

CS/HB 907 2nd eng. — Child Support Guidelines

by Civil Justice & Courts Policy and Reps. Flores (CS/CS/SB 2246 by Judiciary Committee and Children, Families, and Elder Affairs Committee; CS/SB 1194 by Children, Families, and Elder Affairs Committee and Senator Altman)

Child Support

This bill amends provisions of law dealing with child support. Specifically, the bill:

- Requires that all child support and income deduction orders must provide for termination of support upon a child's 18th birthday, unless certain exceptions apply, and for a schedule stating the amount of support that will be owed for the remaining children, if any;
- Outlines the basic principles the court shall adhere to when implementing the child support guidelines schedule;
- Provides that under certain circumstances the court shall impute income equivalent to the median income of year-round full-time workers;
- Creates a rebuttable presumption when imputing income to an unemployed or underemployed parent;
- Places the burden on the party seeking to impute income to present certain evidence;
- Prohibits imputing income for out-of-date records or unprecedented earnings;
- Amends the child support guidelines schedule;
- Changes the calculation obligation amounts for incomes that fall below the minimum amount set forth in the child support guidelines schedule;
- Removes the requirement that certain child care costs are reduced by 25 percent before being added to the basic support obligation;
- Allows the court to consider the impact of the Child & Dependent Care Tax Credit and the Earned Income Tax Credit when adjusting a child support award; and
- Changes the overnight time-sharing threshold from 40 percent to 20 percent.

The bill provides that when a court issues a child support order, the court will also provide the amount of child support that will be owed for any remaining children after one or more children are no longer entitled to receive support.

Alimony

This bill also provides that before a court may make an award of any type of alimony, it must make a specific factual determination as to whether there is an actual need for alimony or maintenance by either party and whether either party has the ability to pay. It also adds to the list of factors a court must consider when determining an alimony award.

The bill provides that in addition to permanent or rehabilitative alimony, a court may also award bridge-the-gap alimony or durational alimony, or any combination thereof, and specifies the circumstances appropriate for each type of alimony.

If approved by the Governor, these provisions take effect January 1, 2011.

Vote: Senate 38-0; House 92-23