and probable earnings level based on work and training history, occupational qualifications, prevailing job opportunities, availability of employers willing to hire the parent, and earning levels in the community.

c. The court may also consider the parent's assets, residence, educational attainment, literacy, age, health, criminal record and other employment barriers, record of seeking work, and other relevant factors.

d. The court may not use earning capacity instead of actual earnings or otherwise impute income unless a written determination is made that, if actual earnings were used, substantial injustice would occur or adjustments would be necessary to provide for the needs of the child(ren) or to do justice between the parties.

[Court Order November 9, 2001, effective February 15, 2002; September 23, 2004, effective November 1, 2004; March 9, 2009, effective July 1, 2009; May 9, 2013, effective July 1, 2013; July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022; September 29, 2025, effective January 1, 2026]

Rule 9.11A Child care expense add-on. Because the cost of child care is not included in the economic data used to establish the support amounts in the Schedule of Basic Support Obligations, this rule will apply when determining the child care expense add-on, if any, to the guideline amount of child support to account for the noncustodial parent's share of the child care expenses incurred by the custodial parent.

9.11A(1) *Child care expenses.* For purposes of this rule, "child care expenses" means actual, annualized child care expenses the custodial parent pays for the child(ren) in the pending matter, excluding any third party reimbursements and reduced by estimated state and federal child care tax credits, that are reasonably necessary to enable the parent to be employed, attend education or training activities, or conduct a job search.

a. State and federal child care tax credits will be estimated at 25% of the actual child care expenses incurred by the custodial parent up to the maximum expense limitation under federal law.

b. Because child care tax credits are inapplicable or nominal for low-income taxpayers, no estimated child care tax credit will be deducted for a custodial parent who has gross monthly income less than the following amounts: $3,750 for one child; $4,550 for two children; $5,000 for three children; $5,500 for four children; $6,250 for five children; and $6,900 for six or more children.

9.11A(2) *Presumption relating to child care expense add-on upon child's 13th birthday.* There is a rebuttable presumption that there will be no add-on for child care expenses attributable to a child upon the child's 13th birthday.

9.11A(3) *Child care expense add-on calculation.* Two calculations are required when determining the amount of the child care expense add-on.

a. In the first calculation, multiply the noncustodial parent's proportional share of income by the amount of child care expenses. For purposes of this subrule only, the noncustodial parent's proportional share of income is determined using the noncustodial parent's adjusted net monthly income less the amount of child support to be paid by the noncustodial parent in the pending matter.

b. In the second calculation, multiply the noncustodial parent's disposable income by .5 and then subtract the guideline amount of child support and any cash medical support to be paid in the pending matter as well as the full amount of any health insurance premiums actually paid by the noncustodial parent or that are expected to be paid by the noncustodial parent to comply with a health insurance order that will be entered in the pending matter. Health insurance provided by a stepparent will not be considered in this calculation. For purposes of this subrule only, "disposable income" means gross monthly income less the deductions in rules 9.5(2)(*a*) through (*c*).

c. The child care expense add-on is the lesser of the amount calculated under (*a*) or (*b*).

9.11A(4) *Order provisions.*

a. Any order containing a child care expense add-on must specify the amount of the basic support obligation calculated before the child care expense add-on, the amount of the child care expense add-on, the combined amount of the basic support obligation and the child care expense add-on, and the specific periodic payment date when the child care expense add-on will end. If the order does not specify otherwise, the child care expense add-on will automatically terminate upon the youngest child's 13th birthday.

b. When a child care expense add-on ends pursuant to the terms of the support order or pursuant to this subrule, support will automatically adjust to the amount of the basic support obligation without a child care expense add-on. If the order does not specify an adjustment date, the adjustment will be effective on the first date that the next periodic support payment becomes due after the youngest child's 13th birthday.

9.11A(5) *Substantial change in circumstances.* A change in the amount of child care expenses incurred by the custodial parent is a factor to be considered in determining whether a substantial change in circumstances exists to modify a support order that includes a child care expense add-on.

9.11A(6) *When rule 9.11A does not apply.* Rule 9.11A does not apply and a child care expense add-on will not be ordered when:

a. Pursuant to agreement of the parties, the noncustodial parent is ordered to make direct payments to the child care provider or to directly reimburse the custodial parent for the costs of child care, or the parties have otherwise expressly agreed on the payment of child care expenses.

b. The custodial parent fails to provide the necessary information to determine the amount of child care expenses.

c. There is an order for joint (equally shared) physical care, as child care expenses are to be allocated under rule 9.14(3).

d. The noncustodial parent's adjusted net monthly income is in an income range that correlates with the shaded area of the schedule in rule 9.26.

[Court Order July 20, 2017, effective January 1, 2018; September 3, 2021, effective January 1, 2022; September 29, 2025, effective January 1, 2026]

Rule 9.12 Medical support order.

9.12(1) *Medical support order required.* The court must enter an order for medical support as required by statute. For purposes of Iowa Code section 252E.1A, the Medical Support Table in rule 9.12(4) is established for use by the courts of this state in determining reasonable cost for a health benefit plan and a reasonable amount in lieu of a health benefit plan (cash medical support). If health care coverage is ordered, the reasonable cost amount calculated in rule 9.12(2) must be stated in the order. If cash medical support is ordered, it must be a sum certain dollar amount stated in the order and is an amount in addition to the child support amount.

9.12(2) *Calculating "reasonable cost" of health insurance.* Refer to the Medical Support Table in rule 9.12(4) to determine if the parent has health insurance available at "reasonable cost." Find the appropriate cell for the parent's net income (as determined by the guidelines) and for the correct number of children. Multiply the parent's gross income by the percentage in that cell. If the amount is equal to or more than the cost of the child(ren)'s portion of the health insurance premium (family cost minus single cost), it is available at "reasonable cost."

9.12(3) *Calculating cash medical support.*

a. If neither parent has health insurance available at "reasonable cost," and if appropriate according to Iowa Code section 252E.1A, the court must order cash medical support.

b. Refer to the Medical Support Table in rule 9.12(4) to determine the amount of cash medical support. Find the appropriate cell for the parent's preliminary net income (gross income minus all appropriate deductions other than cash medical support in the pending matter) and for the correct number of children. Multiply the parent's gross income by the percentage in that cell to get the cash medical support amount.

c. For minimum orders in low-income Area A, cash medical support is not ordered.

d. Cash medical support is not ordered if a parent is ordered to provide health insurance and that parent or stepparent of the child(ren) has obtained insurance coverage for the child(ren).

e. If the child(ren)'s health care coverage is through the Healthy and Well Kids in Iowa program (Hawki) under Iowa Code chapter 514I, the ordered amount of cash medical support is the cost of the Hawki premium or the amount calculated pursuant to the Medical Support Table in rule 9.12(4), whichever is less.

f. Use the adjusted net income (preliminary net income minus the amount of cash medical support in the pending matter) for the correct number of children on the Schedule of Basic Support Obligations to find the appropriate amount of child support. Once the adjusted net income has been determined, do not allow another deduction for cash medical support.