Welcome to the 28ᵗʰ Annual AB 1058 Child Support Training Conference

BEGINNING GUIDELINE CALCULATOR TRAINING

Hon. Adam Wertheimer, San Diego Superior Court

August 29, 2024

WHY USE GUIDELINE CALCULATOR

Per Rule of Court 5.275 (j):

- (1) In all actions for child or family support brought by or otherwise involving the local child support agency under title IV-D of the Social Security Act, the Department of Child Support Services' California Guideline Child Support Calculator software program must be used by:
  - (A) Parties and attorneys to present support calculations to the court; and
  - (B) The court to prepare support calculations

HOW TO USE THE GUIDELINE CALCULATOR

- Google "dcss guideline calculator" or https://childsupport.ca.gov/guideline-calculator/
- How to input data
- How to calculate support
- How to print and read results
- How to do one parent, 2 case calculation

SAMPLE CALCULATION #1

- **1 child – 22% timeshare with NCP**
- **Gross monthly incomes:**
  - NCP: $146,796 annual income
  - CP: California minimum wage at 40 hours per week
- **Tax filing status:**
  - NCP: Single & one, files state taxes in Florida (0% tax rate)
  - CP: Head of Household & three (one other child in the home)
- **Other factors:**
  - NCP: $875 pre-tax health insurance, $734 401(k) contribution and other child support of $1,120
  - CP: $95 union dues + $25 non Roth IRA + one hardship child

Scenario #1

- Basic support calculation assuming the following:
    - Three minor children with the following timeshare:
        - NCP = 20%
        - CP = 80%
    - Tax filing status:
        - NCP: Single with one dependent
        - CP: Head of Household with four dependents
    - Gross monthly incomes:
        - NCP is employed earning $5,500 per month
        - CP is employed earning $3,025 per month

Scenario #2

- Assume the facts of Scenario 01, plus:

  - NCP pays health insurance premiums of $375 per month

  - NCP pays union dues of $65 per month

  - NCP pays mandatory retirement of $280 per month

Scenario #3

- Assume the facts of Scenario 02, plus:

    - CP incurs child care costs of $600 per month for the parties' children, split equally between the children

Scenario #4

- Assume the facts of Scenario 03, plus:

  - NCP has itemized deductions as follows:

    - Property tax expense of $80 per month

    - Deductible mortgage interest expense of $785 per month

Scenario #5

- Assume the facts of Scenario 04, with the following modification:

    - NCP's income of $5,500 per month is self-employment income, not wages or salary

Scenario #6

- Assume the facts of Scenario 05, with the following modification and addition:

  - NCP's income is $31.73 per hour, 40 hours per week from wages or salary

  - NCP is contributing $175 per month to a non Roth individual retirement account (IRA)

Scenario #7

- Assume the facts of Scenario 06, with the following modification:

  - The timeshare with the three minor children is:

    - NCP = 10%
    - CP = 90%

Scenario #8

- Assume the facts of Scenario 07, with the following modification:

    - The timeshare with the three minor children is:

        - NCP = 40%
        - CP = 60%

Scenario #9

- Assume the facts of Scenario 08, with the following modification:

  - The timeshare with the two older children is:
    - NCP = 20%
    - CP = 80%

  - The timeshare with the youngest child is:
    - NCP = 80%
    - CP = 20%

  - NCP's filing status is Head of Household & 2, claiming the youngest child

  - CP now incurs child care costs of $400 per month for the two eldest children ($200 each), NCP pays $200 per month for the youngest child

Scenario #10

- Assume the facts of Scenario 09, with the following modification:

  - The timeshare with the youngest child is:

    - NCP = 95%
    - CP = 5%

Scenario #11

- Assume the facts of Scenario 10, with the following modification:

    - NCP has remarried and their filing status is Married Filing Jointly

Scenario #12

■ Assume the facts of Scenario 11, with the following modification:

     ■ NCP's new spouse has a gross monthly income of $3,500

     ■ NCP now has necessary job related expenses of $125

Scenario #13

- Assume the facts of Scenario 12, with the following modification:

    - CP has a natural or adopted child from a different relationship, and
        - The child is living with them
        - They are claiming the child as a dependent for tax purposes
        - They are not receiving child support for that child
        - You decide to grant them a hardship for that child

Scenario #14

- Assume the facts of Scenario 13, with the following modification:

  - Calculate the child care cost split equally between the parents

Scenario #15

- Assume the facts of Scenario 12, with the following modification:

    - Calculate the child support using the **post** 9/1/24 guideline formula and apportion the child care per post 9/1/24 FC 4061

SAMPLE CALCULATION #2

- <u>First scenario</u>: One child, CP receives cash assistance (i.e. it is an aided case). NCP earns $16/hr. working full-time, NCP does not see the child. No other add-ons, deductions, hardships (no other facts).

- <u>Second scenario</u>: Same facts as above, but now NCP has a second case, and both cases are on your calendar. The second CP is also on aid, NCP does not see this child either, and no other facts.

What is the guideline child support amount for:

- <u>Scenario 1</u>?   _____

- <u>Scenario 2</u>?   1ˢᵗ case _____   2ⁿᵈ case _____

YOU ARE ALL NOW EXPERTS!

LET'S SEE WHAT YOU CAN DO

Hypo #1

- 1 child – No timeshare with NCP
- **Gross monthly incomes:**
  - NCP: $18 per hour full time (40 hr./wk.)
  - CP: Receiving aid and in the Welfare to Work Program, no reported income
- **Tax filing status:**
  - NCP: Single & one
  - CP: Head of Household & two
- **Other factors:**
  - NCP: $25 Necessary job-related expenses and other child support paid of $275

- What are your income findings and the monthly guideline child support?

Hypo #1 Results

- NCP income:
  - Gross: $3,120
  - Net: $2,298
- CP income:
  - Gross and net: $0
- Child support: $575

Hypo #2

- Timeshare with Bob (NCP):
  - 10 yr. old Alice = 24%
  - 5 yr. old Ted = 5%
- Gross monthly incomes:
  - Bob: $10K Self-Employed + $3K non-tax. income + $1050 interest
  - Carol: $5K W-2 + $12K *annual* bonus
- Tax filing status:
  - Bob: Single & one
  - Carol: Head of Household & three
- Other factors:
  - Bob: $2,200 mortgage int., $350 Prop tax + $375 pre-tax health ins + other child support of $675
  - Carol: $95 union dues + $575 post tax health ins. + $275 non Roth IRA, Texas resident

Hypo #2 Results

- Bob's net income: $10,056

- Carol's net income: $4,764

- Child Support:

  - Ted Support: $1,709

  - Alice Support: $811

- **Total Support: $2,520**

Hypo #3

- Motion for support filed May 1, 2024. Matter Heard September 16,2024

- Split custody case for 3 Children

- Father: $8,775 self emp. income plus $775 non- tax VA disab. plus $1,200 military ret., HH & 3 (has another natural child in the home for which you grant a full hardship). $475 post tax health ins., has youngest child 75% of time

- Mother: $6,500 W-2, HH & 3, $75 union dues, $325 pre-tax health is., $175 401(k), $1235 Mortgage int., $225 Prop. Tax, has eldest child 60% of time and middle child 50% of time

- Your order effective 5/1/2024? Guideline monthly child support: _____, payable from ____ to ____.

- Allocation? 1st born___ 2nd born___ 3rd born___ (payable in what direction for each?)

- What is the child support effective 9/1/2024?

Hypo #3 Results

- Effective May 1, 2024
    - $301, payable from Father to Mother.
    - 1st born $420, payable from Father to Mother.
    - 2nd born $287, payable from Father to Mother.
    - 3rd born $406, payable from Mother to Father.

- Effective September 1, 2024
    - $351, payable from Father to Mother.
    - 1st born $495, payable from Father to Mother.
    - 2nd born $340, payable from Father to Mother.
    - 3rd born $484, payable from Mother to Father.

Hypo #4

First scenario: One child, **20%** with NCP

- **NCP** has YTD total income of $63,500 for period 12/23/23 to 8/16/24 plus non taxed $1,275 VA disability, MFJ & 2, new spouse's income: $4,500, $750 pre-tax health insurance
- **CP** $5,000 W-2 income, H/H & 2, pays other child support of $450. $75 union dues and $325 post tax health insurance.

Second scenario:

- Same facts as above, but now **NCP** has a second case, and both cases are on your calendar. In this **second case** there are **2 children, 32%** timeshare with **NCP**
- **2nd CP** gets $1,950 in unemployment benefits, files H/H & 3.

- ✓ What is the guideline child support for: Scenario 1? _____

- ✓ **Scenario 2?** 1st case _____
  2nd case (1st born)_____+ (2nd born) _____ = _____

Hypo #4 Results

- **Scenario 1:** CS = $1,137

  NCP gross $9,390; net: $6,897

  CP gross $5,000; net: $3,520

- **Scenario 2:**

  1st case: CS = $898

   NCP gross $9,390; net $5,249

   CP gross $5,000; net $3,520

  2nd case: CS = $1,648 total (1st born child $618 + 2nd born child $1,030)

   NCP gross $9,390; net: $5,999

   CP gross $1,950; net: $1,950,

THE END
THANK YOU!

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