

1 A bill to be entitled
2 An act relating to child support and alimony; amending s.
3 61.08, F.S.; allowing for award of more than one type of
4 alimony; revising factors to be considered in whether to
5 award alimony or maintenance; providing rebuttable
6 presumptions for the classification of the length of
7 marriages; providing for the determination of the length
8 of a marriage; providing for award of bridge-the-gap
9 alimony for a limited period; providing that such an award
10 is not modifiable; providing for award of rehabilitative
11 alimony in certain circumstances; providing for
12 modification or termination of such an award; providing
13 for award of durational alimony in certain circumstances;
14 providing for modification or termination of such an
15 award; providing for award of permanent alimony in certain
16 circumstances; providing for modification or termination
17 of such an award; providing applicability; amending s.
18 61.13, F.S.; requiring all child support orders after a
19 certain date to contain certain provisions; creating s.
20 61.29, F.S.; providing principles for implementing the
21 support guidelines schedule; amending s. 61.30, F.S.;
22 creating a rebuttable presumption of census-level wages if
23 information about earnings level is not provided;
24 providing that the burden of proof is on the party seeking
25 to impute income to the other party; prohibiting
26 imputation of income for out-of-date records or
27 unprecedented earnings; removing the first three combined
28 monthly net income amounts on the guidelines schedule;

29 providing for the calculation of the obligor parent's
 30 child support payment under certain circumstances;
 31 revising the deviation factors that a court may consider
 32 when adjusting a parent's share of the child support
 33 award; providing an effective date.

34

35 Be It Enacted by the Legislature of the State of Florida:

36

37 Section 1. Section 61.08, Florida Statutes, is amended to
 38 read:

39 61.08 Alimony.—

40 (1) In a proceeding for dissolution of marriage, the court
 41 may grant alimony to either party, which alimony may be bridge-
 42 the-gap, rehabilitative, durational, or permanent in nature or
 43 any combination of these forms of alimony. In any award of
 44 alimony, the court may order periodic payments or payments in
 45 lump sum or both. The court may consider the adultery of either
 46 spouse and the circumstances thereof in determining the amount
 47 of alimony, if any, to be awarded. In all dissolution actions,
 48 the court shall include findings of fact relative to the factors
 49 enumerated in subsection (2) supporting an award or denial of
 50 alimony.

51 (2) In determining whether to a~~proper~~ award ~~of~~ alimony or
 52 maintenance, the court shall first make a specific factual
 53 determination as to whether either party has an actual need for
 54 alimony or maintenance and whether either party has the ability
 55 to pay alimony or maintenance. If the court finds that a party
 56 has a need for alimony or maintenance and that the other party

57 has the ability to pay alimony or maintenance, then in
 58 determining the proper type and amount of alimony or
 59 maintenance, the court shall consider all relevant economic
 60 factors, including, but not limited to:

61 (a) The standard of living established during the
 62 marriage.

63 (b) The duration of the marriage.

64 (c) The age and the physical and emotional condition of
 65 each party.

66 (d) The financial resources of each party, including the
 67 nonmarital and the marital assets and liabilities distributed to
 68 each.

69 (e) The earning capacities, educational levels, vocational
 70 skills, and employability of the parties and, when applicable,
 71 the time necessary for either party to acquire sufficient
 72 education or training to enable such party to find appropriate
 73 employment.

74 (f) The contribution of each party to the marriage,
 75 including, but not limited to, services rendered in homemaking,
 76 child care, education, and career building of the other party.

77 (g) The responsibilities each party will have with regard
 78 to any minor children they have in common.

79 (h) The tax treatment and consequences to both parties of
 80 any alimony award, including the designation of all or a portion
 81 of the payment as a nontaxable, nondeductible payment.

82 (i) ~~(g)~~ All sources of income available to either party,
 83 including income available to either party through investments
 84 of any asset held by that party.

85 ~~(j) The court may consider~~ Any other factor necessary to
 86 do equity and justice between the parties.

87 (3) To the extent necessary to protect an award of
 88 alimony, the court may order any party who is ordered to pay
 89 alimony to purchase or maintain a life insurance policy or a
 90 bond, or to otherwise secure such alimony award with any other
 91 assets which may be suitable for that purpose.

92 (4) For purposes of determining alimony, there is a
 93 rebuttable presumption that a short-term marriage is a marriage
 94 having a duration of less than 7 years, a moderate-term marriage
 95 is a marriage having a duration of greater than 7 years but less
 96 than 17 years, and long-term marriage is a marriage having a
 97 duration of 17 years or greater. The length of a marriage is the
 98 period of time from the date of marriage until the date of
 99 filing of an action for dissolution of marriage.

100 (5) Bridge-the-gap alimony may be awarded to assist a
 101 party by providing support to allow the party to make a
 102 transition from being married to being single. Bridge-the-gap
 103 alimony is designed to assist a party with legitimate
 104 identifiable short-term needs, and the length of an award may
 105 not exceed 2 years. An award of bridge-the-gap alimony
 106 terminates upon the death of either party or upon the remarriage
 107 of the party receiving alimony. An award of bridge-the-gap
 108 alimony shall not be modifiable in amount or duration.

109 (6) (a) Rehabilitative alimony may be awarded to assist a
 110 party in establishing the capacity for self-support through
 111 either:

112 1. The redevelopment of previous skills or credentials; or

113 2. The acquisition of education, training, or work
114 experience necessary to develop appropriate employment skills or
115 credentials.

116 (b) In order to award rehabilitative alimony, there must
117 be a specific and defined rehabilitative plan which shall be
118 included as a part of any order awarding rehabilitative alimony.

119 (c) An award of rehabilitative alimony may be modified or
120 terminated in accordance with s. 61.14 based upon a substantial
121 change in circumstances, upon noncompliance with the
122 rehabilitative plan, or upon completion of the rehabilitative
123 plan.

124 (7) Durational alimony may be awarded when permanent
125 periodic alimony is inappropriate. The purpose of durational
126 alimony is to provide a party with economic assistance for a set
127 period of time following a marriage of short or moderate
128 duration. An award of durational alimony terminates upon the
129 death of either party or upon the remarriage of the party
130 receiving alimony. The amount of an award of durational alimony
131 may be modified or terminated based upon a substantial change in
132 circumstances in accordance with s. 61.14. However, the length
133 of an award of durational alimony may not be modified except
134 under exceptional circumstances and may not exceed the length of
135 the marriage.

136 (8) Permanent alimony may be awarded to provide for the
137 needs and necessities of life as they were established during
138 the marriage of the parties for a party who lacks the financial
139 ability to meet his or her needs and necessities of life
140 following a dissolution of marriage. Permanent alimony may be

141 awarded following a marriage of long duration, following a
142 marriage of moderate duration if such an award is appropriate
143 upon consideration of the factors set forth in subsection (2),
144 or following a marriage of short duration if there are
145 exceptional circumstances. An award of permanent alimony
146 terminates upon the death of either party or upon the remarriage
147 of the party receiving alimony. An award may be modified or
148 terminated based upon a substantial change in circumstances or
149 upon the existence of a supportive relationship in accordance
150 with s. 61.14.

151 (9)-(4)(a) With respect to any order requiring the payment
152 of alimony entered on or after January 1, 1985, unless the
153 provisions of paragraph (c) or paragraph (d) apply, the court
154 shall direct in the order that the payments of alimony be made
155 through the appropriate depository as provided in s. 61.181.

156 (b) With respect to any order requiring the payment of
157 alimony entered before January 1, 1985, upon the subsequent
158 appearance, on or after that date, of one or both parties before
159 the court having jurisdiction for the purpose of modifying or
160 enforcing the order or in any other proceeding related to the
161 order, or upon the application of either party, unless the
162 provisions of paragraph (c) or paragraph (d) apply, the court
163 shall modify the terms of the order as necessary to direct that
164 payments of alimony be made through the appropriate depository
165 as provided in s. 61.181.

166 (c) If there is no minor child, alimony payments need not
167 be directed through the depository.

168 (d)1. If there is a minor child of the parties and both

169 parties so request, the court may order that alimony payments
170 need not be directed through the depository. In this case, the
171 order of support shall provide, or be deemed to provide, that
172 either party may subsequently apply to the depository to require
173 that payments be made through the depository. The court shall
174 provide a copy of the order to the depository.

175 2. If the provisions of subparagraph 1. apply, either
176 party may subsequently file with the depository an affidavit
177 alleging default or arrearages in payment and stating that the
178 party wishes to initiate participation in the depository
179 program. The party shall provide copies of the affidavit to the
180 court and the other party or parties. Fifteen days after receipt
181 of the affidavit, the depository shall notify all parties that
182 future payments shall be directed to the depository.

183 3. In IV-D cases, the IV-D agency shall have the same
184 rights as the obligee in requesting that payments be made
185 through the depository.

186 Section 2. The amendments to s. 61.08, Florida Statutes,
187 by this act apply to all initial awards of alimony entered after
188 July 1, 2010, and modifications of such awards. Such amendments
189 may not serve as a basis to modify awards entered before July 1,
190 2010, or as a basis to change amounts or duration of awards
191 existing before July 1, 2010. The amendments to s. 61.08,
192 Florida Statutes, by this act are applicable to all cases
193 pending on or filed after July 1, 2010.

194 Section 3. Effective October 1, 2010, paragraph (a) of
195 61.13, Florida Statutes, is amended to read:

196 61.13 Support of children; parenting and time-sharing;

197 powers of court.-

198 (1) (a) In a proceeding under this chapter, the court may
 199 at any time order either or both parents who owe a duty of
 200 support to a child to pay support to the other parent or, in the
 201 case of both parents, to a third party who has ~~the person with~~
 202 custody in accordance with the child support guidelines schedule
 203 in s. 61.30.

204 1. All child support orders and income deduction orders
 205 entered on or after October 1, 2010, must provide:

206 a. For child support to terminate on a child's 18th
 207 birthday unless the court finds or previously found that s.
 208 743.07(2) applies, or is otherwise agreed to by the parties;

209 b. A schedule, based on the record existing at the time of
 210 the order, stating the amount of the monthly child support
 211 obligation for all the minor children at the time of the order
 212 and the amount of child support that will be owed for any
 213 remaining children after one or more of the children are no
 214 longer entitled to receive child support; and

215 c. The month, day, and year that the reduction or
 216 termination of child support becomes effective.

217 2. The court initially entering an order requiring one or
 218 both parents to make child support payments has continuing
 219 jurisdiction after the entry of the initial order to modify the
 220 amount and terms and conditions of the child support payments if
 221 ~~when~~ the modification is found ~~necessary~~ by the court to be in
 222 the best interests of the child; if ~~when~~ the child reaches
 223 majority; if ~~when~~ there is a substantial change in the
 224 circumstances of the parties; if ~~when~~ s. 743.07(2) applies; if ~~when~~ or

225 when a child is emancipated, marries, joins the armed services,
 226 or dies. The court initially entering a child support order has
 227 continuing jurisdiction to require the obligee to report to the
 228 court on terms prescribed by the court regarding the disposition
 229 of the child support payments.

230 Section 4. Section 61.29, Florida Statutes, is created to
 231 read:

232 61.29 Child support guidelines; principles.-The following
 233 principles establish the public policy of the State of Florida
 234 in the creation of the child support guidelines:

235 (1) Each parent has a fundamental obligation to support
 236 his or her minor or legally dependent child.

237 (2) The guidelines schedule is based on the parent's
 238 combined net income estimated to have been allocated to the
 239 child as if the parents and children were living in an intact
 240 household.

241 (3) The guidelines encourage fair and efficient settlement
 242 of support issues between parents and minimizes the need for
 243 litigation.

244 Section 5. Paragraph (b) of subsection (2) and subsections
 245 (6), (7), and (11) of section 61.30, Florida Statutes, are
 246 amended to read:

247 61.30 Child support guidelines; retroactive child
 248 support.-

249 (2) Income shall be determined on a monthly basis for each
 250 parent as follows:

251 (b) Monthly income ~~on a monthly basis~~ shall be imputed to
 252 an unemployed or underemployed parent if when such unemployment

253 ~~employment~~ or underemployment is found by the court to be
 254 voluntary on that parent's part, absent a finding of fact by the
 255 court of physical or mental incapacity or other circumstances
 256 over which the parent has no control. In the event of such
 257 voluntary unemployment or underemployment, the employment
 258 potential and probable earnings level of the parent shall be
 259 determined based upon his or her recent work history,
 260 occupational qualifications, and prevailing earnings level in
 261 the community if such information is available. If the
 262 information concerning a parent's income is unavailable, a
 263 parent fails to participate in a child support proceeding, or a
 264 parent fails to supply adequate financial information in a child
 265 support proceeding, income shall be automatically imputed to the
 266 parent and there is a rebuttable presumption that the parent has
 267 income equivalent to the median income of year-round full-time
 268 workers as derived from current population reports or
 269 replacement reports published by the United States Bureau of the
 270 Census. ~~as provided in this paragraph;~~ However, the court may
 271 refuse to impute income to a parent if the court finds it
 272 necessary for that ~~the~~ parent to stay home with the child who is
 273 the subject of a child support calculation or as set forth
 274 below:-

275 1. In order for the court to impute income at an amount
 276 other than the median income of year-round full-time workers as
 277 derived from current population reports or replacement reports
 278 published by the United States Bureau of the Census, the court
 279 must make specific findings of fact consistent with the
 280 requirements of this paragraph. The party seeking to impute

281 income has the burden to present competent, substantial evidence
 282 that:

283 a. The unemployment or underemployment is voluntary; and
 284 b. Identifies the amount and source of the imputed income,
 285 through evidence of income from available employment for which
 286 the party is suitably qualified by education, experience,
 287 current licensure, or geographic location, with due
 288 consideration being given to the parties' time-sharing schedule
 289 and their historical exercise of the time-sharing provided in
 290 the parenting plan or relevant order.

291 2. Except as set forth in subparagraph 1., income may not
 292 be imputed based upon:

293 a. Income records that are more than 5 years old at the
 294 time of the hearing or trial at which imputation is sought; or
 295 b. Income at a level that a party has never earned in the
 296 past, unless recently degreed, licensed, certified, relicensed,
 297 or recertified and thus qualified for, subject to geographic
 298 location, with due consideration of the parties' existing time-
 299 sharing schedule and their historical exercise of the time-
 300 sharing provided in the parenting plan or relevant order.

301 (6) The following guidelines schedule shall be applied to
 302 the combined net income to determine the minimum child support
 303 need:

304

Combined	
305	Monthly Child or Children

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	Net							
	Income	One	Two	Three	Four	Five	Six	
306	650.00		74	75	75	76	77	78
307								
308	700.00		119	120	121	123	124	125
309								
310	750.00		164	166	167	169	171	173
311								
312	850.00		202	257	259	262	265	268
313								
314	900.00		213	302	305	309	312	315
315								
316	950.00		224	347	351	355	359	363
317								
318	1000.00		235	365	397	402	406	410
319								
	1050.00		246	382	443	448	453	458
	1100.00		258	400	489	495	500	505
	1150.00		269	417	522	541	547	553
	1200.00		280	435	544	588	594	600
	1250.00		290	451	565	634	641	648

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320	1300.00	300	467	584	659	688	695
321	1350.00	310	482	603	681	735	743
322	1400.00	320	498	623	702	765	790
323	1450.00	330	513	642	724	789	838
324	1500.00	340	529	662	746	813	869
325	1550.00	350	544	681	768	836	895
326	1600.00	360	560	701	790	860	920
327	1650.00	370	575	720	812	884	945
328	1700.00	380	591	740	833	907	971
329	1750.00	390	606	759	855	931	996
330	1800.00	400	622	779	877	955	1022
331	1850.00	410	638	798	900	979	1048
332	1900.00	421	654	818	923	1004	1074
333	1950.00	431	670	839	946	1029	1101

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334	2000.00	442	686	859	968	1054	1128
335	2050.00	452	702	879	991	1079	1154
336	2100.00	463	718	899	1014	1104	1181
337	2150.00	473	734	919	1037	1129	1207
338	2200.00	484	751	940	1060	1154	1234
339	2250.00	494	767	960	1082	1179	1261
340	2300.00	505	783	980	1105	1204	1287
341	2350.00	515	799	1000	1128	1229	1314
342	2400.00	526	815	1020	1151	1254	1340
343	2450.00	536	831	1041	1174	1279	1367
344	2500.00	547	847	1061	1196	1304	1394
345	2550.00	557	864	1081	1219	1329	1420
346	2600.00	568	880	1101	1242	1354	1447
347	2650.00	578	896	1121	1265	1379	1473

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348	2700.00	588	912	1141	1287	1403	1500
349	2750.00	597	927	1160	1308	1426	1524
350	2800.00	607	941	1178	1328	1448	1549
351	2850.00	616	956	1197	1349	1471	1573
352	2900.00	626	971	1215	1370	1494	1598
353	2950.00	635	986	1234	1391	1517	1622
354	3000.00	644	1001	1252	1412	1540	1647
355	3050.00	654	1016	1271	1433	1563	1671
356	3100.00	663	1031	1289	1453	1586	1695
357	3150.00	673	1045	1308	1474	1608	1720
358	3200.00	682	1060	1327	1495	1631	1744
359	3250.00	691	1075	1345	1516	1654	1769
360	3300.00	701	1090	1364	1537	1677	1793
361	3350.00	710	1105	1382	1558	1700	1818

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362	3400.00	720	1120	1401	1579	1723	1842
363	3450.00	729	1135	1419	1599	1745	1867
364	3500.00	738	1149	1438	1620	1768	1891
365	3550.00	748	1164	1456	1641	1791	1915
366	3600.00	757	1179	1475	1662	1814	1940
367	3650.00	767	1194	1493	1683	1837	1964
368	3700.00	776	1208	1503	1702	1857	1987
369	3750.00	784	1221	1520	1721	1878	2009
370	3800.00	793	1234	1536	1740	1899	2031
371	3850.00	802	1248	1553	1759	1920	2053
372	3900.00	811	1261	1570	1778	1940	2075
373	3950.00	819	1275	1587	1797	1961	2097
374	4000.00	828	1288	1603	1816	1982	2119
375	4050.00	837	1302	1620	1835	2002	2141

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376	4100.00	846	1315	1637	1854	2023	2163
377	4150.00	854	1329	1654	1873	2044	2185
378	4200.00	863	1342	1670	1892	2064	2207
379	4250.00	872	1355	1687	1911	2085	2229
380	4300.00	881	1369	1704	1930	2106	2251
381	4350.00	889	1382	1721	1949	2127	2273
382	4400.00	898	1396	1737	1968	2147	2295
383	4450.00	907	1409	1754	1987	2168	2317
384	4500.00	916	1423	1771	2006	2189	2339
385	4550.00	924	1436	1788	2024	2209	2361
386	4600.00	933	1450	1804	2043	2230	2384
387	4650.00	942	1463	1821	2062	2251	2406
388	4700.00	951	1477	1838	2081	2271	2428
389	4750.00	959	1490	1855	2100	2292	2450

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

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390	4800.00	968	1503	1871	2119	2313	2472
391	4850.00	977	1517	1888	2138	2334	2494
392	4900.00	986	1530	1905	2157	2354	2516
393	4950.00	993	1542	1927	2174	2372	2535
394	5000.00	1000	1551	1939	2188	2387	2551
395	5050.00	1006	1561	1952	2202	2402	2567
396	5100.00	1013	1571	1964	2215	2417	2583
397	5150.00	1019	1580	1976	2229	2432	2599
398	5200.00	1025	1590	1988	2243	2447	2615
399	5250.00	1032	1599	2000	2256	2462	2631
400	5300.00	1038	1609	2012	2270	2477	2647
401	5350.00	1045	1619	2024	2283	2492	2663
402	5400.00	1051	1628	2037	2297	2507	2679
403	5450.00	1057	1638	2049	2311	2522	2695

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404	5500.00	1064	1647	2061	2324	2537	2711
405	5550.00	1070	1657	2073	2338	2552	2727
406	5600.00	1077	1667	2085	2352	2567	2743
407	5650.00	1083	1676	2097	2365	2582	2759
408	5700.00	1089	1686	2109	2379	2597	2775
409	5750.00	1096	1695	2122	2393	2612	2791
410	5800.00	1102	1705	2134	2406	2627	2807
411	5850.00	1107	1713	2144	2418	2639	2820
412	5900.00	1111	1721	2155	2429	2651	2833
413	5950.00	1116	1729	2165	2440	2663	2847
414	6000.00	1121	1737	2175	2451	2676	2860
415	6050.00	1126	1746	2185	2462	2688	2874
416	6100.00	1131	1754	2196	2473	2700	2887
417	6150.00	1136	1762	2206	2484	2712	2900

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418	6200.00	1141	1770	2216	2495	2724	2914
419	6250.00	1145	1778	2227	2506	2737	2927
420	6300.00	1150	1786	2237	2517	2749	2941
421	6350.00	1155	1795	2247	2529	2761	2954
422	6400.00	1160	1803	2258	2540	2773	2967
423	6450.00	1165	1811	2268	2551	2785	2981
424	6500.00	1170	1819	2278	2562	2798	2994
425	6550.00	1175	1827	2288	2573	2810	3008
426	6600.00	1179	1835	2299	2584	2822	3021
427	6650.00	1184	1843	2309	2595	2834	3034
428	6700.00	1189	1850	2317	2604	2845	3045
429	6750.00	1193	1856	2325	2613	2854	3055
430	6800.00	1196	1862	2332	2621	2863	3064
431	6850.00	1200	1868	2340	2630	2872	3074

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432	6900.00	1204	1873	2347	2639	2882	3084
433	6950.00	1208	1879	2355	2647	2891	3094
434	7000.00	1212	1885	2362	2656	2900	3103
435	7050.00	1216	1891	2370	2664	2909	3113
436	7100.00	1220	1897	2378	2673	2919	3123
437	7150.00	1224	1903	2385	2681	2928	3133
438	7200.00	1228	1909	2393	2690	2937	3142
439	7250.00	1232	1915	2400	2698	2946	3152
440	7300.00	1235	1921	2408	2707	2956	3162
441	7350.00	1239	1927	2415	2716	2965	3172
442	7400.00	1243	1933	2423	2724	2974	3181
443	7450.00	1247	1939	2430	2733	2983	3191
444	7500.00	1251	1945	2438	2741	2993	3201
445	7550.00	1255	1951	2446	2750	3002	3211

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446	7600.00	1259	1957	2453	2758	3011	3220
447	7650.00	1263	1963	2461	2767	3020	3230
448	7700.00	1267	1969	2468	2775	3030	3240
449	7750.00	1271	1975	2476	2784	3039	3250
450	7800.00	1274	1981	2483	2792	3048	3259
451	7850.00	1278	1987	2491	2801	3057	3269
452	7900.00	1282	1992	2498	2810	3067	3279
453	7950.00	1286	1998	2506	2818	3076	3289
454	8000.00	1290	2004	2513	2827	3085	3298
455	8050.00	1294	2010	2521	2835	3094	3308
456	8100.00	1298	2016	2529	2844	3104	3318
457	8150.00	1302	2022	2536	2852	3113	3328
458	8200.00	1306	2028	2544	2861	3122	3337
459	8250.00	1310	2034	2551	2869	3131	3347

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460	8300.00	1313	2040	2559	2878	3141	3357
461	8350.00	1317	2046	2566	2887	3150	3367
462	8400.00	1321	2052	2574	2895	3159	3376
463	8450.00	1325	2058	2581	2904	3168	3386
464	8500.00	1329	2064	2589	2912	3178	3396
465	8550.00	1333	2070	2597	2921	3187	3406
466	8600.00	1337	2076	2604	2929	3196	3415
467	8650.00	1341	2082	2612	2938	3205	3425
468	8700.00	1345	2088	2619	2946	3215	3435
469	8750.00	1349	2094	2627	2955	3224	3445
470	8800.00	1352	2100	2634	2963	3233	3454
471	8850.00	1356	2106	2642	2972	3242	3464
472	8900.00	1360	2111	2649	2981	3252	3474
473	8950.00	1364	2117	2657	2989	3261	3484

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474	9000.00	1368	2123	2664	2998	3270	3493
475	9050.00	1372	2129	2672	3006	3279	3503
476	9100.00	1376	2135	2680	3015	3289	3513
477	9150.00	1380	2141	2687	3023	3298	3523
478	9200.00	1384	2147	2695	3032	3307	3532
479	9250.00	1388	2153	2702	3040	3316	3542
480	9300.00	1391	2159	2710	3049	3326	3552
481	9350.00	1395	2165	2717	3058	3335	3562
482	9400.00	1399	2171	2725	3066	3344	3571
483	9450.00	1403	2177	2732	3075	3353	3581
484	9500.00	1407	2183	2740	3083	3363	3591
485	9550.00	1411	2189	2748	3092	3372	3601
486	9600.00	1415	2195	2755	3100	3381	3610
487	9650.00	1419	2201	2763	3109	3390	3620

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488	9700.00	1422	2206	2767	3115	3396	3628
489	9750.00	1425	2210	2772	3121	3402	3634
490	9800.00	1427	2213	2776	3126	3408	3641
491	9850.00	1430	2217	2781	3132	3414	3647
492	9900.00	1432	2221	2786	3137	3420	3653
493	9950.00	1435	2225	2791	3143	3426	3659
494	10000.00	1437	2228	2795	3148	3432	3666

495 (a) If the obligor parent's ~~For combined monthly net~~
 496 ~~income is~~ less than the amount in ~~set out on the above~~
 497 ~~guidelines schedule:~~

498 1. The parent should be ordered to pay a child support
 499 amount, determined on a case-by-case basis, to establish the
 500 principle of payment and lay the basis for increased support
 501 orders should the parent's income increase ~~in the future.~~

502 2. The obligor parent's child support payment shall be the
 503 lesser of the obligor parent's actual dollar share of the total
 504 minimum child support amount, as determined in subparagraph 1.,
 505 and 90 percent of the difference between the obligor parent's
 506 monthly net income and the current poverty guidelines as
 507 periodically updated in the Federal Register by the United
 508 States Department of Health and Human Services pursuant to 42

509 U.S.C. s. 9902(2) for a single individual living alone.

510 (b) For combined monthly net income greater than the
 511 amount ~~set out~~ in the ~~above~~ guidelines schedule, the obligation
 512 is ~~shall be~~ the minimum amount of support provided by the
 513 guidelines schedule plus the following percentages multiplied by
 514 the amount of income over \$10,000:

Child or Children

516	One	Two	Three	Four	Five	Six
517	5.0%	7.5%	9.5%	11.0%	12.0%	12.5%

518
 519 (7) Child care costs incurred ~~on behalf of the children~~
 520 due to employment, job search, or education calculated to result
 521 in employment or to enhance income of current employment of
 522 either parent ~~shall be reduced by 25 percent and then~~ shall be
 523 added to the basic obligation. After the ~~adjusted~~ child care
 524 costs are added ~~to the basic obligation~~, any moneys prepaid by a
 525 parent for child care costs for the child or children of this
 526 action shall be deducted from that parent's child support
 527 obligation for that child or those children. Child care costs
 528 may ~~shall~~ not exceed the level required to provide quality care
 529 from a licensed source ~~for the children~~.

530 (11) (a) The court may adjust the total minimum child
 531 support award, or either or both parents' share of the total
 532 minimum child support award, based upon the following deviation
 533 factors:

- 534 1. Extraordinary medical, psychological, educational, or
 535 dental expenses.
- 536 2. Independent income of the child, not to include moneys
 537 received by a child from supplemental security income.
- 538 3. The payment of support for a parent which ~~regularly~~ has
 539 been regularly paid and for which there is a demonstrated need.
- 540 4. Seasonal variations in one or both parents' incomes or
 541 expenses.
- 542 5. The age of the child, taking into account the greater
 543 needs of older children.
- 544 6. Special needs, such as costs that may be associated
 545 with the disability of a child, that have traditionally been met
 546 within the family budget even though ~~the~~ fulfilling ~~of~~ those
 547 needs will cause the support to exceed the presumptive amount
 548 established by the guidelines.
- 549 7. Total available assets of the obligee, obligor, and the
 550 child.
- 551 8. The impact of the Internal Revenue Service Child &
 552 Dependent Care Tax Credit, Earned Income Tax Credit, and
 553 dependency exemption and waiver of that exemption. The court may
 554 order a parent to execute a waiver of the Internal Revenue
 555 Service dependency exemption if the paying parent is current in
 556 support payments.
- 557 9. An ~~When~~ application of the child support guidelines
 558 schedule that requires a person to pay another person more than
 559 55 percent of his or her gross income for a child support
 560 obligation for current support resulting from a single support
 561 order.

562 10. The particular parenting plan, such as where the child
563 spends a significant amount of time, but less than 20 ~~40~~ percent
564 of the overnights, with one parent, thereby reducing the
565 financial expenditures incurred by the other parent; or the
566 refusal of a parent to become involved in the activities of the
567 child.

568 11. Any other adjustment that ~~which~~ is needed to achieve
569 an equitable result which may include, but not be limited to, a
570 reasonable and necessary existing expense or debt. Such expense
571 or debt may include, but is not limited to, a reasonable and
572 necessary expense or debt that ~~which~~ the parties jointly
573 incurred during the marriage.

574 (b) Whenever a particular parenting plan provides that
575 each child spend a substantial amount of time with each parent,
576 the court shall adjust any award of child support, as follows:

577 1. In accordance with subsections (9) and (10), calculate
578 the amount of support obligation apportioned to each parent
579 without including day care and health insurance costs in the
580 calculation and multiply the amount by 1.5.

581 2. Calculate the percentage of overnight stays the child
582 spends with each parent.

583 3. Multiply each parent's support obligation as calculated
584 in subparagraph 1. by the percentage of the other parent's
585 overnight stays with the child as calculated in subparagraph 2.

586 4. The difference between the amounts calculated in
587 subparagraph 3. shall be the monetary transfer necessary between
588 the parents for the care of the child, subject to an adjustment
589 for day care and health insurance expenses.

590 5. Pursuant to subsections (7) and (8), calculate the net
 591 amounts owed by each parent for the expenses incurred for day
 592 care and health insurance coverage for the child. ~~Day care shall~~
 593 ~~be calculated without regard to the 25 percent reduction applied~~
 594 ~~by subsection (7).~~

595 6. Adjust the support obligation owed by each parent
 596 pursuant to subparagraph 4. by crediting or debiting the amount
 597 calculated in subparagraph 5. This amount represents the child
 598 support which must be exchanged between the parents.

599 7. The court may deviate from the child support amount
 600 calculated pursuant to subparagraph 6. based upon the deviation
 601 factors in paragraph (a), as well as the obligee parent's low
 602 income and ability to maintain the basic necessities of the home
 603 for the child, the likelihood that either parent will actually
 604 exercise the time-sharing schedule set forth in the parenting
 605 plan granted by the court, and whether all of the children are
 606 exercising the same time-sharing schedule.

607 8. For purposes of adjusting any award of child support
 608 under this paragraph, "substantial amount of time" means that a
 609 parent exercises time-sharing visitation at least 20 ~~40~~ percent
 610 of the overnights of the year.

611 (c) A parent's failure to regularly exercise the court-
 612 ordered or agreed time-sharing schedule not caused by the other
 613 parent which resulted in the adjustment of the amount of child
 614 support pursuant to subparagraph (a)10. or paragraph (b) shall
 615 be deemed a substantial change of circumstances for purposes of
 616 modifying the child support award. A modification pursuant to
 617 this paragraph is ~~shall be~~ retroactive to the date the

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618 | noncustodial parent first failed to regularly exercise the
619 | court-ordered or agreed time-sharing schedule.

620 | Section 6. This act shall take effect January 1, 2011.