

## **CHILD SUPPORT – HOW MUCH WILL I HAVE TO PAY?**

Inevitably, one of the first questions a new client will ask me is, “How much child support will I have to pay [or, how much can I expect to receive]? And like most good lawyers, I respond...”that depends...”

### Duration

In California, both parents have an equal responsibility to support their minor children “in the manner suitable to the child's circumstances” [CA Family Code §3900). The duration of that duty extends until the minor reaches 18 years old. However, the obligation continues if an unmarried child is still a full-time high school student, and not already self-supporting. Then, the obligation continues until the child completes the 12<sup>th</sup> grade or reaches age 19, whichever occurs first. There are only two situations where child support would extend to an adult child. That is the case in which a child is incapacitated from earning a living and without sufficient means” [CA Fam. Code §3910(a)].

### Basic Child Support - How It Is Determined

California has mandatory statewide guidelines to compute support which all courts must adhere to. Most family law professionals use a software program called Dissomaster™ to help determine the support. The program follows the complex formula set out in the Family Code to determine the correct amount.

### Income

One of the many factors in determining support is the combined total gross income of both parents subject to employment taxes. Income includes income from self-employment, bonuses, royalties, rents received, worker's compensation, unemployment or disability, social security, and in the court's discretion self-employment benefits such as rent-free housing, car and meal allowance. A court can consider the earning capacity of a parent if it is in the child's best interest [CA Fam. Code §4058(b)].

### Deductions

Deductions include state and federal taxes, mandatory retirement contributions, required union dues, necessary job related expenses, court ordered support in another case, and health care premiums.

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### Mandatory Add-Ons

Items of additional child support are commonly known as “add-ons” and presumably shared 50/50. The statute governing additional child support provides for mandatory additional support for kids’ reasonable uninsured health costs, child care related to work, education or training. [CA Fam. Code §4062(a)(2)].

### Discretionary Add-Ons

The court may also order as additional child support costs related to the educational or other special needs of the children, and travel expenses such as private school tuition payments [CA Fam. Code §4062(b)(1)].

### Shared Physical Custody

Timeshare is calculated by approximating the percentage the primary parent has physical responsibility for the child. This includes the time the child is in school. Where both parents have high levels of responsibility for the children, support should reflect the increased costs of raising the children in two homes and should minimize significant disparities in the children's living standards in the two homes.

### Child’s Best Interests

The most important thing is to place the interests of the children as a top priority and to ensure that the support reflects the high standard of living and the high costs of child rearing. Child support should improve the standard of living in the custodial household and improve the lives of the children [CA Fam. Code §4053]. There is a presumption that the guideline support provides the correct amount.

If you would like more precise information about child support feel free to contact my office at 805-496-2311.