the award for families with one child and combined income of \$50,000. Over time, as inflation raises the costs of living, families who have a combined income of \$50,000 have a lower standard of living than families who earned that same amount in years past. There is no economic data that supports an assumption that the share of parents' combined income that is spent on the child will rise along with inflation. Absent major changes in societal spending

patterns, a family with a combined income of \$50,000 in 2020 may be limited to spending about the same amount of their income on their children as the \$50,000 family in 2013.

The child support award basically represents the share of the parents' combined income that the parents spend on the child. So, raising the child support awards indicates spending a greater share of family spending on the children. If the share of family spending attributed to children is raised every two years, eventually it will be greater than 100%.

To date, the economic data collected regarding family spending on children suggests that at a specific income level, over time the share of family income attributed to spending on children may fluctuate slightly up or down, depending upon a number of factors, including general economic trends (e.g., economic recession or economic expansion) that affect consumer spending habits. The spending will not predictably increase over time.

Therefore, the Committee recommends no action on this issue.

C. Health Care Insurance When the Custodial Parent has No Countable Income

The Committee discussed whether the Child Support Guidelines should include a reduction for health care when the custodial parent has no countable income (i.e., supplemental security income (SSI), general assistance (GA), or other means-tested income). The Committee believes that the treatment of health care expenses currently in the Guidelines is appropriate and that an amendment is not necessary.

Therefore, the Committee recommends no action on this issue. The Committee recognizes, however, that it may be required to revisit this issue if health care regulations and requirements change.

IV. Other Recommendations

A. Multiple Family Obligors

In recognition of the need to address continuing, unresolved issues attendant to obligors with multiple families, the Committee, over the past several rules terms, has discussed the issue of ensuring that the obligor's available income is distributed equitably among all children. While some progress has been made in this discussion, the issue requires additional efforts before a recommendation can be formulated. The Committee recognizes that this issue is complex and has been reviewed repeatedly over the years.

Recommendation

Therefore, the Committee recommends that the issue continue to be reviewed informally with the hope that some progress on alternative resolutions may be reached in a future rules cycle.

V. Matters Held for Consideration

A. Comprehensive Analysis and Redrafting of R. 5:7-4 and -5

The Part V rules, particularly Rules 5:7-4 and -5, are difficult to navigate in their current form. Over the years, provisions have been added or amended in response to changes in the law or regulations. As a result, the rules pertaining to child support have become disjointed. The Committee recommends restructuring the Part V rules to make them more cohesive and user friendly, eliminate redundancies and inconsistencies, and clarify the Probation's Division's authority and responsibilities in child support matters before the court. In reviewing the Part V rules relating to parentage determinations and family support, the Committee identified a need to restructure and clarify the rules so as to be more useful to judges, judiciary staff, attorneys and self-represented litigants.

The Committee believes that this endeavor requires two phases. Phase One would be organization and consolidation of the rules in their most logical placement, without editing the existing text. Phase Two would include recommended amendments to the rules text and captions so as to clarify the rules. Thus far, discussions have been devoted to Phase One, which addresses the concepts for restructuring. This includes reorganizing the child support rules into three basic categories: those that apply to all child support (such as rules delineating elements of an order and enforcement remedies); those that apply only to summary actions, such as the non-dissolution (FD) and domestic violence (FV) dockets; and those that apply only to dissolution (FM) actions. It also was discussed that, to the extent possible, the rules should be structured to flow in the following order: establishment of parentage, establishment of child support, enforcement of the support order, and modification of the support order.

It was noted that all of the requisite Part V Notices in R. 5:7-4 and the Uniform Summary Support Order (USSO) should be consolidated and adopted as a Rules Appendix.

Continuing discussion has occurred regarding the consolidation and restructuring of the rules, with the goal of moving to Phase Two, which includes editing, clarification of language and elimination of redundancies. The demands of completing the Quadrennial Review, however, have prevented the Committee from completing the redraft of the Part V Rules.

Therefore, the Committee reserves its recommendations of these issues for the next rules cycle.

B. Payment of Support Through Probation/State Disbursement Unit

The Committee has been referred the issue of amending R. 5:7-5(b) so as to clarify that payment of child support is presumed to be through the Probation Division or the State Disbursement Unit (SDU), unless the court sets forth different payment responsibilities in the court order.

As rule amendments pertaining to this issue would have significant impact on DHS/DFD and AOC practices and policies, input from those stakeholders are necessary before any recommendations can be made. The Committee has been advised that the AOC and DFD are reviewing the impact such a rule amendment may have on child support program operations. The AOC and DFD will advise the Committee when the impact assessment is completed. The AOC and DFD also have not yet completed their analysis, and the Committee is unable to make a recommendation in the current rules cycle as to this issue.

Therefore, the Committee reserves its recommendations of this issue for the next rules cycle.

C. Filing of IV-D Application Required in Certain Situations

The Committee has been referred the issue of amending the court rules so as to require the filing of an application for Title IV-D services when child support is being sought and enforced by the Probation Division.

As rule amendments pertaining to this issue would have significant impact on DHS/DFD and AOC practices and policies, input from those stakeholders are necessary before any recommendations can be made. The Committee has been advised that the AOC and DFD are reviewing the impact such a rule amendment may have on child support program operations. The AOC and DFD will advise the Committee when the impact assessment is completed. The AOC and DFD also have not yet completed their analysis, and the Committee is unable to make a recommendation in the current rules cycle as to this issue.

Therefore, the Committee reserves its recommendations of this issue for the next rules cycle.

D. Self-Support Reserve

The Committee considered whether to recommend increasing the self-support reserve. Dr. Rodgers made a recommendation within the Rutgers Report that, based upon economic data, it may be appropriate in New Jersey to raise the self-support reserve to 200% of the federal poverty guideline. The Committee believes, however, that additional data and analysis are required regarding the practical application of this recommendation before making such a recommendation to the Court. While some progress has been made in reviewing the issue, the impact of such a change at various income levels must be further studied.

Therefore, the Committee recommends that the issue be carried to the next rules cycle.

Committee Members and Staff

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Respectfully submitted,

Hon. Marie E. Lihotz, J.A.D., Chair

Dated: April 10, 2013

List of Attachments

- A.** Appendix IX-A - Considerations in the Use of Child Support Guidelines
- B.** Appendix IX-B - Sole Parenting and Shared Parenting Worksheet Line Instructions
- C.** Appendix IX-C - Sole Parenting Worksheet
- D.** Appendix IX-D - Shared Parenting Worksheet
- E.** Appendix IX-F - Schedule of Child Support Awards
- F.** Rutgers School of Social Work, New Jersey Child Support Institute
Quadrennial Review: Final Report- March 22, 2013

Attachment A

New Jersey Rules of Court

Appendix IX-A

CONSIDERATIONS IN THE USE OF CHILD SUPPORT GUIDELINES

(Includes amendments through those effective [April 24, 2012] _____)

1. **Philosophy of the Child Support Guidelines . . . no change**
2. **Use of the Child Support Guidelines As a Rebuttable Presumption . . . no change**
3. **Deviating from the Child Support Guidelines . . . no change**
4. **The Income Shares Approach to Sharing Child-Rearing Expenses . . . no change**
5. **Economic Basis for the Child Support Guidelines - At the foundation of the child**

support guidelines are estimates of what parents in intact families spend on their children.

Determining the *cost* of raising a child is difficult because most goods and services purchased by families are shared by adults and children. Economists estimate that approximately 65% of household spending is for *pooled* items (e.g., a car, a washing machine, or a box of laundry detergent used in common by all household members). Even for goods that are privately consumed (e.g., clothing, food), expenditure surveys are not detailed enough to link individual household members (adults or children) to a particular expenditure. Together, pooled and privately consumed goods account for about 90% of total household expenditures. Since most expenditures on children cannot be observed directly, economists use an indirect method of determining child-rearing costs known as *marginal-cost estimation*. Marginal-cost estimation attempts to find the added cost of a child to a family by comparing the expenditures of families considered equally well-off economically and have different numbers of children. For example, if two families (one with and one without a child) are equally well-off, the additional expenses of the family with a child are assumed to be the *marginal cost* of the child.

Selecting a Standard of Well-Being - . . . no change

Consumer Expenditure Data - . . . no change

The Betson Analysis - In September 1990, Dr. David Betson of the University of Notre Dame published child-rearing estimates based on his analysis of pooled CEX data from 1980 through the first quarter of 1987, a variety of estimation techniques, and alternative definitions of the standard of well-being. As did previous studies, Dr. Betson's analysis resulted in a wide range of estimates of expenditures on children. Dr. Betson, like other economists, believes that the true range of marginal expenditures on children lies at some interval between the *Engel* and *Rothbarth* estimates. The *Engel* estimates, which are close to per capita (i.e., equal shares), clearly overstate the marginal cost of children and, thus, represent the upper bound of spending on children. Economists know that the *Engel* estimates are incorrect, but do not have the same information about the *Rothbarth* estimates. Thus, the *Rothbarth* estimates may represent the true level of marginal spending on children or the theoretical lower bound of that spending. Dr. Betson concluded that the *Rothbarth* method produced the best set of estimates on the marginal cost of children because it has the least empirical flaws and those that do exist have a minimal effect on the resulting estimates. [The child support schedules in Appendix IX-F of these guidelines are based on Dr. Betson's *Rothbarth* estimates.]

Estimating Spending on Children - The CEX does not have a direct measure of spending on children, so the expenditures on children are measured indirectly. The cost of raising children is estimated by comparing total spending in households without children to total spending in households with one, two, and three children in all income categories covered by the tables. Although this may be an indicator of the marginal increase in household spending when children are added, it does not give a complete picture since

income constraints may also force adults to spend less on themselves to share what income is available with their child(ren). To measure the impact children make on adult household spending, economists Michael and Lazear have ascertained that measuring the change in expenditures on adult clothing gives the best estimate of expenditures on children in the household. This particular "estimator," which is a derivative of the Rothbarth methodology adopted to current use by Dr. William Rodgers, III, Chief Economist of the John J. Heldrich Center for Workforce Development, Edward Bloustein School of Planning and Public Policy, at Rutgers University, is along with the marginal increases in overall household spending, analyzed to arrive at the overall cost of child rearing as reflected in the awards table. The CEX data is also adjusted to account for the variety of educational levels, ethnic backgrounds, and other factors specific to the population of New Jersey.

Development of Child Support Award Schedules - Dr. Rodgers' 2012 study estimates parental expenditures on one, two, and three children as a percentage of total household outlays. To do this, Rodgers uses the estimation method developed in the Lazear and Michael treatise (1988) and transforms the Rothbarth parameters into a schedule of child support obligations by using the following steps:

- a. converting child-related spending as a proportion of consumption to a proportion of net income;
- b. updating estimates to 2011;
- c. adjusting the schedule to reflect New Jersey's higher cost of living as measured by the "Consumer Price Index – All Urban Consumers" (CPI-U);
- d. deducting the cost of child care and unreimbursed health care expenses that exceed \$250 per child per year (these expenses are added to the basic obligation);

- e. extrapolating the estimates to families with four, five, and six children;
- f. computing marginal proportions between income intervals so that the support schedule can be constructed in ten dollars increments;
- g. using the Rothbarth and marginal proportions to create the relationship between support obligations and combined net weekly income; and
- h. using median regression to smooth (remove remaining kinks/discrete jumps) the relationship.

[Dr. Betson's analysis provides estimates of parental expenditures on one, two, and three children as a percentage of total household consumption. His *Rothbarth* findings were translated into a child support guidelines format by:

- a. converting spending as a proportion of consumption to a proportion of net income;
- b. updating Dr. Betson's 1990 estimates to September 1994;
- c. deducting the cost of child care and unreimbursed health care expenses up to \$250 per child per year (these expenses are added to the basic obligation);
- d. extrapolating the estimates to families with four, five, and six children; and
- e. computing marginal proportions between income ranges so that the support schedule could be organized into ten dollars increments]

6. Economic Principles Included in the Child Support Guidelines

- a. There is no absolute cost of raising children. The *cost* of raising children is inferred from the amount that parents' spend on their children. A child's *marginal cost* is the amount of spending above what the parents would spend if they did not have a child.

- b. Larger households have lower per-person costs due to economies of scale and the sharing of [household] family goods (i.e., unit prices decrease as quantities and sharing increase).
- c. Total spending on children increases with family size but at a decreasing rate. [(i.e., support awards should increase with the number of children in the family)] Support awards increase with the number of children in the family.
- d. When a family's total outlays [total expenditures of the household] rise, child-related spending [on children] increases roughly in the same proportion. In the Rodgers study's analysis, as one moves from the lowest to highest of the 22 income intervals, the average increase in total outlays is 7%, 6%, and 7% for one child, two children, and three children. The comparable average increases in the expenditures on children are 7%, 7%, and 9%.
- e. As a family's income [rises] increases, child-related expenditures[spending on children] increase[s] because [since] parents use a portion [some] of their disposable [discretionary] income to improve their children's quality of life. [the children's standard of living.] From the Lazear and Michael model, the change (derivative) in child-related expenditures with respect to family income has two components. The second portion of the derivative is the positive impact that income has on total expenditures.
- f. Child-related expenditures [Spending on children] as a percentage of *family consumption* are [is] relatively constant across most of the income scale. [through most of the income range.]

- g. As income increases, total family consumption spending [(e.g., for goods and services)] declines as a proportion of net income since income items [for non-consumption items (e.g., savings, personal insurance, gifts) increases] such as savings, personal insurance, and gifts increase with [the level of household] family income. [In low-income families,] Families at lower level of the income ladder have consumption spending that may exceed 100% of net income. In contrast, high-income families may spend [only] 60% to 75% of net income on consumption items.
- h. As a family's [household] income increases, child-related expenditures [on children] as a proportion of family income decline, even though [although such] these expenditures as a percentage of a family's consumption spending remain fairly [almost] constant [as a proportion of family consumption spending]. The difference between spending as a proportion of family income and a proportion of consumption is due to the effect of income taxes, savings, and charitable contributions. Income allocated [dedicated] to these items is not available for consumption spending [(i.e., on goods and services)].
- i. [As the number of children rises, the marginal cost of each child does not increase proportionately (i.e., due] Due to economies of scale, the sharing of family [household] goods and the redistribution of adult spending, as the number of children increases, the additional cost of each child has a less than proportionate increase.[). Expenditures on two children] Dr. Rodgers estimates that child-related expenditures for two children are less than twice as much as child-related expenditures [spending on] for one child, [(i.e., depending on the estimation method, two children cost from 1.40 to 1.73 more than one child).] For two children, the average cost across the 22

income intervals is 1.7 more than one child. Also, the child-related expenditures for three children [cost] are less than three times as much as one child [(the range is about 1.56 to 2.24 more than one child)]. This study average is 2.2 more than one child. These estimates lie in the range of those reported in the 2004 Policy Studies report for New Jersey.

7. Assumptions Included in the Child Support Guidelines

- a. *Intact Family Spending Patterns as the Standard for Support Orders* - . . . no change
- b. *Standard of Living* - . . . no change
- c. *Marginal-Cost Estimation* - . . . no change
- d. *The Rothbarth Marginal Cost Estimator* - The Rothbarth marginal cost estimation [technique] techniques (e.g., Betson and Lazear and Michael) provide [provides] the most accurate estimates of parental expenditures on children in dual-parent [intact] families. [Dr. David Betson's 1990 Rothbarth analysis of the 1980-1986 Consumer Expenditure Survey] Dr. Rodgers' 2012 analysis of the 2000 to 2011 micro data of the Consumer Expenditure Survey provides the most current and reliable estimates of [parental] child-related expenditures [on children] in dual-parent [intact] families.
- e. *National versus New Jersey Spending on Children* - Because the Rothbarth estimates are for the U.S. and it is well known that New Jersey's income distribution is very different from the U.S income distribution, Dr. Rodgers uses U.S. Census data to equate the income of New Jersey and U.S families and constructs proportions to smooth the schedule or remove discrete jumps in obligation as net income rises. This follows the same principle as in the 2004 Policy Studies Report for New Jersey. The

2010 U.S. and New Jersey income distribution in the American Community Survey was used to adjust the Rothbarth estimates.

[Intact-family spending on children as a *proportion* of consumption or income based on national Consumer Expenditure Surveys is consistent with the way in which New Jersey parents spend income on their children. Expenditure patterns derived from the 1980-1986 Consumer Expenditure Surveys have not changed since the data were collected. The specification of child-rearing expenditures as a *proportion* of consumption or income, rather than absolute dollar estimates, avoids the problems associated with the difference in the cost-of living between states.]

- f. *NCP/PAR Time* - . . . no change
- g. *Effect of a Child's Age* - [Dr. Betson's analysis did] Dr. Rodgers' 2012 study does not provide estimates on child-rearing expenditures by children's age groups. The Appendix IX-F awards represent the average cost of raising a child from age zero through 17 years (i.e., the total marginal cost averaged more than 18 years). Studies have shown that expenditures are higher than the average for teen-aged children and lower than the average for preteen children.
- h. *Self-Support Reserve* - The self-support reserve is a factor in calculating a child support award only when one or both of the parents have income at or near the poverty level. The self-support reserve is 105% of the U.S. poverty guideline for one person. It attempts to ensure that the obligor has sufficient income to maintain a basic subsistence level and the incentive to work so that child support can be paid. A child support award is adjusted to reflect the self-support reserve only if [its] payment of the child support award would reduce the obligor's net income below the reserve *and*

the custodial parent's (or the Parent of the Primary Residence's) net income minus the custodial parent's share of the child support award is greater than 105% of the poverty guideline. The latter condition is necessary to ensure that custodial parents can meet their basic needs so that they can care for the children. As of January 26, 2012, the self-support reserve is \$226.00 (this amount is 105% of the poverty guideline for one person).

- i. *Income Tax Withholding* - . . . no change
- j. *Spending of Child Support Order* - . . . no change
- k. *Sharing of Child-Rearing Expenses* - These guidelines assume that the parents are sharing in the child-rearing expenses in proportion to their relative incomes. To the extent that this is not true (i.e., if one parent is paying *all* costs associated with housing for the child from his or her own income) and can be proven to the court, a guidelines-based support award may require adjustment.

8. Expenses Included in the Child Support Schedules - The awards in the Appendix IX-F child support schedules represent the average amount that intact families spend on their children (i.e., the marginal amount spent on the children). The Appendix IX-F support awards include the child's share of expenses for housing, food, clothing, transportation, entertainment, unreimbursed health care up to and including \$250 per child per year, and miscellaneous items. Specific items included in each category are listed below. *Note:* The fact that a family does not incur a specific expense in a consumption category is not a basis for a deviation from the child support guidelines. The Appendix IX-F awards are based on the percentage of income spent on children by a large number of families in a variety of socioeconomic situations. The use of averages reflects the diversity of spending by parents. To qualify for a deviation based on average costs, a

parent must show that the family's marginal spending on children for all items related to a consumption category differs from the *average* family (e.g., there are no housing costs).

Housing - Mortgage principal and interest payments or home equity loans, property taxes, insurance, refinancing charges, repairs, maintenance, rent, parking fees, property management or security fees, expenses for vacation homes, lodging while out of town, utilities, fuels, public services, domestic services, lawn care, gardening, pest control, laundry and dry cleaning (non-clothing), moving and storage, repairs on home, furniture, major appliances, purchase or rental of household equipment of tools, postage, laundry or cleaning supplies, cleaning and toilet tissues, household and lawn products, stationary, all indoor and outdoor furniture, floor coverings, all small appliances and housewares (except personal care appliances), all household textiles (e.g., linens, drapes, slipcovers, sewing materials, etc.), and miscellaneous household equipment (e.g., clocks, luggage, light fixtures, computers and software, decorating items, etc.). The net purchase price of a home [and mortgage principal payments are considered savings and are] is not included as expenditures in this category.

Food - . . . no change

Clothing - All children's clothing (including school uniforms), footwear (except special footwear for sports), diapers, repairs or alterations to clothing and footwear, storage, dry cleaning, laundry, watches, and jewelry.

Transportation - All costs involved with owning or leasing an automobile including monthly installments toward principal cost, finance charges (interest), lease payments, gas and motor oil, insurance, maintenance and repairs. Also,

included are other costs related to transportation such as public transit, parking fees, license and registration fees, towing, tolls, and automobile service clubs. The net outlay (purchase price minus the trade-in value) for a vehicle purchase is *not* included. Transportation also does not include expenses associated with a motor vehicle purchased or leased for the intended primary use of a child subject to the support order.

Unreimbursed Health Care Up to and Including \$250 Per Child Per Year -

Unreimbursed health-care expenditures (e.g., medical and dental) up to and including \$250 per child per year are included in the schedules. Such expenses are considered ordinary and may include items such as non-prescription drugs, co-payments or health care services, equipment or products. The parent's cost of adding a child to health insurance policy is not included in the schedules.

Entertainment - Fees, memberships and admissions to sports, recreational, or social events, lessons or instructions, movie rentals, televisions, [radios] mobile devices, sound equipment, pets, hobbies, toys, playground equipment, photographic equipment, film processing, video games, and recreational, exercise or sports equipment.

Miscellaneous Items - Personal care products and services (e.g., hair, shaving, cosmetics), books and magazines, [education (e.g., tuition, books, supplies)] school supplies, cash contributions, personal insurance, and finance charges (except those for mortgage and vehicle purchases).

Note: Tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education) are not included in the child support schedules and may be treated as a supplemental expense.

9. Expenses That May Be Added to the Basic Child Support Obligation . . . no change

10. Adjustments to the Support Obligation - The factors listed below may require an adjustment to the basic child support obligation.

a. *Other Legal Dependents of Either Parent . . . no change*

b. *Multiple Family Obligations. . . . no change*

c. *Government Benefits Paid to or for Children - Government benefits for children fall into three categories. The treatment of each type of benefit is related to its purpose and eligibility standards.*

1. Means-tested benefits have eligibility standards based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are meant to provide for minimal subsistence and are excluded as income (not counted for either parent).

2. Derivative benefits have eligibility standards that are based on the contribution (e.g., work history, military service, disability or retirement) of one of the parties, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's

Administration benefits. Such payments are either deducted from a parent's government benefit or paid in addition to the parent's benefit. These child benefits are earned benefits that are meant to replace the lost earnings of the parent in the event of disability or retirement. The derivative child benefits shall be counted in the weekly net income of the parent whose contribution is the source of the benefits and applied as a credit to that parent's child support obligation. If the amount of the support obligation after deducting the benefits is zero, then the child support obligation is satisfied and no support award should be ordered while the child is receiving the benefits.

3. Other benefits are obtained without regard to means tests or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a stepparent, grandparent or deceased parent. This type of government benefit is not meant to replace lost earnings of a party, but to supplement the child's household income. Such benefits are counted as income for the parent who actually receives the benefits (usually the custodial parent).

[In some cases, government benefits may be received by or for a child based on a parent's earnings record, disability, or retirement (e.g., Black Lung, Veterans Disability, Social Security). Such payments are meant to replace the lost earnings of the parent and are paid in addition to the worker's or member's benefits (i.e., payments to family members do not reduce the member's benefits). A parent may also receive other non-means-tested government benefits that are meant to reduce the cost of the child such as adoption

subsidies (N.J.A.C. 10:121-2). Supplemental Security Income (SSI) and welfare payments received for or on behalf of a child are not included in this category since they supplement parental income based on financial need. If non-means tested benefits are paid to or for a dependent child for whom support is being determined, the benefits must be deducted from the basic support obligation (See *Potter v. Potter*, 169 N.J. Super. 140 (App. Div. 1979), *De La Ossa v. De La Ossa*, 291 N.J. Super. 557 (App. Div. 1996), *Pasternak v. Pasternak*, 310 N.J. Super. 483 (Ch. Div. 1997) and *Herd v. Herd*, 307 N.J. Super. 501 (App. Div. 1998)). The deduction is provided because the receipt of such benefits reduces the parents' contributions toward the child's living expenses (i.e., the marginal cost of the child). If the benefits received by the child are greater than the total support obligation (i.e., the amount of the obligation after deducting the benefits is zero), no support award should be ordered while the child is receiving the benefits. The benefits will continue to be paid by the government agency to the custodial parent in lieu of child support. If the total obligation is greater than the benefits received by the child, the non-custodial parent's income share of the residual amount (after deducting the benefits) is the support award to be paid to the custodial parent. Government benefits paid to or for a child that reduce benefits paid to a non-custodial parent (an apportionment) should not be deducted from the basic child support award, but should be used to offset the parent's child support order (i.e., the apportionment represents a payment toward the support order similar to a garnishment). NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits

have the overall affect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.]

11. Defining Income . . . no change

12. Imputing Income to Parents - The fairness of a child support award resulting from the application of these guidelines is dependent on the accurate determination of a parent's net income. If the court finds that either parent is, without just cause, voluntarily underemployed or unemployed, it shall impute income to that parent according to the following priorities:

- a. impute income based on potential employment and earning capacity using the parent's work history, occupational qualifications, educational background, and prevailing job opportunities in the region. The court may impute income based on the parent's former income at that person's usual or former occupation or the average earnings for that occupation as reported by the New Jersey Department of Labor (NJDOL);
- b. if potential earnings cannot be determined, impute income based on the parent's most recent wage or benefit record (a minimum of two calendar quarters) on file with the NJDOL (note: NJDOL records include wage and benefit income only and, thus, may differ from the parent's actual income); or
- c. if a NJDOL wage or benefit record is not available, impute income based on the full-time employment (40 hours) at the New Jersey minimum wage (\$7.25 per hour).

In determining whether income should be imputed to a parent and the amount of such income, the court should consider: (1) what the employment status and earning capacity of that parent would have been if the family had remained intact or would have formed, (2) the reason and intent for the voluntary underemployment or unemployment, (3) the availability of other assets that may be used to pay support, and (4) the ages of any children in the parent's household and child-care alternatives. The determination of imputed income shall not be based on the gender or custodial position of the parent. Income of other household members, current spouses, and children shall not be used to impute income to either parent except when determining the other-dependent credit. When imputing income to a parent who is caring for young children, the parent's income share of child-care costs necessary to allow that person to work outside the home shall be deducted from the imputed income. For further information on imputing income, see *Strahan v. Strahan*, 402 N.J. Super. 298 (App. Div. 2008), *Caplan v. Caplan*, 182 N.J. 250 (2005), *Gertcher v. Gertcher*, 262 N.J. Super. 176 (Ch. Div. 1992), *Bencivenga v. Bencivenga*, 254 N.J. Super. 328 (App. Div. 1992), *Thomas v. Thomas*, 248 N.J. Super. 33 (Ch. Div. 1991), *Arribi v. Arribi*, 186 N.J. Super. 116 (Ch. Div. 1982), *Lynn v. Lynn*, 165 N.J. Super. 328 (App. Div. 1979), *Mowery v. Mowery*, 38 N.J. Super. 92 (App. Div. 1955).

- 13. Adjustments for PAR Time (formerly Visitation Time) . . . no change**
- 14. Shared-Parenting Arrangements . . . no change**
- 15. Split-Parenting Arrangements . . . no change**
- 16. Child in the Custody of a Third Party . . . no change**
- 17. Adjustments for the Age of the Children . . . no change**
- 18. College or Other Post-Secondary Education Expenses . . . no change**

19. Determining Child Support and Alimony or Spousal Support Simultaneously . . . no change

20. Extreme Parental Income Situations - Although these guidelines apply to all actions to establish and modify child support awards, extremely low or high parental income situations make the Appendix IX-F awards inappropriate due to the limitations of the economic data. The guidelines listed below apply to extreme parental income situations.

- a. *Obligors With Net Income Less Than the U.S. Poverty Guideline.* If an obligor's net income, after deducting that person's share of the total support award, is less than 105% of the U.S. poverty guideline for one person (net income of \$226 per week as of January 26, 2012 or as published annually in the Federal Register), the court shall carefully review the obligor's income and living expenses to determine the maximum amount of child support that can reasonably be ordered without denying the obligor the means of self-support at a minimum subsistence level. If an obligee's income minus the obligee's share of the child support award is less than 105% of the poverty guideline, no self-support reserve adjustment shall be made regardless of the obligor's income. [When assessing whether an obligee has sufficient net income to permit the application of the self-support reserve for an obligor, the court may consider the effect of the obligee's share of the child support obligation (note that this amount is not calculated on either worksheet). Thus, at the Court's discretion, the obligor self-support reserve may not be applied if the obligee's net income minus the obligee's child support obligation is less than 105% of the poverty guideline for one person.] In all cases, a fixed dollar amount shall be ordered to establish the principle of the parent's support obligation and to provide a basis for an upward modification should

the obligor's income increase in the future. In these circumstances, the support award should be between \$5.00 per week and the support amount at [\$170] \$180 combined net weekly income for the appropriate number of children.

b. *Parents with a Combined Net Annual Income In Excess of \$187,200 . . . no change*

21. Other Factors that May Require an Adjustment to a Guidelines-Based Award - At

the court's discretion, the following factors may require an adjustment to a guidelines-based child support award:

- a. equitable distribution of property;
- b. income taxes;
- c. fixed direct payments (e.g., mortgage payments);
- d. unreimbursed medical/dental expenses for either parent;
- e. [educational expenses] tuition for children (i.e., for private, parochial, or trade schools, or other secondary schools, or post-secondary education);
- f. educational expenses for either parent to improve earning capacity;
- g. single family units (i.e., one household) having more than six children;
- h. cases involving the voluntary placement of children in foster care;
- i. special needs of gifted or disabled children;
- j. ages of the children;
- k. hidden costs of caring for children such as reduced income, decreased career opportunities, loss of time to shop economically, or loss of savings;
- l. extraordinarily high income of a child (e.g., actors, trusts);
- m. substantiated financial obligations for elder care that existed before the filing of the support action;

- n. the tax advantages of paying for a child's health insurance; [and]
- o. one obligor owing support to more than one family (e.g. multiple prior support orders);
- p. a motor vehicle purchased or leased for the intended primary use of a child subject to the support order;
- q. parties sharing equal parenting time; and
- r. overnight adjustment for multiple children with varying parenting time schedules.

The court may consider other factors that could, in a particular case, cause the child support guidelines to be inapplicable or require an adjustment to the child support award. In all cases, the decision to deviate from the guidelines shall be based on the best interests of the child. All deviations from the guidelines-based award and the amount of the guidelines-based award must be stated *in writing* in the support order or on the guidelines worksheet.

22. Stipulated Agreements . . . no change

23. Modification of Support Awards. Before using these guidelines to modify a child support award, the court must find that the circumstances of the parties have changed since the date that the order was entered (see *Lepis v. Lepis*, 83 N.J. 139 (1980) and Walton v. Visgil, 248 N.J. Super. 642 (App. Div. 1991)). In applying the guidelines in modification actions, the court shall consider the interrelationship of alimony or other financial factors that may have influenced the original child support amount as well as the principles set forth in existing case law. *The adoption of revised child support guidelines is not an automatic basis for the modification of a child support order.* To qualify for a modification, a party must file a motion with the court and show a change in circumstances, other than the adoption of revised guidelines, as specified in *Lepis [v. Lepis]*, supra, and other relevant case law.

24. **Effect of Emancipation of a Child . . .** no change
25. **Support for a Child Who has Reached Majority . . .** no change
26. **Health Insurance for Children . . .** no change
27. **Unpredictable, Non-Recurring Unreimbursed Health-Care In Excess of \$250 Per Child Per Year . . .** no change
28. **Distribution of Worksheets and Financial Affidavits . . .** no change
29. **Background Reports and Publications** - The reports listed below were either used during the development of the New Jersey child support guidelines or document the Supreme Court Family Practice Committee's findings and recommendations regarding the guidelines. Judiciary reports are available at the New Jersey State library and select city, county, and county courthouse libraries. Reports prepared for the U.S. Department of Health and Human Services are available from the U.S. Office of Child Support Enforcement Reference Center.
 - a. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, *Child Support Guidelines Quadrennial Review: Final Report*, 2013.
 - b. William M. Rodgers, III, *New Jersey Economic Basis for Updated Child Support Schedule*, Rutgers, The State University of New Jersey, Fifth Update: January 16, 2013.
 - c. Margaret Campbell Haynes, *Treatment of Social Security Disability Derivative Benefits*, 2011.

- d. New Jersey Child Support Institute, Institute for Families, in cooperation with the Office of Child Support Services, Division of Family Development, Department of Human Services, *Child Support Guidelines Working Forum Compendium*, Fall 2009.
- e. New Jersey Supreme Court Family Practice Committee, *2007 – 2009 Final Report*, January 20, 2009.
- f. New Jersey Supreme Court Family Practice Committee, *2004 – 2007 Final Report*, January 12, 2007.
- g. Policy Studies, Inc., *New Jersey Economic Basis for Updated Child Support Schedule*, Report prepared for the New Jersey Administrative Office of the Courts, March 30, 2004.
- [a]h. New Jersey Administrative Office of the Courts, *Supplemental Report of the Supreme Court Family Division Practice Committee on Proposed Amendments to Appendix IX (Child Support Guidelines) of the New Jersey Court Rules*, Report to the Supreme Court, October 1996.
- [b]i. New Jersey Administrative Office of the Courts, *Final Report of the Supreme Court Family Division Practice Committee on Proposed Revisions to the New Jersey Child Support Guidelines*, R. 5:6A and Appendix IX of the New Jersey Court Rules, Report to the Supreme Court, March 1996.
- [c]j. Policy Studies, Inc., *Economic Basis for Updated Child Support Schedules, State of New Jersey*, Report prepared for the New Jersey Administrative Office of the Courts, April 1995.

- [d]k. Mark Lino, *Expenditures on Children by Families, 1994 Annual Report*, U.S. Department of Agriculture, Center for Nutrition Policy and Promotion, Miscellaneous Publication 1528, April 1995.
- [e]l. David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty, September 1990.
- [f]m. Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to the U.S. Department of Health and Human Services (Office of Assistant Secretary for Planning and Evaluation), Lewin/ICF, October 1990.
- [g]n. Robert G. Williams, *Development of Guidelines for Child Support Orders, Final Report*, Report to the U.S. Office of Child Support Enforcement, Policy Studies Inc., September 1987.

Attachment B

New Jersey Rules of Court

Appendix IX-B

USE OF THE CHILD SUPPORT GUIDELINES

(Includes Amendments through those effective [April 24, 2012] _____)

GENERAL INFORMATION

Completion and Filing of the Worksheet . . . no change

Use of Weekly Amounts . . . no change

Rounding to Whole Dollars and Percentages . . . no change

Defining Parental Roles . . . no change

Selection of a Worksheet . . . no change

LINE INSTRUCTIONS FOR THE SOLE-PARENTING WORKSHEET

Caption . . . no change

Lines 1 through 5 - Determining Income

Gross Income . . . no change

Sources of Income - . . . no change

Income from self-employment or operation of a business. . . . no change

Sporadic Income . . . no change

Military Pay . . . no change

In-Kind Income ... no change

Alimony, Spousal Support, and/or Separate Maintenance Received . . . no change

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

a. . . . no change

b. . . . no change

c. . . . no change

d. . . . no change

e. . . . no change

f. . . . no change

[g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non- means-tested government

benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C. 10:121-2);]

[h]g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;

[i]h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and

[j]i. federal earned income tax credits.

Collecting and Verifying Income Information . . . no change

Taxable and Non-Taxable Income . . . no change

Analyzing Income Tax Returns . . . no change

Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).

b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to

Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. The derivative benefit is counted as income (on Line 5) for the parent whose contribution is the source of the benefit. If the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit (on Line 15).

c. *Other benefits* - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

Line 1 - Gross Taxable Income . . . no change

Line 1a - Mandatory Retirement Contributions . . . no change

Line 1b - Alimony Paid . . . no change

Line 1c - Alimony Received . . . no change

Line 2 - Adjusted Gross Taxable Income . . . no change

Line 2a - Withholding Taxes . . . no change

Line 2b - Prior Child Support Orders . . . no change

Line 2c - Mandatory Union Dues . . . no change

Line 2d - Other-Dependent Deduction . . . no change

Line 3 - Net Taxable Income . . . no change

Line 4 - Non-Taxable Income . . . no change

Line 5 - Government (Non-Means Tested) Benefit for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in

calculating child support.

a. *Means-tested benefits* - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). **Leave blank** Line 5.

b. *Derivative benefits* - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. **Enter** the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). *Note*, if the benefit is based upon contribution of the Non-Custodial Parent, he or she will also receive a credit for the benefit on Line 15.

c. *Other benefits* - Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. **Enter** the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

Line [5] 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. (Math: Line 3 + Line 4 + Line 5). **Enter** each parent's Net Income in the appropriate Line [5] 6 column.

Add the net incomes of the parents to obtain the Combined Net Income (Math: Line [5] 6 Custodial Parent + Line [5] 6 Non-Custodial Parent = Line [5] 6 Combined). **Enter** the result on Line [5] 6, Combined.

Line [6] 7 – [Percentage] Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. (Math: Line [5] 6 Custodial Parent ÷ Line [5] 6 Combined = Custodial Parent Line [6] 7 [Percentage] Share of Income; Line [5] 6 Non-Custodial Parent ÷ Line [5] 6 Combined = Non-Custodial Parent Line [6] 7 [Percentage] Share of Income). The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). **Enter** each parent's income share in the appropriate Line [6] 7 column.

Line [7] 8 - Basic Child Support Amount

Look-up the Basic Child Support Amount from Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line [5] 6 combined net income of the parents. **Enter** the Basic Child Support Amount on Line [7] 8.

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10 increments. For incomes that fall

between income increments, go to the next higher income increment if the amount is \$5.00 or more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is \$444, use the award for \$440).

As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).

Line [8] 9 - Adding Net Work-Related Child Care Costs to the Basic Obligation

Calculate net work-related child-care costs using the Appendix IX-E Net Child Care Expense Worksheet. **Enter** the weekly net child-care cost (from Line 7 of Appendix IX-E Worksheet) on Line [8] 9.

Since child care expenses are excluded from the Appendix IX-F child support schedules, such costs, if incurred by either parent, must be added to the basic support amount.

1. *Qualified Child Care Expenses* . . . no change
2. *Determining the Net Child Care Cost* . . . no change

Line [9] 10 - Adding Health Insurance Costs for the Child to the Basic Obligation

Enter the parent's weekly cost of health insurance for the child for whom support is being determined on Line [9] 10. If the parent's weekly marginal cost is unknown at the time of the hearing, use the *per capita* cost of a family policy at the parent's place of work. Do *not* include health insurance costs for adults or other dependents.

Since the cost of health insurance for children is excluded from the Appendix IX-F child support schedules, a parent's contributions to a health insurance policy which includes the child for whom support is being determined must be added to the basic support amount. Only the parent's cost of adding the child to the health insurance (medical and dental) policy is added to

the basic support amount (i.e., the marginal premium cost to the parent to add the child to the policy). If the parent who is providing the health insurance has no proof of the cost of adding the child to the health insurance policy, the parent's total premium cost should be divided by the number of persons covered by the policy (per capita). The result is then multiplied by the number of children for whom support is being determined to obtain the child's estimated share of the health insurance cost. For example, if the parent's total health insurance cost is \$60 per week and there are four persons covered by the policy (the parent, the two children who are the subjects of the support order, and a new spouse), the per capita health insurance cost for the two children is \$30 ($\$60 \div 4 \text{ persons} = \$15 \times 2 \text{ children} = \30). If both parents provide health insurance for the child, each parent's marginal cost of adding the child to the policy should be added together to determine the total health insurance cost for the child. If the cost of the health insurance policy is unknown at the time of the support establishment hearing, the parent may apply for a modification of the support order when such information becomes available.

Line [10] 11 - Adding Predictable and Recurring Unreimbursed Health Care to the Basic Obligation

Enter the weekly unreimbursed cost of any health care, if predictable and recurring, for the child that exceeds \$250 per child per year on Line [10] 11.

Costs under \$250 per child per year - Unreimbursed health care expenses (medical and dental expenses not covered by insurance) up to and including \$250 per child per year are included in the Appendix IX-F child support schedules and are assumed to be paid by the custodial parent. Because they are part of the basic child support amount, these *ordinary* health care expenses are shared in proportion to the relative incomes of the parents.

Predictable, Recurring Costs above \$250 per child per year - Unreimbursed health care

expenses in excess of \$250 per child per year are excluded from the child support schedules. If such expenses are *predictable and recurring*, they should be added to the basic support amount using Line [10] 11. The court should consider the duration and recurring nature of unreimbursed health care expenses prior to adding them to the basic support amount. If both parents provide predictable, recurring unreimbursed health care for the child, the cost to each parent should be added together to determine the total unreimbursed health care costs. Each parent's direct health care expenses for the child above the \$250 per child annual threshold are credited against his or her share of the total support award on Line [17] 18.

Unpredictable, Non-Recurring Costs above \$250 per child per year - Health-care expenses for a child that exceed \$250 per child per year that are *not predictable and recurring* should be shared between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Line [11] 12 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses to the Basic Support Amount

Enter court-approved predictable and recurring costs for the child on Line [11] 12. If approved by the court, predictable and recurring extraordinary expenses for the child that are not included in the Appendix IX-F child support awards may be added to the basic support amount. Examples of extraordinary expenditures are PAR Time transportation expenses, special diets, and private education costs for gifted or handicapped children. See Appendix IX-A, paragraph 8, for a list of items that are included in the Appendix IX-F awards and an explanation of private education expenses that may be added to the basic support amount.

Extraordinary expenses for a child that are not predictable and recurring should be shared

between the parents in proportion to their relative incomes as incurred. Since these expenses are not included in the support award, the procedure for sharing such costs should be set forth in the general language of the order or judgment.

Each parent's direct spending on court-approved extraordinary expenses for the child are credited against his or her share of the total support award on Line [18] 19.

[Line 12 - Deducting Government Benefits Paid to or for the Child]

Enter government benefits received by the child on behalf of either parent on Line 12.

If a child is receiving government benefits based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non- means-tested government benefits meant to offset the cost of the child such as adoption subsidies (*N.J.A.C.* 10:121-2). SSI, public assistance (TANF), and other means-tested benefits are not government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than the total support obligation, it shall continue to be paid directly to the obligee and the residual amount shall be paid through Probation.

Note that these benefits are not included in the gross income of the recipient parent.

NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall effect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.]

Line 13 - Calculating the Total Child Support Amount

Add the basic child support amount, net child-care cost, health insurance cost for the child, predictable and recurring unreimbursed health-care costs above \$250 per child per year, and court-approved predictable and recurring extraordinary expenses. Then, **Subtract** any government benefits received by the child. The result is the Total Child Support Amount. (Math: Line [7] 8 + Line [8] 9 + Line [9] 10 + Line [10] 11 + Line [11] 12 [- Line 12]). **Enter** the total support amount on Line 13.

[IF THE TOTAL CHILD SUPPORT AMOUNT IS ZERO (THE GOVERNMENT BENEFIT EXCEEDS THE TOTAL CHILD SUPPORT AMOUNT), STOP! GOVERNMENT BENEFITS PAID DIRECTLY TO CHILD'S CUSTODIAN WILL SUBSTITUTE FOR THE CHILD SUPPORT ORDER. OTHERWISE, CONTINUE TO LINE 14.]

Line 14 - Parental Share of the Total Child Support Obligation

Multiply each parent's percentage share of income by the total child support amount to

find each parent's share of the total child support amount. (Math: Line [6] 7 Custodial Parent \times Line 13 Total Support; Line [6] 7 Non-Custodial Parent \times Line 13 Total Support). **Enter** each parent's share of the total support amount in the appropriate Line 14 column.

Line 15 – Credit for Derivative Government Benefits for the Child Based on Contribution of the Non-Custodial Parent

Enter the weekly amount of the government benefits paid to the custodial parent for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the non-custodial parent in the Line 15 NCP column.

NOTE: benefits amount should match the government benefits for the child on Line 5 NCP column.

Line [15] 16 - Credit for Child-Care Payments

Enter payments (if any) for work-related child-care that are being paid by the non-custodial parent directly to the child care provider in the Line [15] 16 NCP column.

NOTE: payments cannot exceed the net work-related child care cost on Line [8] 9.

Line [16] 17 - Credit for Payment of Child's Health Insurance Cost

Enter the non-custodial parent's direct payments (or payroll deductions) toward the marginal cost of adding the child to a health insurance policy in the Line [16] 17 NCP column.

NOTE: payments cannot exceed the parent's cost of health insurance for the child added on Line [9] 10.

Line [17] 18 - Credit for Payment of Child's Predictable and Recurring Unreimbursed Health Care

Enter the non-custodial parent's direct payments (if any) for predictable and recurring

unreimbursed health care above \$250 per child per year in the Line [17] 18 NCP column.

NOTE: payments cannot exceed predictable and recurring unreimbursed health care expenses added on Line [10] 11.

Line [18] 19 - Credit for Payment of Court-Approved Extraordinary Expenses

Enter the non-custodial parent's direct payments (if any) for predictable and recurring extraordinary court-approved expenses in the Line [18] 19 NCP column.

NOTE: payments cannot exceed predictable and recurring extraordinary court-approved expenses added on Line [11] 12.

Line [19] 20 - Adjustment for Parenting Time Variable Expenses

[**Enter** the amount of the adjustment for variable expenses for the child during parenting time periods in the Line 19 NCP column.] The court may grant the non-custodial parent an adjustment for parenting time equal to that parent's income share of the child's variable expenses for the percentage of time the child is with that parent. When determining if the adjustment is appropriate, the court should consider whether the non- custodial parent has incurred variable expenses for the child during the parenting time period and if parenting time reduced the other parent's variable expenses for the child. It is assumed that variable costs (food and transportation) for the child account for 37% of the total marginal child-rearing expenditures in intact families. The parenting time adjustment should not exceed the parent's time share of the variable costs for the child.

Complete Lines 20a and 20b before returning to Line 20. Then **multiply** the basic child support amount (Line 8) by the non-custodial parent's share of overnights with the child (NCP Line 20b). **Multiply** that product by 0.37 (the presumed variable costs). The result is the

maximum **NCP parenting** time adjustment (the variable cost for the time spent with the child).

Enter the amount on Line 20. (Math: Line 8 x NCP Line 20b x 0.37).

[To figure the maximum PAR Time variable-expense adjustment:

- 1) Calculate the assumed variable costs for the child by multiplying the basic child support amount (Line 7) by 37%;
- 2) Calculate the non-custodial parent's percentage of overnights with the child by dividing the number of overnights with the non-custodial parent by the total overnights with either parent (enter each parent's percentage of time with the child or children on Line 5 of the Comments section of the worksheet);
- 3) Multiply the variable costs for the child by the non-custodial parent's percentage of overnights. The result is the maximum PAR Time adjustment (the variable cost for the time spent with the child). The result is the maximum PAR Time adjustment (the variable cost for the time spent with the child).

(Math: Line 7 \times 0.37 \times percentage of time with child)]

NOTE: If the custodial parent's total household net income (from all sources) plus the [PAR Time-adjusted] NCP parenting time-adjusted support award is less than 200% of the poverty guideline for the number of persons in the household, the [PAR Time] NCP parenting time adjustment is not presumptive and shall be subject to the court's discretion.

Line 20a – Number of Overnights with Each Parent

Enter the number of overnights the child has with the custodial parent in the Line 20a CP column. **Enter** the number of overnights the child has with the non-custodial parent in the Line 20a NCP column. **Add** the total number of overnights to **Enter** in the Line 20a Combined column.

Line 20b – Each Parent's Share of Overnights with the Child

Divide the CP Line 20a by the Combined Line 20a. **Enter** that number in the Line 20b CP column. **Divide** the NCP Line 20a by the Combined Line 20a. **Enter** that number in the Line 20b NCP column. The two Line 20a decimals should add up to 1.00.

Line [20] 21 – [Figuring Each Parent's] Net Child Support Obligation

Subtract [each] the non-custodial parent's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the paying parent's share of the total support amount. Then, **subtract** the Line [19] 20 credit, if any, from the non-custodial parent's support amount and the Line 15 credit, if any, for government benefits for the child based on contribution of the NCP. The result is [each parent's] the net child support obligation. (Math: (Line 14 - (Line 15 + Line 16 + Line 17 + Line 18 + Line 19 + Line 20)) [for each parent]). **Enter** [each parent's] the net obligation [in the appropriate Line 20 column] on Line 21.

Direct payments and credits are subtracted from the total child support amount [of the parent who made the expenditure] to find the [at parent's] net child support obligation. Direct payments may be deducted only if the cost was included in the total child support amount. The net child support obligation for the non-custodial parent is the support order that will be paid for the benefit of the children. [The net obligation of the custodial parent is considered to be spent directly on the children during the course of providing for their daily needs. If the children reside with a third party, each parent's net obligation is his or her respective child support order to be paid to the third-party custodian of the child (i.e., two orders are paid to the child's custodian).]

IF NEITHER PARENT REQUESTED AN ADJUSTMENT FOR OTHER DEPENDENTS,

GO TO LINE [24] 25

Lines [21, 22 and 23] 22, 23, and 24 - Adjusting the Child Support Obligation for Other-Dependents

1. . . . no change
2. . . . no change

Line [21] 22 - Line [20] 21 CS Obligation With [Other-Dependent] Other Dependent Deduction

Enter the amount of the [non-custodial parent's] net child support obligation (Line [20] 21) from the worksheet that deducted the theoretical support obligation for the parent's other dependents from the parent's net income (i.e., with the Line 2d other-dependent amount deducted from the parent's gross income). Note: the Line 2d theoretical support obligation for children in the alternate family is calculated on a separate [Sole-Parenting] sole parenting worksheet.

Line [22] 23 - Line [20] 21 CS Obligation Without [Other-Dependent] Other Dependent Deduction

Enter the amount of the [non-custodial parent's] net child support obligation (Line [20] 21) from the worksheet that did not deduct the theoretical support obligation for other dependents (Line 2d) from the parent's net income was calculated. Note: [the] The theoretical support obligation for children in the secondary family is calculated on a separate worksheet.

Line [23] 24 - Obligation Adjusted for Other Dependents

Add the Line [21] 22 support obligation that includes the other-dependent deduction and the Line [22] 23 support obligation that does not include the other dependent deduction, then **divide** the sum by two to obtain the Adjusted Child Support Obligation for the non- custodial

parent. (Math: (Line [21] 22) + (Line [22] 23) ÷ 2)). **Enter** the result on Line [23] 24.

Lines [24] 25, [25] 26, and [26] 27 - Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the U.S. poverty guideline for one person. If the NCPs net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. **No such adjustment shall occur, however, if the custodial parent's net income minus the custodial parent's child support obligation is less than the self-support reserve.**

This priority is necessary to ensure that custodial parents can meet their basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. Subtract the obligor's child support obligation from that person's net income.
2. If the difference is greater than 105% of the poverty guideline for one person (\$226 per week as of January 26, 2012), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 105% of the poverty guideline for one person **and** the custodial parent's net income is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).

Line [24] 25 - Self-Support Reserve Test

Calculate whether the obligor's income will exceed 105% of the poverty level by subtracting the [non-custodial parent's] net child support obligation from the non-custodial parent's [that person's] net income. (Math: Line [5] 6 NCP - Line [20] 21 or Line [23] 24 [Non-Custodial Child Support Obligation].) **Enter** the result for the NCP on Line [24] 25. **Enter** the custodial parent's net income minus the custodial parent's child support obligation (Line [5] 6 minus Line 14) on Line [24] 25. **Then,**

If the NCP Line [24] 25 amount is less than 105% of the poverty guideline and the CP Line

[24] 25 minus the CP Line 14 is greater than 105% of the poverty guideline, Go To Line [25]

26. If the NCP result is greater than 105% of the poverty guideline, Skip Line [25] 26 and

Enter the Line [20] 21 or Line [23] 24 non-custodial parent child support obligation on Line [26] 27.

NOTE: If the CP Line [24] 25 minus the CP Line 14 amount is less than 105% of the poverty guideline, there is no NCP self-support reserve adjustment. In this case, the NCP Line [20] 21 or Line [23] 24 amount is the final child support order (Line [26] 27).

Line [25] 26 - Maximum Child Support Order

Subtract the poverty level from the non-custodial parent's net income to find the maximum child support order. (Math: Line [5] 6 Non-Custodial Net Income - 105% of the poverty guideline). **Enter** the result on Lines [25] 26 and [26] 27.

Line [26] 27 - Child Support Order

Line [26] 27 is the amount to be paid by the non-custodial parent (the obligor) to the custodial parent (from either Line [24] 25 or Line [25] 26) for the benefit of the children.

LINE INSTRUCTIONS FOR THE SHARED-PARENTING WORKSHEET

Caption . . . no change

Lines 1 through 5 - Determining Income

Gross Income . . . no change

Sources of Income . . . no change

Income from self-employment or operation of a business . . . no change

Sporadic Income . . . no change

Military Pay . . . no change

In-Kind Income . . . no change

Alimony, Spousal Support, and/or Separate Maintenance Received . . . no change

Types of Income Excluded from Gross Income - The following types of income are excluded from *gross income*:

a. . . . no change

b. . . . no change

c. . . . no change

d. . . . no change

e. . . . no change

f. . . . no change

[g. a government benefit based on a parent's earnings record, disability, or condition that is paid to or for the child (or the child's caretaker) for whom support is being determined (e.g., Black Lung, Veteran's Disability, Social Security) or other non- means-tested government benefits meant to reduce the cost of the child (e.g., adoption subsidies as provided by N.J.A.C. 10:121-2);]

[h]g. for modifications involving retirement income, the pro-rated amount of contributions to a voluntary plan that were previously included in gross income when the current support order was established;

[i]h. financial assistance for education including loans, grants, scholarships, veteran's education benefits, and awards provided under the National and Community Service Act of 1990 (except post-service benefits); and

[j]i. federal earned income tax credits.

Collecting and Verifying Income Information . . . no change

Taxable and Non-Taxable Income . . . no change

Analyzing Income Tax Returns . . . no change

Government Benefits for the Child - Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. Means-tested benefits - Benefits based on the fact that the child or parent has minimal income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent).

b. Derivative benefits - Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. The derivative benefit is counted as income (on Line 5) for the parent whose

contribution is the source of the benefit. If the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit (on Line 22).

c. *Other benefits* - Benefits that are obtained without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. This benefit is counted as income (on Line 5) for the parent who actually receives the financial benefit (usually the custodial parent).

Line 1 - Gross Taxable Income . . . no change

Line 1a - Mandatory Retirement Contributions . . . no change

Line 1b - Alimony Paid . . . no change

Line 1c - Alimony Received . . . no change

Line 2 - Adjusted Gross Taxable Income . . . no change

Line 2a - Withholding Taxes . . . no change

Line 2b - Prior Child Support Orders . . . no change

Line 2c - Mandatory Union Dues . . . no change

Line 2d - Other-Dependent Deduction . . . no change

Line 3 - Net Taxable Income . . . no change

Line 4 - Non-Taxable Income . . . no change

Line 5 - Government (Non-Means Tested) Benefit for the Child

Government benefits for children fall into three categories. Each is described below along with its treatment in calculating child support.

a. *Means-tested benefits* - Benefits based on the fact that the child or parent has minimal

income and requires government assistance. This includes, but is not limited to, Temporary Assistance to Needy Families (TANF), Deficit Reduction Act (DEFRA), Refugee Assistance, rent subsidies, food stamps (SNAP), and Supplemental Security Income for the Aged, Blind or Disabled (SSI), kinship guardian subsidies. Means-tested benefits for the child are excluded as income (not counted for either parent). **Leave blank** Line 5.

b. Derivative benefits – Benefits based on the contribution (e.g., work history, military service, disability, or retirement) of one of the parties is an essential factor in the child's eligibility for the benefit, without regard to family income. This includes but is not limited to Social Security Disability, Social Security Retirement, Black Lung, and Veteran's Administration benefits. **Enter** the weekly amount of the derivative benefit on Line 5 of the parent whose contribution is the source of the benefit (i.e., if the Non-Custodial Parent's work history and disability qualify the child for Social Security benefits, the benefit for the child will be included on Line 5 Non-Custodial Parent). *Note*, if the benefit is based upon contribution of the Parent of Alternate Residence (PAR), he or she will also receive a credit for the benefit on Line 22.

c. Other benefits – Benefits that are given without regard to family income or contribution (e.g., work history, military service, disability, or retirement) of either party. This includes, but is not limited to, adoption subsidies and Social Security benefits based on the work history of a non-party relative, such as a step-parent, grandparent, or deceased parent. **Enter** the weekly amount of this benefit on Line 5 of the parent who actually receives the financial benefit (usually the custodial parent).

Line [5] 6 - Net Income

Add the Net Taxable Income and the Non-Taxable Income to obtain the weekly Net Income. (Math: Line 3 + Line 4 + Line 5). **Enter** each parent's Net Income in the appropriate

Line [5] 6 column.

Add the net incomes of the parents to obtain the Combined Net Income (Math: Line [5] 6 [Custodial Parent] PPR + Line [5] 6 [Non-Custodial Parent] PAR = Line [5] 6 Combined). **Enter** the result on Line [5] 6, Combined.

Line [6] 7 – [Percentage] Each Parent's Share of Income

Divide each parent's net income by the combined net income to obtain each parent's percentage share of income. (Math: Line [5] 6 [Custodial Parent] PPR ÷ Line [5] 6 Combined = [Custodial Parent] PPR Line [6] 7 [Percentage] Share of Income; Line [5] 6 [Non-Custodial Parent] PAR ÷ Line [5] 6 Combined = [Non-Custodial Parent] PAR Line [6] 7 [Percentage] Share of Income). The sum of the two percentages (ratios) must equal one (the decimal equivalent of 100%). **Enter** each parent's income share in the appropriate Line [6] 7 column.

[Line 7 - Number of Overnights with Each Parent]

Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 7 columns. Vacations and holidays with the PAR do not count towards the determination of overnight time.

Add the number of overnights with each parent to obtain the total number of overnights. **Enter** the total overnights in the Line 7 Combined column.

Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) **on a predictable and recurring basis**, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355

(365-10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.]

[Line 8 - Percentage of Overnights with Each Parent

Divide the number of overnights that the child spends with each parent by the total number of overnights. (Math: Line 7 PPR overnights ÷ Line 7 total overnights; Line 7 PAR overnights ÷ Line 7 total overnights). **Enter** each parent's percentage of overnights in the appropriate Line 8 column. The sum of the percentages (ratios) must equal one (the decimal equivalent of 100%).

NOTE: if the PAR's percentage of overnights with the child is less than the substantial equivalent of two or more overnights per week (28%), STOP! The sole parenting worksheet must be used.]

Line [9] 8 - Basic Child Support Amount

Look-up the Basic Child Support Amount from Appendix IX-F award schedule. Select the appropriate amount for the number of children for whom support is being determined and the Line 6 [5] combined net income of the parents. **Enter** the Basic Child Support Amount on Line 8 [9].

The parents' combined net income and the number of children for whom support is being determined are used to obtain the basic child support amount from the Appendix IX-F schedules. Appendix IX-F combined net incomes are provided in \$10 increments. For incomes that fall between income increments, go to the next higher income increment if the amount is \$5.00 or

more (e.g., if the combined income is \$446, use the award for \$450 combined income; if it is \$444, use the award for \$440).

As explained in Appendix IX-A, the basic child support amount represents average spending on children by intact families (see Appendix IX-A for consumption items included and excluded in the Appendix IX-F basic child support amount).

Line 9 –Number of Overnights with Each Parent

Enter the number of regular overnights that the child spends or is expected to spend with each parent during a one-year period in the appropriate Line 9 columns. Vacations and holidays with the PAR do not count towards the determination of overnight time.

Add the number of overnights with each parent to obtain the total number of overnights.

Enter the total overnights in the Line 9 Combined column.

Generally, the sum of the number of overnights with each parent will be 365. If, however, the child spends overnights with a third party (e.g., grandparents) on a predictable and recurring basis, each parent's and the total number of overnights should be adjusted accordingly so that neither parent receives credit for this time. For example, if a child stays with grandparents for 10 overnights each year, which would have normally been spent with the PPR, the PPR's number of overnights is reduced by 10 and the total number of overnights is reduced to 355 (365 minus 10). If the child would have spent half of the grandparent visitation time (5 of the 10 overnights) with the PAR, both parent's number of overnights is reduced by five. If a child attends summer camp or other overnight care, the parent paying for such care shall be entitled to the credit for the number of overnights.

Line 10 - Each Parent's Share of Overnights with Child

Divide the number of overnights that the child spends with each parent by the total

number of overnights. (Math: Line 9 PPR overnights ÷ Line 9 total overnights; Line 9 PAR overnights ÷ Line 9 total overnights). **Enter** each parent's share of overnights in the appropriate Line 10 column. The sum of the shares (ratios) must equal one (the decimal equivalent of 100%).

NOTE: If the PAR's share of overnights with the child is less than the substantial equivalent of two or more overnights per week (28%), STOP! The sole parenting worksheet must be used.

Line [10] 11 - PAR Shared Parenting Fixed Expenses

In shared-parenting situations, each parent incurs fixed costs (housing expenses) for the child even though the child may not be residing with a particular parent at a given time. Fixed costs include expenses for the dwelling, utilities, household furnishings, and household care items (see Appendix IX-A for a full list of items included in this category). It is assumed that fixed costs represent 38% of the basic support amount.

The PPR's fixed costs remain static (i.e., the full 38% of the basic support amount; they are not reduced when the child is not in the household) since that parent must maintain the primary residence for the child at all times. The PPR's fixed costs are included in the basic support amount. **The PAR's fixed expenses** are pro-rated based on the amount of time the child spends in the alternate household. The PAR's fixed expenses are assumed to be equal to $2 \times \text{PAR's time with the child} \times \text{PPR's fixed expenses}$. For example, if the PAR spends 30% of overnights with the child, that parent is assumed to incur 60% of the PPR's fixed costs. The parents have equal fixed expenses only when time sharing is equal (50% each). The PAR's time-adjusted fixed expenses must be added to the basic support amount (i.e., the basic amount assumes that there is only one household for the child) to determine the total dual-household costs for the child.

To calculate the PAR's time-adjusted fixed expenses:

(1) **Multiply** the basic support amount by 38% (Math: Line [9] 8 \times 0.38). The result is the portion of the basic support amount that represents the PPR's fixed expenses.

(2) **Multiply** the PPR's fixed expense by two times the PAR's percentage of overnights (Math: PPR fixed expense \times PAR Line [8] 10 \times 2). The result is the PAR's time-adjusted fixed expense for the child.

Enter this amount on Line [10] 11.

[Line 11 - Deducting Government Benefits Paid to or for the Child]

Enter the weekly amount of government benefits received by the child on behalf of either parent on Line 11. If a child is receiving government benefits (non-means tested) based on either parent's earning record, disability, or retirement, the amount of those benefits must be deducted from the total support award (regardless of the effect of the child's benefit payments on benefits paid to the parent). Such benefits include, but are not limited to: Social Security Retirement or Disability, Black Lung, and Veteran's Administration benefits. Also included are non-means-tested government benefits meant to offset the cost of the child such as adoption subsidies (*N.J.A.C.* 10:121-2). SSI, public assistance (TANF), and other means-tested benefits are **not** government benefits based on a parent's earnings record, disability or retirement and should not be included on Line 12. If the government benefit received by the child is greater than the total support award (i.e., the amount of the total support award after deducting the government benefit is zero or less), the amount of the government benefit that is being paid to or for the child represents the support award. In such cases, the support award should be made payable directly to the obligee (i.e., from the government agency to the obligee; not through Probation). If the government benefit is less than the total support obligation, it shall continue to

be paid directly to the obligee and the residual amount shall be paid through Probation. Note that these benefits are not included in the gross income of the recipient parent. See Appendix IX-A, paragraph 10(b) for more information on the treatment of government benefits.

NOTE: There may be circumstances when the CP/PPR is the party who is disabled and the child's share of derivative government benefits such as Social Security Disability greatly reduces child support at a time when the CP/PPR's personal income is also reduced. This creates a situation where the government benefits have the overall affect of being treated as a contribution made entirely by the NCP/PAR which may result in an injustice to the child. Under these circumstances, deviation from the guidelines may be required to prevent a financial hardship in the child's primary household due to the substantial reduction, or possible elimination, of child support caused by the application of the deduction allowed for government benefits against the basic child support amount.]

Line 12 - Shared Parenting Basic Child Support Amount

Add the basic child support amount and the PAR's shared parenting fixed expenses, then, **Subtract** any government benefits paid to or for the child. The result is the shared parenting basic child support amount. Math: $[(\text{Line 9} + \text{Line 10}) - \text{Line 11}]$ (Line 8 + Line 11). **Enter** the shared parenting basic child support amount on Line 12.

The shared parenting basic child support amount includes the costs of the two households in which the child resides, total variable costs (food and transportation) for the child, and other child-rearing costs controlled by the PPR such as clothing, personal care, and entertainment (see Appendix IX-A, paragraph 14(d)). [Government benefits (non-means tested) paid to or for the child are deducted in recognition of the reduced household expenses for the child due to the receipt of government benefits specifically for that child.

If the shared parenting basic child support amount is zero or less due the deduction of a government apportionment, continue with the worksheet calculations (carrying forward negative numbers) to determine if the PAR has any obligation for supplemental expenses.]

Line 13 – [PAR] Each Parent's Share of Shared Parenting Basic Child Support Amount

Calculate the PAR's share of the shared [custody] parenting basic child support amount by multiplying the shared [custody] parenting basic child support amount by the PAR's income share. Math: (PAR Line [6] 7 \times Line 12). **Enter** the PAR's share of the award on Line 13.

Calculate the PPR's share of the shared parenting basic child support amount by multiplying the shared custody basic child support amount by the PPR's income share. Math: (PPR Line 7 \times Line 12). **Enter** the PPR's share of the award on Line 13.

Line 14 - PAR Shared Parenting Variable Expenses

Variable expenses are incurred only when the child is residing with a parent (i.e., costs that follow the child). This category includes transportation and food). It is assumed that variable costs account for 37% of total spending on a child in an intact family.

Since the PPR has no variable expenses for the child while the child is with the PAR, the shared custody basic child support amount (which assumes that all variable expenses are incurred by the PAR household), must be reduced by the PAR's variable expenses for the child while the child is residing in the PAR's household.

To Calculate the PAR's share of variable expenses for the child:

(1) **Multiply** the basic support amount by 37%. Math: (Line [9] 8 \times 0.37). This is the portion of the basic support amount that represents variable expenses for the child.

(2) **Multiply** the variable expenses by the PAR's percentage of regular overnights with

the child. Math: (variable expense \times PAR Line [8] 10). The result is the PAR's variable expense for the child. **Enter** this amount on Line 14.

Note: Be careful to calculate variable expenses using the basic child support obligation (Line [9] 8), **not** the shared parenting basic child support amount (Line [13] 12).

Line 15 - PAR Adjusted Shared Parenting Basic Child Support Amount

The PAR Adjusted Shared Parenting Basic Child Support Amount represents the PAR's income share of the net support obligation for the child while the child is residing in the primary household. To calculate this amount, **subtract** the PAR's fixed expenses and the PAR's variable expenses from the PAR's share of the Shared Parenting Basic Child Support Amount. Math: (Line 13 - Line [10] 11 - Line 14). Note: Line 15 may be a negative number. If so, carry it forward to the supplemental expense calculation.

Lines 16 through 20 - Figuring Supplemental Expenses to be Added to the Shared Parenting Basic Child Support Amount . . . no change

Line 16 - Adding Net Work-Related Child Care Costs . . . no change

Line 17 - Adding Health Insurance Costs for the Child . . . no change

Line 18 - Adding Predictable and Recurring Unreimbursed Health Care . . . no change

Line 19 - Adding Court-Approved Predictable and Recurring Extraordinary Expenses . . . no change

Line 20 - Total Supplemental Expenses . . . no change

Line 21 - PAR's Share of the Total Supplemental Expenses . . . no change

Line 22 - Credit for Derivative Government Benefits for the Child Based on Contribution of the Parent of Alternate Residence

Enter the weekly amount of the government benefits paid to the parent of primary

residence for the child (if any) that are based on the contribution (work history, military service, disability, or retirement) of the parent of alternate residence (PAR) in the Line 22 PAR column.

NOTE: Benefits amount should match the government benefits for the child on Line 5 PAR column.

Line [22] 23 - Credit for PAR's [Child-Care] Child Care Payments

Enter the PAR's direct payments for work-related [child-care] child care for the child for whom support is being determined on Line [22] 23. [Note: payments] **NOTE: Payments** cannot exceed the parent's net work-related child care cost added on Line 16.

Line [23] 24 - Credit for PAR's Payment of Child's Health Insurance Cost

Enter the PAR's direct payments towards that parent's cost of adding the child to a health insurance policy on Line [23] 24. **NOTE: Payments** [payments] cannot exceed the parent's cost of health insurance for the child added on Line 17.

Line [24] 25 - Credit for PAR's Payment of Unreimbursed Health Care

Enter the PAR's direct payments for predictable and recurring unreimbursed health care greater than \$250 per child per year on Line [24] 25. **NOTE: Payments** [payments] cannot exceed predictable and recurring unreimbursed health care expenses added on Line 18.

Line [25] 26 - Credit for PAR's Payment of Court-Approved Extraordinary Expenses

Enter the PAR's direct payments for predictable and recurring extraordinary court-approved expenses on Line [25] 26. **NOTE: Payments** [payments] cannot exceed predictable and recurring extraordinary court-approved expenses added on Line 19.

Line [26] 27 - PAR's Total Payments for Supplemental Expenses

Add the PAR's direct payments toward work-related [child-care] child care, the cost of adding the child to a health insurance policy, the predictable and recurring unreimbursed health care above \$250 per child per year, and the predictable and recurring extraordinary court-approved expenses. Math: ([Line 22 +] Line 23 + Line 24 + Line 25 + Line 26). **Enter** the sum of all payments added on Line [26] 27.

Line [27] 28 - PAR's Net Supplemental Expenses

Subtract the PAR's direct payments for child care, the child's share of the health insurance premium, predictable and recurring unreimbursed health care for the child above \$250 per year per child, and predictable and recurring extraordinary court-approved expenses from the PAR's share of the total supplemental expenses. The result is the PAR's net supplemental expenses for the child. Math: (Line 21 - Line [26] 27). **Enter** the PAR's share of net supplemental expenses on Line [27] 28.

Direct payments for supplemental expenses are subtracted from the PAR's share of total supplemental expenses before those expenses are added to the PAR's share of the adjusted shared parenting child support amount. **Direct payments may be deducted only if the cost was previously included as a supplemental expense.**

Line [28] 29 - PAR's Net Child Support Obligation

Add the PAR's share of the adjusted shared parenting basic child support amount and the PAR's share of the net supplemental expenses to determine the PAR's net child support obligation. Math: (Line 15 + Line [27] 28). **Enter** the PAR's net support obligation on Line [28] 29.

The PAR's net obligation is the child support order that will be paid for the benefit of the children while they are residing with the PPR. Theoretically, the PPR also has a support obligation (although not calculated on the shared parenting worksheet) that is considered to be spent directly on the children during the course of providing for their daily needs.

NOTE: [if] If the PAR's net obligation is a negative number, this amount must be paid by the PPR to the PAR to preserve each parent's income share of the total shared- parenting expenses. In this case, the PPR would be the obligor of the support order.

Lines [29, 30, and 31] 30, 31 and 32 - Adjusting the Child Support Obligation for Other Dependents

1. If either parent requests an adjustment for other legal dependents, a [Sole-Parenting] sole parenting worksheet must be prepared to determine the parent's theoretical support obligation for his or her other dependents. Additionally, two separate [Shared-Parenting] shared parenting worksheets must be completed (if calculating the adjustment manually). The three worksheets will result in the following obligation amounts:

a. Sole Parenting - a theoretical support obligation for the child in the alternate family (i.e., the parent requesting the adjustment is the theoretical obligor of the child in the alternate family);

b. Primary Shared Parenting - a support obligation for the child for whom support is being determined calculated after the theoretical obligation for any other dependents (Line 2d) is deducted from the responsible parent's gross income; and

c. Alternate Shared Parenting - a support obligation for the child for whom support is being determined calculated without deducting the theoretical obligation for other dependents (Line 2d) from the responsible parent's gross income.

2. To ensure that a fair share of the parent's income is available to all his or her legal dependents, add the parent's support obligation from the worksheet that includes the Line 2d other-dependent deduction and the parent's support obligation from the worksheet that does not include the Line 2d other dependent deduction. Divide the sum of the two support obligations by two to obtain the adjusted child support obligation.

Line [29] 30 - Line [28] 29 PAR CS Obligation WITH Other Dependent Deduction

Enter the PAR's net child support obligation (Line [28] 29) from the worksheet that deducted a theoretical support obligation for other dependents of either parent (i.e., with the Line 2d other-dependent amount deducted from gross income).

Line [30] 31 - Line [28] 29 PAR CS Obligation WITHOUT Other Dependent Deduction

Enter the PAR's net child support obligation (Line [28] 29) from the worksheet that does not deduct a theoretical support obligation for other dependents from the gross income of either parent.

Line [31] 32 - Adjusted PAR CS Obligation

Add the obligation that includes the [other-dependent] other dependent deduction (Line [29] 30) and the obligation that does not include the [other-dependent] other dependent deduction (Line [30] 31), then **divide** the sum by two to obtain the Adjusted PAR Child Support Obligation. Math: $(\text{Line [29] } \underline{30} + \text{Line [30] } \underline{31}) \div 2$. **Enter** the result on Line [31] 32.

Lines [32 and 33] 33 and 34 - Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the U.S. poverty guideline for one person. If the PAR's net income after

deducting the child support award is less than the self-support reserve, the order should be adjusted. **No such adjustment shall occur, however, if the PPR's net income minus the PPR's child support obligation is less than the self-support reserve.** This priority is necessary to ensure that a PPR can meet his or her basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. Subtract the obligor's child support obligation from that person's net income.
2. If the difference is greater than 105% of the poverty guideline for one person (\$226 per week as of January 26, 2012), the self-support reserve is preserved and the obligor's support obligation is the child support order.
3. If the difference is less than 105% of the poverty guideline for one person **and** the custodial parent's net income is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and the 105% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20).

NOTE: In some family situations[,] (e.g., the PPR's income exceeds the PAR's income and shared parenting times are near equal), the PPR may owe child support to the PAR (in such cases, the PAR's obligation is a negative number). If this occurs, the self-support reserve should be tested using the PPR's net income and the absolute value of the PAR's negative obligation. In all cases, the PPR should be given the priority with regard to the self-support reserve.

Line [32] 33 - Self-Support Reserve Test

Subtract the PAR's net child support obligation from the PAR's net income. Math: PAR's Line [5] 6 net income - PAR Line [28] 29 or [31] 32 child support obligation. Note: [if] If Line [28] 29 or [31] 32 is a negative number, the PPR is the obligor of that amount. **Enter** the PAR's result on Line [32] 33. **Enter** the PPR's net income (from Line [5] 6) on Line [32] 33. Then,

If the PAR's Line [32] 33 is less than 105% of the poverty guideline and the PPR's Line [32] 33 is greater than 105% of the poverty guideline, Go To Line [33] 34.

If the PAR's Line [32] 33 is greater than 105% of the poverty guideline, Skip Line [33] 34 and **Enter** the PAR's Line [28] 29 or [31] 32 child support obligation on Line [34] 35.

NOTE: If the PPR Line [29] 33 amount is less than 105% of the poverty guideline, there is no PAR self-support reserve adjustment. In this case, the PAR Line [28] 29 or [31] 32 amount is the final child support order (Line [31] 35).

Line [33] 34 - PAR's Maximum Child Support Order

Subtract 105% of the poverty guideline from the PAR's net income to find the maximum child support order. Math: Line [5] 6 PAR net income – 105% of the poverty guideline. **Enter** the result on Lines [33 and] 34 and 35.

Line [34] 35 - Child Support Order

Enter the Line [28] 29, [31] 32 or [33] 34 support amount to be paid by the obligor to the other parent for the benefit of the child. Generally, the obligor will be the PAR. However, in some family situations, the PPR may be the obligor (if the PAR's obligation is a negative number). In those cases, enter the absolute (positive) value of the PAR's negative obligation (or the self-support reserve maximum amount) in the PPR's Line [34] 35 column. Otherwise, enter

the Line [28] 29 PAR's net support obligation, the Line [31] 32 [other-dependent] other dependent adjusted obligation (if any), or the Line [33] 34 maximum child support obligation (if any) on the PAR's Line [34] 35. [If the PAR is the obligor, go to Line 32. Otherwise, Line 31 is the final child support order.]

Line [35] 36 - PPR Household Income Test

Add the PPR's net income from all sources (including means-tested income such as AFDC), the net income of other adults in the primary household, and the PAR shared parenting support order. Math: PPR Line [5] 6 net income + net income of other adults + PAR Line [34] 35 child support order. Enter the sum in the PPR's Line [35] 36 column.

Test: If Line [35] 36 is less than the PPR household income threshold for the PPR and the total number of persons in the primary household (see table in Appendix IX-A, paragraph 14), the award must be recalculated, **without adjusting for shared-parenting time**, using the [Sole-Parenting Worksheet] sole parenting worksheet. If Line [35] 36 exceeds the PPR household income threshold, the Line [34] 35 child support order is appropriate.

NOTE: A PAR may still receive an adjustment for variable expenses when the sole parenting worksheet is used to recalculate the support award. If, however, the PPR's household income plus a PAR time-adjusted support award is still below 200% of the poverty guideline, the application of the variable-expense adjustment is not presumptive (i.e., it is subject to the discretion of the court).

Attachment C

Appendix IX-C

CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET			
Case Name: _____ v. _____		County: _____	
Plaintiff Defendant		Docket #: _____	
Custodial Parent is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Number of Children: _____	
<i>All amounts must be weekly</i>	CUSTODIAL	NON-CUSTODIAL	COMBINED
1. Gross Taxable Income	\$ _____	\$ _____	
1a. Mandatory Retirement Contributions (non-taxable)	-\$ _____	-\$ _____	
1b. Alimony Paid (Current and/or Past Relationships)	-\$ _____	-\$ _____	
1c. Alimony Received (Current and/or Past Relationships)	+\$ _____	+\$ _____	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$ _____	\$ _____	
2a. Federal, State and Local Income Tax Withholding	-\$ _____	-\$ _____	
2b. Prior Child Support Orders (Past Relationships)	-\$ _____	-\$ _____	
2c. Mandatory Union Dues	-\$ _____	-\$ _____	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$ _____	-\$ _____	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$ _____	\$ _____	
4. Non-Taxable Income (source: _____)	+\$ _____	+\$ _____	
5. Government (Non-Means Tested) Benefits for the Child	+\$ _____	+\$ _____	
[5] 6. Net Income (L3+L4+L5)	\$ _____	\$ _____	\$ _____
[6] 7. [Percentage Share of Income (L5 Each Parent ÷ L5 Combined) Each Parent's Share of Income (L6 Each Parent ÷ L6 Combined)]	0. _____	0. _____	1.00
[7] 8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$ _____
[8] 9. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$ _____
[9] 10. Child's Share of Health Insurance Premium			+\$ _____
[10] 11. Unreimbursed Health Care Expenses over \$250 per child per year			+\$ _____
[11] 12. Court-Approved Extraordinary Expenses			+\$ _____
13. Total Child Support Amount (([L7] L8+L9+L10+L11+L12) [-L12])			\$ _____
[If line 13 total support amount is zero STOP – benefit apportionment is substituted for support order.]			
14. Each Parent's Share of Support Obligation (([L6] L7 x L13)	\$ _____	\$ _____	
15. Government Benefits for the Child Based on Contribution of NCP		-\$ _____	
[15] 16. Net Work-Related Child Care Paid		-\$ _____	
[16] 17. Health Insurance Premium for the Child Paid		-\$ _____	
[17] 18. Unreimbursed Health Care Expenses Paid (>\$250/child/year)		-\$ _____	
[18] 19. Court-Approved Extraordinary Expenses Paid		-\$ _____	
[19] 20. Adjustment for Parenting Time Expenses ((L7 x %time x 0.37) (L8 x L20b for Non-Custodial Parent x 0.37) <i>Note: Not presumptive in some low income situations (see App IX-A., ¶13)</i>		-\$ _____	
20a. Number of Annual Overnights with Each Parent			
20b. Each Parent's Share of Overnights with the Child (L20a for Parent ÷ L20a Combined)	0. _____	0. _____	1.00
[20] 21. Net Child Support Obligation (L14-L15-L16-L17-L18-L19-L20)		\$ _____	
Continued on Page 2			

Appendix IX-C

CHILD SUPPORT GUIDELINES – SOLE PARENTING WORKSHEET – PAGE 2			
<i>If neither parent is requesting the other-dependent deduction, go to line [24] 25</i>			
[21] <u>22</u> . Child Support Order WITH [other-Dependent] <u>Other</u> Dependent Deduction		\$	
[22] <u>23</u> . Child Support Order WITHOUT [other-Dependent] <u>Other</u> Dependent Deduction		\$	
[23] <u>24</u> . Adjusted Child Support Order (([L21 + L22] <u>L22 + L23</u>) ÷ 2)		\$	
[24] <u>25</u> . Self-Support Reserve Test: (([L5 – L20 or L23 for NCP; L5 - L14 for CP] <u>L6 - L21 or L24 for NCP; L6 - L14 for CP</u>) If [NCP result] <u>L25 for NCP</u> is greater than 105% of the federal poverty guideline for one person (<i>pg</i>) or [CP net income (L5) minus CP share of the child support obligation (L14)] <u>L25 for CP is less than pg</u> , enter [L20 or L23] <u>L21 or L24</u> amount on [L26] <u>L27</u> . If NCP [L24] <u>L25</u> is less than the <i>pg</i> and CP [income] <u>L25</u> is greater than the <i>pg</i> , go to [L25] <u>L26</u> .	\$	\$	
[25] <u>26</u> . Obligor Parent's Maximum Child Support Obligation. (([L5] <u>L6</u> NCP income – 105% of federal poverty guideline for one person). Enter result here and on Line [26] <u>27</u> .		\$	
[26] <u>27</u> . Child Support Order		\$	
COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line [26] <u>27</u>), enter amount ordered:			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following court-approved extraordinary expenses were added to the basic support obligation:			
5. Custodial Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
Non-Custodial Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
Prepared By:	Title:		Date:

Attachment D

Appendix IX-D

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET			
Case Name: _____ v. _____		County: _____	
Plaintiff Defendant		Docket #: _____	
PPR is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Number of Children: _____	
All amounts must be weekly	PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	\$ _____	\$ _____	
1a. Mandatory Retirement Contributions (non-taxable)	-\$ _____	-\$ _____	
1b. Alimony Paid (Current and/or Past Relationships)	-\$ _____	-\$ _____	
1c. Alimony Received (Current and/or Past Relationships)	+\$ _____	+\$ _____	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	\$ _____	\$ _____	
2a. Federal, State and Local Income Tax Withholding	-\$ _____	-\$ _____	
2b. Prior Child Support Orders (Past Relationships)	-\$ _____	-\$ _____	
2c. Mandatory Union Dues	-\$ _____	-\$ _____	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$ _____	-\$ _____	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	\$ _____	\$ _____	
4. Non-Taxable Income (source: _____)	+\$ _____	+\$ _____	
5. Government (Non-Means Tested) Benefits for the Child	+\$ _____	+\$ _____	
[5] 6. Net Income (L3+L4+L5)	\$ _____	\$ _____	\$ _____
[6] 7. [Percentage Share of Income (L5 Each Parent ÷ L5 Combined) Each Parent's Share of Income (L6 Each Parent ÷ L6 Combined)]	0. _____	0. _____	1.00
[9] 8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$ _____
[7] 9. Number of Overnights with Each Parent			
[8] 10. [Percent of Overnights With Parent (L7 Parent ÷ L7 Combined)] Each Parent's Share of Overnights with the Child (L9 for Parent ÷ L9 Combined)	0. _____	0. _____	1.00
If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Parenting Worksheet.			
[10] 11. PAR Shared Parenting Fixed Expenses ([PAR] L8 x [L9] PAR L10 x 0.38 x 2)			+\$ _____
[11. Government Benefits for the Child]			
12. Shared Parenting Basic Child Support Amount (((L9 + L10) – L11)) (L8 + L11)			\$ _____
13. [PAR] Each Parent's Share of SP Basic Child Support Amount [(PAR L6 x L12)] (L7xL12)	\$ _____	\$ _____	
14. PAR Shared Parenting Variable Expenses (PAR [L8 x L9] L10 x L8 x 0.37)		-\$ _____	
15. PAR Adjusted SP Basic Child Support Amount (PAR L13 – [L10] L11 – L14)		\$ _____	
16. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$ _____
17. Child's Share of Health Insurance Premium			+\$ _____
18. Unreimbursed Health Care Expenses over \$250 per child per year			+\$ _____
19. Court-Approved Extraordinary Expenses			+\$ _____
20. Total Supplemental Expenses (L16+L17+L18+L19)			\$ _____
21. PAR's Share of Total Supplemental Expenses (PAR [L6] L7 x L20)		\$ _____	
22. Government Benefits for the Child Based on Contribution of PAR		\$ _____	
[22] 23. PAR Net Work-Related Child Care PAID		\$ _____	
Continued on Page 2			

Appendix IX-D

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET – PAGE 2			
<i>All amounts must be weekly</i>	PPR	PAR	COMBINED
[23] <u>24</u> . PAR Health Insurance Premium for the Child PAID		\$	
[24] <u>25</u> . PAR Unreimbursed Health Care Expenses >\$250/child/year) PAID		\$	
[25] <u>26</u> . PAR Court-Approved Extraordinary Expenses PAID		\$	
[26] <u>27</u> . PAR Total Supplemental Expenses PAID ([L22+] L23 + L24 + L25 + L26)		\$	
[27] <u>28</u> . PAR Net Supplemental Expenses (L21 – [L26] L27)		\$	
[28] <u>29</u> . PAR Net Child Support Obligation (L15 + [L27] L28)		\$	
<i>If neither parent is requesting the [other-dependent] other dependent deduction, go to line [32] 33.</i>			
[29] <u>30</u> . Line [28] <u>29</u> PAR CS Obligation WITH [other-Dependent] Other Dependent Deduction		\$	
[30] <u>31</u> . Line [28] <u>29</u> PAR CS Obligation WITHOUT [other-Dependent] Other Dependent Deduction		\$	
[31] <u>32</u> . Adjusted PAR Child Support Obligation (([L29 + 30] L30 + L31) ÷ 2)		\$	
[32] <u>33</u> . Self-Support Reserve Test: [(PAR L5 – PAR L28 or L31 if any)] (L6 - L29 or L32 for PAR; L6 – L13 for PPR) If [PAR amount] L33 for PAR is greater than 105% of the federal poverty guideline for one person (pg) or [the PPR L32 income] L33 for the PPR is less than the pg, enter the [L28] L29 or [L31] L32 amount on the PAR [L34] L35. If PAR [L32] L33 is less than the pg and PPR's [L32] L33 is greater than the pg, go to [L33] L34. If [L28] L29 or [L31] L32 is negative, see App. IX-B for instructions.	\$	\$	
[33] <u>34</u> . Maximum CS Obligation (Obligor Parent's [L5] L6 net income – 105% of the poverty guideline for one person). Enter result here and on Line [34] 35.	\$	\$	
[34] <u>35</u> . Child Support Order (negative [L28] L29 or [L31] L32 denotes PPR Obligation)	\$	\$	
<i>If the PAR is the Obligor, Continue on Line [35] 36</i>			
[35] <u>36</u> . PPR Household Income Test ([L5] L6 PPR net income from all sources + net income of other household members + [L34] L35 order). If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the SOLE [CUSTODY] PARENTING WORKSHEET [must] should be used.	\$		
COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line [34] 35), enter amount ordered:			
3. The child support guidelines were not used or the guidelines award was adjusted because:			
4. The following extraordinary expenses were added to the basic support obligation on Line 19:			
5. [Custodial] PPR Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
[Non-Custodial] PAR Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other #Allowances: Marital:			
Prepared By:	Title:	Date:	

Attachment E

Appendix IX-F

Schedule of Child Support Awards

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0	For combined net incomes that are less than [\$170] <u>\$180</u> per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support amount at [\$170] <u>\$180</u> combined net weekly income as shown on this schedule.					
50						
100						
150						
160						
170						
180	50	59	68	75	83	91
190	53	62	72	80	88	97
200	56	66	76	84	93	102
210	59	69	80	88	98	108
220	62	72	84	93	103	113
230	65	75	88	97	107	119
240	68	78	92	102	112	124
250	71	82	96	106	117	130
260	74	85	100	110	122	135
270	77	88	103	114	127	140
280	80	91	107	119	131	145
290	82	94	111	123	136	151
300	85	97	115	127	140	156
310	88	100	118	131	145	161
320	91	103	122	135	150	166
330	94	106	126	139	154	171
340	96	109	129	143	159	176
350	99	112	133	147	163	181
360	102	114	136	151	167	186
370	104	117	140	155	172	191
380	107	120	143	159	176	196
390	110	123	147	163	181	200
400	112	126	150	167	185	205
410	115	128	154	170	189	210
420	117	131	157	174	193	215
430	120	134	160	178	197	219
440	122	137	164	182	202	224
450	125	139	167	185	206	229

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
460	127	142	170	189	210	233
470	130	145	174	193	214	238
480	132	147	177	196	218	242
490	135	150	180	200	222	247
500	137	152	183	203	226	251
510	139	155	186	207	230	255
520	142	157	190	210	234	260
530	144	160	193	214	238	264
540	146	162	196	217	242	268
550	149	165	199	221	245	273
560	151	167	202	224	249	277
570	153	170	205	228	253	281
580	155	172	208	231	257	285
590	158	174	211	234	260	289
600	160	177	214	238	264	293
610	162	179	217	241	268	298
620	164	181	220	244	271	302
630	166	184	223	247	275	306
640	168	186	225	250	278	310
650	170	188	228	254	282	314
660	172	191	231	257	285	317
670	174	193	234	260	289	321
680	177	195	237	263	292	325
690	179	197	239	266	296	329
700	181	199	242	269	299	333
710	182	201	245	272	303	337
720	184	204	247	275	306	340
730	186	206	250	278	309	344
740	188	208	253	281	313	348
750	190	210	255	284	316	351
760	192	212	258	287	319	355
770	194	214	261	290	322	358
780	196	216	263	293	325	362
790	198	218	266	295	329	366
800	199	220	268	298	332	369
810	201	222	271	301	335	373
820	203	224	273	304	338	376
830	205	226	276	307	341	379

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
840	207	228	278	309	344	383
850	208	230	281	312	347	386
860	210	232	283	315	350	389
870	212	234	285	317	353	393
880	213	235	288	320	356	396
890	215	237	290	323	359	399
900	217	239	292	325	362	403
910	218	241	295	328	365	406
920	220	243	297	330	367	409
930	222	244	299	333	370	412
940	223	246	301	335	373	415
950	225	248	304	338	376	418
960	226	250	306	340	379	421
970	228	251	308	343	381	424
980	230	253	310	345	384	427
990	231	255	312	348	387	430
1000	233	257	315	350	389	433
1010	234	258	317	352	392	436
1020	236	260	319	355	395	439
1030	237	261	321	357	397	442
1040	239	263	323	359	400	445
1050	240	265	325	362	402	448
1060	241	266	327	364	405	451
1070	243	268	329	366	408	454
1080	244	269	331	368	410	456
1090	246	271	333	371	412	459
1100	247	273	335	373	415	462
1110	248	274	337	375	417	465
1120	250	276	339	377	420	467
1130	251	277	341	379	422	470
1140	252	279	343	382	425	473
1150	254	280	345	384	427	475
1160	255	282	347	386	429	478
1170	256	283	349	388	432	480
1180	258	284	350	390	434	483
1190	259	286	352	392	436	486
1200	260	287	354	394	439	488
1210	262	289	356	396	441	491

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1220	263	290	358	398	443	493
1230	264	291	360	400	445	496
1240	265	293	361	402	447	498
1250	266	294	363	404	450	501
1260	268	296	365	406	452	503
1270	269	297	367	408	454	505
1280	270	298	368	410	456	508
1290	271	300	370	412	458	510
1300	272	301	372	414	460	512
1310	274	302	373	415	462	515
1320	275	303	375	417	464	517
1330	276	305	377	419	467	519
1340	277	306	378	421	469	522
1350	278	307	380	423	471	524
1360	279	308	382	425	473	526
1370	280	310	383	426	475	528
1380	281	311	385	428	477	531
1390	282	312	386	430	479	533
1400	284	313	388	432	481	535
1410	285	315	390	433	482	537
1420	286	316	391	435	484	539
1430	287	317	393	437	486	541
1440	288	318	394	439	488	543
1450	289	319	396	440	490	545
1460	290	320	397	442	492	548
1470	291	322	399	444	494	550
1480	292	323	400	445	496	552
1490	293	324	402	447	497	554
1500	294	325	403	449	499	556
1510	295	326	405	450	501	558
1520	296	327	406	452	503	560
1530	297	328	408	453	505	562
1540	298	329	409	455	506	564
1550	299	330	410	457	508	566
1560	300	331	412	458	510	568
1570	301	333	413	460	512	569
1580	302	334	415	461	513	571
1590	303	335	416	463	515	573

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1600	304	336	417	464	517	575
1610	304	337	419	466	518	577
1620	305	338	420	467	520	579
1630	306	339	422	469	522	581
1640	307	340	423	470	523	583
1650	308	341	424	472	525	584
1660	309	342	426	473	527	586
1670	310	343	427	475	528	588
1680	311	344	428	476	530	590
1690	312	345	430	478	532	592
1700	313	346	431	479	533	593
1710	314	347	432	481	535	595
1720	314	348	434	482	536	597
1730	315	349	435	484	538	599
1740	316	350	436	485	540	600
1750	317	351	437	486	541	602
1760	318	352	439	488	543	604
1770	319	353	440	489	544	606
1780	320	354	441	491	546	607
1790	321	355	442	492	547	609
1800	321	356	444	493	549	611
1810	322	356	445	495	550	612
1820	323	357	446	496	552	614
1830	324	358	447	498	553	616
1840	325	359	449	499	555	617
1850	326	360	450	500	556	619
1860	327	361	451	502	558	621
1870	327	362	452	503	559	622
1880	328	363	454	504	561	624
1890	329	364	455	506	562	625
1900	330	365	456	507	564	627
1910	331	366	457	508	565	629
1920	332	367	458	510	567	630
1930	332	367	460	511	568	632
1940	333	368	461	512	569	633
1950	334	369	462	513	571	635
1960	335	370	463	515	572	637
1970	336	371	464	516	574	638

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
1980	337	372	466	517	575	640
1990	338	373	467	519	577	641
2000	338	374	468	520	578	643
2010	339	375	469	521	579	644
2020	340	376	470	523	581	646
2030	341	376	471	524	582	647
2040	342	377	473	525	584	649
2050	343	378	474	526	585	650
2060	343	379	475	528	586	652
2070	344	380	476	529	588	654
2080	345	381	477	530	589	655
2090	346	382	478	531	591	657
2100	347	383	480	533	592	658
2110	348	384	481	534	593	660
2120	348	384	482	535	595	661
2130	349	385	483	537	596	663
2140	350	386	484	538	598	664
2150	351	387	485	539	599	666
2160	352	388	487	540	600	667
2170	353	389	488	542	602	669
2180	354	390	489	543	603	670
2190	354	391	490	544	604	672
2200	355	391	491	545	606	673
2210	356	392	492	547	607	675
2220	357	393	494	548	609	676
2230	358	394	495	549	610	678
2240	359	395	496	551	611	679
2250	360	396	497	552	613	681
2260	361	397	498	553	614	682
2270	362	398	499	554	616	684
2280	362	399	501	556	617	685
2290	363	400	502	557	618	687
2300	364	400	503	558	620	688
2310	365	401	504	559	621	690
2320	366	402	505	561	623	691
2330	367	403	507	562	624	693
2340	368	404	508	563	625	694
2350	369	405	509	565	627	696

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2360	370	406	510	566	628	697
2370	371	407	511	567	630	699
2380	372	408	513	569	631	701
2390	373	409	514	570	632	702
2400	374	410	515	571	634	704
2410	375	411	516	572	635	705
2420	375	412	517	574	637	707
2430	376	413	519	575	638	708
2440	377	414	520	576	640	710
2450	378	414	521	578	641	711
2460	379	415	522	579	642	713
2470	380	416	524	580	644	715
2480	381	417	525	582	645	716
2490	382	418	526	583	647	718
2500	383	419	527	584	648	719
2510	385	420	529	586	650	721
2520	386	421	530	587	651	723
2530	387	422	531	589	653	724
2540	388	423	532	590	654	726
2550	389	424	534	591	656	727
2560	390	425	535	593	657	729
2570	391	426	536	594	659	731
2580	392	427	538	596	660	732
2590	393	428	539	597	662	734
2600	394	430	540	598	663	736
2610	395	431	542	600	665	737
2620	396	432	543	601	666	739
2630	397	433	544	603	668	741
2640	399	434	546	604	669	742
2650	400	435	547	606	671	744
2660	401	436	548	607	673	746
2670	402	437	550	608	674	747
2680	403	438	551	610	676	749
2690	404	439	552	611	677	751
2700	406	440	554	613	679	753
2710	407	441	555	614	681	754
2720	408	443	557	616	682	756
2730	409	444	558	617	684	758

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
2740	411	445	559	619	685	760
2750	412	446	561	621	687	761
2760	413	447	562	622	689	763
2770	414	448	564	624	691	765
2780	416	450	565	625	692	767
2790	417	451	567	627	694	769
2800	418	452	568	628	696	771
2810	419	453	570	630	697	772
2820	421	454	571	632	699	774
2830	422	456	573	633	701	776
2840	423	457	574	635	703	778
2850	425	458	576	637	704	780
2860	426	459	577	638	706	782
2870	428	461	579	640	708	784
2880	429	462	580	642	710	786
2890	430	463	582	643	712	788
2900	432	464	584	645	713	790
2910	433	466	585	647	715	792
2920	435	467	587	648	717	794
2930	436	468	588	650	719	796
2940	438	470	590	652	721	798
2950	439	471	592	654	723	800
2960	441	472	593	655	725	802
2970	442	474	595	657	727	804
2980	444	475	597	659	728	806
2990	445	477	598	661	730	808
3000	447	478	600	663	732	810
3010	448	479	602	664	734	812
3020	450	481	604	666	736	814
3030	452	482	605	668	738	817
3040	453	484	607	670	740	819
3050	455	485	609	672	742	821
3060	456	487	611	674	744	823
3070	458	488	612	676	747	825
3080	460	490	614	678	749	828
3090	461	491	616	680	751	830
3100	463	493	618	682	753	832
3110	465	494	620	684	755	835

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
3120	467	496	622	686	757	837
3130	468	497	623	688	759	839
3140	470	499	625	690	762	842
3150	472	501	627	692	764	844
3160	474	502	629	694	766	846
3170	476	504	631	696	768	849
3180	477	505	633	698	770	851
3190	479	507	635	700	773	854
3200	481	509	637	702	775	856
3210	483	510	639	704	777	859
3220	485	512	641	707	780	861
3230	487	514	643	709	782	864
3240	489	516	645	711	784	866
3250	491	517	647	713	787	869
3260	493	519	649	715	789	871
3270	495	521	651	718	792	874
3280	497	523	654	720	794	877
3290	499	524	656	722	796	879
3300	501	526	658	725	799	882
3310	503	528	660	727	801	885
3320	505	530	662	729	804	887
3330	507	532	664	732	807	890
3340	509	534	667	734	809	893
3350	511	536	669	736	812	896
3360	513	537	671	739	814	898
3370	516	539	674	741	817	901
3380	518	541	676	744	820	904
3390	520	543	678	746	822	907
3400	522	545	680	749	825	910
3410	524	547	683	751	828	913
3420	527	549	685	754	830	916
3430	529	551	688	756	833	919
3440	531	553	690	759	836	922
3450	534	555	692	762	839	925
3460	536	557	695	764	842	928
3470	538	560	697	767	844	931
3480	541	562	700	770	847	934
3490	543	564	702	772	850	937

For cases in which the combined net income of the parents is more than \$3,600 per week, the child support award at represents the minimum basic support award. The court must add a discretionary amount of child support to the minimum basic award based on the factors specified in *N.J.S.A. 2A:34-23*. See Appendix IX-A, Extreme Income Situations, for additional information.

DO NOT EXTRAPOLATE THESE SCHEDULES BEYOND \$3,600 COMBINED WEEKLY NET INCOME

(Note: Revised Appendix IX-F adopted _____ to be effective _____)

Attachment F

SEPARATE ATTACHMENT

Rutgers School of Social Work, New Jersey Child Support
Institute Quadrennial Review: Final Report

March 22, 2013