

GUIDELINE CALCULATION AND CERTIFICATION FOR COMMISSIONERS

27th Annual AB 1058 Child Support
Training Conference

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1926

Guideline Calculation and Certification

“Rules of Engagement”

- *Unless otherwise noted:*
 - Assume income is **W-2**
 - Amounts in Hypos are **MONTHLY**
 - Always give full low income adjustment
- If something is not clear: **ASK!**
- No Q is a “stupid” question!
- We are here to **HELP** you! (**Really!!**)



HYP0 #1

- 1 child – No timeshare with NCP
- **Gross monthly incomes:**
 - NCP: \$18 per hour full time (40 hr./wk.)
 - CP: Receiving aid and in the Welfare to Work Program, no reported income
- **Tax filing status:**
 - NCP: Single & one
 - CP: Head of Household & two
- **Other factors:**
 - NCP: \$25 Necessary job-related expenses and other child support paid of \$275
- What are your income findings and the monthly guideline child support?



HYP0 #1 RESULTS

- NCP income:
 - Gross: \$3,120
 - Net: \$2,293
- CP income:
 - Gross and net: \$0
- Child support: \$573



HYP0 #2

- 1 child – 22% timeshare with NCP
- **Gross monthly incomes:**
 - NCP: \$146,796 annual income
 - CP: California minimum wage at 40 hours per week
- **Tax filing status:**
 - NCP: Single & one
 - CP: Head of Household & two
- **Other factors:**
 - NCP: \$875 pre-tax health insurance, \$734 401(k) contribution and other child support of \$1,120
 - CP: Pays \$400 per month work related childcare
- What are your income findings and the monthly guideline child support? What if you prorate the child care per FC 4061(b)?



HYPO #2 RESULTS

- NCP income:
 - Gross: \$12,233
 - Net: \$6,871
- CP income:
 - Gross: \$2,686
 - Net: \$2,780
- Child support: \$1,179
- Child care add on: \$200; Prorated: \$269



HYP0 #3

- Two pre-teen children – split custody. Both file HH & 2.
- Mother has the youngest child earns \$5000 self employment income. Has post tax health insurance of \$525, mortgage int. of \$775 and pay property tax of \$325
- Father has the older child and earns \$1950 biweekly (W-2). Pays \$35 required union dues and \$275 in mandatory retirement. Father also has extraordinary medical expenses of \$75/mo.
- Mother does not see the older child at all. Father sees the younger child 40% of the time.
- Your order? Guideline monthly child support: _____, payable from _____ to _____.
- Allocation? (Payable in what direction for each?)
1st born _____ 2nd born _____



HYP0 #3 RESULTS

- Mother net: \$3,609 Father net: \$3,422
- \$756, “net” payable from Mother to Father.
- 1st born \$927 payable Mother to Father
- 2nd born \$171 payable Father to Mother



HYP0 #4

- **Children:**

- Kim and Mike have four children: Jack (15 yrs.), Victoria (13 yrs.), Max (11 yrs.) and Diego (8 yrs.)

- Mike is the custodial parent. Kim has parenting time with the children alternate weekends plus one evening per week when school is in session. Kim also has one-half the school vacations.

- **About Kim:**

- Has \$7,500 per month self-employment income from a qualified business
- Receives \$1,250 rental income (she is not in the business of renting)
- Files Single with three exemptions (she claims Jack and Max)
- Pays \$275 in monthly post-tax health insurance
- Pays \$1,570 mortgage interest and \$195 property tax per month
- Contributes \$400 every month to a traditional IRA
- Utilize the QBID calculator



HYP0 #4 cont.

- **About Mike:**

- Has \$4,200 per month in W-2 income
- Receives \$2,250 per month in military retirement
- Files Head of Household with four exemptions (he claims Victoria, Diego, and Mikey, a 14 year old child from a different relationship)
- Pays \$395 per month post-tax health insurance
- Incurs \$175 per month in job related expenses
- The evidence supports granting a full hardship for the child from a different relationship

- Your tentative ruling? Guideline child support: _____, payable from _____ to _____.

- Allocation (payable in what direction)?

- 1st born: _____ 2nd born: _____ 3rd born: _____ 4th born: _____

- **Note:** *Can claim a child for child care credit if under age 13, can claim for child tax credit if under 17, for EIC if under 19. (H/H if over 50% of time with parent/pay over 1/2 their expenses)*



HYP0 #4 RESULTS

- Kim net: \$6,902 Mike net: \$4,984
- Guideline child support: \$1,971, payable from Kim to Mike.
- Allocation :
- 1st born: \$219 2nd born: \$319
- 3rd born: \$518 4th born: \$915



HYP0 #5

- **2 kids - Timeshare with NCP:**
 - Alternate weekends, ½ holidays and 4 weeks in summer (No alternating summer weekends)
- **Gross monthly incomes:**
 - NCP: \$10K Self-Employed + \$3K non-tax. income + \$1050 interest
 - CP: \$5K W-2 + \$12K *annual* bonus
- **Tax filing status:**
 - NCP: Single & one
 - CP: Head of Household & three, Texas resident (no state taxes)
- **Other factors:**
 - NCP: \$2,200 mortgage int., \$350 Prop tax + \$375 post-tax health ins + other child support paid of \$675
 - CP: \$95 union dues + \$575 pre-tax health ins. + \$275 Roth IRA
 - CP seeking temporary guideline spousal support. You are sitting in Santa Clara County
- **“Maximize” the results, i.e. release exemptions (aka “tactic 9”)**



HYPO #5 RESULTS

NON-OPTIMIZED RESULTS

- NCP's net inc: \$9,918
- CP's net inc: \$4,831
- Child Support:
 - 1st Born Support: \$851
 - 2nd Born Support: \$1,450
- Total C/S: \$2,301
- Spousal Support: \$1,103

MAXIMIZED RESULTS

- NCP: S & 3 CP: H/H & 1
- NCP's net inc: \$10,308
- CP's net inc: \$4,498
- Child Support:
 - 1st Born Support: \$923
 - 2nd Born Support: \$1516
- Total C/S: \$2,425
- Spousal Support: \$1,336



HYP0 #6

- First scenario: One child, CP receives cash assistance (i.e. it is an aided case). NCP earns \$16/hr. working full-time, he does not see the child. No other add-ons, deductions, hardships (no other facts).
- Second scenario: Same facts as above, but now NCP has a second case, and both cases are on your calendar. The second CP is also on aid, NCP does not see this child either, and no other facts.

What is the guideline child support amount for:

- Scenario 1? _____
- Scenario 2? 1st case _____ 2nd case _____



HYP0 #6 RESULTS

- Scenario 1: \$583
- NCP net: \$2,331 CP net: \$0
- Scenario 2:
 - 1st case \$437
 - 2nd case \$437
 - NCP net (both): \$1,894 CP net:\$0



HYP0 #7

- First scenario: One child, 20% with NCP
- NCP has YTD total income of \$63,500 for the period 12/24/22 to 8/24/23 plus non-taxed \$1,275 VA disability, MFJ & 2, new spouse's income: \$4,500, \$750 pre-tax health insurance
- CP \$5,000 W-2 income, H/H & 2, pay other child support of \$450. \$75 union dues and \$325 post tax health insurance.
- Second scenario: Same facts as above, but now NCP has a second case, and both cases are on your calendar. In the second case there are 2 children, 32% with NCP
- Second CP receives \$1,950 in unemployment benefits, H/H & 3.

What is the guideline child support amount for:

- Scenario 1? _____
- Scenario 2? 1st case _____ 2nd case _____ + _____ = _____



HYP0 #7 RESULTS

- Scenario 1: NCP net:\$6,725, CP net: \$3,512, C/S: \$1,112
- Scenario 2:
 - 1st case: NCP net: \$5,109, CP net: \$3,512, C/S: \$877
 - 2nd case: NCP net: \$5,848, CP net: \$1,950, C/S: 2nd born: \$1,010 + 1st born: \$606 = \$1,616 total



HYPO #8

- The first three matters on your Thursday calendar involve the same NCP mother, two separate CP fathers and one child in foster care (father deceased).
- Mother (Parent 1) has split custody with father #1 of 2 children, and 2 children with father #2 who lives with the children in another state. You make the following findings:
 - Mother: \$12,600, HH & 2, \$835 post-tax health ins., \$1,298 in mandatory retirement, \$1,100 childcare for child in her custody
 - Case/Father #1: \$4,967, HH & 2, \$576 health ins. (pre-tax), \$300 child care (child care to be split with mother), mort. int, \$1132, prop tax \$408, 67% with eldest child, 5% with youngest child
 - Case/Father #2: Lives in Nevada (no state tax) \$2,687, MFJ & 4, new spouse W-2 income \$8760, mort. int. \$2342, prop. tax \$387, \$50 union dues, Mother's time share with these children 10%
 - Foster Case #3: 0 time share with child in foster care
 - Your findings?



HYP0 #8 RESULTS

- Mother net monthly income:
#1: \$4,089, #2: \$6,133, #3: \$5,452
- Father #1 net monthly income: \$3,934
- Father #2 net monthly income: \$2,246
- Children with father #1:
 - \$911, total “net” payable from Father to Mother
 - 1st born \$281 payable from Mother to Father
 - 2nd born \$792 payable from Father to Mother
 - Child care: \$400 net payable from Father to Mother
- Children with father #2:
 - Total: \$2,044 payable Mother to Father:
 - 1st born: \$762, 2nd born: \$1,282
- Child in foster care: \$1,363

