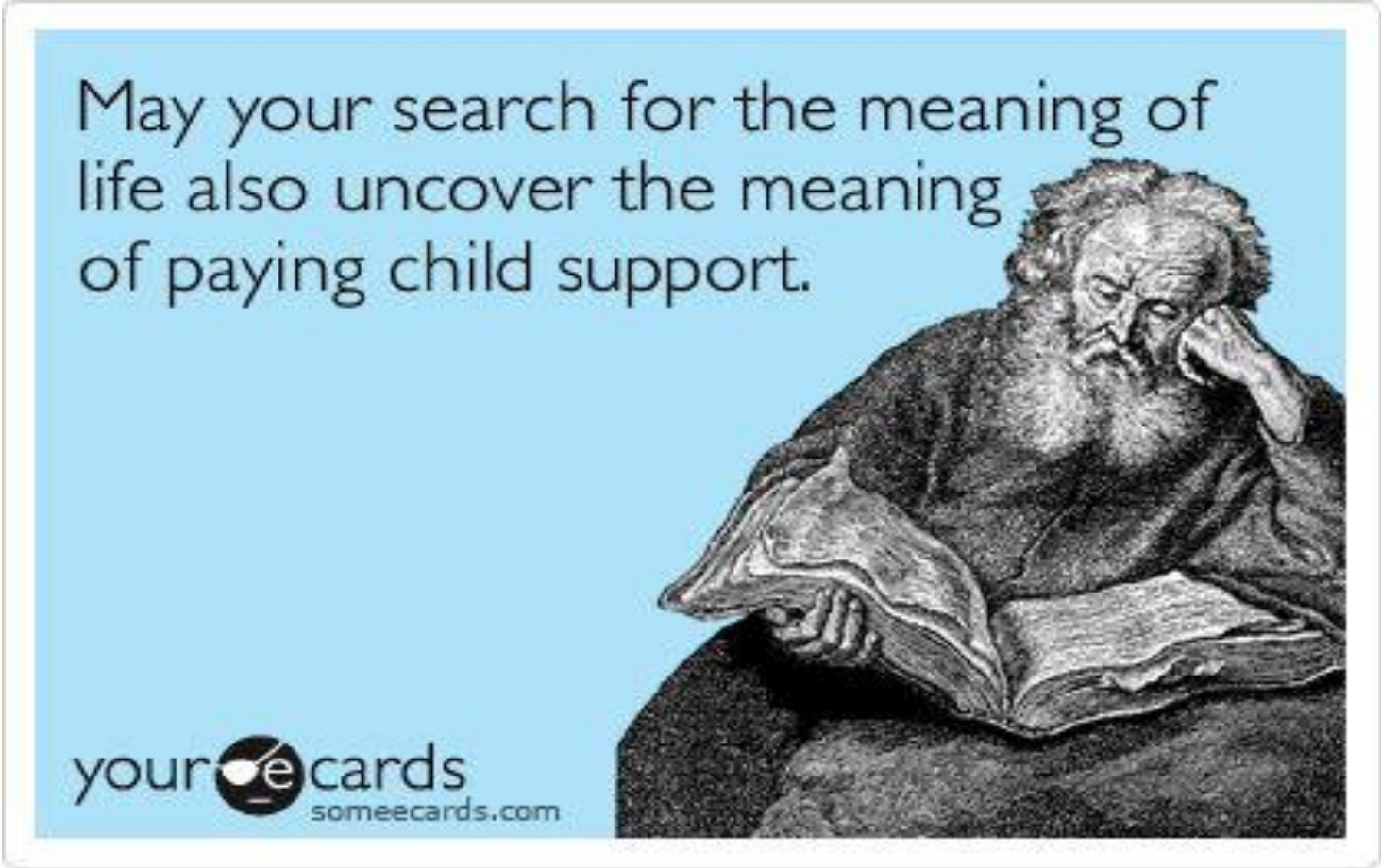


Everything You Need to Know About Child Support but Were Afraid to Ask



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

Section 61.29 Florida Statutes:

Parents may not waive or “contract away” their child’s right to support.

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

"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

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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

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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 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

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

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



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

History of Child Support

Elizabethan Poor Laws of 1601

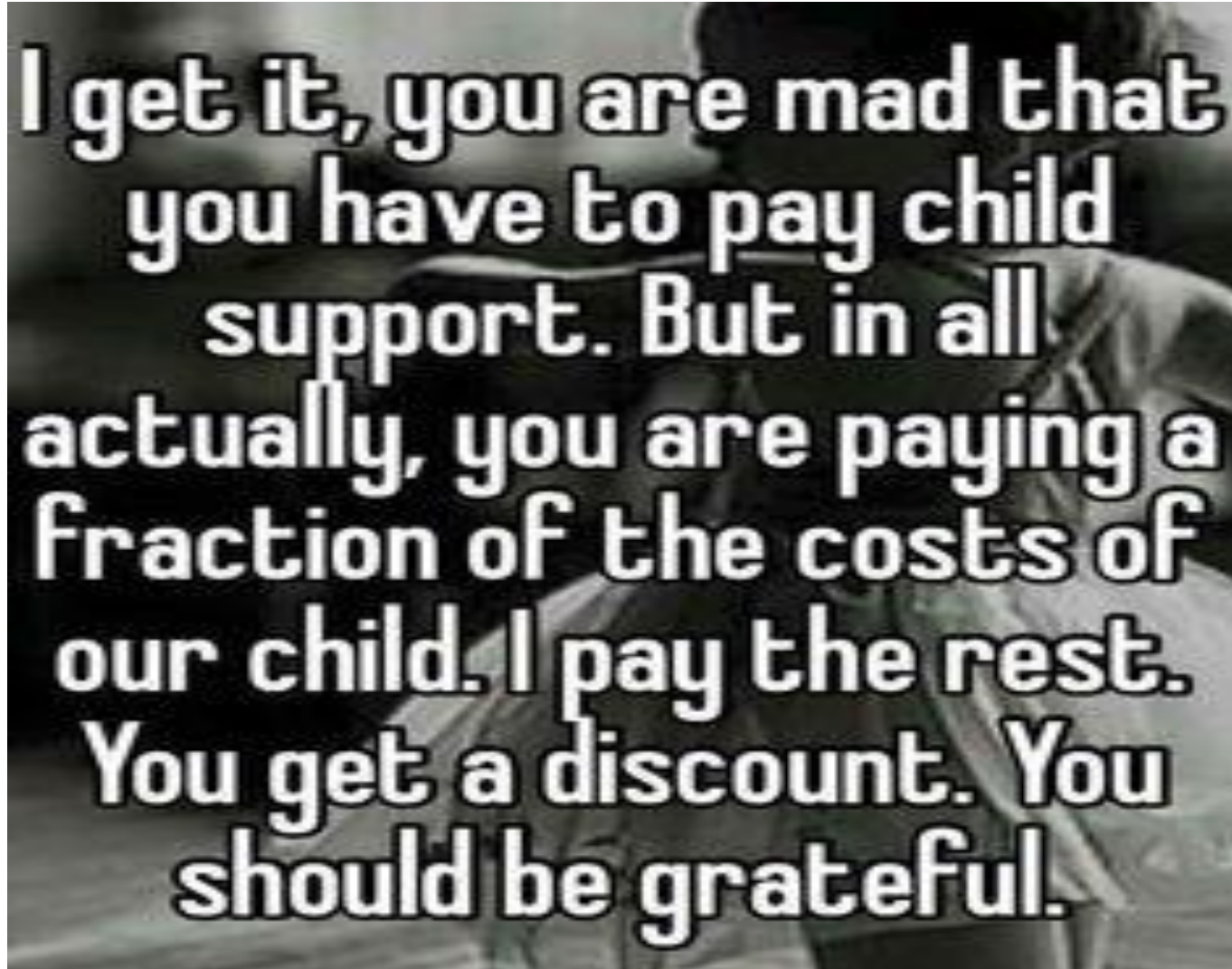
Administered by local charities in the 13 colonies

***** 1935 Social Security Act and

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

- **Aid to Families with Dependent Children**

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



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.

Deborah Beylus , CDFA South Florida Mediation Services
(561) 789-0710

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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.

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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.

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

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)

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

GARBAGE IN

GARBAGE OUT

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Allowable Deductions to Income When Calculating Child Support

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NUMBER OF OVERNIGHTS

Do your math. Simple addition. Avoid Double Counting.

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Standard Method vs Substantial Timesharing and the Gross-Up Method and the Donut Hole

The Magic Number is 72 or 20% of the overnights

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

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
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_R 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	$1.5 * I_p - 1.5 * I_p * O_p - 1.5 * O_p + 1.5 * I_p * O_p > I_p$	
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	$I_p > 3 * O_p$	
O_p	P's percentage of overnight stays	If P has 20% of the overnights 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	
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 $O_p \geq 20\%$	$G_p = U_p - U_R$

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

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.**

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

Determining Retroactive Child Support

Everything You Need to Know About Child Support but Were Afraid to Ask While we are on the Subject of Retroactive Child Support...



Deborah Beylus , CDFA South Florida Mediation Services
(561) 789-0710

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

**Payment of Child Support Through Depository
Termination of Child Support**

Pursuant to Rules Passed October 1, 2010 effective 2012

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

Special Situations

-Incarceration of Parent

-Incarceration of Child

-Disabled Child

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

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.

What Every Mediator Needs to Know About Calculating Child Support

Thank you for your time.

Deborah Beylus – Mediator/CDFA

South Florida Mediation Services

301 Yamato Road, Suite 4110

Boca Raton, Florida 33431

Ph: [561-789-0710](tel:561-789-0710)

www.southfloridamediationservices.com

info@southfloridamediationservices.com

