

uncovering the mystery

in calculating child support

It can be complicated and most, if not all, cases involving children, contain issues regarding child support. Child support is one of those areas in family law that is determined on a case by case basis. You simply cannot determine the number of kids you have and then refer to a chart or ask another person in a similar situation how much they are getting to figure out how much money you should be receiving or paying. Child support is not money meant for the child's use, but for the actual support of the children. "Child support" can be used by the receiving parent to pay rent or the mortgage, utilities, groceries, and other costs necessary to provide for the support of the children.

Child support numbers are not created by magic, but calculated using the Florida Child Support Guidelines. The courts have very little to no discretion to deviate from the guidelines absent exceptional circumstances or extraordinary expenses. The formula does not vary, but the factors used in calculating child support do. To calculate child support, the calculation takes the net income (after taxes) of both parents. All income is used in the determination to include,

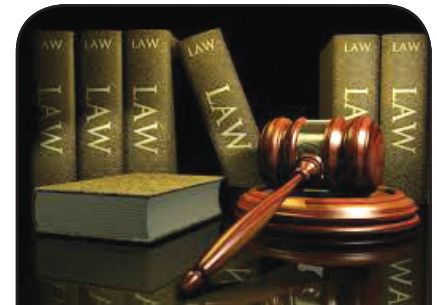
but not limited to, disability, social security, military entitlement, pension, alimony, etc. For parents that are voluntarily unemployed, the court may impose at least minimum wage to them. Prior work history may also be taken into consideration when asking the court to impose income for the other party.

Based on the number of children the parties share and the combined net incomes of both parents, a monthly obligation is obtained (as outlined in Florida Statute §61.30.) Children from prior relationships are typically not considered in the child support calculation unless the child support is court ordered and actually paid. Expenses, such as mortgage, utilities, car payments, and credit card payments are not deducted in calculating child support in the child support guidelines.

Once the monthly obligation is determined, the percentage of financial responsibility based on the respective net incomes of the parents is

attributed to each parent. Next, child care and health care costs are entered, if applicable, and assigned to the parent paying for either or both. A child support figure is then obtained. However, this child support amount is for circumstances where there is no substantial timesharing (less than 20 percent of overnights per year) exercised by the other parent. This figure is typically used by the Department of Revenue when requesting the court to impose an order for child support. Child support obtained by this administrative agency cannot take visitation and the actual time the child is spending with the paying parent into consideration.

For a parent that exercise more than 20 percent of overnights or 73 overnights per year, a gross up method is utilized. The effect on the child support is that less child support may be paid to the parent with the majority timesharing. If a parenting plan outlining local visitation is part of the case, it is likely the gross up method is used. However, a parent cannot withhold visitation from the other parent simply because that parent is not paying child support. If a parent is having issues with child support and/or visitation, it is always a good idea to contact a family law attorney.



FAMILY LAW ATTORNEY

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