***Module 5*. Financial Responsibilities to a Child or Children - Child Support Information**

******Child Support** - Florida Child Support laws are pretty clear: if there are minor children of divorcing parents, there is child support. The amount of child support is based on guidelines defined in [**Florida law**](http://floridarevenue.com/dor/cgi-bin/redirect.cgi?dest=http://www.flsenate.gov/Laws/Statutes/2013/61.30&type=int&prog=cse&origin=Support%20Amounts%20Link%201).

Child support guidelines are standards used to estimate the support needed for a child and the amount a parent has to pay for this purpose. Guidelines help ensure that child support amounts are fair for the parents. Every state has its own guidelines, so they may differ from one state to another.

Guidelines are used first time when child support is ordered (when parents file for divorce) and then every time the child support amount changes based on changes that may occur in parents' financial situation or other changes. They are also used to review the order and see if the support amount should be changed.

Child support guidelines considers the following factors:

* Income of both parents
* Child's health care and child care costs
* Standard needed for caring of the child. A list of support amounts based on the child's age and net income of the parents is in the [**Florida law – standard needs table**](http://floridarevenue.com/dor/cgi-bin/redirect.cgi?dest=http://www.flsenate.gov/Laws/Statutes/2013/61.30&type=int&prog=cse&origin=Support%20Amounts%20Link%202).

The court or agency establishing support must use these guidelines to decide the amount of child support that will go in a Florida support order. Under special circumstances, support amounts may be higher or lower than the guideline amounts. For example, a judge may consider a child's high medical expenses as a reason to change the support amount. In most cases, judges have to give written reasons why support amounts are different from guideline amounts.

Child support pays for the roof over the children’s heads, electricity, water, food, and other essentials. In many cases support also pays for health insurance. The parent that has the children the majority of the time receives support and the other parent pays support.

In most cases the amount of support is governed by the incomes of both parents and the amount the Florida child support guidelines provide. Support is also dependent on the number of overnights the children spend with each parent. Theoretically, if the parents have equal incomes and equal overnights with the children – child support would be zero. But that is not the case in most situations.

Both divorce and paternity cases with children involve child support. For a custody or parenting case, child support is calculated the same way. Even though there are Florida child support guidelines, the calculation of support is not absolutely black and white. There are specific considerations for taxes, daycare, medical, and other issues that can significantly change the amount to pay or receive.

**How is the Process for Child Support Calculations Started?**

The process of determining the amount of child support payments, which parent will be the majority parent and which will be the non-majority parent, must be determined. After this determination is made, the amount of child support to be paid by the non-majority parent will be calculated. Each parent’s net income is determined based on gross income minus any allowable deductions.

***What Constitutes “Income?”***

The income of each parent is the starting point in determining child support. Gross income for each parent includes wages and salary, commissions, overtime pay, bonuses, tips, self-employment business income, income from partnerships or corporations, workers’ comp benefits, spousal support from a prior marriage, disability benefits, pension, retirement, annuity payments, benefits from social security, unemployment benefits, rental income, interest and dividends. When one parent is unemployed or underemployed, the court may impute a monthly income for that parent. If such unemployment or underemployment is voluntary, earnings may be based on that parent’s recent work history.

***What are Allowable Deductions?***

The deductions allowed for parents in the calculation of child support include the following:

* Health insurance premiums for the children;
* Daycare costs for the children;
* Federal, state and local income tax deductions;
* Child support and spousal support being paid for a prior marriage;
* Union dues;
* Federal insurance payments;
* Mandatory retirement payments.

***How Are the Child Support Payments Calculated?***

After taking income and allowable deductions into consideration, and arriving at the parents’ net income, the number of children from the marriage will be factored in. The courts then allocates a percentage of the net income to be paid by each parent. Adjustments to the amount of child support determined can be made based on whether the non-majority parent has at least 73 overnights each year. Individual circumstances of the parents will factor in to the amount of child support ordered, however there are online Florida child support charts which allow you to get a good idea of the amount which will be ordered.

***Can a Florida Court Deviate From the Florida Child Support Guidelines?***

While the “normal” calculations generally work well for most parents in the determination of child support, the Florida courts do have some discretion when setting child support amounts. Under Florida law, the court is only allowed to deviate by 5 percent unless there is justification for a larger deviation. A child who requires special or extraordinary medical, psychological or dental care could impact child support payments as could any outside sources of income available to the child. Deviations to the child support calculations could also apply when there are special needs related to a disabled child, the income or expenses of one or both parents varies seasonally, one parent has a large amount of personal assets, or when the child spends a significant amount of time with the paying parent. If a parent pays child support from a prior marriage, the total garnished for both amounts of child support cannot exceed 55 percent of that parent’s gross income. This means the current child support payment may be reduced.

***Can I Receive Retroactive Child Support Payments?***

Once child support payments are established, the paying parent may be responsible for retroactive child support for the time between the separation and the date the child support order goes into effect. Due to the mathematical nature of child support payments, this retroactive amount will be determined in the same manner as the regular child support payments.

If both parents enjoy equal time-sharing, child support will still be calculated according the [Florida Child Support Guidelines Worksheet](http://www.flcourts.org/core/fileparse.php/293/urlt/902e.pdf), and is dependent on each parent’s income, the percentage of time sharing (usually overnights), health insurance, uncovered medical expenses and the costs of daycare when applicable. As the time-sharing of the paying parent increases (more overnight visits), he or she will likely pay less child support.

Most parents who pay child support operate under the assumption those payments will cease the day the child turns 18. In truth, there are other factors which may come into play regarding when the parent can stop paying child support. In theory, court-ordered child support in Florida does end when a minor child turns 18. That being said, if your child support order was entered before October 2011, you may be obligated to take additional steps in order to terminate your child support obligations. If you have multiple children, you will be required to file a request to terminate child support each time a child reaches the age of 18. In some instances a child who is over the age of 18, but still in high school, may continue to receive child support until graduation from high school. Children with disabilities may also require child support payments far longer than the age of 18.

***Can Child Support Be Modified?***

If the child support amount has not been reviewed in three years, it could be time to ask for a modification. There are also a number of other reasons which may justify a modification of child support. Some of these include more overnights, increases in income for the person receiving support or decreases in income for the person paying support (through no fault of their own). The increase or decrease must be a minimum of 15 percent or $500 for the court to consider a child support modification. If a parent who has been paying health care costs for the children is no longer paying those costs, a modification may be approved. A decrease in income must be related to involuntary loss of a job or income, or due to a disability or illness. Should the needs of a child significantly increase or decrease, a child support modification could also be in order.

***What is a Cost of Living Adjustment for Child Support?***

Some child support agreements contain a cost of living adjustment (COLA) clause. This clause takes into account the annual cost of living increase, then automatically increases the amount of child support based on that number. The theory behind a cost of living increase clause in child support orders is that it would largely eliminate the modification requests which are based on the increase in everyday expenses. The downside to a cost of living adjustment clause is that the paying parent’s income may not be increasing at the same rate as the cost of living.

***What Is Necessary for a Modification of Child Support?***

Whenever two parents are no longer together, chances are that one parent will be ordered to pay child support to help meet the financial needs of raising the child. The parent who has less time with the child is the most likely to pay, though the amount is calculated based on other factors, including the income of both parties. While the amount that is set is deemed sufficient at the time, there may be situations where a modification of child support becomes necessary.

**Sources of Information:**

* Florida Child Support Calculation Worksheet: <http://www.flcourts.org/core/fileparse.php/293/urlt/902e.pdf>
* Florida Statutes: <http://www.flsenate.gov/Laws/Statutes/2013/61.30>
* Office of Child Support Enforcement, <https://www.acf.hhs.gov/css/parents>
* See attached course material: "A Handbook for Military Families - Helping You with Child Support", also available to download on the Office of Child Support enforcement website.