Everything You Need to Know About Child Support but Were Afraid to Ask

May your search for the meaning of life also uncover the meaning of paying child support.

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Section 61.29 Florida Statutes:
Parents may not waive or “contract away” their child’s right to support.
"Don’t tell me where your priorities are. Show me where you spend your money and I’ll tell you what they are."

- James W. Frick
What is Child Support?

*It is a formula using the Income Shares Model.*

Florida Child Support Guidelines Established in 1987 based on

1. 1984 Child Support Enforcement Amendments
2. Family Support Act of 1988
What is Child Support?

It is a formula using the Income Shares Model (versus obligor income model).

Based on:

- Number of children
- TOTAL GROSS income income of each party
- Statutory deductions
- Number of overnights each parent spends with the children
- Health care costs for children
- Day care costs

Calculated cost of raising a child last set last in 1994 based on 1993 Consumer Price Index

Extra curricular expenses and day camp and out of pocket medical is outside formula
You can’t afford to pay Child Support because you say you’re struggling?
Welcome to my world...
You don’t see me trying to negotiate payments to my child and only feed him when I can afford it. I feed our child every day AND work to pay ALL the bills to keep a roof over our head, I don’t have a choice. So do your part, stop whining and help out.

Child Support, You Owe It, Pay It

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History of Child Support

Elizabethan Poor Laws of 1601
Administered by local charities in the 13 colonies

****** 1935 Social Security Act and
****** Section IVD of the 1975 Social Security Act

• Aid to Families with Dependent Children
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I get it, you are mad that you have to pay child support. But in all actually, you are paying a fraction of the costs of our child. I pay the rest. You get a discount. You should be grateful.
Care for Children became one of the entitlement for welfare which tends to make “child support by parents” a prominent objective.
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The Job Description of a Family Mediator
Section 44 Florida Statutes

44(2) “Mediation” means a process whereby a neutral third person called a mediator acts to encourage and facilitate the resolution of a dispute between two or more parties. It is an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and voluntary agreement. In mediation, decision making authority rests with the parties. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives.

d) “Family mediation” which means mediation of family matters, including married and unmarried persons, before and after judgments involving dissolution of marriage; property division; shared or sole parental responsibility; or child support, custody, and visitation involving emotional or financial considerations not usually present in other circuit civil cases. Negotiations in family mediation are primarily conducted by the parties. Counsel for each party may attend the mediation conference and privately communicate with their clients. However, presence of counsel is not required, and, in the discretion of the mediator, and with the agreement of the parties, mediation may proceed in the absence of counsel unless otherwise ordered by the court.
Rules for Certified and Court Appointed Mediators

Rule 10.320 Nonparticipating Persons

• A mediator shall promote awareness by the parties of the interests of persons affected by actual or potential agreements who are not represented at mediation.

Committee Notes

• 2000 Revision. In family and dependency mediations, the interests of children, grandparents or other related persons are also often affected. A mediator is responsible for making the parties aware of the potential interests of such non-participating persons.

• In family mediations, for example, a mediator should make the parents aware of the children’s interests without interfering with self-determination or advocating a particular position.

Rule 10.370 Advice, Opinions, or Information

• (a) Providing Information. Consistent with standards of impartiality and preserving party self-determination, a mediator may provide information that the mediator is qualified by training or experience to provide.
Section 61.30(2) What is Considered Income for Child Support Purposes

Income: GROSS INCOME lines 1-17 on Florida Family Law Financial Affidavits Both Long and Short

And determined by The Mandatory Disclosure Rule (Rule 12.285) of the Florida Family Court Rules of Procedure.

requires that each party to a family law case provide certain documentation to the other party so that each will be fully informed about the financial circumstances of the other party.
1. Monthly gross salary or wages
2. ______ Monthly bonuses, commissions, allowances, overtime, tips, and similar payments
3. ______ Monthly business income from sources such as self-employment, partnerships, close corporations, and/or independent contracts (gross receipts minus ordinary and necessary expenses required to produce income) (Attach sheet itemizing such income and expenses.)
4. ______ Monthly disability benefits/SSI
5. ______ Monthly Workers’ Compensation
6. ______ Monthly Unemployment Compensation
7. ______ Monthly pension, retirement, or annuity payments
8. ______ Monthly Social Security benefits
9. ______ Monthly alimony actually received (Add 9a and 9b)
   • 9a. From this case: $ _______
   • 9b. From other case(s): _______
10. ______ Monthly interest and dividends
11. ______ Monthly rental income (gross receipts minus ordinary and necessary expenses required to produce income) (Attach sheet itemizing such income and expense items.)
12. ______ Monthly income from royalties, trusts, or estates
13. ______ Monthly reimbursed expenses and in-kind payments to the extent that they reduce personal living expenses
14. ______ Monthly gains derived from dealing in property (not including nonrecurring gains)
15. ______ Any other income of a recurring nature (list source) ___________________________
16. __________________________________________________________________________
17. $ _______ TOTAL PRESENT MONTHLY GROSS INCOME (Add lines 1–16)
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GARBAGE IN

GARBAGE OUT
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Allowable Deductions to Income When Calculating Child Support
NUMBER OF OVERNIGHTS

Do your math. Simple addition. Avoid Double Counting.
Standard Method vs Substantial Timesharing and the Gross-Up Method and the Donut Hole

The Magic Number is 72 or 20% of the overnights
Whenever I_p > 3 * O_p

- The terms in this equation are defined and the equation is derived below.
- (These calculations deal only with the portion of child support that is based on the table in the statute and does not include work related childcare, medical insurance or uninsured medical/dental)

Whenever a parent’s percentage of income is more than 3 times that parent’s percentage of overnights, the gross up calculation will give a higher amount of child support than the standard calculation.

For example, if the paying parent has 90% of the combined net incomes and less than 30% of the overnights the gross up calculation will give a higher child support amount than the standard calculation.
Variable | Represents | Comments
--- | --- | ---
\(G_p\) | Parent who will pay child support | \(S_p\) when \(O_p < 20\%\)
\(O_p\) | P’s percentage of overnight stays | If P has 20% of the overnight stays then \(O_p = 0.20\)
\(O_R\) | R’s percentage of overnight stays | \(O_R = 1 - O_p\)
\(S_p\) | P’s share of B. \(S_p\) is the child support to be paid by P when \(O_p < 20\%\) | \(S_p = B^* I_p\)
\(B - S_p\) | R’s share of B | \(B = S_p + B^* O_p\)
\(U_p\) | P’s increased basic obligation times R’s percentage of overnights | \(U_p = 1.5^* B^* I_p^* O_R\)
\(U_R\) | R’s increased basic obligation times P’s percentage of overnights | \(U_R = 1.5^* B^* I_R^* O_p\)
\(G_p\) | Actual child support to be paid by P when \(O_p > 20\%\) | \(G_p = U_p - U_R\)

When is it true that: \(G_p > S_p\)?

- Substitute for \(G_p\) and \(S_p\): \(U_p - U_R > B^* I_p\)
- Substitute for \(U_p\) and \(U_R\): \((1.5^* B^* I_p^* O_R) - (1.5^* B^* I_R^* O_p) > B^* I_p\)
- Substitute for \(O_p\) and \(I_R\): \((1.5^* B^* I_p^* (1 - O_p)) - (1.5^* B^* (1 - I_p)^* O_p) > B^* I_p\)
- Divide both sides by \(B\): \((1.5^* I_p^* (1 - O_p)) - (1.5^* (1 - I_p)^* O_p) > I_p\)
- Multiply everything out: \(1.5^* I_p - 1.5^* I_p^* O_R - 1.5^* O_p + 1.5^* I_p^* O_p > I_p\)
- Combine terms: \(1.5^* I_p - 1.5^* O_p > I_p\)
- Add \(1.5^* O_p\) and subtract \(I_p\): \(0.5^* I_p > 1.5^* O_p\)
- Multiply by 2: \(I_p > 3^* O_p\)
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Deviations from Calculated Child Support

5%
Medical, psychological, educational, dental
Independent Income to Child (not ssdi or ssi)
Trust income to child
Extraordinary Child care costs
Seasonal issues
Special Needs
*****Child Tax Credit******
55% Rule
Minimal timesharing for one parent
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Administrative Orders for Child Support

Title IV-D Cases
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Modifications to Child Support

Minor changes in circumstances are unlikely to play a role in the ability to modify a child support order. Florida has instated limitations to avoid wasting time in court for minute changes. In order to qualify for a child support modification, the amount ordered must vary by at least 15 percent or $50, whichever is greater.
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How Does Social Security Income Affect Child Support

How Does Social Security Disability Income Affect Child Support
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Language of Section 61.13 and 743.07 (2) Florida Statutes
Sloppy drafting can create unnecessary disagreements later.
Determining Retroactive Child Support

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While we are on the Subject of Retroactive Child Support...
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Payment of Child Support Through Depository
Termination of Child Support

Pursuant to Rules Passed October 1, 2010 effective 2012
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Special Situations

- Incarceration of Parent
- Incarceration of Child
- Disabled Child
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And Now for Some Bloopers

These are actual real life examples from my mediation/CDFA practice

You can’t make this stuff up!

Truth is stranger than fiction.

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What Every Mediator Needs to Know About Calculating Child Support

Thank you for your time.

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