

**REPORT OF THE
VBA COALITION COMMITTEE ON FAMILY LAW LEGISLATION**

CHILD SUPPORT AND VISITATION

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



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**Report of the
VBA Coalition Committee on
Family Law Legislation
Studying Child Support Laws
To
The Governor and the General Assembly of Virginia**

**Richmond, Virginia
December 1998**

**To: Honorable James Gilmore, Governor of Virginia
and
The General Assembly of Virginia**

I. INTRODUCTION

Report of the Committee

This Report is made pursuant to H.J.R. 141 (1998), which directs the Virginia Bar Association Coalition [Committee] on Family Law [Legislation] to study the issue of the relationship between child support and visitation, and pursuant to the April 30, 1998 letter request of Senator Joseph V. Gartlan, Jr. requesting the Committee's review of S.B. 471 (1998), relating to shared custody rules in child support guidelines in Virginia. The Committee focused on the shared custody provisions contained in Va. Code section 20-108.2(G)(3).

History of Current Virginia Law

As a result of Congressional mandates relating to the collection and enforcement of child support, and the need for a certain degree of national uniformity on the issue, in 1988 Virginia adopted child support guidelines providing presumptive support calculations in computing child support. See Va. Code Ann. Sections 20-108.1 and 108.2. Unless a court determined that the application of the guidelines was "unjust" or "inappropriate" based upon specified deviation factors set forth in the statute, the application of the guidelines was required.

At the time of the initial enactment, the statute did not contain any provision relating to the issue of any variation due to a shared custody or visitation time period between the parents of a child.

In Farley v. Liskey, 12 Va. App. 1, 401 S.E.2d 897 (1991), the Virginia Court of Appeals recognized the duty of a trial court to consider the deviation factor contained in the child support guidelines relating to the “arrangements regarding custody of the children.” Va. Code Ann. Section 20-108.2(B)(2). The court specifically stated in Farley that “arrangements regarding the custody of a child which actually reduce the costs to the primary custodian may be used to rebut the presumptive amount of child support; however, periodic visitation of short duration which does not reduce the costs to the primary custodian may not.”

Having set forth such a duty, however, the Court of Appeals provided no methodology or guidance as to how to calculate such costs, or the extent of the time that a parent would have with a child that would shift such basic costs justifying such a deviation. In specific response to this holding and the need for objective criteria and guidance on the issue, the Virginia General Assembly adopted the standards and calculation methods that had proven successful in Fairfax County, Virginia, as Section 20-108.2.G.3, effective July 1, 1992. That provision remains in effect in 1998.

The statute provides for a threshold of at least 110 days of physical custody or visitation with each parent before the shared custody support provisions apply, and it provides for a shared support multiplier of 125% to be applied to the guideline table support before allocating support between the parents in accordance with the custody sharing ratio and their income shares.

The statute did not define the term “day,” but used as its source a similar shared custody methodology taken from the local child support guideline rules of Fairfax. See “Fairfax Bar Association, 1991-1992 Child Support and Spousal Support Guidelines” and 7 VLW 38. In the local bar guidelines, a day was defined “to belong to the parent who has the child more than twelve hours in a standard day, midnight to midnight.” The goal sought to be achieved by the enactment of this legislation was to recognize the shift in costs that occur at a legislatively determined threshold of time that is spent with a child. Its intent was to focus the crediting of time during a day to a parent resulting from the functional costs shifted by such time.

The Virginia Court of Appeals held that the uses of these guidelines were presumptive where the threshold of the 110 days was met. Pharo v. Pharo, 19 Va. App. 236, 450 S.E.2d 183 (1994). However, no definition or interpretation of the term “day” was made on the appellate court level until the Virginia Court of Appeals’ en banc 6-3 decision in Ewing v. Ewing, 21 Va. App. 34, 491, S.E.2d 417 (1995).

In Ewing, the Court of Appeals was faced with a fact situation which is common in many custodial and visitation arrangements. Mr. Ewing, the non-custodial father, had visitation of the child in issue every other weekend from Friday evening to Sunday evening, and a Tuesday overnight commencing at 3:00 p.m. until the next morning, along with other holiday and extended summer time. Mrs. Ewing did not have the child returned to her until approximately 6:00 a.m. the following day. The issue essentially was whether the midweek overnight of Mr. Ewing constituted a “day” for the shared custody statute’s support calculation.

The Court of Appeals majority decision held that a "day" was a continuous and uninterrupted period of 24 hours and that, since the child was returned to school or to the mother the following morning, this time period did not satisfy the time period required for a "day". It rejected Mr. Ewing's argument that an "overnight" should be the criterion for this calculation inasmuch as his costs shifted and were the same as Mrs. Ewing's costs would have been on the other midweek days for which she got credit in calculating a "day".

The Ewing decision has resulted in extensive debate among family law practitioners as to the competing policy interests in computing child support where a child spends more than average time with the non-custodial parent. The goal of achieving "continuing and frequent" contact of a child with both of its parents as set forth in Va. Code Section 20-124.2 must be balanced against the basic support needs of the child, paid to the custodial parent. Non-custodial parents argue that extra time with a child is a valuable important goal, but that such time costs real money. It is argued that the policy of reducing child support by applying a broad interpretation of the term "day" should outweigh the competing policy of providing basic support needs to the custodial parent of a child. Shared custody arrangements, in short, imply shared costs of raising a child. It is also argued that the Ewing decision, if read literally, would make it virtually impossible for either parent to have 110 days with a child, if the decision is read to exclude school or day care time, a result not contemplated by the legislature.

On the other hand, it has been recognized or argued that increased litigation has occurred in the courts over obtaining the 110 days for a non-custodial parent to be eligible for a shift in cost. Achieving these days has been argued to be in some cases an effort to merely reduce the child support payable by a non-custodial parent rather than in real consideration of the best interests of a child. And in some cases, even though a shared custody arrangement has been structured to achieve the 110 days, it has not actually been exercised, resulting in further litigation over the application of the shared custody guidelines. Further, the "cliff effect" of the abrupt reduction in child support at 110 days has been argued to result in too drastic a reduction in child support and not a realistic economic adjustment for the amount of time a parent is involved with a child. The issue of what types of costs are fixed versus variable costs, what costs are shifted and the extent of such shifts, has also been recognized as adding to the debate over the impact and application of the statute.

Recognizing that confusion and litigation have been created by the 1992 statutory amendment, as interpreted by Ewing, efforts to redefine a "day" in the statutory scheme have been introduced in the Virginia General Assembly. See H.B. 854 (1996), H.B. 854 and S.B. 1153 (1997), H.B. 1063 and S.B. 471 (1998). None of the items of legislation has passed to date.

The Current Study and the Current Committee

As a result of the need not only to more comprehensively review the definition of a "day", but also to study and review the overall impact that the shared custody child support statute has on the issue of visitation and the economic impact that shared custody has on

the support needs of both parents and the child, House Joint Resolution 141 was enacted in 1998 to request such a comprehensive study and recommendation on the issues. The VBA Coalition Committee on Family Law Legislation was selected for this study, at least in part because it had already appointed a Subcommittee to study child support in shared custody situations, beginning in fall 1997. This report is the result of the study committee's findings and research on the issue, as amended and approved by the full Committee.

II. COMMITTEE PROCEDURE AND EFFORTS

The VBA Coalition Committee on Family Law Legislation is composed of representatives of local and statewide bar associations and other legal organizations. It meets periodically during the year to review proposed legislation and to draft proposed legislation. Positions on bills are taken only when they receive a vote of 75% of the members. Committee members are practicing attorneys and law professors. Committee members represent men, women, and children in court. They represent parties as plaintiffs and defendants in divorce, child support and child custody matters. Some are Guardians ad Litem for children.

Betty Thompson is Chair, and Donald Butler is Co-Chair of the VBA Coalition Committee on Family Law Legislation.

In fall 1997, the Committee appointed a Subcommittee to Study Child Support Laws, to focus on child support in shared custody situations. The Subcommittee was composed of four Committee members and a nationally recognized expert on child support laws. The Subcommittee commenced meeting in late 1997. It collected copies of the relevant statutes of all 50 states and examined relevant publications. Then the 1998 General Assembly, through House Joint Resolution 141, referred this matter to the Committee for study; further, S.B. 471 and H.B.1063 on this subject were carried over to 1999 and Senator Gartlan, Chair of the Senate Committee on Courts of Justice, requested the Committee to study the bill and make recommendations.

Following the legislative referrals, two persons were added as Observers to the Subcommittee: Jescey French of the Office of Legislative Services, and Bob Owen of the Virginia Division of Child Support Enforcement.

The Subcommittee met at least eight (8) times in 1998. Its meetings were guided by detailed agendas. Each meeting was several hours in length. The Subcommittee presented a preliminary report to the full Committee in late summer 1998 and presented a more final report to the full Committee on October 6, 1998. Following initial drafting of the Recommended Legislation, input was received from sitting Judges. Their perspective led the Subcommittee to reconsider the practical implications of the proposed bill and to re-draft the proposed bill for clarity. The Subcommittee made additional reports to the full VBA Committee in November and December 1998. The Recommended Legislation appended to this Report was approved by the VBA Coalition Committee on Family Law Legislation.

National overview. The Subcommittee began deliberations with a national overview. In this, the Subcommittee was helped immeasurably by the presence of Laura W. Morgan, Esq., a Senior Attorney with the National Legal Research Group, Inc., in Charlottesville. Among her other credentials for service on the Subcommittee, Ms. Morgan is the author of Child Support Guidelines : Interpretation & Application (Aspen Law & Business).

Ms. Morgan described the three models used in the 50 states, generally, as follows:

(1) About eight (8) states define shared custody as occurring when a child spends substantially equal time with each parent. In these states, it is assumed that those parents have substantially equal costs. In those cases, a guideline calculation is made that is different from non-shared custody. If the parents' incomes are equal, no child support is paid.

(2) About thirteen (13) states, and the District of Columbia, use a sliding scale to reflect the amount of time with the non-custodial parent (NCP)¹ above an "ordinary" 20% visitation. In those cases, support is adjusted on a sliding scale to reflect the amount of time spent with each parent.

(3) In about twenty-nine (29) states, shared custody is a deviation factor. The courts tend not to deviate for slightly "extraordinary" visitation. They apply a two-prong test:

- (A) Did the "extra time" result in a greater financial burden on the NCP?
- (B) Did the "extra time" result in a decreased financial burden on the CP?

The trend nationally, Ms. Morgan reported, is away from treating shared custody as a deviation factor to be decided on a case-by-case basis.

The states vary in how they define the time, spent by the non-custodial parent with the child, which will trigger an adjustment to child support. Some states require physical custody 30%, 35% or 40% of the year. Some look at the number of hours spent with the child in a visitation period. Some look at the number of overnights the child spends with the non-custodial parent. (e.g., Michigan). Some states' statutes consider the number of days spent with the child (e.g., Hawaii), without defining a day; others define a day as either 24-hours (New Mexico), a majority of a 24-hour calendar day (see, e.g., Montana's attempt at legislation on this subject), or more than 12 continuous and consecutive hours or an overnight (Arizona).

Several states have their courts examine the parents' apportionment of financial obligations, in addition to the time spent with the child. For example, some require the

¹ The use of the terms "noncustodial parent" and "custodial parent" in this Report reflects customary usage (including usage of the terms elsewhere in Va. Code § 20-108.2) and is not intended to convey any judgment or valuation of the respective roles of the two parents.

court to examine whether the noncustodial parent's time with the child thereby reduces the custodial parent's financial expenditures (e.g., Florida, Louisiana), and at least one state (Florida) also examines whether the noncustodial parent has become involved in the child's activities. Some states require that both parents contribute to the child's expenses in addition to the payment of child support before an adjustment is made for shared custody (e.g., Alaska, Colorado, Idaho, Maryland, Wyoming).

At least one state's guidelines (North Dakota) do not change the child support obligation when the child resides temporarily with the obligor. And South Carolina, after reviewing various child support models dealing with joint custody arrangements, decided to continue to address the issue on a case-by-case basis because it found that "an equitable and adequate amount of child support could not be awarded by using a guidelines formula in those cases involving joint custody."

In *Final Report: Evaluation of Child Support Guidelines: Volume I: Findings and Conclusions* at Table 2-4 (United States Department of Health and Human Services 1996), it was noted that extraordinary visitation and/or shared custody were the third most frequently cited reasons in case records for deviation from the presumptive child support guidelines. Moreover, across the country, the way that child support guidelines should be applied to extended visitation/shared custody arrangements was the third most frequently discussed issue by state guideline review teams. *Id.* at 3-38.

The *Report* also noted that families are increasingly establishing joint custody arrangements. The 1990 census revealed that 73% of non-custodial mothers and 58% of non-custodial fathers enjoy some kind of visitation beyond the traditional 20%. *Id.* at 3-39. (The 20% figure is based on a "standard" visitation award of every other weekend, holidays, and two weeks in the summer. See Marianne Takas, *Improving Child Support Guidelines: Can Simple Formulas Address Complex Families?*, 26 Fam. L. Q. 171, 183 (1992).) When child support guidelines do not specifically address non-traditional visitation arrangements, the result has been "inconsistencies and inequities." *Id.* at 3-39.

Whenever a state has adopted what is termed a "cliff approach", that is, providing for an adjustment that occurs when visitation has reached a particular threshold, the trading of "day/s for dollar/s" is particularly acute. As stated by one authority:

[T]he cliff approach can encourage bargaining based on meeting the threshold rather than on parents candidly assessing their parental histories and abilities with respect to care giving. The financial impact of reaching the cliff can be considerable, up to an 80% reduction of child support in some circumstances, so the incentives are substantial.

Karen Czapanskiy, "Child Support, Visitation, Shared Custody and Split Custody," in *Child Support Guidelines: The Next Generation* at 48 (United States Department of Health and Human Services, 1994) (citing Eleanor E. MacCoby & Robert H. Mnookin, *Dividing the Child: Social and Legal Dilemmas of Custody* at 274 (1992)). The problem of trading days for dollars is also present, to a lesser degree, where the support is figured on a sliding

scale that accounts for each day of custody between the parents. *Id.*

New approach. The Subcommittee discussed the danger of using a specific number of days, which creates a scenario of trading "days for dollars" and creates a cliff effect. We postulated that a sliding scale of some kind might be better and projected scenarios starting at different numbers of days, using both the existing 1.25 multiplier, and possible 1.4, 1.5 or 1.6 multiplier. These scenarios are appended.

The Subcommittee recommended, and the Committee agreed, to eliminate the 110-day threshold; to allow a reduction of child support for fewer than 110 days of visitation or custody; to allow that reduction on a more gradual basis than currently exists; and to use a 1.5 multiplier. The Subcommittee recommended, and the Committee agreed, to re-define a "day" for shared custody purposes; to provide for modification when visitation does not take place as contemplated, in a manner that would affect 10% or more of the child support award; and to recommend other statutory changes consistent with attempting to achieve fairness and other public policy goals, as discussed in Parts III and IV below.

The Recommended Legislation would take the form of new legislation, not amendments to the carryover bills. The Sponsors of the carryover bills have been informed and have concurred.

III. FINDINGS AND CONCLUSIONS

A. The Committee finds that the current statute, which leads to litigation and extended negotiations aimed at a parent's reaching a 110-day threshold of physical custody of a child or children, or aimed at averting the other parent's reaching the 110-day threshold, is not in the best interests of children or of either parent.

B. The Committee finds that when the 110-day threshold is reached, child support is reduced drastically ("the cliff effect").

C. The Committee finds that, in practice and as a matter of public policy, the current statute does not generally achieve fairness (or the perception of fairness) to any party, because of the following outcomes:

1. a noncustodial parent's financial outlay for a child who spends significant time with that parent is not recognized unless that child spends at least 110 days with that parent, and even those "days" must be 24-hour periods, not only overnights;
2. the custodial parent continues to have fixed expenses for the child regardless of the time and money spent by the noncustodial parent, and the custodial parent as well as the noncustodial parent is likely to sustain variable costs for the child; and
3. the child could be deprived of additional contact with the noncustodial parent because of concerns about financial support for the child if the 110 days are reached.

D. In addition, the Committee finds that the current statute does not clearly direct how to deal with situations in which visitation is ordered but does not take place. It does not clarify what to do in situations where the parents have various combinations of legal and physical custody. It does not deal with the technical confusion and issues raised by the Ewing decision, discussed in Section I, above.

E. The Committee finds that it is not desirable to use a specified number of days as an automatic trigger for shared custody. The Committee does not recommend returning to the use of shared custody as a deviation factor. Instead, the Committee makes the following recommendations, which it offers as a comprehensive package.² Except for two technical changes, all the recommendations affect only one subparagraph or subsection of the existing statute, specifically Va. Code § 20-108.2 G. 3. These are the recommendations:

1. The Committee recommends that for purposes of the shared custody calculation, a "day" be defined to be a period of twenty-four (24) hours; provided, that where the parent who has the lower number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than twenty-four (24) hours for that period, then the parents will each be allocated one-half of a day of custody for that period. The Committee further recommends that the court be granted discretion to allocate a day, or a half day, to one parent or the other, if the court determines that the application of the statutory definition of a day would be unjust or inappropriate.

2. The Committee recommends that the statute specify that for purposes of this subsection a parent will be deemed to have physical custody of a shared child regardless of whether such custody is by sole custody, joint legal or joint residential custody or visitation.

3. The Committee recommends that the statute require that all days in a year must be allocated between the parents, so that over the course of one year, the sum of both parents' days equal the total number of days in the year.

4. For any case in which a party shows that he or she has custody or visitation of a child for more than ninety (90) days of the year, two calculations shall be made: (a) a shared custody child support amount, based on the ratio in which the parents share the child's custody and

² Although the recommendations are separately numbered and discussed, the Committee wants to emphasize that in its deliberations over many months it addressed each issue and sub-issue not as an independent item but always in the context of the overall procedure that is being recommended. The Committee does not believe that any one recommendation, taken out of context, will be sufficient to address the concerns raised, and conversely it cautions that changes in one part of the recommendations will affect the viability and effectiveness of other parts.

visitation; and (b) a sole custody amount based on the child support guidelines chart in Subsections B, C, D, E and F of Va. Code § 20-108.2. The presumptively correct total amount to be paid shall be the lower of the two figures, (a) or (b).

5. Since the Committee finds that the existing statute's 125% multiplier in shared custody situations would work an inequity in the context of the proposed legislation in these cases, as discussed more fully in Part IV below, the Committee recommends the use of a 150% multiplier. In brief, the use of the 150% multiplier will allow the decrease in child support for any given number of days of visitation or custody to be much more gradual than under current law. It avoids the cliff effect. This approach will allow recognition of the noncustodial parent's child-related expenses without creating a significant incentive to litigate over a few more days of visitation or custody. It will also protect the child's and the custodial parent's interests in continuing financial support for the expenses of the child's upbringing.

6. To calculate the shared custody support amount [referred to as (a) in paragraph 4 above], the shared support need of the shared child or children shall be calculated pursuant to Subsection B of Va. Code § 20-108.2 (often referred to as "the chart" or "the table"), based upon the combined gross income of the parties and the number of shared children, and the resulting figure shall be multiplied by 1.5. This amount shall then be multiplied by the other parent's custody share (the number of days that parent has physical custody). To that sum, for each parent is added the other parent's cost of health care coverage (to the extent allowable by existing subsection E), plus the other parent's work-related child care costs (to the extent allowable by existing subsection F). The total for each parent is multiplied by that parent's "income share," which is the ratio of each parent's income to both parent's combined monthly gross income. The support amounts that one parent owes the other are subtracted; the difference is the Shared Custody Support one parent owes the other. *Except for the change in the multiplier from 1.25 to 1.5, this part of the procedure is not different from current procedure. The difference lies in the recommendation that the Shared Custody Support figure be compared with the Sole Custody Support figure and that only the lower of the two figures shall be the presumptive child support amount for the shared child or children.*

7. It is further recommended that any extraordinary medical and dental expenses shall be shared directly by the parents in accordance with their income shares. This will conform the shared custody provisions of the statute with the sole custody provisions of the statute. It will permit a direct comparison of the Shared Custody Support figure with the Sole Custody Support figure.

8. The Committee finds that application of the proposed guidelines in the

lowest-income families would work an injustice. It therefore recommends that if the gross income of the payee is equal to or less than 150 percent of the federal poverty level, there shall be a presumption that the sole custody guideline calculation shall apply. This presumption is, of course, rebuttable.

9. The Committee recommends that the statute specify that where a child support award has been based on the shared custody formula and subsequently the custody or visitation reasonably contemplated when the award was made has consistently failed to take place, there shall be a rebuttable presumption that the support award should be modified, when the difference between the award and an award that would be made based upon the custody or visitation actually exercised varies by ten percent (10%) or more, considering any deviation factors which may have been applied in the previous award. When the existing award was based upon a deviation from the presumptive guidelines, the same deviation factors shall also be considered when determining a modification.

10. To aid the reader of the statute, the Committee recommends that paragraph G. 1. of Va. Code § 20-108.2 be labeled, "Sole Custody Support," that paragraph G. 2. of Va. Code § 20-108.2 be labeled, "Split Custody Support," and that paragraph G. 3. of Va. Code § 20-108.2 be labeled, "Shared Custody Support."

F. To avoid confusion as to when the shared custody calculation is required, and to avoid any unintended burden on the judiciary, the Committee recommends that the shared custody calculation not be required unless a party shows that he or she has custody or visitation for more than ninety (90) days of the year. However, this proposed 90-day cut-off should not be misconstrued to be a simple substitute for the current 110-day threshold, which the proposed legislation will eliminate. Rather, the 90-day figure would be the lowest starting point at which a court could be required to calculate whether the shared custody figure or the sole custody guidelines figure applied in a given case.

G. The Committee wishes to point out that the child support figure arrived at through these calculations shall be the presumptive guidelines amount for a given case. It may, of course, be rebutted. It may be deviated from, pursuant to Va. Code § 20-108.1.

IV. PUBLIC POLICY CONSIDERATIONS AND RECOMMENDED CHANGES TO THE VIRGINIA CODE

The Committee articulated the following goals: to achieve fairness to children; to avoid the "cliff effect"; to avoid trading "days for dollars"; to avert further litigation or unnecessarily delayed negotiations which, among other effects, cost clients money; to achieve some predictability of results; and to attempt to achieve economic fairness for both parents.

The Committee believes the Recommended Legislation achieves most of its goals, as more fully discussed in the subsections below.

Shared support multiplier. When calculating child support in a shared-custody situation in Virginia, one uses a multiplier (currently 1.25)³ in recognition of the fact that it costs more to raise one child in two households than it does to raise the same child in one household. The Committee recommends that the multiplier be changed to 1.50. The change in the multiplier is important, particularly because it makes application of the proposed new statute more equitable.

A. The Current Shared Support Multiplier: If one parent has sole custody of two supported children, then the payor parent pays a lesser amount for the second child than for the first one. If this same couple with the same two children had a *split custody* arrangement, where each parent had one child, then in accordance with §20-108.2.G.2, one calculates the child support that the mother owes to the father for the child the father has in his household, and the amount of child support that the father owes to the mother for the child the mother has in her household. The smaller of the two supports is subtracted from the larger to determine the net support one parent owes the other. In such a split custody case, the support for the two children is being calculated by using the guideline support for one child *two times*, which generates a higher support for the two split children than would be the support for two children in sole custody.

If the same couple with the same two children had a *shared custody* arrangement, then each party would be exercising physical custody over the children for a significant percentage of the time. Just as in the split custody situation, each parent must maintain a household for the shared children. Under the present statute, in order to calculate the guideline child support for the two children in this situation, the amount determined from the guideline table for two children is multiplied by 125% in order to determine the basic guideline support for shared custody. This amount is then shared by the parents in proportion to their custody-sharing ratio and their respective income shares. Using this multiplier for shared custody gives results comparable to the split custody situation. For example, there are two children and the father earns \$5,000 and the mother earns \$2,000. If the children were split, each parent having one child, the support is \$363, whereas if the two children are shared 50/50, the support is \$351. The multiplier was chosen to give comparable results in these situations.

³ The 125% multiplier was not chosen arbitrarily in drafting of the existing statute. It was based upon determining the marginal cost of an additional child (in an intact family) from the statutory table and from that number deriving the household, or fixed, cost for two children in one household. The household cost for two children in two households is twice this number, and when that is compared to the actual table amount for two children, the difference is the cost of having two children in two households rather than in one. The percentage multiplier can then be calculated from these figures. The actual multiplier so calculated is between 128% and 129% at the two-children level and a truncated figure of 125% was decided upon for the statute.

B. The *Cliff Effect* in Shared Custody Support: One of the major criticisms of the existing shared custody guideline has been the sharp reduction in support received by the payee parent once the 110-day threshold of shared custody is reached. This is commonly known as the *cliff effect*. For example, for a father earning \$5,000 and a mother earning \$3,000 with the mother having two children in her sole custody, the father would pay \$886 in support. If they now share the children with the father having them 110 days and the mother 255 days, the support received by the mother is reduced to \$574, a drop of 35%.

One of the goals of the Committee in drafting a new statute was to reduce or eliminate this problem.⁴ In the guideline proposed by the Committee, the cliff effect is reduced. The expected result is that more custody situations will now come under the shared support provisions, since the support reduction will take place at lower numbers of shared days. However, when the shared custody provisions apply at these lower sharing ratios, the support reduction will be demonstrably lower than under the existing guideline in most cases. The reduction is much more gradual.

The value of the shared custody multiplier has a great influence on the number of sharing days needed to trigger the shared guideline, and also directly affects the shared support so calculated for any given number of shared days. Increasing the multiplier delays implementation of shared custody provisions until a higher number of days of shared custody is reached and it increases the child support for any given sharing ratio. Conversely, lowering the multiplier implements the shared custody provisions when the sharing ratios are lower and it decreases the support for any given sharing ratio. Table 1 below shows several scenarios to illustrate the effect of the multiplier on the guideline child support.

⁴ In fact, the Subcommittee originally proposed eliminating any threshold number of shared days for application of the shared custody guideline. However, this led to confusion and also to concern that two child support calculations (one for sole custody support and one for shared custody support) would have to be made in every case involving child custody or visitation. It also was unclear how a judge would be required to deal with child support in a case in which the number of visitation days was not explicit, as when a court order provided for "reasonable visitation." Therefore, the Subcommittee recommended, and the Committee approved, the use of 90 days as a threshold before the two calculations need to be made. Once the two calculations are made, the lower of the two results is the presumptive child support to be paid. The burden is on a party to show that he or she has custody or visitation of a child or children ninety (90) days of the year.

**TABLE 1. EFFECT OF THE SHARED SUPPORT MULTIPLIER
ON SUPPORT SCENARIOS WITH DIFFERENT CUSTODY SHARES**

| <u>Father Income</u> | <u>Mother Income</u> | <u>Father Days</u> | <u>Mother Days</u> | <u>Support Amount Payable For A Multiplier Of:</u> | | | |
|--------------------------|--------------------------|------------------------|------------------------|--|-------------|-------------|--------|
| | | | | <u>125%</u> | <u>140%</u> | <u>150%</u> | |
| \$6,000 | \$2,000 | 60 | 305 | \$ 671 | \$ 751 | \$ 805 | \$ 858 |
| \$6,000 | \$2,000 | 70 | 295 | \$ 639 | \$ 716 | \$ 767 | \$ 818 |
| \$6,000 | \$2,000 | 80 | 285 | \$ 608 | \$ 681 | \$ 729 | \$ 778 |
| \$6,000 | \$2,000 | 90 | 275 | \$ 576 | \$ 646 | \$ 692 | \$738 |
| \$6,000 | \$2,000 | 100 | 265 | \$ 545 | \$ 610 | \$ 654 | \$ 698 |
| \$6,000 | \$2,000 | 110 | 255 | \$ 514 | \$ 575 | \$ 616 | \$ 658 |
| \$6,000 | \$2,000 | 120 | 245 | \$ 482 | \$ 540 | \$ 579 | \$ 617 |
| \$6,000 | \$2,000 | 130 | 235 | \$ 451 | \$ 505 | \$ 541 | \$ 577 |
| \$6,000 | \$2,000 | 140 | 225 | \$ 420 | \$ 470 | \$ 503 | \$ 537 |
| \$6,000 | \$2,000 | 150 | 215 | \$ 388 | \$ 435 | \$ 466 | \$ 497 |
| \$6,000 | \$2,000 | 160 | 205 | \$ 357 | \$ 400 | \$ 428 | \$ 457 |
| \$6,000 | \$2,000 | 170 | 195 | \$ 325 | \$ 305 | \$ 391 | \$ 417 |
| \$6,000 | \$2,000 | 180 | 185 | \$ 294 | \$ 329 | \$ 353 | \$ 376 |

[For purposes of the above examples, "Father" is the "non-custodial parent."]

C. Proposed Shared Support Multiplier: Many other states have added shared custody provisions to their support guidelines, and the Committee reviewed the formulas used in those states. All states that use the shared custody guideline have some sort of multiplier to account for the fact that it costs more to support a child in two households than in a single household. In most states, the multiplier was between 130% and 150%. No state used a multiplier as low as the 125% used in Virginia's current statute. Several use 150%. The Committee was concerned that since the elimination of the cliff effect necessarily causes the sharing threshold to be lowered, the new shared custody guideline should use a higher sharing multiplier so that the threshold sharing ratio will be higher and have less effect on the resultant child support level when the threshold is reached. Here, the Committee sought to balance several public policy interests: promoting the interest of the child and the non-custodial parent in having time with one another; reducing either parent's incentive to litigate over a few days of visitation time; and simultaneously maintaining the custodial parent's ability to provide for the child's needs. Therefore, it was the consensus of the committee to raise the multiplier in shared custody to 150%.

Setting the sharing multiplier at 150% has two effects when compared to a statutory provision which eliminates the cliff effect but keeps the multiplier at 125%: (i) It raises the threshold number of days of shared custody needed to implement the shared custody provisions for any given income level; and (ii) it lessens the reduction in child support payable in all shared custody cases, regardless of the sharing ratio. In other words, the raising of the multiplier makes the shared custody guideline less frequently applicable, and when it is applicable, it does not reduce the child support by as much as does the current statute.

Table 2 below shows the shared custody threshold for various scenarios of incomes using the 150% multiplier. The number of children does not affect the results on this table. The threshold is the same for a given set of incomes for one child as for five children.

TABLE 2

| Father's Income | Mother's Income | Shared Custody Threshold |
|----------------------------|----------------------------|---|
| \$5,000 | \$1,500 | 94 |
| \$8,000 | \$1,500 | 103 |
| \$8,000 | \$2,500 | 93 |
| \$10,000 | \$1,500 | 106 |
| \$10,000 | \$2,500 | 98 |
| \$10,000 | \$3,500 | 91 |

When reviewing Table 2 above, one must remember that even though the sharing ratio needed to trigger the shared custody support guideline is lower than the 110 days

in the current statute, when the threshold is reached the reduction in support for most cases is anticipated to be only 0 - 8% per month, rather than the 30% - 40% under the current statute. If the incomes of the parties are equal, the reduction in child support will be 24% at the 90-day threshold. If the custodial parent's income is much higher than the other parent's income, there may be no support paid to the custodial parent and in fact the custodial parent may pay the other parent; but that is not a change from current law.

Examples may be found in the table on page 50 of this Report.

Definition of a Day

The Committee recommends the following definition of a day:

For purposes of this section, a "day" shall be defined to be a period of twenty-four hours; provided, that where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than twenty-four hours for such overnight period, then the parents will each be allocated one-half of a day of custody for that period. If the court determines that the application of the definition of a day as set forth herein would be unjust or inappropriate, then the court may allocate a day, or a half day, to one parent or the other in its discretion.

The Committee's study started its review of this issue by considering the advantages and disadvantages of the Ewing definition of a day and of the use of the term "overnight" to define a day as proposed in H.B. 854 and S.B. 1153. *This analysis was conducted in the context of the proposed revisions to the shared custody guidelines; specifically, the elimination of the one hundred and ten (110) day threshold and the change in the multiplier.* It became readily apparent that the revised definition of a day will impact more families in Virginia given the fact that the revisions to the shared custody child support statute as proposed herein will make this statute applicable in many economic situations when the non-primary custodial parent has ninety (90) to one hundred nine (109) days of custody. See Hypotheticals attached hereto. Arguably, the definition of a day as a twenty-four (24) hour period fails to provide the non-primary custodial parent with enough reduction in child support to adequately meet the increased needs of the child in his or her custody by virtue of additional overnight periods. Conversely, the Subcommittee was concerned that the potential decrease in child support resulting from adding alternate Sunday evening overnights and/or midweek overnights to the non-primary custodial parent's day count could have an adverse impact on the primary custodial parent's ability to provide for the child.⁵

⁵ The reduction of support attributable to counting alternate Sunday overnights (26 days) and/or one (1) mid-week overnight (52 days) is significant in middle and lower income families. See Hypotheticals attached hereto.

Central to this debate is an assessment of the types of costs which are shifted when parents have more equal sharing of the physical custody of a child. Costs such as housing, food and the basic necessities of a child require duplication in a shared custody setting, and these costs are addressed by the multiplier. Other costs such as clothing, medical, activity and social expenses are often not transferred but rather tend to remain the responsibility of the recipient of child support. Therefore, the Subcommittee had a significant concern that defining a day as an overnight would accelerate the day count under the shared custody child support guideline proposed herein even though overnight custody does not reduce all of the costs of the child for which the recipient of child support is responsible.⁶

In the course of studying the issues of concern in the Virginia shared custody child support statute, the Subcommittee identified the following *alternatives* to defining the day as a twenty-four (24) hour period or as an overnight:

1. The majority of hours in a calendar day;
2. The majority of the time as between each parent during any twenty-four (24) hour period which period shall include an overnight, the said twenty-four (24) hour period commencing at the time of the physical transfer of said child to the parent exercising said visitation, but excluding from said computation of times to either parent any time the child is attending school, is placed in non-parent day care or placed with a third party care giver;
3. A day of shared custody will be allocated to the parent who has the overnight period; provided, however, that when the overnight period is not accompanied by a continuous twenty-four (24) hours of physical custody or responsibility for the child from the time of the transfer of physical custody or responsibility, then the parents will each be awarded one-half (1/2) day of custody for that period; and
4. A day shall be defined to be a period of twenty-four hours; provided, that where the parent who has the fewer number of overnight periods during the year has an overnight period with a child, but has physical custody of the shared child for less than twenty-four hours, then the parents will each be allocated one-half of a day of custody for that period. If the court determines that the application of the definition of a day as set forth herein would be unjust or inappropriate, then the court may allocate a day, or a half day, to one parent or the other in its discretion.

By applying standard custodial schedules to the first two alternative definitions, it became apparent that alternative number 1 above is analogous to the current twenty-

⁶ The Subcommittee considered a shared custody child support statutory scheme that was premised on consideration of which parent supplies the majority of the necessities of the child during a day such as meals, sleeping facilities, transportation, educational assistance, recreation and other such goods or services. That scheme was rejected, however, for two reasons: (a) it is complex; and (b) it would encourage litigation because it so fact-specific.

four (24) hour definition⁷ and number 2 above is analogous to the proposed overnight definition.⁸ Definition number 3 above had its genesis in the concern that the non-custodial parent would get a reduction in child support under the overnight definition, but the custodial parent would sustain the economic impact of losing time from work to be home with a sick child or of needing to arrange for day care on school holidays. The probability of shifting such economic burdens to the non-primary custodial parent was questioned, and the main concern with the overnight definition remained unresolved. Definition number 4 retains the Ewing twenty-four (24) hour definition as its premise to avoid an inequitable acceleration of the day count, but it modifies the Ewing rule in order to leave the non-primary custodial parent with sufficient funds to meet the needs of the child during overnight periods.

Example 1: The child stays with NCP from Friday evening at 6:00 p.m. until Monday morning at 7:00 a.m. It is the Committee's intent that the period from Friday at 6:00 p.m. until Saturday at 6:00 p.m., being 24 hours, counts as one day. Similarly, the period from Saturday at 6:00 p.m. until Sunday at 6:00 p.m. counts as one day. However, the overnight period from Sunday at 6:00 p.m. until Monday at 7:00 a.m., being fewer than 24 hours, would constitute one-half a day.

Example 2: The weekday overnight in the Ewing case, on Tuesday commencing at 3:00 p.m. until Wednesday morning, would constitute one-half a day, according to the Committee's intent.

The recommended definition of a day is a result of the Study Subcommittee's desire to balance the payor's need in a shared custody situation to experience a reduction in child support commensurate with the added cost inherent in additional custodial time, against the payee's need to continue to receive sufficient child support to meet the child's needs as well as the costs related to the child which do not shift with physical custody. It was recognized, however, that there are fact patterns in which the recommended definition of a day would not promote an equitable result. The Subcommittee reached consensus on the need to create a provision granting the trial court discretion to allocate days in an alternate manner to avoid an unjust or inappropriate result. The initial proposal was as follows:

If the court determines that the application of the definition of a day as set forth above would be unjust or inappropriate, then the court may use other factors in allocating a day to one parent or the other. Such other factors may include, but are not limited to:

⁷ For example, if the payor picks up a child at 5:00 p.m. on Wednesday evening and delivers the child to school on Thursday morning, he or she will not have a majority of hours on either Wednesday or Thursday.

⁸ For example, under a mid-week overnight scenario commencing at 5:00 p.m., the payor would have fourteen (14) hours and the payee would have approximately two (2) hours.

(i) Consideration of the total number of hours in a day that each parent physically has the child or is exercising physical responsibility over the child even though the child is not physically with the parent.

(ii) Consideration of which parent supplies the majority of the necessities of the child during a day, such as meals, sleeping facilities, transportation, recreation, training and education assistance, or other such demonstrated satisfaction of the child's needs.

(iii) A parent may be awarded a partial day credit so long as when the partial day credits are added, the sum of the days allocated to each parent is equal to the number of days in the year.

(iv) Such other factors as would make the adjustment of custody sharing days more just or appropriate.

The Committee recommends that the court be granted discretion to apply a differing definition of a day, but recommends that the statute not specifically include the factors (i)-(iv) delineated above as articulated in the initial proposal. The concerns regarding the inclusion of a delineation of factors in the statute centered on the complexity of the proof required to establish such factors, the notion that the inclusion of specific factors in the statute would encourage litigation and the concern that such a provision would undercut the predictability of the definition of a day.

It is the belief of the Committee that when coupled with the significant changes to the shared custody child support guideline proposed herein, this definition of a day addresses the concerns of both parents. Perhaps most importantly, it also provides relief for those parties whose situation requires consideration of additional issues when days are allocated.

Lowest-income parents. The Committee recommends that the new approach not apply as a presumption if the obligee's gross income is equal to or less than 150% of the federal poverty level. For such clients, a decrease of even a few dollars cuts into essentials for the child.

Modification of child support in cases where the shared custody formula is applied. When parents trade days for dollars, an inevitable result is that a parent who sought to decrease child support paid by increasing custody time will fail to exercise that visitation. When this happens, the primary custodial parent has lost dollars but still has the same number of days of custody.

Some guidelines, e.g., Montana, have sought to ameliorate this problem by providing for *automatic* modification of support when the nonprimary custodial parent fails to exercise visitation as planned and bargained for. The Study Subcommittee believed, based on federal law and Virginia case law, that an automatic modification would not be permissible.

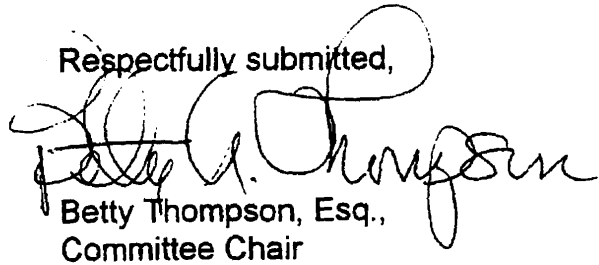
The Committee therefore offers a provision whereby child support can be modified when the proposed visitation is not exercised under the provision. When the failure to exercise visitation results in a child support award that is 10% more than the extant award, such a difference shall be deemed to be a substantial change in circumstances warranting a recalculation of the support award.

The language chosen by the Committee is based on the requirement contained in 45 C.F.R. § 303.8(d)(1)(ii), requiring states to allow for a modification of child support based on a quantitative difference between calculation of child support under the guidelines and the extant award, and Milligan v. Milligan, 12 Va. App. 982, 407 S.E.2d 702 (1991). This is the proposed language:

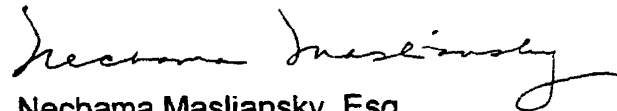
When there has been an award of child support based on the shared custody formula and one parent consistently fails to exercise custody or visitation as reasonably contemplated by the parties or the court when the award was made, there shall be a rebuttable presumption that the child support award should be modified, when the difference between such award and an award based upon the custody or visitation actually exercised varies by ten percent (10%) or more, considering any deviation factors which may have been applied in the previous award. When the existing award was based upon a deviation from the presumptive guideline, said deviation factors shall also be considered when determining a modification.

Application of amended statute. Virginia case law provides that a change in the guidelines constitutes a change in circumstances. However, the Virginia Department of Child Support Enforcement expects no hasty flood of court cases because of this change.

Respectfully submitted,



Betty Thompson, Esq.,
Committee Chair



Nechama Masliansky, Esq.,
Subcommittee Chair

Appendices

- A. House Joint Resolution No. 141
- B. April 30, 1998 Letter from Senator Joseph V. Gartlan, Jr.
- C. Recommended Legislation*
- D. Hypothetical Scenarios

* House Bill No. 2407, enclosed, is identical to Senate Bill No. 1085 (Patron- Gartlan), which is incorporated by reference into this Report.

ENROLLED

HOUSE JOINT RESOLUTION NO. 141

Requesting the Virginia Bar Association's Coalition on Family Law to study the relationship between visitation rights and child support obligations.

Agreed to by the House of Delegates, February 17, 1998

Agreed to by the Senate, March 10, 1998

WHEREAS, an ever-increasing number of families in Virginia are dealing with the complexities of establishing and maintaining custodial and noncustodial relationships with their children; and

WHEREAS, there is a perception on the part of many citizens that the duty to support one's children and the right to maintain continuing and meaningful contact with the children are interdependent, but that such an interdependence is not recognized in the law; and

WHEREAS, some child advocates suggest that enhanced visitation rights encourage and enhance not only the child's physical and emotional well-being, but his financial well-being as well; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Bar Association's Coalition on Family Law be requested to study the relationship between visitation rights and child support obligations. The Association shall also consider the need for and effects of changes in the law which would reflect an interdependence of these rights and obligations.

Technical assistance shall be provided by the Department of Social Services' Division of Child Support Enforcement. All agencies of the Commonwealth shall provide assistance to the Virginia Bar Association for this study, upon request.

The Virginia Bar Association's Coalition on Family Law shall complete its work in time to submit its findings and recommendations to the Governor and the 1999 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

COMMONWEALTH OF VIRGINIA

JOSEPH V. GARTLAN, JR.
36TH SENATORIAL DISTRICT
PART OF FAIRFAX COUNTY
5813 RIVER DRIVE
MASON NECK, VIRGINIA 22079



COMMITTEE ASSIGNMENTS:
COURTS OF JUSTICE, CHAIRMAN
FINANCE
PRIVILEGES AND ELECTIONS
REHABILITATION AND SOCIAL SERVICES
RULES

SENATE

April 30, 1998

The Honorable Betty Thompson
#1001 1800 N. Kent St.
P.O. Box 12807
Arlington, VA 22219-2807

RE: SB 413 (Uniform child Custody Jurisdiction and Enforcement Act)
SB 471 (Joint Custody; Child Support)

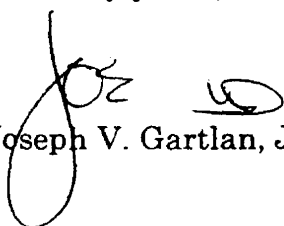
Dear Betty,

Senator Mims introduced SB 413 upon request of the Virginia Uniform Laws Commissioners. It is my understanding that although the Family Law Coalition had been tracking the work of the Uniform Laws Conference and was generally supportive of the Act, concerns remained over precisely how the Act would mesh with existing Virginia law. The bill was carried over by the Senate Committee for Courts of Justice to allow the Coalition additional time to review the draft (copy enclosed).

Additionally, SB 471 (Quayle) was carried over following testimony from Larry Diehl indicating that the Coalition had been looking at the problems arising under the current joint custody rules and would likely be making recommendations to address those problems.

The Senate Committee traditionally meets in early December to dispose of the carry-over legislation. I would ask that you complete your review of these measures by late summer to afford an opportunity for the Juvenile and Domestic Relations subcommittee to review the bills and any changes suggested by the Coalition prior to the full Committee meeting in December. I also ask that you keep Jescey French of the Division of Legislative Services and counsel to the Senate Courts of Justice Committee apprised of the Coalition's efforts and recommendations.

Sincerely yours,


Joseph V. Gartlan, Jr.

cc: Senator William C. Mims
Senator Frederick M. Quayle

992822126

HOUSE BILL NO. 2407

Offered January 21, 1999

A BILL to amend and reenact § 20-108.2 of the Code of Virginia, relating to determination of child support.

Patron—Barlow

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-108.2 of the Code of Virginia is amended and reenacted as follows:

§ 20-108.2. Guideline for determination of child support.

A. There shall be a rebuttable presumption in any judicial or administrative proceeding for child support under this title or Title 16.1 or 63.1, including cases involving split custody or shared custody, that the amount of the award which would result from the application of the guidelines set forth in this section is the correct amount of child support to be awarded. In order to rebut the presumption, the court shall make written findings in the order as set out in § 20-108.1, which findings may be incorporated by reference, that the application of the guidelines would be unjust or inappropriate in a particular case as determined by relevant evidence pertaining to the factors set out in §§ 20-107.2 and 20-108.1. The Department of Social Services shall set child support at the amount resulting from computations using the guidelines set out in this section pursuant to the authority granted to it in Chapter 13 (§ 63.1-249 et seq.) of Title 63.1 and subject to the provisions of § 63.1-264.2.

B. For purposes of application of the guideline, a basic child support obligation shall be computed using the schedule set out below. For combined monthly gross income amounts falling between amounts shown in the schedule, basic child support obligation amounts shall be extrapolated. However, where the combined monthly gross income is less than \$599, the presumptive child support obligation shall be \$65 per month. "Number of children" shall mean the number of children for whom the parents share joint legal responsibility and for whom support is being sought.

SCHEDULE OF MONTHLY BASIC CHILD SUPPORT OBLIGATIONS

COMBINED

MONTHLY

| GROSS INCOME | ONE CHILD | TWO CHILDREN | THREE CHILDREN | FOUR CHILDREN | FIVE CHILDREN | SIX CHILDREN |
|--------------|-----------|--------------|----------------|---------------|---------------|--------------|
| 0-599 | 65 | 65 | 65 | 65 | 65 | 65 |
| 600 | 110 | 111 | 113 | 114 | 115 | 116 |
| 650 | 138 | 140 | 142 | 143 | 145 | 146 |
| 700 | 153 | 169 | 170 | 172 | 174 | 176 |
| 750 | 160 | 197 | 199 | 202 | 204 | 206 |
| 800 | 168 | 226 | 228 | 231 | 233 | 236 |
| 850 | 175 | 254 | 257 | 260 | 263 | 266 |
| 900 | 182 | 281 | 286 | 289 | 292 | 295 |
| 950 | 189 | 292 | 315 | 318 | 322 | 325 |
| 1000 | 196 | 304 | 344 | 348 | 351 | 355 |
| 1050 | 203 | 315 | 373 | 377 | 381 | 385 |
| 1100 | 210 | 326 | 402 | 406 | 410 | 415 |
| 1150 | 217 | 337 | 422 | 435 | 440 | 445 |
| 1200 | 225 | 348 | 436 | 465 | 470 | 475 |
| 1250 | 232 | 360 | 451 | 497 | 502 | 507 |
| 1300 | 241 | 373 | 467 | 526 | 536 | 542 |
| 1350 | 249 | 386 | 483 | 545 | 570 | 576 |
| 1400 | 257 | 398 | 499 | 563 | 605 | 611 |
| 1450 | 265 | 411 | 515 | 581 | 633 | 645 |

992822126

HB2407

1/26/99 10:6

| | | | | | | | |
|-----------|------|-----|-----|------|------|------|------|
| | 1500 | 274 | 426 | 533 | 602 | 656 | 680 |
| 2 | 1550 | 282 | 436 | 547 | 617 | 672 | 714 |
| 3 | 1600 | 289 | 447 | 560 | 632 | 689 | 737 |
| 4 | 1650 | 295 | 458 | 573 | 647 | 705 | 754 |
| 5 | 1700 | 302 | 468 | 587 | 662 | 721 | 772 |
| 6 | 1750 | 309 | 479 | 600 | 676 | 738 | 789 |
| 7 | 1800 | 315 | 488 | 612 | 690 | 752 | 805 |
| 8 | 1850 | 321 | 497 | 623 | 702 | 766 | 819 |
| 9 | 1900 | 326 | 506 | 634 | 714 | 779 | 834 |
| 10 | 1950 | 332 | 514 | 645 | 727 | 793 | 848 |
| 11 | 2000 | 338 | 523 | 655 | 739 | 806 | 862 |
| 12 | 2050 | 343 | 532 | 666 | 751 | 819 | 877 |
| 13 | 2100 | 349 | 540 | 677 | 763 | 833 | 891 |
| 14 | 2150 | 355 | 549 | 688 | 776 | 846 | 905 |
| 15 | 2200 | 360 | 558 | 699 | 788 | 860 | 920 |
| 16 | 2250 | 366 | 567 | 710 | 800 | 873 | 934 |
| 17 | 2300 | 371 | 575 | 721 | 812 | 886 | 948 |
| 18 | 2350 | 377 | 584 | 732 | 825 | 900 | 963 |
| 19 | 2400 | 383 | 593 | 743 | 837 | 913 | 977 |
| 20 | 2450 | 388 | 601 | 754 | 849 | 927 | 991 |
| 21 | 2500 | 394 | 610 | 765 | 862 | 940 | 1006 |
| 22 | 2550 | 399 | 619 | 776 | 874 | 954 | 1020 |
| 23 | 2600 | 405 | 627 | 787 | 886 | 967 | 1034 |
| 24 | 2650 | 410 | 635 | 797 | 897 | 979 | 1048 |
| 25 | 2700 | 415 | 643 | 806 | 908 | 991 | 1060 |
| | 2750 | 420 | 651 | 816 | 919 | 1003 | 1073 |
| 28 | 2800 | 425 | 658 | 826 | 930 | 1015 | 1085 |
| 29 | 2850 | 430 | 667 | 836 | 941 | 1027 | 1098 |
| 30 | 2900 | 435 | 675 | 846 | 953 | 1039 | 1112 |
| 31 | 2950 | 440 | 683 | 856 | 964 | 1052 | 1125 |
| 32 | 3000 | 445 | 691 | 866 | 975 | 1064 | 1138 |
| 33 | 3050 | 450 | 699 | 876 | 987 | 1076 | 1152 |
| 34 | 3100 | 456 | 707 | 886 | 998 | 1089 | 1165 |
| 35 | 3150 | 461 | 715 | 896 | 1010 | 1101 | 1178 |
| 36 | 3200 | 466 | 723 | 906 | 1021 | 1114 | 1191 |
| 37 | 3250 | 471 | 732 | 917 | 1032 | 1126 | 1205 |
| 38 | 3300 | 476 | 740 | 927 | 1044 | 1139 | 1218 |
| 39 | 3350 | 481 | 748 | 937 | 1055 | 1151 | 1231 |
| 40 | 3400 | 486 | 756 | 947 | 1067 | 1164 | 1245 |
| 41 | 3450 | 492 | 764 | 957 | 1078 | 1176 | 1258 |
| 42 | 3500 | 497 | 772 | 967 | 1089 | 1189 | 1271 |
| 43 | 3550 | 502 | 780 | 977 | 1101 | 1201 | 1285 |
| 44 | 3600 | 507 | 788 | 987 | 1112 | 1213 | 1298 |
| 45 | 3650 | 512 | 797 | 997 | 1124 | 1226 | 1311 |
| 46 | 3700 | 518 | 806 | 1009 | 1137 | 1240 | 1326 |
| 47 | 3750 | 524 | 815 | 1020 | 1150 | 1254 | 1342 |
| 48 | 3800 | 530 | 824 | 1032 | 1163 | 1268 | 1357 |
| 49 | 3850 | 536 | 834 | 1043 | 1176 | 1283 | 1372 |
| 50 | 3900 | 542 | 843 | 1055 | 1189 | 1297 | 1387 |
| | 3950 | 547 | 852 | 1066 | 1202 | 1311 | 1402 |
| | 4000 | 553 | 861 | 1078 | 1214 | 1325 | 1417 |
| 53 | 4050 | 559 | 871 | 1089 | 1227 | 1339 | 1432 |
| 54 | 4100 | 565 | 880 | 1101 | 1240 | 1353 | 1448 |
| | 4150 | 571 | 889 | 1112 | 1253 | 1367 | 1463 |

| | | | | | | | |
|-----------|------|-----|------|------|------|------|------|
| 1 | 4200 | 577 | 898 | 1124 | 1266 | 1382 | 1478 |
| 2 | 4250 | 583 | 907 | 1135 | 1279 | 1396 | 1493 |
| 3 | 4300 | 589 | 917 | 1147 | 1292 | 1410 | 1508 |
| 4 | 4350 | 594 | 926 | 1158 | 1305 | 1424 | 1523 |
| 5 | 4400 | 600 | 935 | 1170 | 1318 | 1438 | 1538 |
| 6 | 4450 | 606 | 944 | 1181 | 1331 | 1452 | 1553 |
| 7 | 4500 | 612 | 954 | 1193 | 1344 | 1467 | 1569 |
| 8 | 4550 | 618 | 963 | 1204 | 1357 | 1481 | 1584 |
| 9 | 4600 | 624 | 972 | 1216 | 1370 | 1495 | 1599 |
| 10 | 4650 | 630 | 981 | 1227 | 1383 | 1509 | 1614 |
| 11 | 4700 | 635 | 989 | 1237 | 1395 | 1522 | 1627 |
| 12 | 4750 | 641 | 997 | 1247 | 1406 | 1534 | 1641 |
| 13 | 4800 | 646 | 1005 | 1257 | 1417 | 1546 | 1654 |
| 14 | 4850 | 651 | 1013 | 1267 | 1428 | 1558 | 1667 |
| 15 | 4900 | 656 | 1021 | 1277 | 1439 | 1570 | 1679 |
| 16 | 4950 | 661 | 1028 | 1286 | 1450 | 1582 | 1692 |
| 17 | 5000 | 666 | 1036 | 1295 | 1460 | 1593 | 1704 |
| 18 | 5050 | 671 | 1043 | 1305 | 1471 | 1605 | 1716 |
| 19 | 5100 | 675 | 1051 | 1314 | 1481 | 1616 | 1728 |
| 20 | 5150 | 680 | 1058 | 1323 | 1492 | 1628 | 1741 |
| 21 | 5200 | 685 | 1066 | 1333 | 1502 | 1640 | 1753 |
| 22 | 5250 | 690 | 1073 | 1342 | 1513 | 1651 | 1765 |
| 23 | 5300 | 695 | 1081 | 1351 | 1524 | 1663 | 1778 |
| 24 | 5350 | 700 | 1088 | 1361 | 1534 | 1674 | 1790 |
| 25 | 5400 | 705 | 1096 | 1370 | 1545 | 1686 | 1802 |
| 26 | 5450 | 710 | 1103 | 1379 | 1555 | 1697 | 1815 |
| 27 | 5500 | 714 | 1111 | 1389 | 1566 | 1709 | 1827 |
| 28 | 5550 | 719 | 1118 | 1398 | 1576 | 1720 | 1839 |
| 29 | 5600 | 724 | 1126 | 1407 | 1587 | 1732 | 1851 |
| 30 | 5650 | 729 | 1133 | 1417 | 1598 | 1743 | 1864 |
| 31 | 5700 | 734 | 1141 | 1426 | 1608 | 1755 | 1876 |
| 32 | 5750 | 739 | 1148 | 1435 | 1619 | 1766 | 1888 |
| 33 | 5800 | 744 | 1156 | 1445 | 1629 | 1778 | 1901 |
| 34 | 5850 | 749 | 1163 | 1454 | 1640 | 1790 | 1913 |
| 35 | 5900 | 753 | 1171 | 1463 | 1650 | 1801 | 1925 |
| 36 | 5950 | 758 | 1178 | 1473 | 1661 | 1813 | 1937 |
| 37 | 6000 | 763 | 1186 | 1482 | 1672 | 1824 | 1950 |
| 38 | 6050 | 768 | 1193 | 1491 | 1682 | 1836 | 1962 |
| 39 | 6100 | 773 | 1201 | 1501 | 1693 | 1847 | 1974 |
| 40 | 6150 | 778 | 1208 | 1510 | 1703 | 1859 | 1987 |
| 41 | 6200 | 783 | 1216 | 1519 | 1714 | 1870 | 1999 |
| 42 | 6250 | 788 | 1223 | 1529 | 1724 | 1882 | 2011 |
| 43 | 6300 | 792 | 1231 | 1538 | 1735 | 1893 | 2023 |
| 44 | 6350 | 797 | 1238 | 1547 | 1745 | 1905 | 2036 |
| 45 | 6400 | 802 | 1246 | 1557 | 1756 | 1916 | 2048 |
| 46 | 6450 | 807 | 1253 | 1566 | 1767 | 1928 | 2060 |
| 47 | 6500 | 812 | 1261 | 1575 | 1777 | 1940 | 2073 |
| 48 | 6550 | 816 | 1267 | 1583 | 1786 | 1949 | 2083 |
| 49 | 6600 | 820 | 1272 | 1590 | 1794 | 1957 | 2092 |
| 50 | 6650 | 823 | 1277 | 1597 | 1801 | 1965 | 2100 |
| 51 | 6700 | 827 | 1283 | 1604 | 1809 | 1974 | 2109 |
| 52 | 6750 | 830 | 1288 | 1610 | 1817 | 1982 | 2118 |
| 53 | 6800 | 834 | 1293 | 1617 | 1824 | 1990 | 2127 |
| 54 | 6850 | 837 | 1299 | 1624 | 1832 | 1999 | 2136 |

| | | | | | | | |
|----|------|-----|------|------|------|------|------|
| 1 | 6900 | 841 | 1304 | 1631 | 1839 | 2007 | 2145 |
| 2 | 6950 | 845 | 1309 | 1637 | 1847 | 2016 | 2154 |
| 3 | 7000 | 848 | 1315 | 1644 | 1855 | 2024 | 2163 |
| 4 | 7050 | 852 | 1320 | 1651 | 1862 | 2032 | 2172 |
| 5 | 7100 | 855 | 1325 | 1658 | 1870 | 2041 | 2181 |
| 6 | 7150 | 859 | 1331 | 1665 | 1878 | 2049 | 2190 |
| 7 | 7200 | 862 | 1336 | 1671 | 1885 | 2057 | 2199 |
| 8 | 7250 | 866 | 1341 | 1678 | 1893 | 2066 | 2207 |
| 9 | 7300 | 870 | 1347 | 1685 | 1900 | 2074 | 2216 |
| 10 | 7350 | 873 | 1352 | 1692 | 1908 | 2082 | 2225 |
| 11 | 7400 | 877 | 1358 | 1698 | 1916 | 2091 | 2234 |
| 12 | 7450 | 880 | 1363 | 1705 | 1923 | 2099 | 2243 |
| 13 | 7500 | 884 | 1368 | 1712 | 1931 | 2108 | 2252 |
| 14 | 7550 | 887 | 1374 | 1719 | 1938 | 2116 | 2261 |
| 15 | 7600 | 891 | 1379 | 1725 | 1946 | 2124 | 2270 |
| 16 | 7650 | 895 | 1384 | 1732 | 1954 | 2133 | 2279 |
| 17 | 7700 | 898 | 1390 | 1739 | 1961 | 2141 | 2288 |
| 18 | 7750 | 902 | 1395 | 1746 | 1969 | 2149 | 2297 |
| 19 | 7800 | 905 | 1400 | 1753 | 1977 | 2158 | 2305 |
| 20 | 7850 | 908 | 1405 | 1758 | 1983 | 2164 | 2313 |
| 21 | 7900 | 910 | 1409 | 1764 | 1989 | 2171 | 2320 |
| 22 | 7950 | 913 | 1414 | 1770 | 1995 | 2178 | 2328 |
| 23 | 8000 | 916 | 1418 | 1776 | 2001 | 2185 | 2335 |
| 24 | 8050 | 918 | 1423 | 1781 | 2007 | 2192 | 2343 |
| 5 | 8100 | 921 | 1428 | 1787 | 2014 | 2198 | 2350 |
| 26 | 8150 | 924 | 1432 | 1793 | 2020 | 2205 | 2357 |
| 27 | 8200 | 927 | 1437 | 1799 | 2026 | 2212 | 2365 |
| 28 | 8250 | 929 | 1441 | 1804 | 2032 | 2219 | 2372 |
| 29 | 8300 | 932 | 1446 | 1810 | 2038 | 2226 | 2380 |
| 30 | 8350 | 935 | 1450 | 1816 | 2045 | 2232 | 2387 |
| 31 | 8400 | 937 | 1455 | 1822 | 2051 | 2239 | 2395 |
| 32 | 8450 | 940 | 1459 | 1827 | 2057 | 2246 | 2402 |
| 33 | 8500 | 943 | 1464 | 1833 | 2063 | 2253 | 2410 |
| 34 | 8550 | 945 | 1468 | 1839 | 2069 | 2260 | 2417 |
| 35 | 8600 | 948 | 1473 | 1845 | 2076 | 2266 | 2425 |
| 36 | 8650 | 951 | 1478 | 1850 | 2082 | 2273 | 2432 |
| 37 | 8700 | 954 | 1482 | 1856 | 2088 | 2280 | 2440 |
| 38 | 8750 | 956 | 1487 | 1862 | 2094 | 2287 | 2447 |
| 39 | 8800 | 959 | 1491 | 1868 | 2100 | 2294 | 2455 |
| 40 | 8850 | 962 | 1496 | 1873 | 2107 | 2300 | 2462 |
| 41 | 8900 | 964 | 1500 | 1879 | 2113 | 2307 | 2470 |
| 42 | 8950 | 967 | 1505 | 1885 | 2119 | 2314 | 2477 |
| 43 | 9000 | 970 | 1509 | 1891 | 2125 | 2321 | 2484 |
| 44 | 9050 | 973 | 1514 | 1896 | 2131 | 2328 | 2492 |
| 45 | 9100 | 975 | 1517 | 1901 | 2137 | 2334 | 2498 |
| 46 | 9150 | 977 | 1521 | 1905 | 2141 | 2339 | 2503 |
| 47 | 9200 | 979 | 1524 | 1909 | 2146 | 2344 | 2509 |
| 48 | 9250 | 982 | 1527 | 1914 | 2151 | 2349 | 2514 |
| 49 | 9300 | 984 | 1531 | 1918 | 2156 | 2354 | 2520 |
| 50 | 9350 | 986 | 1534 | 1922 | 2160 | 2359 | 2525 |
| 51 | 9400 | 988 | 1537 | 1926 | 2165 | 2365 | 2531 |
| 52 | 9450 | 990 | 1541 | 1930 | 2170 | 2370 | 2536 |
| 53 | 9500 | 993 | 1544 | 1935 | 2175 | 2375 | 2541 |
| 54 | 9550 | 995 | 1547 | 1939 | 2179 | 2380 | 2547 |

| | | | | | | | |
|---|-------|------|------|------|------|------|------|
| 1 | 9600 | 997 | 1551 | 1943 | 2184 | 2385 | 2552 |
| 2 | 9650 | 999 | 1554 | 1947 | 2189 | 2390 | 2558 |
| 3 | 9700 | 1001 | 1557 | 1951 | 2194 | 2396 | 2563 |
| 4 | 9750 | 1003 | 1561 | 1956 | 2198 | 2401 | 2569 |
| 5 | 9800 | 1006 | 1564 | 1960 | 2203 | 2406 | 2574 |
| 6 | 9850 | 1008 | 1567 | 1964 | 2208 | 2411 | 2580 |
| 7 | 9900 | 1010 | 1571 | 1968 | 2213 | 2416 | 2585 |
| 8 | 9950 | 1012 | 1574 | 1972 | 2218 | 2421 | 2590 |
| 9 | 10000 | 1014 | 1577 | 1977 | 2222 | 2427 | 2596 |

10 For gross monthly income between \$10,000 and \$20,000, add the amount of child-
 11 support for \$10,000 to the following percentages of gross income above \$10,0-
 12 00:

| | | | | | | |
|----|-------|----------|----------|----------|----------|----------|
| 13 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 14 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 15 | 3.1% | 5.1% | 6.8% | 7.8% | 8.8% | 9.5% |

16 For gross monthly income between \$20,000 and \$50,000, add the amount of child-
 17 support for \$20,000 to the following percentages of gross income above \$20,0-
 18 00:

| | | | | | | |
|----|-------|----------|----------|----------|----------|----------|
| 19 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 20 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 21 | 2% | 3.5% | 5% | 6% | 6.9% | 7.8% |

22 For gross monthly income over \$50,000, add the amount of child support for \$5-
 23 0,000 to the following percentages of gross income above \$50,000:

| | | | | | | |
|----|-------|----------|----------|----------|----------|----------|
| 24 | ONE | TWO | THREE | FOUR | FIVE | SIX |
| 25 | CHILD | CHILDREN | CHILDREN | CHILDREN | CHILDREN | CHILDREN |
| 26 | 1% | 2% | 3% | 4% | 5% | 6% |

27 C. For purposes of this section, "gross income" shall mean all income from all sources, and shall
 28 include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses,
 29 dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security
 30 benefits except as listed below, workers' compensation benefits, unemployment insurance benefits,
 31 disability insurance benefits, veterans' benefits, spousal support, rental income, gifts, prizes or awards.

32 If a parent's gross income includes disability insurance benefits, it shall also include any amounts
 33 paid to or for the child who is the subject of the order and derived by the child from the parent's
 34 entitlement to disability insurance benefits. To the extent that such derivative benefits are included in
 35 a parent's gross income, that parent shall be entitled to a credit against his or her on-going basic child
 36 support obligation for any such amounts, and, if the amount of the credit exceeds the parent's basic
 37 child support obligations, the credit may be used to reduce arrearages.

38 Gross income shall be subject to deduction of reasonable business expenses for persons with
 39 income from self-employment, a partnership, or a closely held business. "Gross income" shall not
 40 include benefits from public assistance programs as defined in § 63.1-87, federal supplemental security
 41 income benefits, or child support received. For purposes of this subsection, spousal support included
 42 in gross income shall be limited to spousal support paid pursuant to a pre-existing order or written
 43 agreement and spousal support shall be deducted from the gross income of the payor when paid
 44 pursuant to a pre-existing order or written agreement between the parties to the present proceeding.

45 In cases in which retroactive liability for support is being determined, the court or administrative
 46 agency may use the gross monthly income of the parties averaged over the period of retroactivity.

47 D. Any extraordinary medical and dental expenses for treatment of the child or children shall be
 48 added to the basic child support obligation. For purposes of this section, extraordinary medical and
 49 dental expenses are uninsured expenses in excess of \$100 for a single illness or condition and shall
 50 include but not be limited to eyeglasses, prescription medication, prostheses, and mental health
 51 services whether provided by a social worker, psychologist, psychiatrist, or counselor.

52 E. Any costs for health care coverage as defined in § 63.1-250, when actually being paid by a
 53 parent, to the extent such costs are directly allocable to the child or children, and which are the extra
 54 costs of covering the child or children beyond whatever coverage the parent providing the coverage

1 would otherwise have, shall be added to the basic child support obligation.

2 F. Any child-care costs incurred on behalf of the child or children due to employment of the
3 custodial parent shall be added to the basic child support obligation. Child-care costs shall not exceed
4 the amount required to provide quality care from a licensed source. Where appropriate, the court shall
5 consider the willingness and availability of the noncustodial parent to provide child care personally in
6 determining whether child-care costs are necessary or excessive.

7 G. 1. ~~Except in cases involving split custody or shared~~ *Sole custody support.* The sole custody, a
8 total monthly child support obligation shall be established by adding (i) the monthly basic child
9 support obligation, as determined from the schedule contained in subsection B of this section, (ii) all
10 extraordinary medical expenses, (iii) costs for health care coverage to the extent allowable by
11 subsection E, and (iv) work-related child-care costs and taking into consideration all the factors set
12 forth in subsection B of § 20-108.1. The total monthly child support obligation shall be divided
13 between the parents in the same proportion as their monthly gross incomes bear to their monthly
14 combined gross income. The monthly obligation of each parent shall be computed by multiplying
15 each parent's percentage of the parents' monthly combined gross income by the total monthly child
16 support obligation.

17 However, the monthly obligation of the noncustodial parent shall be reduced by the cost for health
18 care coverage to the extent allowable by subsection E when paid directly by the noncustodial parent.

19 2. *Split custody support.* In cases involving split custody, the amount of child support to be paid
20 shall be the difference between the amounts owed by each parent as a noncustodial parent, computed
21 in accordance with subdivision 1 of this subsection, with the noncustodial parent owing the larger
22 amount paying the difference to the other parent.

23 For the purpose of this section and § 20-108.1, split custody shall be limited to those situations
24 where each parent has physical custody of a child or children born of the parents, born of either
25 parent and adopted by the other parent or adopted by both parents. For the purposes of calculating a
26 child support obligation where split custody exists, a separate family unit exists for each parent, and
27 child support for that family unit shall be calculated upon the number of children in that family unit
28 who are born of the parents, born of either parent and adopted by the other parent or adopted by both
29 parents. Where split custody exists, a parent is a custodial parent to the children in that parent's
30 family unit and is a noncustodial parent to the children in the other parent's family unit.

31 3. ~~In cases involving shared custody, the amount of child support to be paid is the difference~~
32 ~~between the amounts owed by each parent to the other parent, with the parent owing the larger~~
33 ~~amount paying the difference to the other parent.~~

34 ~~To compute the monthly amount to be paid by one parent to the other parent, the following~~
35 ~~calculations shall be made:~~ *Shared custody support.*

36 (a) The "basic child support obligation" of each parent shall be the "total shared support"
37 multiplied by the other parent's "custody share." The "total shared support" of both parties equals
38 statutory guideline amount determined pursuant to subsection B for the combined income of the
39 parties and the number of shared children multiplied by 1.25. A parent's "custody share" equals the
40 number of days that parent has physical custody of a shared child per year divided by the number of
41 days in the year. Where a party shows that he has custody or visitation of a child or children for
42 more than ninety days of the year, as such days are defined in subdivision G 3 (c), a shared custody
43 child support amount shall be calculated based on the ratio in which the parents share the custody
44 and visitation of any child or children and a sole custody amount shall be calculated in accordance
45 with subsections B, C, D, E, and F of this section. The presumptive total support to be paid shall be
46 the lesser amount of the two calculated amounts of support as provided in subdivision G 3 (b). For
47 the purposes of this subsection, the following shall apply:

48 (i) *Income share.* "Income share" means a parent's percentage of the combined monthly gross
49 income of both parents. The income share of a parent is that parent's gross income divided by the
50 combined gross incomes of the parties.

51 (ii) *Custody share.* Each parent's "custody share" equals the number of days that parent has
52 physical custody, whether by sole custody, joint legal or joint residential custody, or visitation, of a
53 shared child per year divided by the number of days in the year. All days in a year shall be allocated
54 between the parents such that the sums of each parent's days, over a one-year period, or anticipated

1 to be over a one-year period, are equal to the total number of days in the year. For purposes of this
2 calculation, the year may begin on such date as is determined in the discretion of the court, and the
3 day may begin at such time as is determined in the discretion of the court. For purposes of this
4 calculation, a day shall be as defined in subdivision G 3 (c).

5 (iii) Shared support need. "Shared support need" means the presumptive guideline amount of
6 needed support for the shared child or children calculated pursuant to subsection B of this section,
7 for the combined gross income of the parties and the number of shared children, multiplied by 1.5.

8 (iv) Sole custody support. "Sole custody support" means the support amount determined in
9 accordance with subdivision G 1.

10 (v) Shared custody support. The shared support need of the shared child or children shall be
11 calculated pursuant to subdivision (iii). This amount shall then be multiplied by the other parent's
12 custody share. To that sum for each parent shall be added the other parent's cost of health care
13 coverage to the extent allowable by subsection E, plus the other parent's work-related child-care costs
14 to the extent allowable by subsection F. This total for each parent shall be multiplied by that parent's
15 income share. The support amounts thereby calculated that each parent owes the other shall be
16 subtracted and the difference shall be the "shared custody support" one parent owes to the other, with
17 the payor parent being the one whose shared support is the larger. Any extraordinary medical and
18 dental expenses, to the extent allowable by subsection D, shall be shared directly by the parents in
19 accordance with their income shares, and shall not be adjusted by the custody share, and this amount
20 shall be added to the shared custody support amount as calculated herein.

21 (b) ~~To each parent's "basic child support obligation" shall be added the other parent's costs of~~
22 ~~health care coverage, to the extent allowable by subsection E, and the other parent's work-related child~~
23 ~~care costs to the extent allowable by subsection F. Support to be paid. If the shared custody support~~
24 ~~calculated pursuant to subdivision (a)(v) is less than the sole custody support calculated pursuant to~~
25 ~~subdivision (a)(iv), then shared custody support shall be paid. If the sole custody support calculated~~
26 ~~pursuant to subdivision (a)(iv) is less than the shared custody support calculated pursuant to~~
27 ~~subdivision (a)(v), then sole custody support shall be paid.~~

28 (c) ~~The obligation of each parent to the other shall be then computed by multiplying each parent's~~
29 ~~percentage of the parents' monthly combined gross income by the support obligation obtained in~~
30 ~~subdivision G 3 (b).~~

31 ~~The shared custody rules set forth herein apply when each parent has physical custody of a child~~
32 ~~or children born of the parties, born of either parent and adopted by the other parent, or adopted by~~
33 ~~both parents, for more than 110 days of the year.~~

34 ~~Definition of a day. For the purposes of this section, "day" means a period of twenty-four hours;~~
35 ~~however, where the parent who has the fewer number of overnight periods during the year has an~~
36 ~~overnight period with a child, but has physical custody of the shared child for less than twenty-four~~
37 ~~hours during such overnight period, then the parents shall each be allocated one-half of a day of~~
38 ~~custody for that period. If the court determines that the application of the definition of a day as set~~
39 ~~forth herein would be unjust or inappropriate, then the court, in its discretion, may allocate a day, or~~
40 ~~a half-day, to one parent or the other.~~

41 (d) Minimum standards. Any calculation under this subdivision shall not create or reduce a support
42 obligation to an amount which seriously impairs the custodial parent's ability to maintain minimal
43 adequate housing and provide other basic necessities for the child. If the gross income of the payee is
44 equal to or less than 150 percent of the federal poverty level promulgated by the U.S. Department of
45 Health and Human Services from time to time, there shall be a presumption that the sole custody
46 guideline calculation shall apply.

47 (e) Support modification. When there has been an award of child support based on the shared
48 custody formula and one parent consistently fails to exercise custody or visitation as reasonably
49 contemplated by the parties or the court when the award was made, there shall be a rebuttable
50 presumption that the support award should be modified, when the difference between such award and
51 an award based upon the custody or visitation actually exercised varies by ten percent or more,
52 considering any deviation factors which may have been applied in the previous award. When the
53 existing award was based upon a deviation from the presumptive guideline, such deviation factors
54 shall also be considered when determining a modification.

H. The Secretary of Health and Human Resources shall ensure that the guideline set out in this section is reviewed by July 1, 1990, and every four years thereafter, by a panel which includes representatives of the courts, the executive branch, the General Assembly, the bar, custodial and noncustodial parents and child advocates. The panel shall determine the adequacy of the guideline for the determination of appropriate awards for the support of children by considering current research and data on the cost of and expenditures necessary for rearing children, and any other resources it deems relevant to such review. The panel shall report its findings to the General Assembly before it next convenes following such review.

| Official Use By Clerks | |
|---|--|
| <p style="text-align: center;">Passed By The House of Delegates</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p> | <p style="text-align: center;">Passed By The Senate</p> <p>without amendment <input type="checkbox"/></p> <p>with amendment <input type="checkbox"/></p> <p>substitute <input type="checkbox"/></p> <p>substitute w/amdt <input type="checkbox"/></p> |
| Date: _____ | Date: _____ |
| _____ Clerk of the House of Delegates | _____ Clerk of the Senate |

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-----------------------------|-----------------------------|---------------------|
| Father's Income \$800 | Mother's Income \$800 | Num of Kids 1 |
|-----------------------------|-----------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$145 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$145 | \$145 | \$145 | \$145 |
| 40 | 325 | \$141 | \$145 | \$145 | \$145 |
| 50 | 315 | \$131 | \$145 | \$145 | \$145 |
| 60 | 305 | \$121 | \$136 | \$145 | \$145 |
| 70 | 295 | \$111 | \$125 | \$134 | \$143 |
| 80 | 285 | \$101 | \$114 | \$122 | \$130 |
| 90 | 275 | \$92 | \$103 | \$110 | \$117 |
| 100 | 265 | \$82 | \$91 | \$98 | \$105 |
| 110 | 255 | \$72 | \$80 | \$86 | \$92 |
| 120 | 245 | \$62 | \$69 | \$74 | \$79 |
| 130 | 235 | \$52 | \$58 | \$62 | \$67 |
| 140 | 225 | \$42 | \$47 | \$50 | \$54 |
| 150 | 215 | \$32 | \$36 | \$39 | \$41 |
| 160 | 205 | \$22 | \$25 | \$27 | \$29 |
| 170 | 195 | \$12 | \$14 | \$15 | \$16 |
| 180 | 185 | \$2 | \$3 | \$3 | \$3 |

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|----------------------------|----------------------------|------------------------|
| Father's Income | Mother's Income | Num of Kids |
| \$1,500 | \$800 | 1 |

| |
|---------------------------------|
| Sole Custody Support |
| \$242 |

| | | SHARED CUSTODY SUPPORT | | | |
|-------------------------------------|-------------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$242 | \$242 | \$242 | \$242 |
| 40 | 325 | \$242 | \$242 | \$242 | \$242 |
| 50 | 315 | \$239 | \$242 | \$242 | \$242 |
| 60 | 305 | \$226 | \$242 | \$242 | \$242 |
| 70 | 295 | \$214 | \$239 | \$242 | \$242 |
| 80 | 285 | \$201 | \$225 | \$241 | \$242 |
| 90 | 275 | \$188 | \$211 | \$226 | \$241 |
| 100 | 265 | \$175 | \$196 | \$210 | \$225 |
| 110 | 255 | \$163 | \$182 | \$195 | \$208 |
| 120 | 245 | \$150 | \$168 | \$180 | \$192 |
| 130 | 235 | \$137 | \$154 | \$165 | \$176 |
| 140 | 225 | \$125 | \$140 | \$149 | \$159 |
| 150 | 215 | \$112 | \$125 | \$134 | \$143 |
| 160 | 205 | \$99 | \$111 | \$119 | \$127 |
| 170 | 195 | \$86 | \$97 | \$104 | \$111 |
| 180 | 185 | \$74 | \$83 | \$89 | \$94 |

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(2)

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-----------------------------|---------------------|
| Father's Income \$3,000 | Mother's Income \$800 | Num of Kids 1 |
|-------------------------------|-----------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$418 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$418 | \$418 | \$418 | \$418 |
| 40 | 325 | \$418 | \$418 | \$418 | \$418 |
| 50 | 315 | \$418 | \$418 | \$418 | \$418 |
| 60 | 305 | \$414 | \$418 | \$418 | \$418 |
| 70 | 295 | \$396 | \$418 | \$418 | \$418 |
| 80 | 285 | \$378 | \$418 | \$418 | \$418 |
| 90 | 275 | \$360 | \$403 | \$418 | \$418 |
| 100 | 265 | \$342 | \$383 | \$410 | \$418 |
| 110 | 255 | \$323 | \$362 | \$388 | \$414 |
| 120 | 245 | \$305 | \$342 | \$366 | \$391 |
| 130 | 235 | \$287 | \$322 | \$345 | \$367 |
| 140 | 225 | \$269 | \$301 | \$323 | \$344 |
| 150 | 215 | \$251 | \$281 | \$301 | \$321 |
| 160 | 205 | \$233 | \$261 | \$279 | \$298 |
| 170 | 195 | \$214 | \$240 | \$257 | \$275 |
| 180 | 185 | \$196 | \$220 | \$236 | \$251 |

(3)

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|----------------------------|----------------------------|------------------------|
| Father's Income | Mother's Income | Num of Kids |
| \$1,000 | \$1,000 | 1 |

| |
|---------------------------------|
| Sole Custody Support |
| \$169 |

| | | SHARED CUSTODY SUPPORT | | | |
|-------------------------------------|-------------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$169 | \$169 | \$169 | \$169 |
| 40 | 325 | \$165 | \$169 | \$169 | \$169 |
| 50 | 315 | \$153 | \$169 | \$169 | \$169 |
| 60 | 305 | \$142 | \$159 | \$169 | \$169 |
| 70 | 295 | \$130 | \$146 | \$156 | \$167 |
| 80 | 285 | \$119 | \$133 | \$142 | \$152 |
| 90 | 275 | \$107 | \$120 | \$128 | \$137 |
| 100 | 265 | \$95 | \$107 | \$115 | \$122 |
| 110 | 255 | \$84 | \$94 | \$101 | \$107 |
| 120 | 245 | \$72 | \$81 | \$87 | \$93 |
| 130 | 235 | \$61 | \$68 | \$73 | \$78 |
| 140 | 225 | \$49 | \$55 | \$59 | \$63 |
| 150 | 215 | \$38 | \$42 | \$45 | \$48 |
| 160 | 205 | \$26 | \$29 | \$31 | \$33 |
| 170 | 195 | \$14 | \$16 | \$17 | \$19 |
| 180 | 185 | \$3 | \$3 | \$3 | \$4 |

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-------------------------------|---------------------|
| Father's Income \$2,000 | Mother's Income \$1,000 | Num of Kids 1 |
|-------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$297 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$297 | \$297 | \$297 | \$297 |
| 40 | 325 | \$297 | \$297 | \$297 | \$297 |
| 50 | 315 | \$295 | \$297 | \$297 | \$297 |
| 60 | 305 | \$279 | \$297 | \$297 | \$297 |
| 70 | 295 | \$284 | \$296 | \$297 | \$297 |
| 80 | 285 | \$249 | \$279 | \$297 | \$297 |
| 90 | 275 | \$234 | \$262 | \$280 | \$297 |
| 100 | 265 | \$218 | \$245 | \$262 | \$280 |
| 110 | 255 | \$203 | \$228 | \$244 | \$260 |
| 120 | 245 | \$188 | \$211 | \$226 | \$241 |
| 130 | 235 | \$173 | \$193 | \$207 | \$221 |
| 140 | 225 | \$157 | \$176 | \$189 | \$202 |
| 150 | 215 | \$142 | \$159 | \$171 | \$182 |
| 160 | 205 | \$127 | \$142 | \$152 | \$163 |
| 170 | 195 | \$112 | \$125 | \$134 | \$143 |
| 180 | 185 | \$97 | \$108 | \$116 | \$124 |

5

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|----------------------------|----------------------------|------------------------|
| Father's Income | Mother's Income | Num of Kids |
| \$5,000 | \$1,000 | 1 |

| |
|---------------------------------|
| Sole Custody Support |
| \$636 |

| | | SHARED CUSTODY SUPPORT | | | |
|-------------------------------------|-------------------------------------|-------------------------------|----------------------------|----------------------------|----------------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$636 | \$636 | \$636 | \$636 |
| 40 | 325 | \$636 | \$636 | \$636 | \$636 |
| 50 | 315 | \$636 | \$636 | \$636 | \$636 |
| 60 | 305 | \$636 | \$636 | \$636 | \$636 |
| 70 | 295 | \$612 | \$636 | \$636 | \$636 |
| 80 | 285 | \$586 | \$636 | \$636 | \$636 |
| 90 | 275 | \$560 | \$627 | \$636 | \$636 |
| 100 | 265 | \$533 | \$597 | \$636 | \$636 |
| 110 | 255 | \$507 | \$568 | \$609 | \$636 |
| 120 | 245 | \$481 | \$539 | \$577 | \$616 |
| 130 | 235 | \$455 | \$510 | \$546 | \$582 |
| 140 | 225 | \$429 | \$480 | \$515 | \$549 |
| 150 | 215 | \$403 | \$451 | \$483 | \$516 |
| 160 | 205 | \$377 | \$422 | \$452 | \$482 |
| 170 | 195 | \$351 | \$393 | \$421 | \$449 |
| 180 | 185 | \$324 | \$363 | \$389 | \$415 |

⑥

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--------------------------------|-------------------------------|---------------------|
| Father's Income \$10,000 | Mother's Income \$1,000 | Num of Klds 1 |
|--------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$950 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$950 | \$950 | \$950 | \$950 |
| 40 | 325 | \$950 | \$950 | \$950 | \$950 |
| 50 | 315 | \$950 | \$950 | \$950 | \$950 |
| 60 | 305 | \$950 | \$950 | \$950 | \$950 |
| 70 | 295 | \$937 | \$950 | \$950 | \$950 |
| 80 | 285 | \$901 | \$950 | \$950 | \$950 |
| 90 | 275 | \$865 | \$950 | \$950 | \$950 |
| 100 | 265 | \$830 | \$929 | \$950 | \$950 |
| 110 | 255 | \$794 | \$889 | \$950 | \$950 |
| 120 | 245 | \$758 | \$849 | \$910 | \$950 |
| 130 | 235 | \$722 | \$809 | \$867 | \$925 |
| 140 | 225 | \$686 | \$769 | \$824 | \$879 |
| 150 | 215 | \$651 | \$729 | \$781 | \$833 |
| 160 | 205 | \$615 | \$689 | \$738 | \$787 |
| 170 | 195 | \$579 | \$649 | \$695 | \$741 |
| 180 | 185 | \$543 | \$609 | \$652 | \$695 |

7

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-------------------------------|---------------------|
| Father's Income \$2,000 | Mother's Income \$2,000 | Num of Klds 1 |
|-------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$277 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$277 | \$277 | \$277 | \$277 |
| 40 | 325 | \$270 | \$277 | \$277 | \$277 |
| 50 | 315 | \$251 | \$277 | \$277 | \$277 |
| 60 | 305 | \$232 | \$260 | \$277 | \$277 |
| 70 | 295 | \$213 | \$239 | \$256 | \$273 |
| 80 | 285 | \$194 | \$217 | \$233 | \$248 |
| 90 | 275 | \$175 | \$196 | \$210 | \$224 |
| 100 | 265 | \$156 | \$175 | \$187 | \$200 |
| 110 | 255 | \$137 | \$154 | \$165 | \$176 |
| 120 | 245 | \$118 | \$133 | \$142 | \$152 |
| 130 | 235 | \$99 | \$111 | \$119 | \$127 |
| 140 | 225 | \$80 | \$90 | \$97 | \$103 |
| 150 | 215 | \$62 | \$69 | \$74 | \$79 |
| 160 | 205 | \$43 | \$48 | \$51 | \$55 |
| 170 | 195 | \$24 | \$27 | \$28 | \$30 |
| 180 | 185 | \$5 | \$5 | \$6 | \$6 |

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8

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--|--|------------------------------|
| Father's Income \$5,000 | Mother's Income \$2,000 | Num of Kids 1 |
|--|--|------------------------------|

| |
|---|
| Sole Custody Support \$606 |
|---|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$606 | \$606 | \$606 | \$606 |
| 40 | 325 | \$606 | \$606 | \$606 | \$606 |
| 50 | 315 | \$606 | \$606 | \$606 | \$606 |
| 60 | 305 | \$583 | \$606 | \$606 | \$606 |
| 70 | 295 | \$554 | \$606 | \$606 | \$606 |
| 80 | 285 | \$525 | \$588 | \$606 | \$606 |
| 90 | 275 | \$496 | \$555 | \$595 | \$606 |
| 100 | 265 | \$467 | \$523 | \$560 | \$597 |
| 110 | 255 | \$438 | \$490 | \$525 | \$560 |
| 120 | 245 | \$409 | \$458 | \$490 | \$523 |
| 130 | 235 | \$380 | \$425 | \$456 | \$486 |
| 140 | 225 | \$351 | \$393 | \$421 | \$449 |
| 150 | 215 | \$322 | \$360 | \$386 | \$412 |
| 160 | 205 | \$293 | \$328 | \$351 | \$374 |
| 170 | 195 | \$263 | \$295 | \$316 | \$337 |
| 180 | 185 | \$234 | \$263 | \$281 | \$300 |

9

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--------------------------------|-------------------------------|---------------------|
| Father's Income \$10,000 | Mother's Income \$2,000 | Num of Kids 1 |
|--------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$897 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$897 | \$897 | \$897 | \$897 |
| 40 | 325 | \$897 | \$897 | \$897 | \$897 |
| 50 | 315 | \$897 | \$897 | \$897 | \$897 |
| 60 | 305 | \$897 | \$897 | \$897 | \$897 |
| 70 | 295 | \$863 | \$897 | \$897 | \$897 |
| 80 | 285 | \$826 | \$897 | \$897 | \$897 |
| 90 | 275 | \$789 | \$884 | \$897 | \$897 |
| 100 | 265 | \$752 | \$843 | \$897 | \$897 |
| 110 | 255 | \$715 | \$801 | \$859 | \$897 |
| 120 | 245 | \$679 | \$760 | \$814 | \$869 |
| 130 | 235 | \$642 | \$719 | \$770 | \$821 |
| 140 | 225 | \$605 | \$677 | \$726 | \$774 |
| 150 | 215 | \$568 | \$636 | \$682 | \$727 |
| 160 | 205 | \$531 | \$595 | \$637 | \$680 |
| 170 | 195 | \$494 | \$554 | \$593 | \$633 |
| 180 | 185 | \$458 | \$512 | \$549 | \$586 |

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-------------------------------|---------------------|
| Father's Income \$3,000 | Mother's Income \$3,000 | Num of Kids 1 |
|-------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$382 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$382 | \$382 | \$382 | \$382 |
| 40 | 325 | \$372 | \$382 | \$382 | \$382 |
| 50 | 315 | \$346 | \$382 | \$382 | \$382 |
| 60 | 305 | \$320 | \$359 | \$382 | \$382 |
| 70 | 295 | \$294 | \$329 | \$353 | \$376 |
| 80 | 285 | \$268 | \$300 | \$321 | \$343 |
| 90 | 275 | \$242 | \$271 | \$290 | \$309 |
| 100 | 265 | \$216 | \$241 | \$259 | \$276 |
| 110 | 255 | \$189 | \$212 | \$227 | \$242 |
| 120 | 245 | \$163 | \$183 | \$196 | \$209 |
| 130 | 235 | \$137 | \$154 | \$165 | \$176 |
| 140 | 225 | \$111 | \$124 | \$133 | \$142 |
| 150 | 215 | \$85 | \$95 | \$102 | \$109 |
| 160 | 205 | \$59 | \$66 | \$71 | \$75 |
| 170 | 195 | \$33 | \$37 | \$39 | \$42 |
| 180 | 185 | \$7 | \$7 | \$8 | \$8 |

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SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-------------------------------|-----------------------|
| Father's Income \$8,000 | Mother's Income \$3,000 | Nurr. of Kids 1 |
|-------------------------------|-------------------------------|-----------------------|

| |
|----------------------------------|
| Sole Custody Support \$760 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$760 | \$760 | \$760 | \$760 |
| 40 | 325 | \$760 | \$760 | \$760 | \$760 |
| 50 | 315 | \$760 | \$760 | \$760 | \$760 |
| 60 | 305 | \$735 | \$760 | \$760 | \$760 |
| 70 | 295 | \$700 | \$760 | \$760 | \$760 |
| 80 | 285 | \$664 | \$743 | \$760 | \$780 |
| 90 | 275 | \$628 | \$703 | \$754 | \$760 |
| 100 | 265 | \$592 | \$663 | \$711 | \$758 |
| 110 | 255 | \$556 | \$623 | \$668 | \$712 |
| 120 | 245 | \$521 | \$583 | \$625 | \$666 |
| 130 | 235 | \$485 | \$543 | \$582 | \$621 |
| 140 | 225 | \$449 | \$503 | \$539 | \$575 |
| 150 | 215 | \$413 | \$463 | \$496 | \$529 |
| 160 | 205 | \$377 | \$423 | \$453 | \$483 |
| 170 | 195 | \$342 | \$383 | \$410 | \$437 |
| 180 | 185 | \$306 | \$343 | \$367 | \$391 |

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SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--------------------------------|-------------------------------|---------------------|
| Father's Income \$12,000 | Mother's Income \$3,000 | Num of Klds 1 |
|--------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Safe Custody Support \$935 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$935 | \$935 | \$935 | \$935 |
| 40 | 325 | \$935 | \$935 | \$935 | \$935 |
| 50 | 315 | \$935 | \$935 | \$935 | \$935 |
| 60 | 305 | \$929 | \$935 | \$935 | \$935 |
| 70 | 295 | \$889 | \$935 | \$935 | \$935 |
| 80 | 285 | \$849 | \$935 | \$935 | \$935 |
| 90 | 275 | \$809 | \$906 | \$935 | \$935 |
| 100 | 265 | \$769 | \$861 | \$922 | \$935 |
| 110 | 255 | \$729 | \$816 | \$874 | \$933 |
| 120 | 245 | \$689 | \$771 | \$826 | \$881 |
| 130 | 235 | \$649 | \$726 | \$778 | \$830 |
| 140 | 225 | \$609 | \$682 | \$730 | \$779 |
| 150 | 215 | \$568 | \$637 | \$682 | \$728 |
| 160 | 205 | \$528 | \$592 | \$634 | \$676 |
| 170 | 195 | \$488 | \$547 | \$586 | \$625 |
| 180 | 185 | \$448 | \$502 | \$538 | \$574 |

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SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|-------------------------------|-------------------------------|---------------------|
| Father's Income \$5,000 | Mother's Income \$5,000 | Num of Kids 1 |
|-------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$507 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$507 | \$507 | \$507 | \$507 |
| 40 | 325 | \$495 | \$507 | \$507 | \$507 |
| 50 | 315 | \$460 | \$507 | \$507 | \$507 |
| 60 | 305 | \$425 | \$476 | \$507 | \$507 |
| 70 | 295 | \$391 | \$438 | \$469 | \$500 |
| 80 | 285 | \$356 | \$399 | \$427 | \$456 |
| 90 | 275 | \$321 | \$360 | \$385 | \$411 |
| 100 | 265 | \$286 | \$321 | \$344 | \$367 |
| 110 | 255 | \$252 | \$282 | \$302 | \$322 |
| 120 | 245 | \$217 | \$243 | \$260 | \$278 |
| 130 | 235 | \$182 | \$204 | \$219 | \$233 |
| 140 | 225 | \$148 | \$165 | \$177 | \$189 |
| 150 | 215 | \$113 | \$126 | \$135 | \$144 |
| 160 | 205 | \$78 | \$88 | \$94 | \$100 |
| 170 | 195 | \$43 | \$49 | \$52 | \$56 |
| 180 | 185 | \$9 | \$10 | \$10 | \$11 |

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14

SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--------------------------------|-------------------------------|---------------------|
| Father's Income \$12,000 | Mother's Income \$5,000 | Num of Kids 1 |
|--------------------------------|-------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$869 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$869 | \$869 | \$869 | \$869 |
| 40 | 325 | \$869 | \$869 | \$869 | \$869 |
| 50 | 315 | \$869 | \$869 | \$869 | \$869 |
| 60 | 305 | \$833 | \$869 | \$869 | \$869 |
| 70 | 295 | \$791 | \$869 | \$869 | \$869 |
| 80 | 285 | \$749 | \$839 | \$869 | \$869 |
| 90 | 275 | \$707 | \$792 | \$848 | \$869 |
| 100 | 265 | \$665 | \$744 | \$798 | \$851 |
| 110 | 255 | \$622 | \$697 | \$747 | \$797 |
| 120 | 245 | \$580 | \$650 | \$696 | \$743 |
| 130 | 235 | \$538 | \$603 | \$646 | \$689 |
| 140 | 225 | \$496 | \$556 | \$595 | \$635 |
| 150 | 215 | \$454 | \$508 | \$545 | \$581 |
| 160 | 205 | \$412 | \$461 | \$494 | \$527 |
| 170 | 195 | \$370 | \$414 | \$443 | \$473 |
| 180 | 185 | \$327 | \$367 | \$393 | \$419 |

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SHARED CUSTODY SCENARIOS

SCENARIO:

| | | |
|--------------------|--------------------|----------------|
| Father's Income | Mother's Income | Num of Kids |
| \$3,000 | \$5,000 | 1 |

| |
|-------------------------|
| Sole Custody Support |
| \$344 |

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$335 | \$344 | \$344 | \$344 |
| 40 | 325 | \$304 | \$340 | \$344 | \$344 |
| 50 | 315 | \$273 | \$305 | \$327 | \$344 |
| 60 | 305 | \$241 | \$270 | \$289 | \$309 |
| 70 | 295 | \$210 | \$235 | \$252 | \$269 |
| 80 | 285 | \$178 | \$200 | \$214 | \$228 |
| 90 | 275 | \$147 | \$165 | \$176 | \$188 |
| 100 | 265 | \$116 | \$130 | \$139 | \$148 |
| 110 | 255 | \$84 | \$94 | \$101 | \$108 |
| 120 | 245 | \$53 | \$59 | \$64 | \$68 |
| 130 | 235 | \$22 | \$24 | \$26 | \$28 |
| 140 | 225 | -\$10 | -\$11 | -\$12 | -\$13 |
| 150 | 215 | -\$41 | -\$46 | -\$49 | -\$53 |
| 160 | 205 | -\$73 | -\$81 | -\$87 | -\$93 |
| 170 | 195 | -\$104 | -\$116 | -\$125 | -\$133 |
| 180 | 185 | -\$135 | -\$162 | -\$162 | -\$173 |

Negative numbers indicate that Mother is paying Father.

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SHARED CUSTODY SCENARIOS:

SCENARIO:

| | | |
|-------------------------------|--------------------------------|---------------------|
| Father's Income \$3,000 | Mother's Income \$10,000 | Num of Kids 1 |
|-------------------------------|--------------------------------|---------------------|

| |
|----------------------------------|
| Sole Custody Support \$255 |
|----------------------------------|

| | | SHARED CUSTODY SUPPORT | | | |
|-----------------------------|-----------------------------|------------------------|--------------------|--------------------|--------------------|
| Num. Of Days With Father | Num. Of Days With Mother | 1.25 Multiplier | 1.40 Multiplier | 1.50 Multiplier | 1.60 Multiplier |
| 30 | 335 | \$206 | \$230 | \$247 | \$255 |
| 40 | 325 | \$168 | \$188 | \$201 | \$215 |
| 50 | 315 | \$130 | \$145 | \$156 | \$166 |
| 60 | 305 | \$92 | \$103 | \$110 | \$118 |
| 70 | 295 | \$54 | \$60 | \$65 | \$69 |
| 80 | 285 | \$16 | \$18 | \$19 | \$21 |
| 90 | 275 | -\$22 | -\$24 | -\$26 | -\$28 |
| 100 | 265 | -\$60 | -\$67 | -\$72 | -\$76 |
| 110 | 255 | -\$98 | -\$109 | -\$117 | -\$125 |
| 120 | 245 | -\$138 | -\$152 | -\$163 | -\$174 |
| 130 | 235 | -\$173 | -\$194 | -\$208 | -\$222 |
| 140 | 225 | -\$211 | -\$237 | -\$254 | -\$271 |
| 150 | 215 | -\$249 | -\$279 | -\$299 | -\$319 |
| 160 | 205 | -\$287 | -\$322 | -\$345 | -\$368 |
| 170 | 195 | -\$325 | -\$364 | -\$390 | -\$416 |
| 180 | 185 | -\$363 | -\$407 | -\$436 | -\$465 |

Negative numbers indicate that Mother is paying Father.

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REDUCTION IN SUPPORT AT THE 90 DAY THRESHOLD

| INCOME FATHER | INCOME MOTHER | # SHARED DAYS THRESHOLD | SUPPORT @ 90 DAYS | | SUPPORT TO BE PAID | SUPPORT REDUCTION @ 90 DAYS | PERCENT REDUCTION |
|---------------|---------------|-------------------------|-------------------|---------|--------------------|-----------------------------|-------------------|
| | | | SOLE | SHARED | | | |
| \$1,000 | \$0 | 122 | \$196 | \$222 | Sole | \$0 | 0% |
| \$1,000 | \$1,000 | 61 | \$169 | \$128 | Shared | \$41 | 24% |
| \$3,000 | \$0 | 122 | \$445 | \$503 | Sole | \$0 | 0% |
| \$3,000 | \$1,000 | 92 | \$415 | \$418 | Sole | \$0 | 0% |
| \$3,000 | \$2,000 | 74 | \$400 | \$353 | Shared | \$47 | 12% |
| \$3,000 | \$3,000 | 61 | \$382 | \$290 | Shared | \$92 | 24% |
| \$5,000 | \$0 | 122 | \$666 | \$753 | Sole | \$0 | 0% |
| \$5,000 | \$2,000 | 87 | \$606 | \$595 | Shared | \$11 | 2% |
| \$5,000 | \$5,000 | 61 | \$507 | \$385 | Shared | \$122 | 24% |
| \$6,000 | \$0 | 122 | \$763 | \$862 | Sole | \$0 | 0% |
| \$6,000 | \$1,000 | 105 | \$727 | \$777 | Sole | \$0 | 0% |
| \$6,000 | \$2,000 | 92 | \$687 | \$692 | Sole | \$0 | 0% |
| \$6,000 | \$6,000 | 61 | \$538 | \$409 | Shared | \$129 | 24% |
| \$10,000 | \$1,000 | 111 | \$950 | \$1,039 | Sole | \$0 | 0% |
| \$10,000 | \$2,000 | 102 | \$897 | \$947 | Sole | \$0 | 0% |
| \$10,000 | \$6,000 | 77 | \$750 | \$681 | Shared | \$69 | 9% |
| \$10,000 | \$10,000 | 61 | \$662 | \$503 | Shared | \$159 | 24% |
| \$15,000 | \$1,000 | 115 | \$1,125 | \$1,144 | Sole | \$0 | 0% |
| \$15,000 | \$3,000 | 102 | \$1,052 | \$1,111 | Sole | \$0 | 0% |

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The gross incomes of the parents, assuming that the Mother has the majority custody period.

The number of days of sharing which cause the sole support to be equal to the shared support

The actual sole custody support amount, and the shared support amount at 90 days of sharing.

Which support is lowest, shared or sole.

The reduction and percent reduction in support at the 90 day threshold.

