

**RECOMMENDATIONS TO THE
2024-2025 MASSACHUSETTS CHILD SUPPORT
GUIDELINES TASK FORCE**

MASS FAMILY ADVOCACY COALITION

DECEMBER 12, 2024



**MASS FAMILY
ADVOCACY COALITION**
Working Together to Improve Family Court

LIST OF RECOMMENDATIONS

Mass Family Advocacy Coalition (MFAC) is a grassroots organization founded by women dedicated to improving the Massachusetts family law system. Through advocacy, education, and collaboration with the Court and other stakeholders, MFAC works to remedy laws, policies, and culture that do not serve the best interest of children.

Based on our members' experiences, we researched and reviewed the current Massachusetts Child Support Guidelines ("Guidelines"), caselaw, and other states' guidelines to compile the following recommendations. The referenced pages below provide the underlying rationale for each recommendation and how the proposed change would serve the best interest of the Commonwealth's children and improve the family law process for all.

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1. ELIMINATE THE 25% REDUCTION IN CHILD SUPPORT AT AGE 18 AND THE COLLEGE “CAP”

Guidelines at Issue:

The 2017 Task Force made three changes to the Guidelines that had a detrimental impact on children between the ages of 18 and 23 and their custodial parents:

- Child support is automatically decreased by 25% when a child reaches age 18.
- A parent is not required to contribute more than half of the cost of tuition and room and board at The University of Massachusetts Amherst (“UMass Amherst”), regardless of where the child is attending college.
- The artificial UMass Amherst benchmark does not include college-related costs over and above tuition and room and board.

Problem/Result:

As a result of these changes:

- Children are left in a precarious financial situation which threatens their ability to continue their education.
- The Guidelines shift costs away from the non-custodial parent, placing a disproportionate financial burden on the custodial parent.

Recommendation:

We recommend that these artificial caps, limits, and decreases to child support not supported by facts be eliminated. We also recommend that the corresponding sections in the Findings and Determinations for Child Support and Post-Secondary Education form (“Findings” form) be modified (see pp.12-13).

Rationale:

A 25% decrease in child expenses at age 18 is not supported by data.

The Guideline incorporating an arbitrary, automatic 25% reduction in child support when a child turns 18 was based solely on anecdotal suppositions. In adopting the 25% decrease in child support, the 2017 Task Force stated:

“**Anecdotally**, many children who are over 18 and out of high school are living away at college for **as many as** nine months of the year, reducing their share of costs such as food and utilities.”¹ (emphasis added)

To support this significant automatic reduction, the 2017 Task Force used conditional language such as a child “**may** be living away at school thereby reducing **some** of the household expenses for the recipient or the child **may** be living at home and is not enrolled in a post-secondary educational program and **should be** working and contributing to the household expenses.”²

¹ [2016-2017 Economic Review of the Massachusetts Child Support Guidelines](#), p. 20.

² [2018 Massachusetts Child Support Guidelines](#), p. 16.

Anecdotal information provided by unknown sources does not in any way rise to the level of reliable data for adopting such a significant change in the child support formula.

Data shows that savings are minimal at best, and costs are actually higher.

Further, our members' experiences, supported by data-driven facts, indicate that costs **increase**, not decrease, for the 18-23-year-old age group, regardless of whether children elect to live at home or reside temporarily away at college. Basic expenses such as food, clothing, technology, transportation, and general grooming all increase as children continue to grow and develop into young adulthood. Increased expenses can include, without limitation, cell phones, computers, software, Ubers, cars, car insurance, gas, adult-sized clothing, work attire, personal care, health care, and food.

The U.S. Department of Agriculture's Expenditures on Children by Families confirms this increase:

"Expenditures on a child in married-couple families were generally lower in the younger age categories and **higher in the older age categories**. This relationship was consistent across income groups. For all three income groups, food, transportation, clothing, and health care expenses on a child generally **increased** as the child grew older....Expenses on a child in single-parent families generally followed the same pattern as expenses on a child in married-couple families."³ (emphasis added)

In addition, the traditional college student attends school for only seven months a year, contrary to the 2017 Task Force's assumption of "as many as nine months of the year." Based on the UMass Amherst 2024-2025 Academic Schedule, students are in class 30 weeks out of 52 weeks.⁴ Students are not at school for approximately five months of institutional scheduled breaks, including summer, winter, fall, Thanksgiving, and spring break. This equates to 58% of time at to school, or almost 20% less than the nine months on which the Task Force relied.⁵

Even assuming the veracity of the anecdotal supposition that food and utilities costs decrease while children are away at college, in no way do those costs reach the 25% reduction in total child support currently in place. We tested the 25% reduction by applying the USDA estimated annual expenditures on a child as a percentage of total child-rearing expenditures for the 15–17-year-age category, and specifically those expenditures in the Urban Northeast⁶ to obtain a percentage of total expenses for both food and utilities. Although the data was from 2015 and

³ Lino, M., Kuczynski, K., Rodriguez, N., and Schap, T. (2017). [Expenditures on Children by Families, 2015](#). Miscellaneous Publication No. 1528-2015. U.S. Department of Agriculture, Center for Nutrition Policy and Promotion, p. 12-13.

⁴ [University of Massachusetts Amherst Academic Calendar](#) 2024-2025

⁵ [2016-2017 Economic Review](#), supra note 1 at 20.

⁶ Lino, M et al, supra note 3 at 25.

obviously increased in the past nine years given inflation, we kept the proportions the same. Factors we assumed in our analysis are:

- For food expenses, the USDA percentage of total expenses ranged from 14.7% to 19.6% depending on income (low, medium, and high); therefore, we used an average of 17.36% of total expenditures to estimate food expenses.
- Since the USDA data does not separate utilities from total housing expenses, we used two different methods to calculate the percentage of children’s expenses related to utilities included in the total housing expense, and used 6.2% as a conservative estimate:
 - 18% of total housing expenses.⁷ Since housing accounts for 31% of total expenses,⁸ 18%*31% = 5.6% related specifically to utilities.
 - 6.2% of total expenses.⁹
- We used 58.3% of total to represent percentage of time child is at school.

Assuming a family with a total income of \$300,000 and one child, USDA food and utility expense percentages per child as determined above, and amount of time the child is actually away at school (58.30%), we calculated a potential maximum decrease in costs of food and utilities of \$5,207. Contrast this to the current Guidelines’ automatic 25% reduction where the custodial parent in the above scenario loses \$9,477 a year. This amounts to an automatic loss to the custodial parent of \$4,270 a year. Put another way, the potential maximum decrease of food and utilities is half that of the arbitrary 25% decrease in support currently in the Guidelines.

Total Loss to Custodial Parent based on "Anecdotal" Evidence

Income			Child Support*		Expenses based on analysis						
Custodial Parent	Non-custodial Parent	Total	One child NCP% annual child support 70/30	Annual Loss to CP	Food 17.36%	Utilities 6.20%	Weekly Total	Annual Total	At School 58.30%	Total loss to CP	
			<18 years	> 18 years							
\$50,000	\$50,000	\$100,000	\$200	\$150	(\$2,600)	\$35	\$12	\$47	\$2,450	\$1,428	(\$1,172)
\$50,000	\$100,000	\$150,000	\$368	\$276	(\$4,784)	\$64	\$23	\$87	\$4,508	\$2,628	(\$2,156)
\$50,000	\$150,000	\$200,000	\$505	\$379	(\$6,565)	\$88	\$31	\$119	\$6,187	\$3,607	(\$2,958)
\$50,000	\$200,000	\$250,000	\$624	\$468	(\$8,112)	\$108	\$39	\$147	\$7,645	\$4,457	(\$3,655)
\$50,000	\$250,000	\$300,000	\$729	\$547	(\$9,477)	\$127	\$45	\$172	\$8,931	\$5,207	(\$4,270)
\$50,000	\$300,000	\$350,000	\$838	\$629	(\$10,894)	\$145	\$52	\$197	\$10,267	\$5,985	(\$4,909)
\$50,000	\$350,000	\$400,000	\$942	\$707	(\$12,246)	\$164	\$58	\$222	\$11,541	\$6,728	(\$5,518)

* Assumes no healthcare or childcare expenses

In addition, decreasing child support because a parent is paying a portion of the child’s “board” costs does not reflect the reality of a child’s food consumption. As explained in an article examining child support for a child in college, there are many variables in college food plans and food consumptions and that:

“A total offset against the food component of child support, based upon the allocation of the “board” component of the “room and board” child expense, however, would only

⁷ Masslive.com, [Massachusetts residents see 2nd highest utility bills in United States, new study shows](#), Heather Morrison, Sep. 24, 2020

⁸ Lino, M. supra note 3 at 21.

⁹ Thisoldhouse.com, [Utility Bills 101: Average Costs of Utility Bills by State \(2024 Guide\)](#), Taelor Candiloro, May 2, 2024

work if a student's food-related needs were limited to the three meals per day covered by the food plan. However, this is not an accurate reflection of a child's food-related needs...The important point to take from this section is that adjustments for duplicate expenses should not be assumed."¹⁰

Other jurisdictions have rejected an automatic reduction for 18-23-year-old children.

An automatic reduction for the 18-23 age group residing at college has already been rejected in some other jurisdictions that include child support beyond age 18.

The New Jersey Appeals Court held that "reducing child support just based on age is erroneous because child support for a college student must be set in light of the financial circumstances of the parties and the children." (*Jacoby v. Jacoby*, 427 NJ Super 109 (App. Div 2012)). The court found that any presumption that college-bound students require lesser funding is inherently unfair.

Confirming our research, the court concluded it is a "common sense" proposition that college-bound students actually faced increased costs:

"We are asked to review whether child support should be reduced when a child resides on campus while attending college. We confirm the child's attendance at college is a change in circumstance warranting review of the child support amount. However, there is no presumption that a child's required financial support lessens because he or she attends college. As each case must turn on its own facts, courts faced with the question of setting child support for college students living away from home must assess all applicable facts and circumstances. We hold that the personal facts and circumstances faced by each child who is to attend college, as well as the financial circumstances of the child's parents, reflect fluid circumstances obviating the rote application of a static formula."

The court goes on to explain while child support needs could possibly lessen when a child goes to school, other expenses can increase:

"The payment of college costs differs from the payment of child support for a college student. See *Hudson v. Hudson*, 315 N.J. Super. 577, 584, 719 A.2d 211 (App.Div.1998) ("Child support and contribution to college expenses are two discrete yet related obligations imposed on parents."). The typical expenses associated with college attendance include tuition, registration fees, lab costs, housing, board, books, and computer costs. Although the child support needs lessened in certain areas such as room and board, which falls within college costs, arguably other necessary expenses may increase when a child goes to college. See *Dunne v. Dunne*, 209 N.J. Super. 559,

¹⁰ Laterra, Scott Adam and Marzano-Lesnevich, Madeline, [Child Support and College: What is the Correct Result?](#) Journal of the American Academy of Matrimonial Lawyers, Vol. 22, 2009, p. 386.

570, 508 A.2d 273 (App.Div.1986) (“Common sense dictates that a college student requires more for support than a student in high school.”); see also Madeline Marzano–Lesnevech & Scott Adam Lattery, Child Support and College: What is the Correct Result? 22 J. Am. Acad. Matrimonial Law. 335, 373–79 (2009) (arguing the myriad of college costs should be provided in addition to the amount of child support allowed in the Guidelines).”

The court in Jacoby enumerated possible additional expenses when a child goes to college:

“Further, we conceive some child support expenses remain even when a child heads to college, including: transportation (possible automobile maintenance or payments, gasoline, parking, or alternate travel expenses); furniture (such as lamps, shelves, or dorm set-up and small appliances); clothing; linens and bedding; luggage; haircuts; telephone; supplies (like paper, pens, markers or calculators); sundries (such as cleaning supplies, laundry detergent); toiletries (soap, shampoo and other personal hygiene necessities); insurance (automobile, health and personal property); entertainment for college events and organizations; and spending money. Some of these expenses may be incurred once, others may vary in need or amount year to year, while the remainder are constant.” (Id. at 121)

Importantly, the court recognized the cost of maintaining the family home for the child who is living at college temporarily:

“This court has previously acknowledged the possible continued need to maintain a local residence for a child who returns home from college during school breaks and vacations. Hudson, supra, 315 N.J. Super. at 585, 719 A.2d 211.”

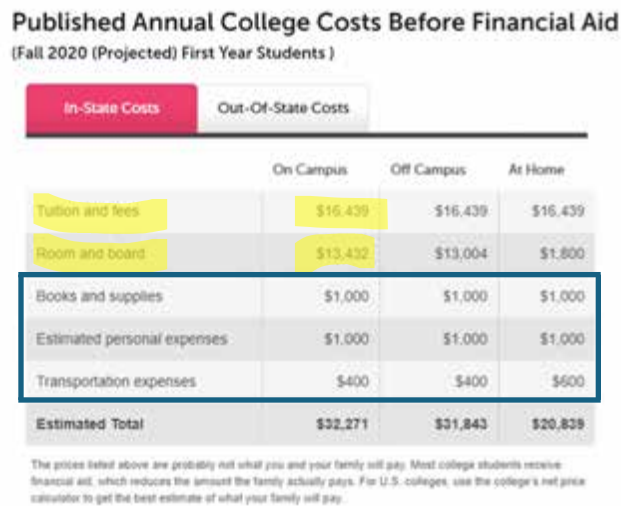
When child support is decreased, even though the child’s expenses remain the same or increase, the child either has to come up with the funds to pay these often-costly expenses (such as food, extracurricular activities, safe transportation, needed technology for schoolwork, therapy) or forego them; or a parent has to pay them. What our members have found is when non-custodial parents refuse to pay expenses for their children that they, as the custodial parents, end up paying for these expenses because it is in the best interest of the children. They do this even though their income is below the non-custodial parents’ income. It is without doubt that this arbitrary reduction of child support at age 18 harms custodial parents and the children of divorce in Massachusetts.

The Guidelines limit the amount of college expenses that a parent has to pay to only tuition and room and board at a hypothetical college; they do not include other college-related expenses or the actual expense of tuition and room and board for the college the child is attending.

Even though the overall cost of college is overwhelming, the Guidelines cap the amount a parent can be ordered to pay for college expense at 50% of undergraduate, in-state resident

costs of UMass Amherst, unless the Court finds the ability to pay more.¹¹ The ordered costs are identified in the first two lines of the chart below. The artificial limit does not include any of the substantial costs above tuition and room and board, as noted in the bottom three lines (books and supplies, estimated personal expenses, or transportation expenses).

FIGURE 9: COLLEGE COST BENCHMARK IN THE REVISED GUIDELINES



“Based on the first two rows of data in this figure, the total cost of mandatory fees, tuition, and room and board on campus at UMass Amherst as of Fall 2020 was \$29,871 (\$16,439 plus \$13,432). Using \$29,871 as a benchmark, the amount of college cost the court can order under the Guidelines, absent findings up to 50% of \$29,871, or approximately \$15,000 per year.”¹² (emphasis added)

There are many additional expenses for students who reside at college not included in the first two rows of data used to determine the artificial contribution cap, such as:¹³

- Moving expenses to/from school
- Transportation to/from school during breaks and weekends
- Housing supplies (e.g., linens; furniture; appliances; bedding)
- Toiletries
- School and activity fees
- Athletic team equipment
- Fraternity/sorority fees

¹¹ [2020-2021 Economic Review of the Massachusetts Child Support Guidelines](#), p. 39.

¹² *Id.* at 41.

¹³ Best Colleges, [Top 10 Hidden Costs of College](#), Christina Payne, December 13, 2022, and Laterra, Scott Adam and Marzano-Lesnevich, Madeline, [Child Support and College: What is the Correct Result?](#) *Journal of the American Academy of Matrimonial Lawyers*, Vol. 22, 2009, p. 375.

- Snacks and extra food outside traditional room/board (e.g., children living off campus or opting out of meal plans)
- Ubers

Second, even if a family is fortunate to have a 529 account, 529 funds cannot be used for:¹⁴

- Extra food/dining out in addition to the meal plan
- Transportation costs
- Clothing
- Gym memberships/School Recreation Center
- Extracurricular sports/other costs
- Fraternity/sorority dues
- Dormitory Setup Costs
- Entertainment costs
- Toiletries
- Other Miscellaneous Living Expenses

Similar to the childcare cost “cap” implemented by the 2017 Task Force that benefited non-custodial parents and shifted the burden of the childcare costs almost solely to the custodial parent,¹⁵ the post-secondary education cost “cap” that was implemented in 2017 by the same task force shifts the burden of additional post-secondary expenses to the custodial parent. It seems that the same argument used to establish the discriminatory childcare cap in 2017 - that “all households face budget constraints”¹⁶ - was employed to validate the establishment of the college cap that same year. We understand that many household face budget issues, however, the arbitrary cap unfairly shifts costs onto custodial parents who typically face budget constraints even more significant than non-custodial parents.

The college used as the benchmark to cap college expenses is not representative of the schools that Massachusetts students attend.

It is unclear exactly how the 2017 Task Force arrived at UMass Amherst as a benchmark to limit college expenses. The first reference we found to UMass Amherst is from the 2008 Minority Report of the Massachusetts Child Support Guidelines Task Force, prepared by Dr. Ned Holstein (founder and chairman of the National Parents Organization, previously known as Fathers & Families, Inc.). In this document, Dr. Holstein argues:

“Married parents do not have a legal duty to provide for the post-secondary education of their children. Therefore, principles of non-discrimination suggest that any such amounts under the Guidelines should be limited. Dr. Sarro concurs. For instance, the

¹⁴ Kathryn Flynn, [Non-qualified Expenses: What You Can’t Pay for with a 529 Account](#), December 21, 2023.

¹⁵ Jane Does Well, [Public Comments and Recommendations to the 2020-2021 Massachusetts Child Support Guidelines Task Force](#), p. 8.

¹⁶ [2016-2017 Economic Review](#), supra note 1 at 52.

order could be limited to the cost of in-state tuition at the University of Massachusetts.”¹⁷

However, Massachusetts college statistics below¹⁸ show that only 16.4% of graduating high school students actually attend UMass Amherst. This is far lower than out-of-state public four-year colleges (42.1%) or private four-year institutions (41.4%).

	HS Graduates (#)	Attending Coll./Univ. (#)	Attending Coll./Univ. (%)	Private Two-Year (%)	Private Four-Year (%)	Public Two-Year (%)	Public Four-Year (%)	MA Community College (%)	MA State University (%)	Univ. of Mass. (%)
State Totals	66,858	42,231	63.20%	0%	41.40%	16.40%	42.10%	15.70%	10.50%	16.40%
Out of State	66,858	15,134	22.60%	0.10%	55.30%	2.10%	42.60%			
In State	66,858	27,097	40.50%	0.00%	33.60%			24.40%	16.30%	25.50%

The graduation statistics above, combined with published tuition and board statistics below,¹⁹ indicate that the vast majority of Massachusetts high school graduates attend higher-cost colleges than UMass Amherst.

- 8,369 attend private four-year out of state avg. cost of attendance: \$71,563
- 9,104 attend private four year in state avg. cost of attendance: \$65,742
- 6,447 attend public four year out of state avg. cost of attendance: \$43,674
- 6,909 attend University of Mass avg. cost of attendance: \$37,121
- 4,455 attend MA State University²⁰ avg. cost of attendance: \$35,520

Based on this data, UMass Amherst is a low cap and therefore not a valid benchmark to limit college costs.

Recent changes in financial aid rules will reduce availability of aid to students.

The FAFSA rules for financial aid have recently changed, effective 2024, and will likely lead to significantly less aid to students. Changes affecting students of divorced parents include:

- The FAFSA no longer considers the number of family members in college when calculating aid.

¹⁷ [2008 Minority Report of the Massachusetts Child Support Guidelines Task Force](#), p. 6.

¹⁸ [2022-23 Graduates Attending Institutions of Higher Education \(District\) - All Students - All Colleges and Universities.](#)

¹⁹ [Tuition plus room and board](#) by state, 2024.

²⁰ [2023 Early Enrollment Report for Massachusetts Public Colleges & Universities](#) (slide 5). We assumed this category included Bridgewater State, Fitchburg State, Framingham State, Mass College of Art and Design, Mass College of Liberal Arts, Mass Maritime Academy, Salem State, Westfield State, Worcester State. Since the vast majority attend Bridgewater State, we used Bridgewater State as the avg. cost of attending. **Note that the majority of students at MA state colleges are commuters.**

- Previously, the parent that the student lived with the most during the past 12 months would file the FAFSA. Now, instead of the custodial parent completing the FAFSA, the parent who provided the most financial support to the student within the last 12 months will file.
- If both parents provide an equal amount of support, or if neither parent financially supports the student, the parent with more assets and income will be considered the contributor.²¹

This change in the FAFSA will undoubtedly decrease financial aid to students, making it more important that any artificial caps of parents' contributions be eliminated.

Arguments limiting higher education support by payors have been rejected in Massachusetts courts.

In addition, the arguments by child support payors that “married parents do not have a legal duty to provide for the post-secondary education of their children” and that “therefore, principles of non-discrimination suggest that any such amounts under the Guidelines should be limited”²² have been rejected by Massachusetts courts. When Fathers & Families sued the Massachusetts courts arguing that the Guidelines discriminated against non-married parents by allowing support for children beyond age 18, the court dismissed the case, firmly holding:

“The plaintiffs complain that the New Guidelines treat married and non-married parents differently in that they allow judges to order non-married parents to pay child support for children beyond the age of 18, including college expenses, while married parents cannot be ordered to support a child beyond age 18 or send them to college. The Guidelines permit the Probate Court to determine that child-related expenses such as extra-curricular activities, private school, summer camp, and college are in the best interest of the child and are affordable by the parties, and to then allocate those costs to the parties on a case-by-case basis.” The Legislature has long recognized, as it may, consistent with our Federal and State Constitutions, that children whose parents are unmarried and live apart may be at heightened risk for certain kinds of harm when compared with children of so-called intact families.” *Blixt v. Blixt*, 437 Mass. 649, 663 (2002). It is rational to conclude that in general, children of married parents have more financial opportunities for extra-curricular activities, summer camp, and college than do children of non-married parents, such that the inclusion of these expenses in a child support order advances the best interests of the latter group of children. This difference in treatment is not irrational or arbitrary.”²³ (emphasis added)

These arbitrary decreases, limits, and caps result in Guidelines that are not fair.

²¹ Congressional Research Service, [The FAFSA Simplification Act](#), August 4, 2022; Heather L. Locus, [Changes To The 2024-2025 FAFSA For Divorced Parents](#), Forbes, August 27, 2024.

²² [Minority Report](#), supra note 17 at 6.

²³ *Fathers and Families, Inc., et al. v. Mulligan, et al.*, [Memorandum of Decision](#) and Order on Defendant’s Motion to Dismiss, December 23, 2008.

Due to the artificial cap and arbitrary decrease to child support, all of the additional costs then must be absorbed by the child or the custodial parent. Meanwhile, the non-custodial parent gets a triple windfall:

- Child support is lowered arbitrarily at age 18 by 25%, even if expenses stay the same or increase;
- The parent's contribution for tuition and room and board is capped by a hypothetical school rather than the actual school attended by the child which often costs more; and
- The parent is not responsible for college-related expenses other than a portion of tuition, room and board.

We understand that college expenses are significant. Therefore, it is critical that the Guidelines not allow non-custodial parents to be absolved from these costs. The current Guidelines create an unnecessary, heavy burden on the children of divorce and custodial parents who often end up absorbing these costs in the best interest of the children. Massachusetts has always been a leader in education,²⁴ yet the Guidelines create obstacles for children to continue their education.

There should be a standard formula that is fair for everyone and is based on reliable, data-driven evidence. The automatic reduction and artificial cap on college costs must be eliminated in fairness to Massachusetts families.

Recommendation:

1. Eliminate the 25% reduction when a child turns 18.
2. Eliminate the cap on the amount a parent can be ordered to pay for post-secondary education. Not only is this cap artificial and not based on facts or evidence, it also does not include all the costs of college other than a portion of tuition and room and board. Actual total cost of college should be shared by both parents based on a percentage of income.
3. Require the courts to consider the additional expenses associated with college not already covered by child support to ensure that both parents contribute to the financial support of the child and the custodial parent is not burdened with all of the additional costs.
4. Make the following changes to the existing Findings form:
 - Currently, CHILD SUPPORT FOR CHILDREN BETWEEN AGES 18 AND 23 section has only one box: "The court finds that (the child) is 18 or older and attending high school but should not be considered to be under age 18 for the purposes of guidelines and Table B." This section does not refer to situations where the child should not be considered over 18 for child support, which in turn would not reduce child support by 25%. This is discriminatory and unfair to custodial parents and children over 18 who are still in need of support. Many of the children in this category are special needs students that are in post-high school programs but technically do not graduate until they fulfill the program requirements, typically at age 22. Therefore, we recommend

²⁴ [Massachusetts Names 2024 Best State to Live In](#), 8/14/2024.

removing this section if the 25% reduction in child support at age 18 is eliminated or making the following edits to this section:

- Replace 1d “number of children under 18” on the Worksheet with “number of children under 18 or 18 or above and (a) not yet received a high school diploma or (b) receive special education services pursuant to an Individualized Education Plan” or
- Include a second box in this section noting the circumstances where a child is over 18 but should not be considered 18 for child support purposes – either due to high school attendance or based on special needs of the child.
- Remove the CONTRIBUTION TO POST-SECONDARY EDUCATION section from the Findings form. Create a separate form/worksheet/appendix specifically devoted to post-secondary education expenses.
 - List total cost of attendance for the college that the child will actually attend. Determine how the actual cost of the actual school the child will attend will be funded (proportionally based on income, 50/50, etc.).
 - Include a provision if the parties have saved for college in a 529 account and acknowledge that it was earmarked for this purpose and should be used first as such.
 - In addition to 529 accounts, ensure that loans, scholarships, etc., are considered in this total cost.
 - List all potential additional college expenses a child will incur as a college student. See attached Appendix 1 for a list of potential expenses and questions to address.
 - Determine the estimated amount for these costs and then split these costs proportionally according to each parent's income.
 - Suggest and promote a mechanism to pay for these college-related expenses that causes the least conflict between the parents, such as opening up a dedicated fund where both parents can contribute money for the child for these expenses.
 - Require each parent’s signature to attest that the parties will focus on the obligation to put the best interest of the child above any other consideration.
 - When parties agree that it is in the best interest of the child, they are acknowledging that the child's needs, mental health, and emotional development should be the primary focus of any decisions regarding post-secondary education and expenses.
 - The Task Force can look to other states’ required forms for guidance. The [Agreed Shared Expense Plan](#) from Kansas, for example, is a helpful starting point.

2. PROVIDE INFORMATION REGARDING DEPARTMENT OF REVENUE CHILD SUPPORT SERVICES

Guidelines at issue:

The current Guidelines do not inform recipients of child support that the Department of Revenue (“DOR”) provides free services to obtain, enforce, or change support orders.

Problem/Result:

Most economically dependent caregivers cannot afford divorce actions because of high legal costs, lack of affordable counsel, and misuse of the family court process especially regarding discovery non-compliance and support non-payment by economically superior parties and domestic abusers.

Recommendation:

The use of the free DOR’s Child Support Services (“CSS”) alleviates many of these issues and better ensures financial obligations are paid and payments are enforced. Unlike the Family Court, the DOR can automatically collect past-due child support amounts, along with spousal support if a child support order is in place, and use enforcement methods such as suspending licenses, garnishing wages, and placing liens on properties.

Rationale:

Department of Revenue Services are available free of charge to parties.

The DOR’s Child Support Division recently changed its name from Child Support Enforcement to Child Support Services to promote its services and reflect its updated mission: “to enhance the well-being of children by partnering with parents and caregivers to meet the financial needs of the family” and also “to encourage participation in the program and better highlight all that we can provide families in the Commonwealth.”²⁵

DOR’s Child Support Services Division is able, free of charge, to:

- Locate a child's parents.
- Establish paternity (legal fatherhood) if a child is under 18 years of age.
- Establish a child support and a medical support order in Family Court.
- Enforce child support and medical support orders. This may include requiring the parent's employer to withhold child support from the parent's paycheck and to enroll a child in the parent's health insurance plan.
- Collect payments and send them out using direct deposit or a debit card.
- Collect past-due child support in any of these ways:
 - Withhold 25% more from the parent's paycheck

²⁵ Child Support News You Can Use – Fall 2024 [“WE’VE CHANGED OUR NAME!”](https://www.mass.gov/news/child-support-news-you-can-use-fall-2024-we-ve-changed-our-name) mass.gov website 9/19/24.

- Collect child support from bank accounts, state and federal tax refunds, insurance claims, workers' compensation, unemployment compensation, or lottery winnings.
- Suspend the parent's driver's license and other licenses, such as business, trade, recreational and professional licenses.
- Suspend the parent's motor vehicle registrations.
- Prevent the parent from getting or renewing a passport.
- Place a lien on real estate and other property (for example, if the parent tries to sell a house, DOR may collect some of the money from the sale).
- Notify credit reporting agencies the parent owes child support.
- Ask the court to find the parent "in contempt" for not following the child support order.
- Assist in increasing or decreasing the child support order.
- Work with child support agencies in other states.

DOR's authority to compel unpaid child support is invaluable to many parties. In contrast to the often agonizingly long and expensive court process to obtain unpaid support, the DOR ensures assistance with the legal process, including filing a complaint for contempt on a party's behalf, scheduling court dates, and providing access to a DOR attorney to explain the payment history and amount of arrearages to the court.²⁶

Federally mandated state case registry requires all users that receive or pay child support to register with DOR, even if they do not utilize all DOR services.

In 1998, Federal law mandated the creation of the Federal Case Registry ("FCR"). The FCR is a national database that includes all child support cases. It assists states in locating parties that live in different states to establish, modify, or enforce child support obligations; establish paternity; enforce state law regarding parental kidnapping; and establish or enforce child custody or visitation determinations.

The FCR is a database that contains basic case and participant data from each of the State Case Registries (SCR). The SCRs, also mandated by federal law, are central registries of child support cases and orders in each state. Massachusetts state registry laws are detailed in M. G. L. c. 119A § 4: "Each party to any paternity or child support proceeding, whether or not a recipient of IV-D services, is required, subject to privacy and safety safeguards as provided in section 5A, to file with the state case registry upon entry of an order, and to update as appropriate, information on location and identity of the party, including social security number, residential and mailing addresses, telephone number, driver's license number, and name, address, and telephone number of employer."

²⁶ Family Law Advocacy for Low- and Moderate-Income Litigants, Jacquelynne J. Bowman, Patricia A. Levesh, et al., Greater Boston Legal Services, 3rd Edition 2018, p. 252.

Since federal law requires each state to keep a State Case Registry of all child support orders,²⁷ every party in a child support case, whether through the DOR or without DOR services, must provide certain information to the state case registry (managed by DOR) and update that information as necessary. DOR uses one form²⁸ to collect information about child support orders and process requests for services. Therefore, every individual must fill out the intake and application form, even if they are not seeking child support services from DOR.

This requirement provides a perfect opportunity to make all parties aware of DOR's Child Support Services from the beginning. We recommend including a link to the required form and explanation of the services provided by the DOR's CSS in the Guidelines Worksheet instructions or included in the Worksheet itself.

Benefits of using DOR services.

Utilizing DOR's Child Support Services would result in less legal costs, a decreased burden on court resources, and increased levels of support actually reaching children. We recommend that information regarding DOR Child Support Services and an application link be readily available to all parties during the child support order process before a support order is established.

Recommendation:

1. Since all parties are required by law to file with the DOR, include a section in the Guidelines informing parties of the availability of the free Department of Revenue Child Support Services and encourage them to use DOR's services. This section would:
 - Explain the benefits of using DOR's services.
 - Include an "opt-in" box for these services on the Guidelines Worksheet.
 - Include a link to the [application](#) to enroll in Child Support Services in either the Worksheet instructions or embedded in the Worksheet itself.

²⁷ Data.gov, [Federal Case Registry](#).

²⁸ [Child Support Intake Form & Application for Full Child Support Services](#).

3. EXPAND PARENTING PLAN SCHEDULES TO INCLUDE SUBSTANTIALLY 100% CUSTODY

Guidelines at issue:

Although the Guidelines state that the “guidelines apply to all types of parenting plan schedules,”²⁹ they in fact do not. There are only two parenting plan schedule options on the Guidelines Worksheet to calculate presumptive child support. One is based on the children having a primary residence with one parent and spending approximately one-third of the time with the other parent. The other is when parenting time is approximately equally shared.

I. AGE, NUMBER, AND PARENTING OF CHILDREN

a. Number of children who may be eligible to be covered by this order

b. Check the box that applies to the children listed in 1a (*check **one** box only*)

<i>The parents share financial responsibility and parenting time approximately equally (shared)</i>	Box 1	<input type="checkbox"/>
<i>The children primarily reside with one parent for approximately 2/3 of the time</i>	Box 2	<input type="checkbox"/>
<i>There is more than one child covered by the order and each parent provides a primary residence for at least one child (split)</i>	Box 3	<input type="checkbox"/>

Problem/Result:

There is no parenting plan option on the Worksheet when a parent has substantially 100% of parenting time. This is particularly the case in abuse situations. The custodial parents are left with inadequate support and must rely on the Family Court to exercise its discretion and order an upward deviation; yet upward deviation orders are exceedingly rare.

Recommendation:

Include an additional box on the Guidelines Worksheet for “substantially 100% custody” to calculate presumptive child support.

Rationale:

Upward deviation orders due to increased parenting time are extremely low.

Although the Guidelines provide that the court can deviate from the presumptive order where appropriate, data in the 2020-2021 Economic Review indicate that the deviation rate for upward deviations is extremely low.³⁰

Assuming that parties even know to ask for a deviation (most of our members did not know that a deviation form existed), the Family Court has not been inclined to deviate for substantially less parenting time.³¹ In fact, less parenting time was a reason for deviating in only two of the 260 cases analyzed by the consultants in the 2020-2021 Economic Review (a mere 1% of the total), as this chart shows:

²⁹ [2023 Massachusetts Child Support Guidelines](#), p. 12

³⁰ [2020-2021 Economic Review](#), supra note 12 at 21.

³¹ *Id.* at 19.

TABLE 9: DEVIATION RATIONALE

Reason (Checked or Written)	Frequency	%
NO REASON	148	57%
OTHER	33	13%
AGREED-NEGOTIATED	29	11%
SELF SUPPORT	14	5%
UNJUST	7	3%
CHILD CARE	6	2%
DISPARITY	6	2%
>\$250,000	4	2%
COVID	4	2%
UNEMPLOYED	4	2%
EXTRAORDINARY EXPENSE	3	1%
PARENTING TIME	2	1%
Total	260	100%

Child support is insufficient due to lack of upward deviations.

The following tables show how child support based on the current Guidelines’ highest parenting time option of a 2/3 parenting time contrasts to estimated child support when children spend approximately 100% of the time with the custodial parent. We estimated child support for 100% parenting time by assuming both a 30% and a 25% increase in calculated child support for a 2/3 parenting time amount. The tables illustrate how not having an option of substantially 100% parenting time harms those custodial parents, and ultimately their children.

Table 1 below assumes a 30% increase from 2/3 parenting time. As highlighted, at a total income of \$150,000, custodial parents that earn \$50,000 and have 100% parenting time are incurring a \$5,471 annual loss of child support. As the non-custodial parent’s income increases, so does the loss for the custodial parent. When the total income is \$400,000, custodial parents are losing \$14,695 in annual child support.

Table 1: 30% increase in child support, one child

Income			Child Support									
Custodial Parent	Non-custodial Parent	Total	One child NCP% weekly child support			One child NCP% annual child support			Annual Loss to CP from 70/30 to 100%	Percent of Total NCP Gross Income		
			Parenting			Parenting				50/50	70/30	100%*
			50/50	70/30	100%*	50/50	70/30	100%*				
\$50,000	\$50,000	\$100,000	\$0	\$200	\$260	\$0	\$10,400	\$13,520	(\$3,120)	0.0%	10.4%	13.5%
\$50,000	\$100,000	\$150,000	\$187	\$368	\$478	\$9,724	\$19,136	\$24,877	(\$5,743)	6.5%	12.6%	16.6%
\$50,000	\$150,000	\$200,000	\$351	\$505	\$657	\$18,252	\$26,260	\$34,138	(\$7,878)	9.1%	13.1%	17.1%
\$50,000	\$200,000	\$250,000	\$489	\$624	\$811	\$25,428	\$32,448	\$42,182	(\$9,734)	10.2%	13.0%	16.9%
\$50,000	\$250,000	\$300,000	\$604	\$729	\$948	\$31,408	\$37,908	\$49,280	(\$11,372)	10.5%	12.6%	16.4%
\$50,000	\$300,000	\$350,000	\$723	\$838	\$1,089	\$37,596	\$43,576	\$56,649	(\$19,073)	10.7%	12.5%	16.2%
\$50,000	\$350,000	\$400,000	\$816	\$942	\$1,225	\$42,432	\$48,984	\$63,679	(\$14,695)	10.6%	12.2%	15.9%

* Assumes increase from 70/30 to 100% 30%

Table 2 below assumes a 25% increase from 2/3 parenting time. As highlighted, at a total income of \$150,000 custodial parents that earn \$50,000 and have 100% parenting time are incurring a \$4,784 annual loss of child support. As the non-custodial parent increases, so does

the loss for the custodial parent. When the total income is \$400,000, custodial parents are losing \$12,246 in annual child support.

Table 2: 25% increase in child support; one child

Income			Child Support									
Custodial Parent	Non-custodial Parent	Total	One child NCP% weekly child support			One child NCP% annual child support			Annual Loss to CP from 70/30 to 100%	Percent of Total NCP Gross Income		
			Parenting			Parenting						
			50/50	70/30	100%*	50/50	70/30	100%*		50/50	70/30	100%*
\$50,000	\$50,000	\$100,000	\$0	\$200	\$260	\$0	\$10,400	\$13,000	(\$2,600)	0.0%	10.4%	13.0%
\$50,000	\$100,000	\$150,000	\$187	\$368	\$478	\$9,724	\$19,136	\$23,920	(\$4,784)	6.5%	12.8%	15.9%
\$50,000	\$150,000	\$200,000	\$351	\$505	\$657	\$18,252	\$26,260	\$32,825	(\$8,565)	9.1%	13.1%	16.4%
\$50,000	\$200,000	\$250,000	\$489	\$624	\$811	\$25,428	\$32,448	\$40,560	(\$8,112)	10.2%	13.0%	16.2%
\$50,000	\$250,000	\$300,000	\$604	\$729	\$948	\$31,408	\$37,908	\$47,385	(\$9,477)	10.5%	12.6%	15.8%
\$50,000	\$300,000	\$350,000	\$723	\$838	\$1,089	\$37,596	\$43,576	\$54,470	(\$10,894)	10.7%	12.5%	15.6%
\$50,000	\$350,000	\$400,000	\$816	\$942	\$1,225	\$42,432	\$48,984	\$61,230	(\$12,246)	10.6%	12.2%	15.3%

* Assumes increase from 70/30 to 100%

These charts show that the more children, the greater the loss to the custodial parent.

Table 3: 30% increase in child support; two children

Income			Child Support									
Custodial Parent	Non-custodial Parent	Total	Two child NCP% weekly child support			Two child NCP% annual child support			Annual Loss to CP from 70/30 to 100%	Percent of Total NCP Gross Income		
			Parenting			Parenting						
			50/50	70/30	100%*	50/50	70/30	100%*		50/50	70/30	100%*
\$50,000	\$50,000	\$100,000	\$0	\$281	\$365	\$0	\$14,612	\$18,996	(\$4,384)	0.0%	14.6%	19.0%
\$50,000	\$100,000	\$150,000	\$262	\$516	\$671	\$13,624	\$26,832	\$34,882	(\$8,050)	9.1%	17.9%	23.3%
\$50,000	\$150,000	\$200,000	\$535	\$708	\$920	\$27,820	\$36,816	\$47,861	(\$11,045)	13.9%	18.4%	23.9%
\$50,000	\$200,000	\$250,000	\$720	\$874	\$1,136	\$37,440	\$45,448	\$59,082	(\$13,634)	15.0%	18.2%	23.6%
\$50,000	\$250,000	\$300,000	\$855	\$1,020	\$1,326	\$44,460	\$53,040	\$68,952	(\$15,912)	14.8%	17.7%	23.0%
\$50,000	\$300,000	\$350,000	\$1,048	\$1,173	\$1,525	\$54,496	\$60,996	\$79,295	(\$18,299)	15.6%	17.4%	22.7%
\$50,000	\$350,000	\$400,000	\$1,178	\$1,303	\$1,694	\$61,256	\$67,756	\$88,083	(\$20,327)	15.3%	16.9%	22.0%

* Assumes increase from 70/30 to 100%

Table 4: 25% increase in child support; two children

Income			Child Support									
Custodial Parent	Non-custodial Parent	Total	Two child NCP% weekly child support			Two child NCP% annual child support			Annual Loss to CP from 70/30 to 100%	Percent of Total NCP Gross Income		
			Parenting			Parenting						
			50/50	70/30	100%*	50/50	70/30	100%*		50/50	70/30	100%*
\$50,000	\$50,000	\$100,000	\$0	\$281	\$365	\$0	\$14,612	\$18,265	(\$3,653)	0.0%	14.6%	18.3%
\$50,000	\$100,000	\$150,000	\$262	\$516	\$671	\$13,624	\$26,832	\$33,540	(\$6,708)	9.1%	17.9%	22.4%
\$50,000	\$150,000	\$200,000	\$535	\$708	\$920	\$27,820	\$36,816	\$46,020	(\$9,204)	13.9%	18.4%	23.0%
\$50,000	\$200,000	\$250,000	\$720	\$874	\$1,136	\$37,440	\$45,448	\$56,810	(\$11,362)	15.0%	18.2%	22.7%
\$50,000	\$250,000	\$300,000	\$855	\$1,020	\$1,326	\$44,460	\$53,040	\$66,300	(\$13,260)	14.8%	17.7%	22.1%
\$50,000	\$300,000	\$350,000	\$1,048	\$1,173	\$1,525	\$54,496	\$60,996	\$76,245	(\$15,249)	15.6%	17.4%	21.8%
\$50,000	\$350,000	\$400,000	\$1,178	\$1,303	\$1,694	\$61,256	\$67,756	\$84,895	(\$16,939)	15.3%	16.9%	21.2%

* Assumes increase from 70/30 to 100%

By not including a 100% parenting time option to calculate presumptive child support, the Guidelines harm custodial parents who have substantially all parenting time by not providing them with enough income to support their children. Including a box on the Guidelines Worksheet and enable the form to calculate child support at 100% parenting time would remedy this problem.

Caselaw supports a presumptive 100% parenting time inclusion in Guidelines.

Caselaw supports this recommendation. In both Fehrm-Cappuccino v. Cappuccino, 90 Mass. App. Ct. 525, 531 & n.13 (2016) and Casey v. Casey, 79 Mass. App. Ct. 623, 635 (2011), the court held that it is an abuse of discretion for the Probate Court to use the Guidelines calculation where the uncontested evidence establishes that one parent provides substantially more than 2/3 of parental care.

In addition, an order using a hybrid approach to calculate child support was upheld and discussed in the most recent Guidelines:

“The Task Force observed that in Luce v. Folino-Inadoli, an unpublished memorandum and decision pursuant to Rule 23 of the Appeals Court, a judge’s decision to adopt a hybrid approach to calculating a child support order when the parties’ parenting plan did not fall precisely into any of the three parenting plans provided for in the guidelines worksheet was upheld. See Luce v. Folino-Inadoli, 99 Mass. App. Ct. 1103 (December 17, 2020). The judge ran the guidelines under box 1 and under box 2 on the guidelines worksheet. The judge entered an order that did not adopt the child support amount from either calculation and instead “required the father to pay a reduced child support order of one hundred dollars per week to the mother. This hybrid approach reflects a deviation that is grounded in the circumstances of the parties and the best interests of the children. On this record, the judge did not abuse his discretion. See L.L. v. Commonwealth, 470 Mass. 169, 185 n.27 (2014).”³²

This hybrid approach is only readily available to judges if the Guidelines actually calculate the amount of support based on 100% parenting time. Without the presumptive calculations, the parties are left with attempting to use the costly court system, sometimes for years, and most often ineffectively, to modify child support payments. A presumptive 100% option would provide predictability and not leave such a critical issue as the amount of child support to each judge’s discretion when a parent has substantially all parenting time. Adding a box to calculate child support at 100% parenting time is beneficial to the parties, attorneys, judges, probation officers, and all court personnel to ensure adequate support is ordered.

Recommendation:

1. Include a Box 4 on Guidelines Worksheet for “substantially 100% custody” to calculate presumptive child support.
2. Remove “a parent provides substantially less than one-third of the parenting time for a child or children” from the Deviation section in the Guidelines and on the Findings form (p. 3 Deviations).

³² [2023 Guidelines](#), supra note 30 at 17.

4. ATTACH A MANDATORY FINANCIAL DISCLOSURE CHECKLIST TO THE GUIDELINES WORKSHEET

Guidelines at issue:

There is no Guideline to curb obstructionist tactics that parties, particularly economic superior parties and abusers, use to evade mandatory financial disclosure requirements.

Problem/Result:

The misuse of the family law process, especially intentional non-compliance of the mandatory financial discovery requirement, delays resolution, increases legal costs, and harms caregivers and children.

Recommendation:

Add a disclosure checklist to the Guidelines Worksheet for each party to complete and sign under the penalty of perjury.

Rationale:

Non-compliance of mandatory discovery is not in the best interest of the child.

Obstructionist litigation tactics are strategies used by one party, often the economically superior party or an abuser, to delay resolution and to force the other party to incur needless legal costs. Common tactics include not complying with rules, court orders, judgments, disclosure requirements, perfunctory discovery requests, and discovery orders, and providing false information on the mandatory Financial Statement.

Our members' experiences indicate that many noncustodial-payor spouses employ obstructionist tactics with the goal of reducing their financial obligations to their spouse and children or to continue the financial and emotional abuse in the marriage. Limiting these tactics is vital to ensure the best interest of the children and protect the emotional and financial well-being of caregivers and survivors.

Judges need accurate financial information to make informed decisions about child support payments. When a party withholds mandatory discovery information or misrepresents their income or assets, there is an unfair allocation of child support, resulting in harm to the children.

Parties must follow mandatory disclosure rules.

Rule 410 mandatory self-disclosure rules require each party to provide mandatory financial information within 45 days from the date of the service of the summons.

These required documents are very specific:

- The parties' federal and state income tax returns and schedules for the past three years and any non-public, limited partnership and privately held corporate returns for any entity in which either party has an interest, together with all supporting documentation

for tax returns including but not limited to W-2s, 1099s 1098s, K-1, Schedule C, and Schedule E.

- The four most recent pay stubs from each employer for each party.
- Documentation of the cost and nature of available health insurance coverage.
- Statements for the past three years for all bank accounts held in the name of either party individually or jointly, or in the name of another person for the benefit of either party or held by either party for the benefit of the parties' minor child(ren).
- Statements for the past three years for any securities, stocks, bonds, notes or obligations, certificates of deposit owned or held by either party or held by either party for the benefit of the parties' minor child(ren), 401K statements, IRA statements, and pension plan statements for all accounts listed on the Rule 401 financial statements.
- Copies of any loan or mortgage applications made, prepared, or submitted by either party within the last three years prior to the filing of the complaint.
- Copies of any financial statement and/or statement of assets and liabilities prepared by either party within the last three years prior to the filing of the complaint.
- In addition to the above mandatory disclosures, either party has the ability to conduct further discovery, including a Request for Production of Documents, Interrogatories, Request for Admissions, and conduct depositions.³³

Non-compliance with mandatory discovery disclosure harms compliant parties.

The process and remedy in place when a party violates the mandatory discovery requirements are ineffective. For example, serving a subpoena directly to the institution where the party has accounts to obtain the documents which should have been produced by the party, or filing a motion to obtain an order compelling the production of the requested discovery, are costly and shift the expense from the non-compliant party to the compliant party. The party filing motions to compel may seek attorneys' fees and costs from the non-compliant party, but our members have found that judges are reluctant to order attorney's fees even though there has been a clear violation of the mandatory disclosure requirement.³⁴

Examples of discovery compliance checklists.

Other states require checklists to ensure disclosure compliance. We include two states' schedules on the following pages.

³³ Massachusetts [Supplemental Rules of the Family Court](#).

³⁴ MFAC, [Equitable & Accessible Justice For All: A Working Report on the Massachusetts Family Court System](#), December, 2022.

1. New Jersey's Appendix V, Family Part Case Information Statement:

Part G - Required Attachments

Check If You Have Attached the Following Required Documents

1. A full and complete copy of your last federal and state income tax returns with all schedules and attachments. (Part C-1)
2. Your last calendar year's W-2 statements, 1099's, K-1 statements.
3. Your three most recent pay stubs.
4. Bonus information including, but not limited to, percentage overrides, timing of payments, etc.; the last three statements of such bonuses, commissions, etc. (Part C)
5. Your most recent corporate benefit statement or a summary thereof showing the nature, amount and status of retirement plans, savings plans, income deferral plans, insurance benefits, etc. (Part C)
6. Affidavit of Insurance Coverage as required by Court Rule 5:4-2(f) (Part B-3)
7. List of all prior/pending family actions involving support, custody or Domestic Violence, with the Docket Number, County, State and the disposition reached. Attach copies of all existing Orders in effect. (Part B-5)
8. Attach details of each wage execution (Part C-5)
9. Schedule of payments made for a spouse or civil union partner and/or children not reflected in Part D.
10. Any agreements between the parties.
11. An Appendix IX Child Support Guideline Worksheet, as applicable, based upon available information.
12. If a request has been made for college or post-secondary school contribution, all relevant information pertaining to that request, including but not limited to documentation of all costs and reimbursements or assistance for which contribution is sought, such as invoices or receipts for tuition, board and books; proof of enrollment; and proof of all financial aid, scholarships, grants and student loans obtained. A list of the information as promulgated by the Administrative Director of the Courts can be found on the Judiciary website.

I certify that, other than in this form and its attachments, confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

I certify that the foregoing information contained herein is true. I am aware that if any of the foregoing information contained therein is willfully false, I am subject to punishment.

DATED: _____

SIGNED: _____

2. Washington instructions for completing child support worksheets:

INSTRUCTIONS FOR COMPLETING CHILD SUPPORT WORKSHEETS A, B, C, D, and E

You will need the following documents or information for each parent: (all references to specific forms are to Internal Revenue Service (IRS) forms which may be found at www.irs.gov.)

- ✓ A completed child support guidelines financial affidavit or the information contained in it;
- ✓ Federal tax returns (Form 1040, 1040A, or 1040EZ) and state tax returns, including W-2 and 1099 forms for the past three years;
- ✓ copies of partnership (Form 1065) and/or corporation (Form 1120 or 1120S) tax returns for the past three years, if a party is self-employed or receives income/losses from an interest in a partnership or corporation;
- ✓ If depreciation expense is deducted on a tax return (Form 4562), a copy of the supporting depreciation schedule or summary for each year's return. The depreciation schedule/summary is not an IRS tax form and is a document usually kept by the tax preparer and updated each year;
- ✓ Pay stubs or payroll advice for the past three months;
- ✓ Child care expense for children in the calculation and "other" children in the parent's household; the expense must be necessary for the parent's employment;
- ✓ Health insurance premiums for children of the calculation and "other" children if the parent is ordered to pay premiums for the "other" children; only the cost of adding a child to an existing policy is allowed in the calculation;
- ✓ Mandatory retirement contributions through the parent's employer;
- ✓ Alimony ordered by court or administrative order;
- ✓ Child support ordered by court or administrative order for "other" children; see definitions, below.
- ✓ Required employment expense, such as union dues, safety equipment, use of personal vehicle, etc. not reimbursed by the employer or other party;
- ✓ Cost of tuition, books, and mandatory fees for post-secondary education (IRS Form 1098T) and a record of scholarships and grants accepted/received by the student parent;
- ✓ Interest expense of student loan repayment (IRS Form 1098-E) where the child has benefitted from the parent's education.

It is imperative that the Court limit obstructionist litigation tactics, especially willful non-compliance with mandatory financial discovery and providing false information on the mandatory Financial Statement. This is particularly relevant for child support calculations to ensure that children are not negatively impacted. These tactics are harmful to all court users and antithetical to the best interest of children.

To help ensure that the mandatory disclosure requirements are followed, and to send a strong message to non-compliant parties misusing the legal system that such conduct will not be tolerated, we recommend that a mandatory disclosure checklist be attached to the Guidelines Worksheet and signed under penalty of perjury by each party. Sanctions for non-compliance should be stated up front and applied immediately for any violations.

Recommendation:

1. Add to the Guidelines Worksheet a checklist of mandatory discovery items to be completed by each party and signed under the penalty of perjury.

2. Include a sample order compelling the non-compliant party to submit a credit report³⁵ if the party does not comply with mandatory financial disclosure.

³⁵ Consumer Financial Protection Bureau: [How do I get a free copy of my credit reports?](#) Every person has the right to request one free copy of their credit report each year from each of the three major consumer reporting companies (Equifax, Experian and TransUnion).

5. COLLECT MORE DEVIATION DATA AND INCLUDE A DEVIATIONS SECTION IN THE GUIDELINES WORKSHEET

Guidelines at issue: Buried in page 4 of the current Findings form is the checklist that the Court is required to complete when there are deviations from presumptive Child Support amounts.

Problem/Result:

The existence of the deviations section is unknown by many court users due to its awkward placement at the end of the Findings form. Also, the majority of deviation orders do not include the accompanying required findings.

Recommendation:

Replace the Deviation section in the Findings form with a new Deviation section in the Guidelines Worksheet. This would inform parties of the potential for deviation and help ensure that any deviated support orders and their required findings would be accurately reflected on the Worksheet. In addition, given the scarcity of upward deviations compared to downward deviations and lack of required findings, more data is needed to further analyze these changes to presumptive child support calculations.

Rationale:

The Guidelines state that the Court, or the parties by agreement approved by the Court, may deviate from the presumptive child support amount calculated by the Guidelines Worksheet, provided the judge or probation officer specifies the following in writing on the form:

- the amount of the order that would result from application of the Guidelines;
- the Guidelines amount would be unjust or inappropriate under the circumstances;
- the specific facts of the case which justify departure from the Guidelines; and
- that such departure is consistent with the best interests of the child.³⁶

Either parent may request a deviation (i.e., request an amount that differs from the presumptive calculated Guidelines amount). That parent has the burden of establishing that the deviation is in the best interests of the child.

The current deviation process works against custodial parents. First, many custodial parents are unaware they can ask for an upward deviation to increase support. The need for upward deviation is especially necessary when the custodial parent has substantially all parenting time; the children have special medical needs and expenses requiring additional support; or there is an ability to pay amounts greater than the Guidelines. The current deviation checklist which the court must complete when issuing a deviation is awkwardly placed into page 4 of the Findings form, and not noticeable to users.

³⁶ [2023 Guidelines](#), supra note 30 at 24.

Second, the Economic Review data below indicates that 75% of deviations are either decreases or no support ordered,³⁷ and a majority of deviations are ordered for “no reason.”³⁸ The infrequency of corresponding findings required to accompany downward deviations is supported from what custodial parents and legal services attorneys tell us. This is disturbing. The Family Court must provide facts and findings for deviations and list them on the Findings form, yet almost 60% of deviations are implemented without a corresponding reason. Clearly, the form in its present state is not working.

TABLE 8: SUMMARY OF SAMPLE DEVIATIONS¹⁷

Deviation Type	Total		Average			Deviation/ Guideline
	#	%	Deviation	Guideline	Income	
No Support Ordered	87	34%	\$0	\$144	\$2,438	-100%
Decrease	106	41%	\$182	\$251	\$1,974	-30%
Increase	49	19%	\$332	\$271	\$2,811	58%
Unclear	16	6%	\$164	N/A	N/A	N/A
Any	258	100%	\$149	\$217	\$2,306	-37%

Source: Brattle Case File Review.
Income is Combined Gross Income (Parent A + Parent B).

Reason (Checked or Written)	Frequency	%
NO REASON	148	57%
OTHER	33	13%
AGREED-NEGOTIATED	29	11%
SELF SUPPORT	14	5%
UNJUST	7	3%
CHILD CARE	6	2%
DISPARITY	6	2%
>\$250,000	4	2%
COVID	4	2%
UNEMPLOYED	4	2%
EXTRAORDINARY EXPENSE	3	1%
PARENTING TIME	2	1%
Total	260	100%

More robust analysis of deviations is needed.

Although this data provides overall trends, further analysis is needed to understand what is happening regarding deviations to presumptive child support calculated amounts. The analysis is missing critical details, including:

- The link between reason and deviation type (for example, what percentage of “no reason” causes are for a decrease in child support vs. an increase in child support?)

³⁷ [2020-2021 Economic Review](#), supra note 12 at 18.

³⁸ Id. at 19.

- Payor income and recipient income (not just total income)
 - Income maximum and minimum for both payor and recipient in addition to average
- Gender of payor and recipient
- Reasons underlying the “other” category

Removing the deviation section from the Findings form and adding it to the Guidelines Worksheet would inform parties of the potential for deviation and help ensure that all deviations would be accurately reflected on the Worksheet, complete with the required reasoning behind the deviation order.

Recommendation:

1. Remove this section from the Findings form and include deviation criteria within the Worksheet. We include Connecticut’s child support worksheet Deviation Criteria as an example below. (See Appendix 7 for complete worksheet)

VIII. DEVIATION CRITERIA <i>(Attach additional sheet if necessary.)</i>		
36. Reason(s) for deviation from presumptive support amounts: <input type="checkbox"/> check here if requesting a deviation by agreement <i>(Check all boxes that apply.)</i>		
<i>Parent's other financial resources</i> <input type="checkbox"/> substantial assets <input type="checkbox"/> parent's earning capacity <input type="checkbox"/> parental support provided to a minor obligor <input type="checkbox"/> recurring gifts of spouse or domestic partner <input type="checkbox"/> employment over 45 hours per week <hr/> <i>Extraordinary expenses for child</i> <input type="checkbox"/> education expenses <input type="checkbox"/> unreimbursable medical expenses <input type="checkbox"/> special needs	<i>Extraordinary parental expenses</i> <input type="checkbox"/> significant visitation expenses <input type="checkbox"/> unreimbursed employment expenses <input type="checkbox"/> unreimbursed medical/disability expenses <hr/> <i>Needs of parent's other dependents</i> <input type="checkbox"/> resources available to qualified child <input type="checkbox"/> child care expenses for qualified child <input type="checkbox"/> verified support for non-resident child <input type="checkbox"/> significant and essential needs of a spouse	<i>Coordination of total family support</i> <input type="checkbox"/> division of assets and liabilities <input type="checkbox"/> provision of alimony <input type="checkbox"/> tax planning considerations <hr/> <i>Special circumstances</i> <input type="checkbox"/> shared physical custody <input type="checkbox"/> extraordinary disparity in parental income <input type="checkbox"/> best interests of the child <input type="checkbox"/> total award exceeds 55% of obligor's net <input type="checkbox"/> other equitable factors (explain):
PREPARED BY	TITLE	DATE

2. The amount of presumptive child support calculated by the Worksheet and the amount of child support ordered, if different, should be listed together on the same page. Currently the presumptive amount is noted on page 3 of the Findings form and the amount ordered is on the next page (page 4). This is awkward. Include a box to check if the order is a decrease or an increase in presumptive calculated support and if so, note the amount of decrease or increase.
 - New Jersey provides a helpful section at the end of its child support worksheet (see Appendix 9 and 10 for complete worksheets) which summarizes the order and the deviation, if any:

Comments, Rebuttals, and Justification for Deviations						
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.						
2. If different from the child support guidelines award (Line 35), enter amount ordered:						
3. The child support guidelines were not used, or the guidelines award was adjusted because:						
4. The following extraordinary expenses were added to the basic support obligation on Line 19:						
5. PPR Taxes:		<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other	# Eligible Dependents:	Marital:
PAR Taxes:		<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other	# Eligible Dependents:	Marital:
Prepared By:		Title:			Date:	

3. Conduct a more robust analysis of deviation cases by:
- Tracking additional information noted above to better understand underlying trends.
 - Expanding sample size of cases (more than 6% currently analyzed).
 - Enlisting the aid of an academic institution to provide research and analysis.

6. ALLOCATE CHILDREN'S MEDICAL INSURANCE COST BETWEEN PARTIES

Guideline at issue:

Instead of allocating children's health insurance costs in proportion to income of the parents, similar to childcare costs, the Worksheet allows the payor of this expense to deduct the cost from income before calculation of child support.

Problem/Result:

Simple deductions from income do not result in proportional sharing of these expenses. Instead, it produces inequitable results for the party that pays these costs.

Recommendation:

The cost of health insurance premiums for the child should be shared in proportion to income, similar to childcare costs.

Rationale:

The Guidelines' treatment of health insurance costs unfairly burdens the parent that pays for these costs.

Currently, the Worksheet allows the parent paying health insurance to deduct the cost of health insurance from gross income before calculation of child support. This deduction lowers the paying parent's income, which then theoretically leads to an adjustment in the child support amount. However, reality is that the parent paying for health insurance is always at a disadvantage financially. If the custodial parent, or recipient of child support pays for health insurance, the financial disadvantage is magnified. At some income levels, the custodial parent who pays the entire amount of the children's health insurance cost receives no financial credit through increased child support at all.

We provide the following examples to demonstrate the inequity of the current Worksheet:

Parents who are equal earners:

Assumptions:

1. Noncustodial parent (NCP) earns \$75,000 a year
2. Custodial parent (CP) earns \$75,000 per year
3. One child < 18 years old
4. The child resides with the custodial parent 2/3 of the time
5. Cost of health insurance for child is \$5,000 annually, or \$96 per week

Results based on different options:

- **Assuming no health insurance:** NCP pays \$275/week in child support
- **Proportional cost sharing:** Each parent pays \$48 per week (\$2,500 per year)
- **Non-custodial parent pays for health insurance:** NCP pays \$96 per week for health insurance but receives only a \$16 reduction in child support.
- **Custodial parent pays for health insurance:** CP pays \$96 per week for health insurance but receives only an increase of \$4 per week in child support. Thus, the CP is burdened

with paying almost the entire cost of the child's health insurance. This burden is magnified if the NCP earns more than the CP, yet the CP has better health insurance and therefore pays the insurance for the child, assuming they will get a corresponding increase in child support.

Parents when NCP earns more than CP:

Assumptions:

- 6. Noncustodial parent (NCP) earns \$150,000 a year
- 7. Custodial parent (CP) earns \$75,000 per year
- 8. One child < 18 years old
- 9. The child resides with the custodial parent 2/3 of the time
- 10. Cost of health insurance for child is \$5,000 annually, or \$96 per week

Results based on different options:

- **Assuming no health insurance:** NCP pays \$487/week in child support
- **Proportional cost sharing:** Each parent pays \$48 per week (\$2,500 per year)
- **Non-custodial parent pays for health insurance:** NCP pays \$96 per week for health insurance but receives only a \$14 reduction in child support.
- **Custodial parent pays for health insurance:** CP pays \$96 per week for health insurance but receives no increase in child support. Thus, the CP is burdened with paying the entire cost of the child's health insurance.

It is in the best interest of the child for health insurance to be obtained by the parent who has better or more comprehensive benefits. By creating a financial penalty to the payor of health insurance, a parent may be incentivized to choose the lowest cost option, which is not the best option for coverage for their child.

In order to achieve a fair and balanced outcome, the portion of the health insurance premium that is for the child should be shared between the parties based on a percentage of income. Most insurers break out the costs to permit the child-only portion to be accurately calculated. If the portion of the health insurance premium for the benefit of the child only cannot be ascertained, the Guidelines can include a calculation similar to Colorado below:

Health Insurance Premium Calculation

If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 6c on page 1 of this form.

$$\begin{array}{ccccccc}
 \$ & & & = & \$ & & \\
 \frac{\text{Total Premium}}{\text{Number of Persons Covered by Policy}} & + & & = & \text{Per Person Cost} & \times & \frac{\text{Number of Children Who Are the Subject of this Order}}{\text{Children's Portion of Cost of Health Insurance Premium (Enter on line 6c)}} \\
 & & & & & & =
 \end{array}$$

The modification to current Guidelines we are requesting is in line with the other requests recommending this change,³⁹ as well as the majority of other states. Most states address healthcare in their guidelines as an add-on to the basic support obligation. As noted in a report from the Washington State Department of Social and Health Services,⁴⁰ 38 states (including DC) utilize this national standard by adding medical insurance to the basic support obligation and dividing expenses based on a pro rata percentage of income: Alabama, Alaska, Arkansas, Arizona, Colorado, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia.

Recommendation:

1. Remove health insurance deductions from income on the Worksheet.
2. Similar to childcare expenses, allocate children’s health insurance costs to the parents based on their share of income, after child support is calculated.
3. Remove this section from the Findings form. Instead, the cost of insuring the child only will be shared by the parents based on income and not deducted from gross income. Allocating the cost between the parents of insuring just the child would remove the need for this section. If for some reason the cost of insuring the child cannot be ascertained, include a section in the Worksheet similar to Colorado below (see Appendix 5 and 6 for complete worksheets) which calculates the health insurance premium attributed to the children only, which is then shared by the parents based on percentage of income. (Note this section can also include boxes to check if “ordering health insurance coverage is not in the best interest of the child or creates an undue hardship on the payor or on the recipient.”)

³⁹ Jason Owens, [To Child Support Task Force: Please Fix How Medical Insurance is Treated Under the Guidelines](#), October 11, 2024.

⁴⁰ [2011 Washington State Child Support Schedule Workgroup Material Research](#), Child Care, Medical Costs and Imputation of Income.

7. EXPAND SECTION II.A. “RELATIONSHIP TO ALIMONY OR SEPARATE MAINTENANCE PAYMENTS” TO INCLUDE THE MANDATED CAVANAGH ANALYSIS

Guideline at issue:

Section II.A. provides: “The Task Force strongly urges the Court and parties to proactively run different support scenarios to determine what support order is appropriate for the family – specifically whether determining alimony first and then child support provides the appropriate support.”

Problem/Result:

Current Guidelines do not reflect the recent case of Cavanagh v. Cavanagh 490 Mass. 398 (2022) which sets forth a mandatory methodology to use when a qualifying caregiver requests alimony in addition to child support.

Recommendation:

Incorporate the mandatory Cavanagh analysis in the Guidelines.

Rationale:

History of concurrent alimony and child support orders in Massachusetts.

Prior to the 2022 case of Cavanagh v Cavanagh, many family law judges and practitioners misinterpreted the 2011 Alimony Reform Act as prohibiting a qualifying spousal caregiver from receiving both child support and alimony. In Cavanagh, the Supreme Judicial Court resolved this longstanding conflict. Finding that alimony and child support serve two distinct purposes, it ruled that the Alimony Act allowed for a concurrent order of alimony and child support to a qualifying spouse. To ensure that an alimony order would be considered, the Court took pains to thoughtfully set forth a detailed procedure that every Family Court judge “must” follow when considering alimony and child support.

The backlash to the Cavanagh decision by many in the paid-for-services family bar (“private bar”) was immediate, despite the language of Section II.A. of the 2021 Guidelines, which was implemented a year before Cavanagh. Countering the private bar’s protests were the legal services bar, who often represent caregivers of modest means, and domestic abuse and women and children’s advocates, Massachusetts Law Reform Institute, and the Women’s Bar Association. They stated that the criticism of Cavanagh was “unfair” and “undermines the decision” which was a “long-needed and well-reasoned resolution to persistent confusion about the availability and distinct purposes of alimony and child support in modest-income cases.” They described the magnitude of the unintended consequences of the misinterpretation of the Alimony Act:

“Perversely, this interpretation has denied relief to many of the very people who need it most. Consider survivors of domestic violence who faced financial, as well as physical, abuse in their marriages; career homemakers whose earning capacities have been

forever reduced by years out of the workforce; and spouses who delayed career advancement to care for children and support their spouses' educations or careers.”

Despite the labeling of Cavanagh as a game-changer, the concept of a caregiver receiving a concurrent alimony order was not novel or unforeseen. In addition to the language of the 2021 Guidelines, a year earlier the Appeals Court in Calvin C. v. Amelia A., 99 Mass. App. Ct. 714, 721 (2021), acknowledged that both alimony and child support could be ordered to a qualifying spouse and that alimony could be calculated first, before child support, which is exactly what the Supreme Judicial Court ruled in Cavanagh.

Because of the private bar's backlash to Cavanagh, it is important that the Guidelines include the Cavanagh analysis:

“(1) Calculate alimony first, in light of the statutory factors enumerated in § 53(a) and the principle that, with the exception of reimbursement alimony, the amount of alimony should be determined with reference to the recipient spouse's need for support to allow the spouse to maintain the lifestyle enjoyed prior to the termination of the parties' marriage. Then calculate child support using the parties' post alimony incomes.
(2) Calculate child support first. Then calculate alimony, considering, to the extent possible, the statutory factors enumerated in § 53(a). We acknowledge that in the overwhelming majority of cases, the calculation of child support first will preclude any alimony being calculated in this step.
(3) Compare the base award and tax consequences of the order that would result from the calculations in step (1) with those of the order that would result from the calculations in step (2), above. The judge should then fashion an order which would be the most equitable for the family before the court, considering the mandatory statutory factors set forth in G. L. c. 208, § 53(a), and the public policy that children be supported as completely as possible by their parents' resources, G. L. c. 208, § 28, and then fashion the order such that it reflects, or alternatively is responsive to, those considerations. Where the judge chooses to issue an order pursuant to the calculations in step (2) or otherwise that does not include any award of alimony, the judge must articulate why such an order is warranted in light of the statutory factors set forth in § 53(a).”
Cavanagh 490 Mass. at 410-11.

There have been several MCLE and Social Law Library trainings for judges and lawyers to assist in doing the Cavanagh calculations. They provide detailed calculation examples based on specific situations and fact patterns that this Task Force can utilize for this section.⁴¹ Another useful analysis to assess alimony is to compare disposable income for each parent after taxes and the amount apportioned to them for child support. In the example below, the basic assumptions are: a 22-year marriage; Jane is the primary caregiver and currently one child under age 18 lives at home; 70/30 parenting-time split.

⁴¹ See Appendix 4.

Jane Income: \$75,000 annual	\$1,442/week
Joe Income: \$225,000 annual	\$4,327/week
Total Child Support:	\$878/week
Joe Child Support (75%):	\$659/week
Jane Child Support (25%):	\$220/week

Total Income	\$225,000	\$75,000
Taxes	(\$54,900)	(\$12,000)
Income after taxes	\$170,100	\$63,000
Child Support	(\$34,268)	(\$11,400)
Alimony	\$0	\$0
disposable income for just spouse	\$135,832	\$51,600
Percentage of Income	72%	28%

In shared-parenting situations, each parent incurs expenses for the child while the child is with that parent. The custodial parent's share of the child-rearing expenses (\$220/week) is assumed to be spent directly on the child through daily living expenses. The non-custodial parent's share of child-rearing costs (\$659/week) represents the support order that is paid to the custodial parent for the benefit of the child. Therefore, to assess true need, disposable income after taxes and child support must be used, not income plus child support, because that wrongly assumes that child support covers alimony need. This analysis is a good check and will better ensure that child support is not used to “cover” alimony need since alimony and child support serve different purposes. As the Supreme Judicial Court explained:

“Additionally, we note that it makes little sense to tie the availability of alimony to the provision of child support where child support and alimony serve distinct purposes: child support is intended to provide financial support for children of the parties, whereas alimony is intended to provide financial support to an economically dependent former spouse....For this reason, the father's argument that the mother can have no need for alimony so long as she receives child support is without merit.” Cavanagh, 490 Mass. at 409 and n.7.

The Task Force can work with the Family Court to create an analysis that is most useful to the court. This will not only benefit judges and attorneys, but also parties – the majority of whom are pro se. By not providing assistance with these calculations, the court is creating a huge access to justice barrier for parties seeking concurrent alimony and child support orders.

Although labeled “groundbreaking” news by the private bar in Massachusetts, the child support guidelines in the majority of states⁴² require that alimony is calculated first and included as an adjustment to income in child support calculations.

Recommendation:

1. Expand Section II.A. “Relationship to Alimony or Separate Maintenance Payments” to include the Cavanagh analysis requirement.
 - Include a standard worksheet/online calculator to perform the calculations required by Cavanagh and the estimated tax effects to ensure methodology is uniformly followed and presented.
 - Include links to tax calculators⁴³ or tax charts for assistance in calculations.
 - Include examples from the various MCLE and Social Law trainings and the analysis presented above as a helpful check to make sure that child support is not used to cover alimony.

⁴² Arizona, Arkansas, California, Colorado, Washington D.C., Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, South Dakota, Vermont, Virginia, Washington. See Appendix 3 for detailed language for each state.

⁴³ Some good examples are [iCalculatortm](#) (MA) US, [Forbes](#) Advisor Massachusetts Income Tax Calculator, or [Good Calculators](#) Massachusetts Salary Tax Calculator.

8. ADD A SECTION INFORMING UNMARRIED CUSTODIAL PARENTS THAT THEY ARE ENTITLED TO RETROACTIVE CHILD SUPPORT UNDER MASSACHUSETTS LAW

Guideline at issue:

There is no Guideline informing unmarried custodial parents that they are entitled to retroactive child support under Massachusetts law.

Problem/Result: Unmarried custodial parents may not have information of the financial resources they are entitled to for their children under Massachusetts law, which is not in the best interest of the children. Although the mass.gov website includes a section specific to unmarried parents,⁴⁴ none of the forms or instructions in this section inform unmarried custodial parents that they are entitled to child support from the date of the birth of the child.

Recommendation: Add a Guideline informing non-married custodial parents that retroactive child support is available under Massachusetts law.

Rationale:

Massachusetts law provides for retroactive child support to unmarried custodial parents.

[M.G.L. c. 209C, § 9](#) expressly provides that an unmarried custodial parent can seek retroactive child support from the other parent extending back to the birth of a child:

“Upon the petition of a party, the court shall also order past support for the period from the birth of the child to the entry of the order, taking into consideration the parent's ability to pay under subsection (c) and any support provided by the parent during such period.” (emphasis added)

Caselaw affirms this statutory requirement. In [LM v. RLR](#), 451 Mass. 682, 686 (2008), the Supreme Judicial Court explained in great detail the need to safeguard support for children of unmarried parents:

“The Legislature has extended the provision of child support to children who have not been born (or who do not remain) in a traditional family context. Indeed, the protection of nonmarital children, as well as children of divorced parents, "has been a hallmark of legislative action and of the jurisprudence of this court." *L.W.K. v. E.R.C.*, *supra* at 44. With respect to the provision of child support for nonmarital children, the Legislature expressly has mandated, by enacting G.L. c. 209C, that such children be supported by their biological parents:

⁴⁴ Mass.gov, [Child support Forms for unmarried parents.](#)

‘Children born to parents who are not married to each other shall be entitled to the same rights and protections of the law as all other children. It is the purpose of this chapter to establish a means for such children either to be acknowledged by their parents voluntarily or, on complaint by one or the other of their parents . . . to have an acknowledgment or adjudication of their paternity, *to have an order for their support* and to have a declaration relative to their custody or visitation rights ordered by a court of competent jurisdiction. . . . *Every person is responsible for the support of his child born out of wedlock from its birth up to the age of eighteen, or, where such child is domiciled in the home of a parent and principally dependent upon said parent for maintenance, to age twenty-one. Each person charged with support under this section shall be required to furnish support according to his financial ability and earning capacity pursuant to the provisions of this chapter.*’

Child support is an important source of income, especially for non-married-custodial-mother families who are at a greater risk of poverty. Based on Census Bureau data,⁴⁵ there are significantly more custodial-mother families than custodial-father families. In 2018, there were 12.9 million custodial parents nationwide — 80% were mothers. Custodial-mother families were twice as likely to live in poverty (27% versus 11% for custodial-father families).⁴⁶ Massachusetts data reflect these nationwide statistics: 35.1% of Massachusetts custodial-mother families live in poverty, versus 18.7% for custodial-father families.⁴⁷

Custodial parents that have never been married are the norm, not the exception. Nationwide more than half of single mothers have never been married (51%).⁴⁸ According to Boston-specific statistics in 2015, 63% of single mothers have never been married.⁴⁹ Since the number of custodial never-married families are so high, it is important for the Guidelines to include statutory and caselaw regarding this group.

Unfortunately, retroactive child support is a matter of judicial discretion that is only ruled upon if the custodial parent petitions the court for such relief. The current process harms the best interest of the children. First, the custodial parent has to actually know they are entitled to child support from the date of birth of the child. Our members did not know this. Second, the current process places the burden on the custodial parent to pursue costly litigation to recover retroactive child support for which they are entitled to under the law — an unattainable proposition for many unmarried custodial parents.

⁴⁵ [Census Bureau 2020 Report](#).

⁴⁶ Office of Juvenile Justice and Delinquency Prevention, [Poverty status of children by family structure](#), 2021.

⁴⁷ Institute for Women’s Policy Research, [Status of Women in the States](#), 2018.

⁴⁸ Salas-Betsch, Isabela, [The Economic Status of Single Mothers](#), Center for American Progress, August 7, 2024.

⁴⁹ [A Profile of Boston Single Mothers](#), Boston Planning and Development Agency, (BPDA) Research Division, June 2018 (slide 11).

Recommendation:

1. Adopt a Guideline informing unmarried custodial parents that they are entitled under M.G.L. c. 209C, § 9 to child support from the time of birth of the child.
2. Recommend that the court provide an efficient legal pathway for unmarried parents to seek and obtain retroactive child support. A lengthy, expensive court process is beyond the means of most unmarried custodial parents seeking support.

9. UPDATE SOURCES OF INCOME SECTION PER CAVANAGH

Guidelines at Issue:

Section I.A. lists the Sources of Income to use in calculating child support. The Supreme Judicial Court in Cavanagh clarified several types of income to include for child support.

Problem/Result:

Sources of Income section in the Guidelines does not reflect all sources of income for child support purposes as defined in Cavanagh.

Recommendation:

Update Section I.A. Sources of Income to include the income categories determined by the Supreme Judicial Court to include in calculating child support.

Rationale:

Cavanagh clarifies several sources of income.

In Cavanagh, the Supreme Judicial Court identified types of income to include for determining child support. These are:

1. Interest and dividends from all accounts, including savings accounts and 401(k) accounts, regardless of whether they are a regular source of income. Cavanagh 490 Mass. at 422.
2. Capital gains on savings accounts, 401(k) accounts, and any transactions other than those related to “real and personal property transactions.” Id.
3. Income from a second job because it falls squarely within the category of “salaries, wages, overtime and tips.” Id. at 422-423. This is true even if the parties agreed to exclude it in their separation agreement because [p]arents may not bargain away the rights of their children to support.” Id., quoting White v. Laingor, 434 Mass. 64, 66 (2001).
4. Employer contributions to retirement accounts because otherwise it would be possible for an employee to shield his income from child support by entering into an agreement with his employer to take less wages in exchange for a heightened matching contribution. Id. at 423-424.
5. Employer contributions to health savings accounts because “like employer contributions to a retirement account, [they] properly are considered part of an employee's compensation package. See Hoegen v. Hoegen, 89 Mass. App. Ct. 6, 10 (2016).” Id. at 424 -425.

Recommendation:

1. Update the Sources of Income section in the Guidelines to include all the types of income that the Cavanagh court determined could be used to calculate child support.

10. INCLUDE MANDATORY UNIFORM ASSUMPTIONS FOR “HYPOTHETICAL CHILD SUPPORT” CALCULATIONS IN SECTION II.K.

Guideline at issue:

Section II.K.3. allows payors to calculate a “hypothetical” child support order for subsequently born children which can be deducted from gross income to defend against an increase in current support for a preexisting or “first-family” child.

Problem/Result: The Guidelines do not provide a method to calculate the hypothetical order. Judges are accepting inaccurate hypothetical child support calculations, resulting in lower income for child support modifications requests and thus lower likelihood of increases in support for “first family” children.

Recommendation: Adopt standard assumptions to calculate a hypothetical support order to ensure all parties are calculating hypothetical support orders correctly and uniformly.

Rationale:

“First family first” is a longstanding policy in Massachusetts.

The “first family first” policy is a longstanding principle in Massachusetts. The policy is premised on the concept of child support as a “non-disclaimable duty that should not be altered by activities chosen by the obligor.”⁵⁰ The American Law Institutes Principles explain the rationale of prioritizing first families:

“A rule of priority is independently justifiable in equitable terms. A parent may be understood to come to a second family already economically diminished by obligations to a prior family, as by obligations to other creditors whose claims are not dischargeable in bankruptcy. Prior obligations should not, as a general matter, be retroactively reduced in light of obligations subsequently undertake.”⁵¹

The first family first policy has been a principle in the Guidelines since the Guidelines’ inception. In 1985, the Governor’s Commission on Child Support adopted a set of eight principles governing the development of the guidelines and a process by which guidelines should be promulgated, including:

“The guidelines should avoid creating adverse effects on other life decisions of the parents. The scope of the child support obligation should be predictable so that both parents can plan other parts of their lives accordingly. Second families, whether providing additional resources from a current spouse or creating new obligations for

⁵⁰ Adrienne Jennings Lockie, [Multiple Families, Multiple Goals, Multiple Failures](#), Harvard Journal of Law and Gender, Vol. 32, p. 109, Winter 2009, p. 46.

⁵¹ Id. at 47 quoting PRINCIPLES OF THE LAW OF FAMILY DISSOLUTION: ANALYSIS AND RECOMMENDATIONS § 3.14 cmt. i (2002).

new dependents, should not affect pre-existing child support obligations.⁵² (emphasis added)

Massachusetts caselaw has consistently upheld the first family first policy. When a parent cannot afford to support prior children and later children at the same standard of living, and someone has to bear the cost of that choice, the cost should be borne by the later children for the simple reason that the parent had the choice of whether to have additional children.

In Mandel v. Mandel, 74 Mass. App. Ct. 348 (2009) n. 11, the court stated:

Although “a support provider does not ‘have to deplete his total liquid or other assets in an effort to meet his support obligations,’ ” Katz v. Katz, 55 Mass.App.Ct. 472, 483 (2002), quoting from Schuler v. Schuler, 382 Mass. 366, 375 (1981), he enters into a second marriage conscious of his obligations to his former wife and children ‘so that the second marriage with its attendant obligations affords him no relief,’ Katz v. Katz, supra, quoting from O'Brien v. O'Brien, 325 Mass. 573, 578 (1950). . . .Nor has he the right “to prefer his second family over his first.” Katz v. Katz, supra at 483. His self-imposed, voluntary assumption of his stepson's expenses at Arizona State, therefore, should not factor into a determination of his available resources to pay for [his first family son's] education or the education of his other daughter with Paula.

Defending against a claim for increased child support by using a hypothetical child support order.

A payor may not affirmatively seek a modification of the support obligation on the grounds that he or she has new children from a subsequent marriage but may defend an increase by calculating a hypothetical child support order.

In cases where the payor is defending against an increase in child support, the Supreme Judicial Court endorsed the use of deducting a hypothetical support order from a parent's gross income where that parent had multiple children to support. Department of Revenue v. Mason M., 439 Mass. 665, 671-72 (2003). To calculate the hypothetical amount, “[t]he burden is on the parent who seeks to deduct a hypothetical amount to provide to the Court the information necessary for calculating the hypothetical amount, including the non-party parent's gross income.”⁵³

This is in line with Section K.3. of the Guidelines that states:

“When an initial order or a modification of an existing order is sought for a child covered by the order in the case under consideration, a hypothetical amount of child support for a child with whom the parent resides but for whom no child support order exists shall be deducted from the gross income of the parent. The parent seeking the deduction must provide sufficient proof of the legal obligation to support the child and of the gross

⁵² [Recommendations of the Governor's Commission on Child Support](#), October 1985, p. 9.

⁵³ [2023 Guidelines](#), supra note 30 at 23.

income of that child's other parent. The hypothetical child support amount shall be calculated according to the guidelines worksheet using the gross incomes of both parents of the child for whom the hypothetical child support amount is being calculated."

What is missing in the Guidelines is a method to calculate the hypothetical order. According to our members, judges are accepting hypothetical child support orders that are calculated incorrectly. For example, hypothetical amounts resulting from calculations that do not subtract the current child support order from income are being accepted. This is clearly wrong. Also, hypothetical orders calculated using a 70/30 parenting assumption are being accepted. Both of these assumptions result in a higher hypothetical child support amount for subsequent children, resulting in lower total income and therefore less likelihood of an increase for the "first family" children. Standard assumptions should be included in Guidelines to ensure all parties are calculating hypothetical support numbers correctly and uniformly.

Recommendation:

1. Adopt the following standard assumptions to use in calculating a hypothetical child support order:
 - The current child support order must be subtracted from the gross income of the payor to calculate the hypothetical child support order.
 - The parties should check box 1: "The parents share financial responsibility and parenting time approximately equally (shared)."
 - The non-party parent's gross income should be validated by legal documents, including tax statements, W-2s, etc.

CONCLUSION

In conclusion, we return to the original principles of the 1985 child support commission and specifically to William R. Ryan's comment:

"Although we will never be able to protect families from the emotional trauma of divorce and separation, the guidelines contain a strong statement that this Commonwealth intends to protect from impoverishment and to nurture its most important resource, its children. Children are our future and these guidelines are a significant public policy investment in that future"⁵⁴

Using this principle as our guideline, we recommend the Task Force implement the following changes and additions to the current child support guidelines:

- 1. Eliminate the 25% reduction in child support at age 18 and the college "cap"**
- 2. Provide information regarding Department of Revenue Child Support Services**
- 3. Expand parenting plan schedules to include substantially 100% custody**
- 4. Attach a mandatory financial disclosure checklist to the Guidelines Worksheet**
- 5. Collect more deviation data and include a deviations section in the Guidelines Worksheet**
- 6. Allocate children's medical insurance cost between parties**
- 7. Expand Section II.A. "Relationship to Alimony or Separate Maintenance Payments" to include the mandated Cavanagh analysis**
- 8. Add a section informing unmarried custodial parents that they are entitled to retroactive child support under Massachusetts law**
- 9. Update Sources of Income section per Cavanagh**
- 10. Include mandatory uniform assumptions for "hypothetical child support" calculations in Section II.K.**

These changes will help remove the most critical barriers to justice concerning the current Massachusetts Child Support Guidelines that harm Massachusetts families, especially children.

⁵⁴ Howe, Ruth-Arlene W., [Who Speaketh for the Child?](#), New England Law Review, 10-1-1988, p. 435.

APPENDIX 1: College Expenses and Potential Questions to Consider

Expenses

- Transportation (automobile maintenance or payments, gasoline, parking, or alternate travel expenses)
- Transportation to/from school during breaks and weekends
- Moving expenses to/from school
- Furniture (such as lamps, shelves, TVs, couches, and small appliances)
- Dormitory or apartment setup costs
- Clothing
- Linens and bedding
- Luggage
- Haircuts
- Telephone
- Supplies (like paper, pens, markers or calculators)
- Sundries (such as cleaning supplies, laundry detergent)
- Toiletries (soap, shampoo and other personal hygiene necessities)
- Insurance (automobile, health and personal property)
- Entertainment for college events and organizations
- Spending money
- Housing and cleaning supplies (e.g., linens; furniture; appliances; detergents)
- Numerous school fees not included in tuition
- Athletic team equipment/fraternity or sorority fees
- Extra food/dining out in addition to the meal plan or traditional room/board
 - Gym memberships/ School Recreation Center
 - Extracurricular sports/other costs
 - Fraternity/sorority dues
 - Other Miscellaneous Living Expenses

Questions

Is the child:

- In school/college/university?
 - Where is the school located
 - How will the child travel to and from school
 - How will the child travel while at school
 - Will the child have a car?
 - Will the child have to uber or use other means of transportation?
 - How will groceries/dining in addition to the meal plan be budgeted and split between the parents?
- Living at home while in school?

- Working? If so, what is the total after-tax income that could potentially be used for expenses?
- In social/academic/sports clubs at school?
- Taking a gap year?
- Home for depression/mental illness reasons?
- Currently residing substantially with one parent when not at school?

APPENDIX 2: Cavanagh MCLE/Social Law/MLRI Training

1. **How to Handle the Interplay Between Alimony and Child Support**
from 25th Annual Family Law Conference 2022
Recorded 05/06/2022 (MCLE)
2. **Game-Changing Impact of Cavanagh on Determining Child Support & Alimony**
Making sense of an upended landscape
Recorded 10/14/22 (MCLE)
3. **Cavanagh and Alimony**
From Negotiating, Substantiating & Codifying Alimony Agreements
Alimony guidance with guidelines
Recorded 11/15/22 (MCLE)
4. **CAVANAGH V. CAVANAGH - A REVIEW SIX MONTHS LATER**
Tuesday, February 7, 2023 (Social Law)
5. **"You Can Do It Too! The Three Steps of Cavanagh: Alimony and Equitable Support Orders for Moderate and Low-Income Families"**
Recorded 4/6/23 (Family Law Task Force and the Civil Legal Aid for Victims of Crime (CLAVC) initiative)
6. **Beyond Cavanagh: The Interplay Between Alimony and Child Support**
from 26th Annual Family Law Conference 2023
Recorded 5/19/23 (MCLE)
7. **Intersection of Child Support & Alimony in a Post-Cavanagh World**
How the world of support has changed one year in
Recorded 11/7/2023 (MCLE)
8. **Cavanagh--A Year (Plus) Later**
From Domestic Relations Financial Summit 2024
Recorded 2/15/24 (MCLE)
9. **EMERGING TRENDS AND INSIGHTS: CAVANAGH V. CAVANAGH 18 MONTHS LATER**
Tuesday, May 21, 2024 (Social Law)
10. **Navigating the Nuances of Alimony & Child Support Interplay Post-Cavanagh**
The changing world of support
Tuesday, 10/1/24 (MCLE)

APPENDIX 3: Child Support Guidelines Language

Arizona

“The fact that a parent receives child support does not mean that he or she may not also be entitled to spousal maintenance. If the court is establishing both child support and spousal maintenance, the court must first determine the appropriate amount of spousal maintenance and then adjust the Child Support Income as provided in Section II.B.2.a below. The spousal maintenance adjustment applies for the duration of the spousal maintenance award. When spousal maintenance ends, it may be necessary to modify the child support obligation.”

Arkansas

“If a parent paying spousal support also pays child support to the same person, then the amount of alimony a former payee spouse may be receiving shall be reduced from the payor’s gross income and added to the payee’s gross income for purposes of determining income under the child-support calculation.” (Order 10 Gross Income Definitions 3. Exclusions #5 Spousal Support)

California

Spousal maintenance/alimony paid is a deduction from child support income. Spousal maintenance/alimony received is an addition to child support income. (Guidelines II.B.2.a.)

Colorado

The amount of alimony or maintenance actually received should be multiplied by 1.25 (if it is not taxable to the receiving parent) (Line 1a) and added as a source of income for the receiving parent, and any amount actually paid should be multiplied by 1.25 (if it is not tax deductible to the paying parent)(Line 1b) and should be deducted from the gross income of the paying parent. If maintenance is taxable (common in orders entered prior January 1, 2019) then use the unadjusted amount of maintenance.

Washington DC

Alimony paid by either parent to the other parent subject to the support order shall be deducted from the gross income of the parent paying the alimony before the child support obligation is computed. Alimony received from any person, including alimony received from the other parent subject to the support order, shall be added to the gross income of the parent receiving the alimony before the child support obligation is computed. Deductions and additions for alimony shall be made regardless of whether the alimony is court ordered or paid pursuant to an agreement.

Florida

Gross income shall include, but is not limited to, the following items:

9. Spousal support received from a previous marriage or court ordered in the marriage before the court.

Allowable deductions from gross income shall include:

(g) Spousal support paid pursuant to a court order from a previous marriage or the marriage before the court.

Hawaii

p. 12

Alimony/Spousal Support. If a parent pays the other parent non-taxable alimony/spousal support, the paying parent should enter the amount as a (1) negative number on Line 1b. (A) or Line 1b. (B) so that it is deducted from any stated "Monthly Gross Income," or (2) deduct the non-taxable alimony/spousal support from any non-taxable income or net self-employed income before stating the total amount on Line 1b. (A) or Line 1b. (B). The parent who receives non-taxable alimony/spousal support from the other parent should enter the amount as a positive number on Line 1b. (A) or Line 1b. (B) if s/he receives taxable income.¹⁶

Idaho

Gross income defined.

i. Gross income includes income from any source, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, pensions, interest, trust income, annuities, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, alimony, maintenance...

Adjustments to gross income. Alimony, maintenance, and other child support obligations.

Spousal maintenance in current case. A deduction shall be allowed from gross income for any spousal maintenance being ordered in the current case.

Illinois

Spousal Maintenance adjustment.

"Gross income" includes maintenance treated as taxable income for federal income tax purposes to the payee and received pursuant to a court order in the pending proceedings or any other proceedings and shall be included in the payee's gross income for purposes of calculating the parent's child support obligation. Obligations pursuant to a court order for spousal maintenance in the pending proceeding actually paid or payable to the same party to whom child support is to be payable or actually paid to a former spouse pursuant to a court order shall be deducted from the parent's after-tax income, unless the maintenance obligation is tax deductible to the payor for federal income tax purposes, in which case it shall be deducted from the payor's gross income for purposes of calculating the parent's child support obligation.

Indiana

Definition of Weekly Gross Income (Line 1 of Worksheet). For purposes of these Guidelines, "weekly gross income" is defined as actual weekly gross income of the parent if employed to

full capacity, potential income if unemployed or underemployed, and the value of "in-kind" benefits received by the parent. Weekly gross income of each parent includes income from any source, except as excluded below, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, overtime, partnership distributions, dividends, severance pay, pensions, interest, trust income, annuities, structured settlements, capital gains, social security benefits, worker's compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, inheritance, prizes, and alimony or maintenance received.

4. Alimony or Maintenance (Line 1D of Worksheet). The amount(s) of alimony ordered in decrees from foreign jurisdictions or maintenance should be deducted from Weekly Gross Income.

Iowa

If spousal support is to be paid in the pending matter, whether temporary or permanent, it will be determined first and added to the payee's income and deducted from the payor's income before child support is calculated.

Kansas

Child support income is the domestic gross income after adjustments for:

1. Child support paid in other cases;
2. Spousal maintenance paid in the present case or other cases; and
3. Spousal maintenance received in the present case or other cases.

Kentucky

"Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received.

"Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:

1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;

Maryland

- (i) If one or both parents have made a request for alimony or maintenance in the proceeding in which a child support award is sought, the court shall decide the issue and amount of alimony or maintenance before determining the child support obligation under these guidelines.
- (ii) If the court awards alimony or maintenance, the amount of alimony or maintenance awarded shall be considered actual income for the recipient of the alimony or maintenance and shall be subtracted from the income of the payor of the alimony or maintenance under § 12-201(c)(2) of this subtitle before the court determines the amount of a child support award.

Massachusetts

“On June 10, 2021, the Appeals Court issued a decision that addressed whether certain alimony amounts should be included as income by the recipient and deducted by the payor when calculating child support. The Appeals Court noted that where one spouse is the sole payor of both alimony and child support, and alimony is calculated first, it is usually necessary to “us[e] the parties’ adjusted, post alimony incomes when calculating child support to avoid running afoul of G. L. c. 208, § 53 (c) (2)” *Calvin C. v. Amelia A.*, 99 Mass. App. Ct. 714, 721 (2021). This approach would not be utilized where the parties are “subject to reciprocal orders, i.e., each party is both a payor and a recipient of support” or where alimony is not calculated first. *Id.* Reference to this income is included in Section I. A. 30.”(any other form of income or compensation not specifically itemized above, including, but not limited to, alimony consistent with *Calvin C. v. Amelia A.*, 99 Mass. App. Ct. 714 (2021) (p.8)

By SJC Precedent in *Cavanagh v Cavanagh*:

Thus, pursuant to the act, in cases where child support is contemplated, before a judge properly may exercise her discretion to decide whether and in what format and amount to award alimony, the judge must do the following:

- (1) Calculate alimony first, in light of the statutory factors enumerated in § 53 (a) and the principle that, with the exception of reimbursement alimony, the amount of alimony should be determined with reference to the recipient spouse's need for support to allow the spouse to maintain the lifestyle enjoyed prior to the termination of the parties' marriage. *Young*, 478 Mass. at 6.8 Then calculate child support using the parties' post alimony incomes.
- (2) Calculate child support first. Then calculate alimony, considering, to the extent possible, the statutory factors enumerated in § 53 (a). We acknowledge that in the overwhelming majority of cases, the calculation of child support first will preclude any alimony being calculated in this step.
- (3) Compare the base award and tax consequences of the order that would result from the calculations in step (1) with those of the order that would result from the calculations in step (2), above. The judge should then determine which order would be the most equitable for the family before the court, considering the mandatory statutory factors set forth in G. L. c. 208, § 53 (a), and the public policy that children be supported as completely as possible by their parents' resources, G. L. c. 208, § 28, and determine which order to issue accordingly. Where the judge chooses to issue an order pursuant to the calculations in step (2) or otherwise that does not include any award of alimony, the judge must articulate why such an order is warranted in light of the statutory factors set forth in § 53 (a). 9 *Zaleski*, 469 Mass. at 236, citing *Rice*, 372 Mass. at 401. (p. 20-22)

Minnesota

Subject to the exclusions and deductions in this section, gross income includes any form of periodic payment to an individual, including, but not limited to, salaries, wages, commissions, self-employment income under section 518A.30, workers' compensation, unemployment benefits, annuity payments, military and naval retirement, pension and disability payments, spousal maintenance received under a previous order or the current proceeding,

(g) Spousal maintenance payments ordered by a court for a former spouse or ordered payable to the other party as part of the current proceeding are deducted from other periodic payments received by a party for purposes of determining gross income.

Missouri

"If the court is establishing both child support and maintenance, the court shall first determine the appropriate amount of maintenance. This amount shall be included as an addition to the gross income (line 1a) of the parent receiving the maintenance and as a reduction in the gross income (line 2b) of the parent paying the maintenance."

Montana

Actual income includes:

Economic benefit from whatever source derived, except as excluded in (3) of this rule, and includes but is not limited to income from salaries, wages, tips, commissions, bonuses, earnings, profits, dividends, severance pay, pensions, periodic distributions from retirement plans, draws or advances against wages or salary, interest, trust income, annuities, royalties, alimony or spousal maintenance, social security benefits, veteran's benefits, workers' compensation benefits...

Allowable deductions from income include those required by law, those required as a condition of employment, and those necessary for the production of income. Allowable deductions may include: the amount of alimony or spousal maintenance which a parent is required to pay under a court or administrative order.

New Hampshire

"Gross income" means all income from any source, whether earned or unearned, including, but not limited to, wages, salary, commissions, tips, annuities, social security benefits, trust income, lottery or gambling winnings, interest, dividends, investment income, net rental income, self-employment income, alimony, business profits, pension, bonuses and payments from other government programs (excluding public assistance programs such as Temporary Assistance for Needy Families (TANF), Aid to the Permanently and Totally Disabled (APTD), Supplemental Security Income (SSI), Old Age Assistance (OAA), Aid to the Needy Blind (ANB), Food Stamps and general assistance from a county or town); including, but not limited to, worker's compensation, veterans' benefits, unemployment benefits, and disability benefits, provided, however, that no income earned at an hourly rate for hours worked, on an occasional or seasonal basis, in excess of 40 hours in any week shall be considered as income for the purpose of determining gross income, and provided further that such hourly rate income is earned for actual overtime labor performed by an employee who earns wages at an hourly rate in a trade or industry which traditionally or commonly pays overtime wages, thus excluding professionals, business owners, business partners, self-employed individuals and others who may exercise sufficient control over their income so as to re-characterize payment to themselves to include overtime wages in addition to salary.

"Adjusted gross income" means gross income, less:

Court-ordered or administratively ordered support actually paid to others, for adults or children.

New Jersey

Simultaneously (for the same family), the court shall determine the amount of alimony, maintenance, or spousal support before applying the child support guidelines, except when the court establishes pendente lite support. When applying the guidelines, the amount of alimony, maintenance or spousal support shall be deducted from the paying parent's income (after adjusting for tax benefits, if any) and added to the recipient's income to determine each parent's gross income. This transfer method reflects the availability of income to each parent for the purpose of paying child support.

New Mexico

2) "gross income" includes income from any source and includes but is not limited to income from salaries, wages, tips, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, significant in-kind benefits that reduce personal living expenses, prizes and alimony or maintenance received.

"gross income" shall not include the amount of alimony payments actually paid in compliance with a court order;

New York

Child Support Worksheet (Form UD-8(3)Rev. 3/1/24)

Maintenance Worksheet (Form UD-8(2) Rev. 3/1/24)

Maintenance is calculated first (form UD-8(2)); then adjusted income including maintenance is used to calculate child support (form UD-8(3))

North Dakota

For purposes of computing child support, gross income includes spousal support payments received by the obligor. *Mahoney v. Mahoney*, 1997 ND 149, 567 N.W.2d 206; *Corbett v. Corbett*, 2001 ND 113, 628 N.W.2d 312; *Heinz v. Heinz*, 2001 ND 147, 632 N.W.2d 443.

The trial court ultimately did award Eleanor spousal support, and under N.D. Admin. Code § 75-02-04.1-01(5)(b), "gross income," for purposes of computing child support, includes "spousal support payments received." See Corbett, 2001 ND 113, ¶ 32 n.4, [628 N.W.2d 312](#); Mahoney v. Mahoney, 1997 ND 149, ¶ 34, [567 N.W.2d 206](#). The most recent information available should be used to compute child support. See Shaver v. Kopp, 545 N.W.2d 170, 176 (N.D. 1996). Eleanor's spousal support payments must be included in computing her monthly net income for child support purposes (Heinz v. Heinz, 2001 ND 147, 632 N.W.2d 443)

If a noncustodial parent is entitled to spousal support, the child support guidelines necessarily contemplate that trial courts decide the spousal support issue before deciding the spousal support recipient's child support obligation.

Ohio

"Gross income" means, except as excluded in division (C)(12) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the

income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D) of section 3119.05 of the Revised Code; commissions; royalties; tips; rents; dividends; severance pay; pensions; interest; trust income; annuities; social security benefits, including retirement, disability, and survivor benefits that are not means-tested; workers' compensation benefits; unemployment insurance benefits; disability insurance benefits; benefits that are not means-tested and that are received by and in the possession of the veteran who is the beneficiary for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration; spousal support actually received; and all other sources of income. "

Adjustments to Income

Adjustments in this section include:

- Other minor child(ren) not on this order, including any minor biological or adopted children that a parent has a legal duty of support for, even if the child does not reside in the home
- Total, actual out-of-pocket cost paid, or expected to be paid for health insurance premiums for the person or persons who will be ordered to provide coverage
- Annual court ordered spousal support paid

Pennsylvania

Rule 1910.16-2. Support Guidelines. Calculation of Monthly Net Income.

"Since the reasons for ordering payment of alimony vary, the appropriateness of including it in the recipient's gross income must also vary. For example, if obligor is paying \$1,000 per month in rehabilitative alimony for the express purpose of financing obligee's college education, it would be inappropriate to consider that alimony as income from which the obligee could provide child support. However, if alimony is intended to finance obligee's general living expenses, inclusion of the alimony as income is appropriate. (p. 6)

(c) Monthly Net Income.

(1) Unless otherwise provided in this Rule, the court shall deduct only the following items from monthly gross income to arrive at net income:

- (A) federal, state, and local income taxes;
- (B) F.I.C.A. payments and non-voluntary retirement payments; (C) union dues; and
- (D) alimony paid to the other party. (p. 7)

South Carolina

Gross income includes income from any source including salaries, wages, commissions, royalties, bonuses, rents (less allowable business expenses), dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits (but not Supplemental Social Security Income), workers' compensation benefits, unemployment insurance benefits, Veterans' benefits and alimony, including alimony received as a result of another marriage and alimony which a party receives as a result of the current litigation.

Any award of alimony between the parties should be taken into consideration by the court when utilizing these guidelines as a deduction from the payer spouse's gross income, and as gross income received by the recipient spouse. Because of their unique nature, lump sum,

rehabilitative reimbursement, or any other alimony the court may award, may be considered by the court as a possible reason for deviation from these guidelines. The purpose of this adjustment is not to give priority to alimony or child support payments, but to recognize that each parent's proportional share of total combined monthly income changes with the introduction of any alimony award between the parties, and to provide for a sharing of the Total Combined Monthly Child Support Obligation based upon each parent's actual percentage share of the total combined monthly income, taking into consideration the financial impact of any alimony award between them, rather than the parent's share of the total combined monthly income as it existed before any alimony award. Accordingly, the court, in its discretion, may consider any modification or termination of any alimony award between the parties of a child support award made under these guidelines. This adjustment does not affect the Total Combined Monthly Child Support Obligation of both parents as determined under these guidelines, which may be determined before any determination on the issue of alimony, as the total combined monthly income of both parties will remain the same irrespective of any income shifting between the parents as the result of an alimony award. (page 5)

Vermont

Monthly Gross Income: This includes income from any source, including but not limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay pensions, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, and spousal support actually received. (Spousal support includes alimony and spousal maintenance.).

In addition to the tax adjustments to gross income, the law includes certain other adjustments. These are for self-employment, spousal support, existing child support actually paid, health insurance premiums for the children, additional dependents from a subsequent family, and if the child is in the custody of the Department of Social and Rehabilitation Services, additional housing and out of pocket expenses.

Virginia

For purposes of this subsection: (i) spousal support received shall be included in gross income and spousal support paid shall be deducted from gross income when paid pursuant to an order or written agreement.

Washington


If one parent is paying the other parent spousal support (alimony), subtract the amount of spousal support from the payor parent's income. Add the amount of the spousal support to the receiving parent's income. (p.7)

APPENDIX 4: Cavanagh Analysis

1. [Game-Changing Impact of Cavanagh on Determining Child Support & Alimony](#)
Marc Bello, October 14, 2022

The Additional Step for Consideration
Analyze Alimony a second time 1st (Need / Ability)

Conduct an expense analysis of both parties, evaluate need and ability to pay.
Re-Calculate Alimony 1st



	Step 2			Alimony First			Step 1		
	Child Support First	Alimony/Second		Alimony First	Child Support Second		Alimony First	Child Support Second	
	Payer	Recipient		Payer	Recipient		Payer	Recipient	
Gross Income	350,000	-		350,000	-		350,000	-	
Support									
Child Support	(70,913)	70,913	20%	(80,276)	60,276	17%	(42,548)	42,548	12%
Alimony	-	-		(33,195)	33,195		(90,595)	90,595	26%
Total Support	(70,913)	70,913	20%	(93,471)	93,471	27%	(133,143)	133,143	38%
Total Taxes	(124,759)	-		(123,099)	(1,660)		(120,229)	(4,530)	
Net Available after Support and Taxes	154,328	70,913		133,430	91,811		96,628	128,613	
	69%	31%		59%	41%		43%	57%	

Final Thoughts

- Reshuffle the order
 - 1st: Calculate Child Support then Alimony @2nd
 - 2nd: Calculate Alimony 1st then Child Support 2nd

Reasoning:

When alimony and child support are contemplated, child support first will act as a floor for overall total support.

- Tax Analysis should be incorporated into Steps 1 and 2 as both alimony and child support have tax consequences
- Need and ability to pay analysis are highly recommended.

2. [Navigating the Nuances of Alimony and Child Support](#)

David M. Friedman, Esq., Peter J. Jamieson, Esq., Robert R. Stankus, CPA, CFE, CVA,
 Hon. Nan M. Sauer, Associate Justice, Essex County Probate and Family Court
 Hon. Jennifer Allen, Associate Justice, Norfolk County Probate and Family Court
 October 1, 2024

DIY Tax Analyses – Massachusetts & FICA/SSI

<i>Simple Tax "DIY Sheet" for Tax Effecting</i>		
		<i>Rate of Tax</i>
Massachusetts	<i>before exemptions/exclusions</i>	5.00%
Fica/Social Security for 2024		
Social security	<i>Rate applies to wages up to \$168,600</i>	6.20%
Medicare	<i>Rate applies to wages no limit</i>	1.45%

DIY Tax Analyses – Federal Form 1040 Brackets

Federal - Form 1040 brackets				
Single Filer Status	Bracket	Rate	Tax Amt.	
	14,600	Standard Deduction - First \$14,600 no tax		
				Cummulative amount
Next \$'s up to	11,600	10.0%	1,160	1,160
then up to \$	47,150	12.0%	4,266	5,426
	100,525	22.0%	11,743	17,169
	191,950	24.0%	21,942	39,111
	243,725	32.0%	16,568	55,679
	609,350	35.0%	127,969	183,647
	above	37.0%		

DIY Tax Analyses – Federal Form 1040 Brackets

Head of Household	Bracket	Rate	Tax Amt.	
	21,900	Standard Deduction - First \$21,900 no tax		
				<u>Cummulative amount</u>
Next \$'s up to	16,550	10.0%	1,655	1,655
then up to \$	63,100	12.0%	5,586	7,241
	100,500	22.0%	8,228	15,469
	191,950	24.0%	21,948	37,417
	243,700	32.0%	16,560	53,977
	609,350	35.0%	127,978	181,955
	above	37.0%		

DIY Tax Affecting

PAYOR:

1. Gross Income
2. LESS Alimony Paid
3. LESS Tax Total
4. DIVIDED by (1-Effective Tax Rate)

RECIPIENT

1. Gross Income
2. PLUS Alimony Received
3. LESS Tax Total
4. DIVIDED by (1 MINUS Effective Tax Rate act and the case)

APPENDIX 5: Colorado Shared Child Support Worksheet

Colorado

_____ County District/Juvenile Court Court Address: _____	▲ Court Use Only ▲
Petitioner: _____ and Co-Petitioner/ Respondent: _____	
Attorney or Party Without Attorney (My name and address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____
Worksheet B – Child Support Obligation: Shared Physical Care	

Children	Date of Birth	Children	Date of Birth
		Mother	Father
		Combined	
1. Monthly Gross Income		\$	\$
a. Plus maintenance (spousal/partner support) received (See Spousal Maintenance Calculation on page 2)		+	+
Minus maintenance paid (See Spousal Maintenance Calculation on page 2)		-	-
b. Minus ordered child support payments for other children pursuant to §14-10-115(6)(a), C.R.S.		-	-
c. Minus legal responsibility for children not of this marriage/civil union/relationship pursuant to §14-10-115(6)(a)(II) and (III), C.R.S.		-	-
d. Minus ordered post-secondary education contributions*		-	-
2. Monthly Adjusted Gross Income		\$	\$
3. Percentage Share of Income (Each parent's income from line 2 divided by combined income)		%	%
4. Basic Combined Obligation (Apply line 2 combined column to Child Support Schedule)			\$
5. Shared Physical Care Support Obligation (Line 4 times 1.5)			\$
6. Each Parent's Portion of Shared Physical Care Support Obligation (Line 3 times line 5 for each parent)		\$	\$
7. Overnights with Each Parent (Must total 365)			= 365
STOP HERE IF LINE 7 IS LESS THAN 93 FOR EITHER PARENT. IF SO, USE WORKSHEET A			

8. Percentage Time with Each Parent (Line 7 + 365)		%	%	
9. Support Obligation for Time with Other Parent (Line 6 times other parent's line 8)	\$		\$	
10. Adjustments (Expenses paid directly by each parent)	\$		\$	
a. Work-related Child Care Costs - Actual costs minus Federal Tax Credit pursuant to §14-10-115(9), C.R.S.	\$		\$	
b. Education-related Child Care Costs pursuant to §14-10-115(9), C.R.S.	\$		\$	
c. Health Insurance premium costs - Children's portion only pursuant to §14-10-115(10), C.R.S. (See page 3 for calculation worksheet)	\$		\$	
d. Extraordinary Medical Expenses - Uninsured only pursuant to §14-10-115(10), C.R.S.	\$		\$	
e. Extraordinary Expenses - Agreed to by parents or by order of the court pursuant to §14-10-115(11)(a), C.R.S.	\$		\$	
f. Minus Extraordinary Adjustments pursuant to §14-10-115(11)(b), C.R.S.	\$		\$	
11. Total Adjustments (For each column, add 10a, 10b, 10c, 10d and 10e. Subtract line 10f. Add two totals for combined column amount)	\$		\$	\$
12. Each Parent's Share of Adjustments (Line 11 combined column times line 3 for each parent)	\$		\$	
13. Adjustments Paid in Excess of Fair Share (Line 11 minus line 12. If negative number, enter zero)	\$		\$	
14. Each Parent's Adjusted Support Obligation (Line 9 minus line 13)	\$		\$	
15. Recommended Child Support Order** (Subtract lesser amount from greater amount in line 14 and enter result under greater amount)	\$		\$	
Comments:				
*This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to §14-10-115(15)(c), C.R.S.				
**If either the paying parent's monthly adjusted gross income or the combined monthly adjusted gross income is less than \$1,500.00, see §14-10-115(7)(a)(ii)(B) and (C), C.R.S.				
Prepared by:				Date:
Signature: _____ Print Name: _____				

The amount of child support ordered for shared physical care should not be more than an order for sole physical care. Complete a Worksheet A for comparison.

Spousal Maintenance Calculation

1. Maintenance received and paid by same parties as child support order
 - a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a and the actual amount paid in Line 1b.
 - b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, complete Line 1, 1c, 1d, 1e and 2 to determine combined monthly adjusted gross income. If the combined adjusted monthly gross income is \$10,000 or less, multiply the maintenance amount by 1.25 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted). If the combined adjusted monthly gross income is more than \$10,000, multiply the maintenance amount by 1.33 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted).
2. Maintenance is received or paid by either party to or from another individual:
 - a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a or the actual amount paid in Line 1b.
 - b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, put the actual amount received multiplied by 1.25 in Line 1a or actual amount paid multiplied by 1.25 in Line 1b.

Health Insurance Premium Calculation

If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 10c on page 1 of this form.

$$\begin{array}{ccccccc} \$ & & + & & = & \$ & \times & & = & \\ \text{Total} & & & \text{Number of} & & \text{Per Person Cost} & & \text{Number of} & & \text{Children's Portion of} \\ \text{Premium} & & & \text{Persons Covered} & & & & \text{Children Who} & & \text{Cost of Health} \\ & & & \text{by the Policy} & & & & \text{Are the Subject} & & \text{Insurance Premium} \\ & & & & & & & \text{of this Order} & & \text{(Enter on line 10c)} \end{array}$$

APPENDIX 6: Colorado Sole Child Support Worksheet

Colorado

_____ County District/Juvenile Court Court Address: _____	
Petitioner: _____ and Co-Petitioner/ Respondent: _____	▲ Court Use Only ▲
Attorney or Party Without Attorney (My name and address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	Case Number: _____ Division: _____ Courtroom: _____

Worksheet A – Child Support Obligation: Sole Physical Care

Children	Date of Birth	Children	Date of Birth
Check box of parent with 273 or more overnights per year*	<input type="checkbox"/> Mother	<input type="checkbox"/> Father	Combined
1. Monthly Gross Income	\$	\$	
a. Plus maintenance (spousal/partner support) received (see page 2 for calculation worksheet)	+	+	
b. Minus maintenance paid (see page 2 for calculation worksheet)	-	-	
c. Minus ordered child support payments for other children pursuant to §14-10-115(6)(a), C.R.S.	-	-	
d. Minus legal responsibility for children not of this marriage/civil union/relationship pursuant to §14-10-115(6)(a)(II) and (III), C.R.S.	-	-	
e. Minus ordered post-secondary education contributions**	-	-	
2. Monthly Adjusted Gross Income (If either the paying parent's income or Combined Income is \$1,500 or less, see Low-income Worksheet on page 2)	\$	\$	\$
3. Percentage Share of Income (Each parent's income from line 2 divided by Combined Income)	%	%	
4. a. Basic Combined Obligation (Apply line 2 Combined column to Child Support Schedule)			\$
b. Each parent's share of basic support obligation (Each parent's percentage from line 3 times combined obligation in 4a)	\$	\$	
5. Low-Income Adjustment (If paying parent's income or combined income in line 2 is less than \$1500.00, see Low-income Worksheet on page 2)	\$	\$	
6. Adjustments (Expenses paid directly by each parent)			
a. Work-related Child Care Costs - Actual costs minus Federal Tax Credit pursuant to §14-10-115(9), C.R.S.	\$	\$	

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R: July 1, 2023
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b. Education-related Child Care Costs pursuant to §14-10-115(9), C.R.S.	\$	\$	
c. Health Insurance premium costs – Children’s portion only pursuant to §14-10-115(10), C.R.S. (See page 3 for calculation worksheet)	\$	\$	
d. Extraordinary Medical Expenses - Uninsured only pursuant to §14-10-115(10), C.R.S.	\$	\$	
e. Extraordinary Expenses - Agreed to by parents or by order of the Court pursuant to §14-10-115(11)(a), C.R.S.	\$	\$	
f. Minus Extraordinary Adjustments pursuant to §14-10-115(11)(b), C.R.S.	\$	\$	
7. Total Adjustments (For each column, add 6a, 6b, 6c, 6d and 6e. Subtract line 6f for total. Then add two totals for Combined column amount)	\$	\$	\$
8. Each Parent’s Fair Share of Adjustments (Line 7 Combined column times line 3 for each parent)	\$	\$	
9. Each Parent’s Share of Total Child Support Obligation (Add lines 4b (or line 5 if less) and line 8 for each parent)	\$	\$	
10. Paying Parent’s Adjustment (Enter line 7 for parent with less parenting time only)	\$	\$	
11. Recommended Child Support Order (Subtract line 10 from line 9 for the paying parent only. Leave receiving parent column blank)	\$	\$	
Comments:			
*The children reside with one parent for 273 or more overnights per year. If this is not the case, use Worksheet B.			
**This adjustment applies only to modification of child support orders entered between 7/1/91 and 7/1/97 that provide for post-secondary education expenses pursuant to § 14-10-115(15)(c), C.R.S.			
Prepared by:			Date:
Signature: _____ Print Name: _____			

Spousal Maintenance Calculation

1. Maintenance received and paid by same parties as child support order
 - a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a and the actual amount paid in Line 1b.
 - b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, complete Line 1, 1c, 1d, 1e and 2 to determine combined monthly adjusted gross income. If the combined adjusted monthly gross income is \$10,000 or less, multiply the maintenance amount by 1.25 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted). If the combined adjusted monthly gross income is more than \$10,000, multiply the maintenance amount by 1.33 and then complete Line 1a and 1b and recalculate Line 2 for each party (the combined box in Line 2 will not be impacted).
2. Maintenance is received or paid by either party to or from another individual:
 - a. If the maintenance is tax deductible to the recipient and taxable to the payor, put the actual amount received in Line 1a or the actual amount paid in Line 1b.
 - b. If the maintenance is non-tax-deductible to the recipient and non-taxable to the payor, put the actual amount received multiplied by 1.25 in Line 1a or actual amount paid multiplied by 1.25 in Line 1b.

Low-Income Adjustment Worksheet

If the paying parent's monthly adjusted gross income is equal to or less than \$650 dollars, the recommended child support order is \$10 per month, regardless of the number of children. **Enter \$10 on lines 5 and 11 in that parent's column and skip lines 6 through 10.**

If the paying parent's monthly adjusted gross income is more than \$650 and less than or equal to \$1500.00, use this calculation worksheet to determine the adjustment allowed for the paying parent.

Low-income Adjustment Calculation

a. Based on the number of joint children input one of the following amounts on **Line 5**

1 child = \$50.00 2 children = \$70.00 3 children = \$90.00
 4 children = \$110.00 5 children = \$130.00 6 or more children = \$150.00

b. Complete Lines 6 through 9

c. Multiply the paying parent's monthly adjusted gross income (Line 2 in the paying parent's column) by 0.2.

$$\frac{\text{Paying parent's monthly adjusted gross income from Line 2}}{\hspace{10em}} \times 0.2 = \underline{\hspace{2em}}$$

If this calculated amount is less than the amount in the paying parent's column on Line 9, replace the amount in Line 9 with the amount you calculated and then complete lines 10 and 11. If this calculated amount is more than the amount in the paying parent's column on Line 9, leave the original amount in Line 9 and complete Lines 10 and 11.

Health Insurance Premium Calculation

If the actual amount of the health insurance premium that is attributable to the child(ren) who are the subject of this order is not available or cannot be verified, the total cost of the premium should be divided by the number of persons covered by the policy to determine a per person cost. This amount is then multiplied by the number of children who are the subject of this order and are covered by the policy. This amount is then entered on line 6c on page 1 of this form.

$$\frac{\$ \text{Total Premium}}{\text{Number of Persons Covered by Policy}} = \$ \text{Per Person Cost} \times \frac{\text{Number of Children Who Are the Subject of this Order}}{\hspace{2em}} = \text{Children's Portion of Cost of Health Insurance Premium (Enter on line 6c)}$$

APPENDIX 7: Connecticut Child Support Worksheet

CCSG-1 Rev. 7-15
C.G.S. §46b-215a
§46b-215a-6, Regulations of
Connecticut State Agencies

STATE OF CONNECTICUT
COMMISSION FOR CHILD SUPPORT GUIDELINES
WORKSHEET for the Connecticut Child Support and Arrearage Guidelines



PARENT A	PARENT B	CUSTODIAN <input type="checkbox"/> PARENT A <input type="checkbox"/> PARENT B <input type="checkbox"/> OTHER:	
COURT	D.N./CASE NO.		NUMBER OF CHILDREN

CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH	CHILD'S NAME	DATE OF BIRTH

All money amounts in this worksheet may be rounded to the nearest dollar

I. NET WEEKLY INCOME		PARENT A	PARENT B
1.	Gross income (attach verification)	\$	\$
1a.	Number of hours used in calculation: Parent A: _____ Parent B: _____		
2.	Federal income tax (based on all allowable exemptions, deductions and credits)	\$	\$
3.	Social Security tax or mandatory retirement	\$	\$
4.	Medicare tax	\$	\$
5.	State and local income tax (based on all allowable exemptions, deductions and credits)	\$	\$
6.	Medical/hospital/dental insurance premiums (including HUSKY) for parent and all legal dependents	\$	\$
7.	Court-ordered life insurance for benefit of child	\$	\$
8.	Court-ordered disability insurance	\$	\$
9.	Mandatory union dues or fees (only if deducted by employer)	\$	\$
10.	Mandatory uniforms and tools (only if deducted by employer)	\$	\$
11.	Non-arrearage payments on court ordered alimony and child support (for other than parent/child(ren) of this order)	\$	\$
12.	Amount reserved to support qualified child(ren) (line 12f x line 12a)	\$	\$
Qualified Child Deduction Section:		PARENT A	PARENT B
12a.	Number of qualified children		
12b.	Total number of children for qualified child calculation: Number of children on this order + line 12a =		
12c.	Add lines 2 through 11	\$	\$
12d.	Line 1 – line 12c =	\$	\$
12e.	Enter amount from the schedule based on the parent's line 12d income and the total number of children (line 12b)	\$	\$
12f.	Line 12e ÷ line 12b =	\$	\$
13.	Add lines 2 through 12 and enter amount here	\$	\$
14.	Net weekly income (line 1 – line 13 =)	\$	\$
II. CURRENT SUPPORT			
15.	Combined net weekly income (Add together both parents' line 14 income. Round to the nearest \$10)	\$	
16.	Basic child support obligation (from <i>Schedule of Basic Child Support Obligations</i>)	\$	
17.	Each parent's percentage share of line 15 (line 14 for each parent ÷ line 15) <i>(If noncustodial parent is a low-income obligor, skip this line and enter line 16 amount in noncustodial parent's column on line 18.)</i>		
18.	Each parent's share of the basic child support obligation (line 17 x line 16 for each parent)	\$	\$
19.	Social Security dependency benefits adjustment	\$	\$
20.	Presumptive current support amount (line 18 - line 19 =) <i>(Rounded to the nearest dollar)</i> <i>(Enter noncustodial parent's amount on line 30.)</i>	\$	\$

III. NET DISPOSABLE INCOME		PARENT A	PARENT B
21.	Line 14 + line 30 (for custodial parent); line 14 - line 30 (for noncustodial parent)	\$	\$
22.	Noncustodial parent's line 19 amount (Social Security dependency benefits for child)	\$	
23.	Line 21 + line 22 (for custodial parent); line 21 - line 22 (for noncustodial parent)	\$	\$

IV. UNREIMBURSED MEDICAL EXPENSE			
24.	Add both parents' line 23 amounts and enter it here: (combined net disposable income)	\$	
25.	Each parent's percentage share of combined net disposable income (Line 23 for each parent ÷ line 24; then x 100 and round to the nearest whole %) <i>If the noncustodial parent is a low-income obligor (based on line 14 Net Weekly Income), go to line 26. If the noncustodial parent is not a low-income obligor (based on line 14 Net Weekly Income), enter these percentages on line 33b.</i>	%	%
26.	Compare the noncustodial parent's line 25 amount to 50%. Enter the lower percentage on line 33b for the noncustodial parent. Then take 100 - line 33b for the noncustodial parent and enter the amount on line 33b for the custodial parent.		

V. CHILD CARE CONTRIBUTION	
27.	Does the noncustodial parent's line 23 amount fall within the shaded area of the schedule? If yes, go to line 28. If no, skip line 28 and enter the noncustodial parent's line 25 percentage on line 34b.
28.	Does the custodial parent's line 23 amount fall within the shaded area of the schedule? If no, enter 20% on line 34b as the noncustodial parent's child care contribution. If yes, compare the line 25 amount for the noncustodial parent to 50% and enter the lower amount on line 34b.

VI. ARREARAGE PAYMENT (Enter line 29 amount on line 31.)	
29.	Line 30 x .20 = \$ <input type="text"/> OR amount determined in A, B, C or D, below (check box that applies and enter amount here): \$ <input type="text"/>
<input type="checkbox"/> A. If noncustodial parent is a low income obligor, enter the greater of 10% of line 30 or \$1 per week, unless paragraph B below applies. <input type="checkbox"/> B. If the child is living with the obligor, enter: (1) \$1 per week if the obligor's gross income is less than or equal to 250% of poverty level, OR (2) 20% of an imputed support obligation for the child if the obligor's gross income is greater than 250% of poverty level. <input type="checkbox"/> C. If there is no current support order and paragraph B above does not apply, enter: (1) 20% of an imputed support obligation if the parents have a present duty to provide support for the child, OR (2) 100% of an imputed support obligation if the parents have no present duty to provide support for the individual. <input type="checkbox"/> D. If paragraphs A, B and C above, do not apply and the sum of the current support and arrearage payments would exceed 55% of the noncustodial parent's line 14 amount, enter 55% of the noncustodial parent's line 14 amount - line 30 amount.	

VII. SUMMARY OF WORKSHEET			
30.	Presumptive current support (from line 20): \$	Total Child Support Award Calculation:	
31.	Arrearage payment (from line 29): \$	Line 30 Amount:	\$
32.	Total arrearage: \$ <input type="text"/> (broken down as noted below): State arrearage: \$ <input type="text"/> Family arrearage: \$ <input type="text"/>	Line 31 Amount:	\$
33.	a. Cash medical: \$ <input type="text"/> b. Unreimbursed medical expenses: Parent A % / Parent B %	Line 33a. Amount:	\$
34.	a. Child Care Contribution: \$ <input type="text"/> b. Child Care Contribution: %	Line 34 Amounts:	
		a. Cash child care amount:	\$ <input type="text"/>
		b. \$ equivalent of % (if known) + \$	<input type="text"/>
		Total Child Support Award	\$ <input type="text"/>
		(enter this amount on line 35a.)	
35.	a. Total child support award (excluding % amounts for unknown costs): \$ <input type="text"/> b. Total child support award as a % of the obligor's net income: % (line 35a ÷ line 14 of the obligor; then x 100)		

VIII. DEVIATION CRITERIA (Attach additional sheet if necessary.)		
36. Reason(s) for deviation from presumptive support amounts: <input type="checkbox"/> check here if requesting a deviation by agreement (Check all boxes that apply.)		
Parent's other financial resources	Extraordinary parental expenses	Coordination of total family support
<input type="checkbox"/> substantial assets	<input type="checkbox"/> significant visitation expenses	<input type="checkbox"/> division of assets and liabilities
<input type="checkbox"/> parent's earning capacity	<input type="checkbox"/> unreimbursed employment expenses	<input type="checkbox"/> provision of alimony
<input type="checkbox"/> parental support provided to a minor obligor	<input type="checkbox"/> unreimbursed medical/disability expenses	<input type="checkbox"/> tax planning considerations
<input type="checkbox"/> recurring gifts of spouse or domestic partner	Needs of parent's other dependents	Special circumstances
<input type="checkbox"/> employment over 45 hours per week	<input type="checkbox"/> resources available to qualified child	<input type="checkbox"/> shared physical custody
Extraordinary expenses for child	<input type="checkbox"/> child care expenses for qualified child	<input type="checkbox"/> extraordinary disparity in parental income
<input type="checkbox"/> education expenses	<input type="checkbox"/> verified support for non-resident child	<input type="checkbox"/> best interests of the child
<input type="checkbox"/> unreimbursable medical expenses	<input type="checkbox"/> significant and essential needs of a spouse	<input type="checkbox"/> total award exceeds 55% of obligor's net
<input type="checkbox"/> special needs		<input type="checkbox"/> other equitable factors (explain):

PREPARED BY	TITLE	DATE
-------------	-------	------

APPENDIX 8: Arizona Child Support Worksheet

Person Filing: _____
 Address (if not protected): _____
 City, State, Zip Code: _____
 Telephone: _____
 Email Address: _____
 ATLAS Number: _____
 Lawyer's Bar Number: _____
 Representing Self, without a Lawyer OR Attorney for Petitioner OR Respondent



**SUPERIOR COURT OF ARIZONA
 IN MARICOPA COUNTY
 CHILD SUPPORT WORKSHEET**

Petitioner/Party A: _____ Case No. _____
 Respondent/Party B: _____ ATLAS: _____
 Total Number of Children: _____
 Parenting Plan: Party A Party B equal

Child Support Income figures for the OTHER PARENT are:

- ACTUAL**, with proof, such as a recent W2 or pay stub attached, or other party's signed statement.
- ESTIMATED**, based on facts or knowledge of pay before promotion or of others in similar job.
- ATTRIBUTED**, based on what other party could and should be earning (see Guidelines, Section II(A)(4)(b)).

	<u>PARTY A</u>	<u>PARTY B</u>
Child Support Income (Pre-Tax Income. Before deductions.)	\$ _____	\$ _____
Adjustments to Child Support Income: [Mandatory]		
Court-Ordered Spousal Maintenance (Paid)/Received	\$ _____	\$ _____
Court-Ordered Child Support of Other Relationships (Actually Paid)	\$ _____	\$ _____
Support of Child[ren] from Other Relationship A: _____ B: _____	\$ _____	\$ _____
Adjusted Child Support Income	\$ _____	\$ _____
Combined Adjusted Child Support Income		\$ _____

Case No. _____

Basic Combined Child Support Obligation for _____ Children \$ _____

Adjustments to Basic Combined Child Support Obligation:

Adjustment for _____ Children over Age 12 at 10% [Mandatory] \$ _____

Medical, Dental, and Vision Insurance Paid by [Mandatory] \$ _____ \$ _____

Monthly Child Care Costs for _____ Children Paid by [Discretionary] \$ _____ \$ _____

Extra Education Expenses Paid by [Discretionary] \$ _____ \$ _____

Extraordinary (Gifted or Special Needs) Child Expenses Paid by [Discretionary] \$ _____ \$ _____

Total Child Support Obligation \$ _____

Each Parent's Proportionate Percentage of Combined Adjusted Child Support Income _____% _____%

Each Parent's Proportionate Share of Total Support Obligation \$ _____ \$ _____

Parenting Time Adjustment

Using Parenting Time Table for _____ Days at _____% [Mandatory] \$ _____ \$ _____

Total Adjustments to Child Support Obligation from Above \$ _____ \$ _____

Presumptive Child Support Obligation \$ _____ \$ _____

Self-Support Reserve Test for Parent Who Will Pay Adjusted Child Support Income: \$ _____ [Discretionary]

Less Reserve Amount (\$ _____) \$ _____ \$ _____

Monthly Child Support to be Paid by _____ to _____
\$ _____ \$ _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: _____
Date

Signature of Parent

APPENDIX 9: New Jersey Shared Child Support Worksheet

New Jersey

Appendix IX-D Child Support Guidelines - Shared Parenting Worksheet			
Case Name: _____ v. _____		County: _____	
Plaintiff		Defendant	
PPR is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Docket #: _____	
		Number of Children: _____	
All amounts must be weekly	Parent of Primary Residence (PPR)	Parent of Alternate Residence (PAR)	Combined
1. Gross Taxable Income	\$	\$	
1a. Mandatory Retirement Contributions (non-taxable)	-\$	-\$	
1b. Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
1c. Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
2. Adjusted Gross Taxable Income ((L1 - L1a - L1b) + L1c)	\$	\$	
2a. Federal, State and Local Income Tax Withholding	-\$	-\$	
2b. Mandatory Union Dues	-\$	-\$	
2c. Child Support Orders for Other Dependents	-\$	-\$	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$	-\$	
3. Net Taxable Income (L2 - L2a - L2b - L2c - L2d)	\$	\$	
4. Non-Taxable Income (source: _____)	+\$	+\$	
4a. Non-Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$	-\$	
4b. Non-Taxable Alimony Received (Current and/or Past Relationships)	+\$	+\$	
5. Government (Non-Means Tested) Benefits for the Child	+\$	+\$	
6. Net Income (L3 + L4 + L5)	\$	\$	\$
7. Each Parent's Share of Income (L6 Each Parent + L6 Combined)	0. _____	0. _____	1.00
8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$
9. Number of Overnights with Each Parent			
10. Each Parent's Share of Overnights with the Child (L9 for Parent + L9 Combined)	0. _____	0. _____	1.00
<i>If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Parenting Worksheet.</i>			
11. PAR Shared Parenting Fixed Expenses (L8 x PAR L10 x 0.38 x 2)			+\$
12. Shared Parenting Basic Child Support Amount (L8 + L11)			\$
13. Each Parent's Share of SP Basic Child Support Amount (L7 x L12)	\$	\$	
14. PAR Shared Parenting Variable Expenses (PAR L10 x L8 x 0.37)		-\$	
15. PAR Adjusted SP Basic Child Support Amount (PAR L13 - L11 - L14)		\$	
16. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$
17. Child's Share of Health Insurance Premium			+\$
18. Unreimbursed Health Care Expenses over \$250 per child per year			+\$
19. Court-Approved Extraordinary Expenses			+\$
20. Total Supplemental Expenses (L16 + L17 + L18 + L19)			\$
21. PAR's Share of Total Supplemental Expenses (PAR L7 x L20)		\$	
22. Government Benefits for the Child Based on Contribution of PAR		\$	
<i>Continued on Page 2</i>			

Amended July 30, 2021 to be effective September 1, 2021, CN 10727 page 1 of 2

Child Support Guidelines - Shared Parenting Worksheet – Page 2			
<i>All amounts must be weekly</i>	PPR	PAR	Combined
23. PAR Net Work-Related Child Care PAID		\$	
24. PAR Health Insurance Premium for the Child PAID		\$	
25. PAR Unreimbursed Health Care Expenses >\$250/child/year) PAID		\$	
26. PAR Court-Approved Extraordinary Expenses PAID		\$	
27. PAR Total Supplemental Expenses PAID (L23 + L24 + L25 + L26)		\$	
28. PAR Net Supplemental Expenses (L21 - L27)		\$	
29. PAR Net Child Support Obligation (L15 + L28)		\$	
<i>If there is no adjustment for other dependents, go to line 33.</i>			
30. Line 29 PAR CS Obligation WITH Other Dependent Deduction L2d and Child Support Orders for Other Dependents L2c		\$	
31. Line 29 PAR CS Obligation WITHOUT Other Dependent Deduction and Child Support Orders for Other Dependents		\$	
32. Adjusted PAR Child Support Obligation ((L30 + L31) + 2)		\$	
33. Self-Support Reserve Test: (L6 - L29 or L32 for PAR; L6 - L13 for PPR) If L33 for PAR is greater than 150% of the federal poverty guideline for one person (pg) or L33 for the PPR is less than the pg, enter the L29 or L32 amount on the PAR L35. If PAR L33 is less than the pg and PPR's L33 is greater than the pg, go to L34. If L29 or L32 is negative, see App. IX-B for instructions.	\$	\$	
34. Maximum CS Obligation (Obligor Parent's L6 net income - 150% of the poverty guideline for one person). Enter result here and on Line 35.	\$	\$	
35. Child Support Order (negative L29 or L32 denotes PPR Obligation)	\$	\$	
<i>If the PAR is the Obligor, Continue on Line 36</i>			
36. PPR Household Income Test (L6 PPR net income from all sources + net income of other household members + L35 order). If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the Sole Parenting Worksheet should be used.	\$		
Comments, Rebuttals, and Justification for Deviations			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line 35), enter amount ordered:			
3. The child support guidelines were not used, or the guidelines award was adjusted because:			
4. The following extraordinary expenses were added to the basic support obligation on Line 19:			
5. PPR Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
PAR Taxes:	<input type="checkbox"/> App IX-H	<input type="checkbox"/> Circ E	<input type="checkbox"/> Other
	# Eligible Dependents:	Marital:	
Prepared By:	Title:	Date:	

APPENDIX 10: New Jersey Sole Child Support Worksheet

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Appendix IX-C Child Support Guidelines - Sole Parenting Worksheet			
Case Name: _____ v. _____		County: _____	
Plaintiff _____ Defendant _____		Docket #: _____	
Custodial Parent is the: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant		Number of Children: _____	
All amounts must be weekly	Custodial	Non-Custodial	Combined
1. Gross Taxable Income	\$ _____	\$ _____	
1a. Mandatory Retirement Contributions (non-taxable)	-\$ _____	-\$ _____	
1b. Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$ _____	-\$ _____	
1c. Taxable Alimony Received (Current and/or Past Relationships)	+\$ _____	+\$ _____	
2. Adjusted Gross Taxable Income ((L1 - L1a - L1b) + L1c)	\$ _____	\$ _____	
2a. Federal, State and Local Income Tax Withholding	-\$ _____	-\$ _____	
2b. Mandatory Union Dues	-\$ _____	-\$ _____	
2c. Child Support Orders for Other Dependents	-\$ _____	-\$ _____	
2d. Other Dependent Deduction (from L14 of a separate worksheet)	-\$ _____	-\$ _____	
3. Net Taxable Income (L2 - L2a - L2b - L2c - L2d)	\$ _____	\$ _____	
4. Non-Taxable Income (source: _____)	+\$ _____	+\$ _____	
4a. Non-Tax-Deductible Alimony Paid (Current and/or Past Relationships)	-\$ _____	-\$ _____	
4b. Non-Taxable Alimony Received (Current and/or Past Relationships)	+\$ _____	+\$ _____	
5. Government (Non-Means Tested) Benefits for the Child	+\$ _____	+\$ _____	
6. Net Income (L3 + L4 + L5)	\$ _____	\$ _____	\$ _____
7. Each Parent's Share of Income (L6 Each Parent + L6 Combined)	0.____	0.____	1.00
8. Basic Child Support Amount (from Appendix IX-F Schedules)			\$ _____
9. Net Work Related Child Care (from Appendix IX-E Worksheet)			+\$ _____
10. Child's Share of Health Insurance Premium			+\$ _____
11. Unreimbursed Health Care Expenses over \$250 per child per year			+\$ _____
12. Court-Approved Extraordinary Expenses			+\$ _____
13. Total Child Support Amount (L8 + L9 + L10 + L11 + L12)			\$ _____
14. Each Parent's Share of Support Obligation (L7 x L13)	\$ _____	\$ _____	
15. Government Benefits for the Child Based on Contribution of NCP		-\$ _____	
16. Net Work-Related Child Care Paid		-\$ _____	
17. Health Insurance Premium for the Child Paid		-\$ _____	
18. Unreimbursed Health Care Expenses Paid (>\$250/child/year)		-\$ _____	
19. Court-Approved Extraordinary Expenses Paid		-\$ _____	
20. Adjustment for Parenting Time Expenses (L8 x L20b for Non-Custodial Parent x 0.37) <i>Note: Not presumptive in some low income situations (see App IX-A, ¶13)</i>		-\$ _____	
20a. Number of Annual Overnights with Each Parent			
20b. Each Parent's Share of Overnights with the Child (L20a for Parent + L20a Combined)	0.____	0.____	1.00
21. Net Child Support Obligation (L14 - L15 - L16 - L17 - L18 - L19 - L20)		\$ _____	

Continued on Page 2

Child Support Guidelines – Sole Parenting Worksheet – Page 2			
If there is no adjustment for other dependents, go to line 25			
22. Child Support Order WITH Other Dependent Deduction (L2d) and Child Support Orders for Other Dependents (L2c)		\$	
23. Child Support Order WITHOUT Other Dependent Deduction and Child Support Orders for Other Dependents		\$	
24. Adjusted Child Support Order ((L22 + L23) + 2)		\$	
25. Self-Support Reserve Test: (L6 - L21 or L24 for NCP; L6 - L14 for CP) If L25 for NCP is greater than 150% of the federal poverty guideline for one-person (pg) L25 for CP is less than pg, enter L21 or L24 amount on L27. If NCP L25 is less than the pg and CP L25 is greater than the pg, go to L26.	\$	\$	
26. Obligor Parent's Maximum Child Support Obligation, (L6 NCP income - 150% of federal poverty guideline for one person). Enter result here and on Line 27.		\$	
27. Child Support Order		\$	
Comments, Rebuttals, and Justification for Deviations			
1. This child support order for this case <input type="checkbox"/> was <input type="checkbox"/> was not based on the child support guidelines award.			
2. If different from the child support guidelines award (Line 27), enter amount ordered:			
3. The child support guidelines were not used, or the guidelines award was adjusted because:			
4. The following court-approved extraordinary expenses were added to the basic support obligation:			
5. Custodial Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other # Eligible Dependents: Marital:			
Non-Custodial Taxes: <input type="checkbox"/> App IX-H <input type="checkbox"/> Circ E <input type="checkbox"/> Other # Eligible Dependents: Marital:			
Prepared By:	Title:	Date:	