

Kentucky Revised Statutes

Title 35. DOMESTIC RELATIONS

Chapter 403. DISSOLUTION OF MARRIAGE - CHILD CUSTODY

Dissolution - Legal Separation

Current through 2014 Ky. Acts ch. 145

§ 403.212. Child support guidelines - Terms to be applied in calculations - Table

(1)

The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.

(2)

For the purposes of the child support guidelines:

(a)

"Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed.

(b)

"Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps.

(c)

For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from

ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues.

(d)

If a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a determination of potential income shall not be made for a parent who is physically or mentally incapacitated or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility. Potential income shall be determined based upon employment potential and probable earnings level based on the obligor's or obligee's recent work history, occupational qualifications, and prevailing job opportunities and earnings levels in the community. A court may find a parent to be voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation.

(e)

"Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines.

(f)

Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed.

(g)

"Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:

1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is

actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;

2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and

3. A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in the amount which would result from application of the guidelines for the support of the prior-born children.

(h)

"Split custody arrangement" means a situation where each parent is the residential custodian for one (1) or more children for whom the parents share a joint legal responsibility.

(3)

The child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.

(4)

The child support obligation shall be the appropriate amount for the number of children in the table for whom the parents share a joint legal responsibility. The minimum amount of child support shall be sixty dollars (\$60) per month.

(5)

The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.

(6)

The child support obligation in a split custody arrangement shall be calculated in the following manner:

(a)

Two (2) separate child support obligation worksheets shall be prepared, one (1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.

(b)

The nonresidential custodian with the greater monthly obligation amount shall pay the difference between the

obligation amounts, as determined by the worksheets, to the other parent.

(7)

The child support guidelines table is as follows:

COMBINED

MONTHLY

ADJUSTED

PARENTAL

GROSS

SIX

INCOME

ONE

TWO

THREE

FOUR

FIVE

OR

CHILD

CHILDREN

MORE

\$ 0

\$ 60

\$ 60

\$ 60

\$ 60

\$ 60

\$ 60

100

60

60

60

60

60

60	130
200	135
70	140
70	145
70	700
70	140
70	156
70	161
300	166
80	171
80	176
80	800
80	160
80	203
80	208
400	213
90	218
90	223
90	900
90	180
90	261
90	266
500	271
100	276
105	281
110	1,000
115	195
120	303
125	325
600	330
120	335
125	340

1,100	588
212	642
324	650
384	1,600
389	293
394	437
399	548
1,200	618
229	674
346	717
433	1,700
446	308
451	458
456	574
1,300	647
246	706
367	755
460	1,800
504	322
510	478
515	599
1,400	675
262	736
392	788
491	1,900
554	336
576	495
582	620
1,500	699
277	763
417	816
522	2,000

350	894
512	956
642	2,500
723	413
789	597
844	749
2,100	843
364	920
529	984
663	2,600
747	424
815	614
872	770
2,200	867
376	946
546	1,012
684	2,700
771	435
841	630
900	790
2,300	889
389	970
563	1,038
706	2,800
795	445
868	646
928	809
2,400	911
401	994
580	1,064
727	2,900
819	455

662	1,194
829	3,400
934	506
1,019	741
1,090	928
3,000	1,045
465	1,140
677	1,220
849	3,500
956	516
1,043	757
1,116	947
3,100	1,067
475	1,164
693	1,246
868	3,600
978	526
1,067	773
1,142	967
3,200	1,090
485	1,189
709	1,272
888	3,700
1,001	536
1,092	790
1,168	988
3,300	1,113
495	1,215
725	1,299
908	3,800
1,023	548
1,116	808

1,011	4,300
1,139	603
1,243	898
1,329	1,123
3,900	1,266
559	1,381
826	1,477
1,033	4,400
1,164	615
1,270	916
1,359	1,146
4,000	1,291
571	1,409
844	1,507
1,056	4,500
1,190	626
1,298	933
1,388	1,161
4,100	1,316
580	1,435
862	1,535
1,078	4,600
1,215	636
1,326	949
1,418	1,181
4,200	1,338
592	1,459
880	1,561
1,101	4,700
1,240	647
1,353	964
1,448	1,200

1,360	695
1,483	1,039
1,586	1,294
4,800	1,465
657	1,599
980	1,709
1,220	5,300
1,381	705
1,507	1,054
1,612	1,312
4,900	1,486
667	1,621
995	1,733
1,239	5,400
1,403	714
1,531	1,069
1,637	1,330
5,000	1,506
676	1,644
1,010	1,757
1,257	5,500
1,424	724
1,554	1,083
1,661	1,348
5,100	1,527
686	1,666
1,025	1,781
1,275	5,600
1,444	733
1,576	1,098
1,685	1,367
5,200	1,548

1,689	1,171
1,805	1,458
5,700	1,651
743	1,802
1,113	1,926
1,385	6,200
1,568	791
1,712	1,186
1,829	1,476
5,800	1,672
753	1,824
1,127	1,950
1,403	6,300
1,589	800
1,734	1,198
1,853	1,498
5,900	1,690
762	1,844
1,142	1,970
1,421	6,400
1,610	808
1,757	1,209
1,877	1,511
6,000	1,705
772	1,860
1,157	1,988
1,440	6,500
1,630	816
1,779	1,219
1,901	1,524
6,100	1,720
781	1,876

2,005	1,591
6,600	1,794
823	1,958
1,230	2,093
1,538	7,100
1,735	858
1,893	1,282
2,023	1,604
6,700	1,809
830	1,975
1,240	2,110
1,551	7,200
1,750	865
1,909	1,293
2,040	1,617
6,800	1,824
837	1,991
1,251	2,127
1,564	7,300
1,764	872
1,925	1,303
2,058	1,630
6,900	1,839
844	2,007
1,261	2,145
1,577	7,400
1,779	879
1,942	1,313
2,075	1,644
7,000	1,854
851	2,024
1,272	2,162

7,500	1,917
885	2,093
1,324	2,238
1,657	8,000
1,869	912
2,040	1,368
2,179	1,713
7,600	1,929
891	2,106
1,333	2,252
1,668	8,100
1,881	917
2,053	1,377
2,194	1,724
7,700	1,941
896	2,119
1,342	2,267
1,679	8,200
1,893	922
2,066	1,386
2,208	1,736
7,800	1,953
901	2,133
1,350	2,281
1,691	8,300
1,905	928
2,079	1,395
2,223	1,747
7,900	1,965
907	2,146
1,359	2,296
1,702	8,400

933	2,210
1,404	2,366
1,758	8,900
1,977	958
2,159	1,444
2,311	1,809
8,500	2,033
938	2,220
1,413	2,376
1,769	9,000
1,989	962
2,173	1,450
2,325	1,817
8,600	2,042
944	2,230
1,421	2,387
1,780	9,100
2,002	966
2,186	1,457
2,340	1,825
8,700	2,052
949	2,241
1,430	2,398
1,792	9,200
2,014	971
2,199	1,463
2,354	1,833
8,800	2,061
954	2,251
1,437	2,408
1,800	9,300
2,024	975

1,470	2,461
1,842	9,800
2,070	996
2,261	1,502
2,419	1,883
9,400	2,117
979	2,311
1,476	2,472
1,850	9,900
2,079	1,000
2,271	1,508
2,430	1,891
9,500	2,126
983	2,321
1,483	2,483
1,858	10,000
2,089	1,005
2,281	1,515
2,440	1,899
9,600	2,165
988	2,331
1,489	2,493
1,866	10,400
2,098	1,022
2,291	1,541
2,451	1,932
9,700	2,202
992	2,372
1,496	2,536
1,874	10,500
2,107	1,027
2,301	1,548

1,940	11,000
2,212	1,049
2,382	1,580
2,546	1,981
10,600	2,258
1,032	2,432
1,554	2,599
1,948	11,100
2,221	1,053
2,392	1,587
2,557	1,989
10,700	2,268
1,036	2,443
1,561	2,610
1,956	11,200
2,230	1,058
2,402	1,593
2,567	1,997
10,800	2,277
1,040	2,453
1,567	2,620
1,965	11,300
2,240	1,062
2,412	1,600
2,578	2,005
10,900	2,286
1,044	2,463
1,573	2,631
1,973	11,400
2,249	1,066
2,422	1,606
2,589	2,013

2,295	1,088
2,473	1,639
2,642	2,054
11,500	2,342
1,070	2,523
1,613	2,695
2,021	12,000
2,305	1,093
2,483	1,646
2,652	2,062
11,600	2,351
1,075	2,533
1,619	2,705
2,029	12,100
2,314	1,097
2,493	1,653
2,663	2,070
11,700	2,361
1,079	2,544
1,626	2,716
2,037	12,200
2,323	1,102
2,503	1,659
2,673	2,078
11,800	2,370
1,084	2,554
1,633	2,726
2,046	12,300
2,333	1,106
2,513	1,666
2,684	2,086
11,900	2,379

2,564	1,699
2,737	2,127
12,400	2,426
1,110	2,614
1,672	2,790
2,094	12,900
2,388	1,132
2,574	1,705
2,748	2,135
12,500	2,435
1,114	2,624
1,679	2,801
2,102	13,000
2,398	1,137
2,584	1,712
2,758	2,143
12,600	2,444
1,119	2,634
1,685	2,811
2,110	13,100
2,407	1,141
2,594	1,719
2,769	2,151
12,700	2,454
1,123	2,645
1,692	2,822
2,118	13,200
2,416	1,146
2,604	1,725
2,779	2,159
12,800	2,463
1,128	2,665

2,832	2,199
13,300	2,509
1,150	2,705
1,732	2,885
2,167	13,800
2,472	1,172
2,665	1,765
2,843	2,208
13,400	2,519
1,154	2,715
1,738	2,896
2,175	13,900
2,481	1,176
2,675	1,771
2,854	2,216
13,500	2,528
1,158	2,725
1,745	2,907
2,183	14,000
2,491	1,181
2,685	1,778
2,864	2,224
13,600	2,537
1,163	2,735
1,751	2,917
2,191	14,100
2,500	1,185
2,695	1,785
2,875	2,232
13,700	2,547
1,167	2,746
1,758	2,928

14,200	2,593
1,190	2,796
1,791	2,981
2,240	14,700
2,556	1,211
2,756	1,824
2,938	2,280
14,300	2,602
1,194	2,806
1,798	2,991
2,248	14,800
2,565	1,216
2,766	1,831
2,949	2,289
14,400	2,612
1,198	2,816
1,804	3,002
2,256	14,900
2,574	1,220
2,776	1,837
2,960	2,297
14,500	2,621
1,202	2,826
1,811	3,013
2,264	15,000
2,584	1,225
2,786	1,844
2,970	2,305
14,600	2,630
1,207	2,836
1,817	3,023
2,272	Cite as KRS 403.212

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