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### **DC ST § 16-916.01**

Formerly cited as DC ST 1981 § 16-916.1

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District of Columbia Official Code 2001 Edition Currentness

Division II. Judiciary and Judicial Procedure

Title 16. Particular Actions, Proceedings and Matters. (Refs & Annos)

Chapter 9. Divorce, Annulment, Separation, Support, Etc. (Refs & Annos)

#### **⇒§ 16-916.01. Child Support Guideline.**

(a) In any case that involves the establishment of child support, or in any case that seeks to modify an existing support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the child support guideline ("guideline") established in this section.

(b) In every action for divorce or custody, and in every proceeding for protection involving an intrafamily offense, instituted pursuant to Chapter 10 of Title 16, where a party has a legal duty to pay support to another party, the judicial officer shall inquire into the parties' child support arrangements. If the party entitled to child support has not requested support, or if the parties have agreed against the entry of a support order, the judicial officer shall advise the parties, regardless of whether they are represented by counsel, of the parties' entitlement to receive and obligation to pay child support under the guideline.

(c) The guideline shall be based on the following principles:

- (1) The guideline shall set forth an equitable approach to child support in which both parents share legal responsibility for the support of the child.
- (2) The subsistence needs of each parent shall be taken into account in the determination of child support.
- (3) A parent has the responsibility to meet the child's basic needs, as well as to provide additional child support above the basic needs level.
- (4) Application of the guideline shall be gender neutral.
- (5) The guideline shall be applied consistently regardless of whether either parent is a Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, or General Assistance for Children recipient, or a recipient of benefits under any substantially similar means-tested public assistance program.
- (6) The guideline shall be applied presumptively.

(d)(1) For the purposes of this section, the term "gross income" means income from any source, including:

- (A) Salary or wages, including overtime, tips, or income from self-employment;
- (B) Commissions;
- (C) Severance pay;
- (D) Royalties;
- (E) Bonuses;
- (F) Interest or dividends;
- (G) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;
- (H) Social Security;
- (I) Veteran's benefits;
- (J) Insurance benefits;

- (K) Worker's compensation;
  - (L) Unemployment compensation;
  - (M) Pension;
  - (N) Annuity;
  - (O) Income from a trust;
  - (P) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;
  - (Q) A contract that results in regular income;
  - (R) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;
  - (S) Income from life insurance or an endowment contract;
  - (T) Regular income from an interest in an estate, directly or through a trust;
  - (U) Lottery or gambling winnings that are received in a lump sum or in an annuity;
  - (V) Prize or award;
  - (W) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or
  - (X) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.
- (2) For a parent subject to self-employment tax, 1/2 of Social Security and Medicare taxes due and payable on current income shall be deducted from the parent's gross income before the child support obligation is computed.
- (3) Alimony paid by either parent to the other parent subject to the support order shall be deducted from the gross income of the parent paying the alimony before the child support obligation is computed. Alimony received from any person, including alimony received from the other parent subject to the support order, shall be added to the gross income of the parent receiving the alimony before the child support obligation is computed. Deductions and additions for alimony shall be made regardless of whether the alimony is court ordered or paid pursuant to an agreement.
- (4) A support order that is being paid by either parent shall be deducted from the parent's gross income before the child support obligation is computed.
- (5) Each parent shall receive a deduction from gross income for each child living in the parent's home for whom the parent owes a legal duty to pay support, if the child is not subject to the support order. The amount of the deduction shall be calculated by determining the basic child support obligation for the additional child in the parent's home pursuant to subsection (f)(2) of this section, using only the income of the parent entitled to the deduction. This figure shall be multiplied by 75%, and the resulting amount subtracted from the parent's gross income before the child support obligation is computed.
- (6) Gross income shall not include benefits received from means-tested public assistance programs, such as Temporary Assistance for Needy Families, Program on Work, Employment, and Responsibility, General Assistance for Children, Supplemental Security Income, or Food Stamps.
- (7) Gross income shall not include income received by or on behalf of a child in the household of a parent or third-party custodian, including foster care and guardianship payments, if the income is for a child who is not subject to the support order.
- (8) If a child subject to the support order is in the care of a third party, both parents may be required to pay child support. The income of the third party shall not be considered in the calculation of child support.
- (9) If a child subject to the support order receives Social Security Disability Insurance ("SSDI") derivative benefits through either parent, the amount of the derivative benefit paid to the child shall be included in the gross income of the parent from whom the benefit derives.
- (10) If the judicial officer finds that a parent is voluntarily unemployed or underemployed as a result of the parent's bad faith or deliberate effort to suppress income, to avoid or minimize the parent's child support obligation, or to maximize the other parent's obligation, the judicial officer may impute income to this parent and calculate the child support obligation based on the imputed income. The judicial officer shall not impute income to a parent who is physically or mentally unable to work or who is receiving means-tested public assistance benefits. The judicial officer shall issue written factual findings stating the reasons for imputing income at the specified amount.
- (11) The judicial officer shall determine the adjusted gross income of each parent based on evidence, including pay stubs, tax returns, employer statements, affidavits, and oral testimony provided under oath.
- (e) The judicial officer shall determine each parent's adjusted gross income by making the additions to and deductions from gross income specified in subsection (d) of this section.
- (f)(1) Except in cases of shared physical custody as described in subsection (q) of this section, the child support obligation shall be calculated according to the following procedure:

- (A) Determine each parent's adjusted gross income according to subsection (e) of this section.
- (B) Using the parents' combined adjusted gross income, locate the basic child support obligation from

the Schedule of Basic Child Support Obligations referenced in subsection (w) of this section. If the parents' combined adjusted gross income falls between the amounts shown in the schedule, the basic child support obligation shall be rounded up to the next higher amount.

(C) Calculate each parent's percentage share of combined adjusted gross income by dividing each parent's adjusted gross income by the combined adjusted gross income.

(D) Multiply the basic child support obligation from paragraph (2) of this subsection by each parent's percentage share of combined adjusted gross income from paragraph (3) of this subsection to determine each parent's share of the basic child support obligation. When the parents do not have shared physical custody as defined in subsection (q) of this section, the parent with whom the child does not primarily reside shall be the parent with a legal duty to pay support. The parent with a legal duty to pay support shall pay that parent's share of the basic child support obligation to the parent with whom the child primarily resides. Adjustments for health insurance premiums, extraordinary medical expenses, child care expenses, and SSDI derivative benefits shall be made to this amount according to subsections (i) through (1) of this section. The parent with whom the child primarily resides shall be presumed to spend that parent's own share of child support directly on the child.

(2) Worksheet A in Appendix II may be used to calculate the child support obligation under this subsection.

(g)(1)(A) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. The self-support reserve shall be updated by the Mayor every 2 years with the updated amount to be published in the District of Columbia Register and made effective as of April 1.

(B) As of April 1, 2007, the self-support reserve shall be \$12,382.

(C) As of April 1, 2009, the self-support reserve shall be \$14,404. The Child Support Services Division of the Office of the Attorney General shall act promptly to ensure that all child support orders entered into on or after April 1, 2009 are modified, as appropriate and as permitted under applicable law, to incorporate the April 1, 2009 adjustment.

(2) A parent with a legal duty to pay support, but with adjusted gross income below the self-support reserve, shall be considered unable to contribute the amount determined under subsection (f) of this section. The judicial officer shall treat a parent at this level of income on an individual basis, and shall order the parent to pay only the amount that the judicial officer determines the parent is able to pay, while meeting personal subsistence needs.

(3) Where the judicial officer finds that a parent with adjusted gross income below the self-support reserve has the ability to pay child support under paragraph (2) of this subsection, there shall be a presumption that the parent can pay a minimum amount of \$50 per month, while meeting personal subsistence needs. The presumption may be rebutted downward to \$0 or upward above \$50 per month by evidence of resources or circumstances affecting the parent's ability to pay, including age, employability, disability, homelessness, incarceration, inpatient substance abuse treatment, other inpatient treatment, or other appropriate circumstances. The judicial officer shall issue written factual findings stating the reasons for the entry of a minimum order below or above \$50 per month.

(h) The guideline shall not apply presumptively in cases where the parents' combined adjusted gross income exceeds \$240,000 per year. In these cases, the child support obligation shall not be less than the amount that the parent with a legal duty to pay support would have been ordered to pay if the guideline had been applied to combined adjusted gross income of \$240,000. The judicial officer may exercise discretion to order more child support, after determining the reasonable needs of the child based on actual family experience. The judicial officer shall issue written factual findings stating the reasons for an award of additional child support.

(i)(1) All orders shall contain terms providing for the payment of medical expenses for the child in accordance with section 16-916.

(2) Amounts paid by either parent for health insurance premiums for a child subject to the support order shall be divided between the parents in proportion to their respective adjusted gross incomes and added to the parents' respective shares of the basic child support obligation.

(3) A parent shall present proof of the increase in a health insurance premium incurred as a result of the addition of the child to the health insurance policy. The proof provided shall identify clearly that the source of the increase of the health insurance premium is the child subject to the support order. The cost to add the child shall be reasonable.

(4) If a parent has family health insurance coverage in the parent's health insurance plan for a second family, the addition of the child who is subject to the support order need not result in an additional cost of health insurance coverage to the parent. The parent shall provide proof that the child has been added to the health insurance coverage. An adjustment shall not be made if there is no additional cost of health insurance coverage to the parent.

(5) Health insurance coverage shall be considered reasonable in cost if the cost to the obligated parent

of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent's gross income.

(j)(1) Extraordinary medical expenses are uninsured or unreimbursed medical expenses in excess of \$250 per year, per child subject to the support order. These expenses include co-payments, deductibles, and contributions associated with public and private health insurance coverage, and costs that are reasonably necessary for orthodontia, dental treatment, asthma treatments, physical therapy, vision care, or the diagnosis or treatment of a health condition.

(2) Extraordinary medical expenses shall be divided between the parents in proportion to their respective adjusted gross incomes.

(3) If extraordinary medical expenses are recurring and the judicial officer can reasonably determine future expenses when the support order is established or modified, the judicial officer shall add each parent's proportionate share of the expenses to the parent's share of the basic child support obligation. The parents shall pay other extraordinary medical expenses in proportion to their adjusted gross incomes when these expenses are incurred. If either parent advances payment for these expenses to a provider of services, the other parent shall reimburse that parent for the other parent's proportionate share of the expense within 30 days of receiving written proof of the expense and payment.

(k) Reasonable child care expenses incurred for a child subject to the support order due to the employment or education of either parent shall be divided between the parents in proportion to their adjusted gross incomes and added to their respective shares of the basic child support obligation. Child care expenses shall be determined by actual family experience, unless the judicial officer determines that the actual family experience is not in the best interest of the child. If there is no actual family experience, or if the actual family experience is not in the best interest of the child, the judicial officer shall determine a reasonable child care expense based on the cost of child care from a licensed source. If the primary residential parent chooses child care with an actual cost that is less than the level required to provide child care from a licensed source, the judicial officer shall use the actual child care expense to calculate the child support obligation.

(l) If a child subject to the support order receives SSDI derivative benefits from the parent with a legal duty to pay support, the following adjustment to the child support obligation shall be made:

(1) After the child support obligation is calculated pursuant to subsections (f) through (k) of this section, the amount of the SSDI derivative benefit paid to the child shall be subtracted from the child support obligation. If the SSDI derivative benefit is less than the child support obligation, the order shall be set at the difference between the child support obligation and the SSDI derivative benefit. If the SSDI derivative benefit is greater than the child support obligation, the order shall be set at zero.

(2) If the judicial officer finds that SSDI derivative benefits were paid to a child subject to the support order prior to the filing of the petition to establish or motion to modify child support, these benefits shall be credited toward any retroactive child support or accumulated arrears owed pursuant to the support order.

(m) As the last calculation in the determination of child support, the judicial officer shall calculate a low-income adjustment to ensure that the parent with a legal duty to pay support is able to satisfy personal subsistence needs after the payment of child support. The judicial officer shall apply this low-income adjustment after additions to and deductions from the parent's share of the basic child support obligation have been made pursuant to subsections (i) through (1) of this section. The low-income adjustment shall be calculated as follows:

(1) Calculate a child support obligation for the parent with a legal duty to pay support according to subsections (f) and (i) through (1) of this section.

(2) Determine the parent's maximum ability to pay child support by subtracting the self-support reserve from the parent's adjusted gross income. If the remainder is negative or less than \$600 per year, apply subsection (g) of this section to determine the parent's child support obligation.

(3) If the parent's maximum ability to pay child support calculated under paragraph (2) of this subsection is greater than or equal to \$600 per year, compare the parent's maximum ability to pay child support to the child support obligation calculated in paragraph (1) of this subsection. The parent's child support obligation shall be the lesser of these 2 amounts.

(n) The child support obligation, including additions for health insurance premiums, extraordinary medical expenses, and child care expenses, shall not exceed 35% of the adjusted gross income of the parent with a legal duty to pay support.

(o)(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions

of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is different from the amount of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed-upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorneys informed the clients of the guideline. If the clients have not been informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

(2) The propriety of a departure from the guideline based on the consent of the parties shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the departure is fair and just. A transcript filed in the jacket shall suffice as a writing.

(p) Application of the guideline shall be presumptive. The guideline shall be applied unless its application would be unjust or inappropriate in the circumstances of the particular case. The propriety of any departure from the guideline under this subsection shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing. The factors that may be considered to overcome the presumption are:

- (1) The needs of the child are exceptional and require more than average expenditures;
- (2) The gross income of the parent with a legal duty to pay support is substantially less than that of the parent to whom support is owed;
- (3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the guideline amount;
- (4) Either parent supports a dependent other than a child subject to the support order, including a biological or adoptive child, a step-child, or an elderly relative, and application of the guideline would result in extraordinary hardship;
- (5) The parent with a legal duty to pay support needs a temporary period of reduced child support payments to permit the repayment of a debt or rearrangement of the parent's financial obligations; a temporary reduction may be included in a support order if:
  - (A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the parent's family responsibilities;
  - (B) The time of the reduction does not exceed 12 months; and
  - (C) The support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;
- (6) The parent to whom support is owed receives child support for a child living in this parent's home, other than the child subject to the support order, and the resulting gross income of the household to which support is owed causes the standard of living of that household to be greater than that of the household of the parent with a legal duty to pay support. For the purposes of this paragraph, the standard of living of a household shall be measured by dividing the gross income available to the household from all sources by the federal poverty guideline, as reported by the United States Department of Health and Human Services, for the number of adults contributing to the household, plus the number of children;
- (7) A child subject to the support order has regular and substantial income that can be used for the care of the child without impairment of the child's current or future education;
- (8) The parent with a legal duty to pay support has special needs that increase the costs of the parent's subsistence;
- (9) The parent with a legal duty to pay support pays for certain expensive necessities for the child, such as tuition;
- (10) The parent with a legal duty to pay support is 18 years old or younger and a full-time student;
- (11) The child is a respondent in a neglect proceeding and has been placed outside the home with a goal of reunification with the parent; or
- (12) Any other exceptional circumstance that would yield a patently unfair result.

(q)(1) Where a child spends 35% or more of the time during the year with each parent, there shall be a presumption that the parents have shared physical custody of the child. The child support obligation shall be calculated according to the following procedure:

- (A) Determine the adjusted basic child support obligation by calculating the basic child support obligation pursuant to subsection (f)(2) of this section and multiplying it by 1.5.
- (B) Determine each parent's proportionate share of the adjusted basic child support obligation based on each parent's share of combined adjusted gross income.
- (C) Determine the amount of child support to be retained by each parent by multiplying each parent's share of the adjusted basic child support obligation by the percentage of time the child spends with the relevant parent.
- (D) Subtract the amount of child support to be retained by each parent from the relevant parent's share of the adjusted basic child support obligation to determine the amount of each parent's child

support obligation.

(E) The parent owing the greater amount under subparagraph (D) of this paragraph shall be the parent with a legal duty to pay support, and shall pay the difference between the 2 amounts to the other parent.

(F) Additions to and deductions from the parents' respective shares of the adjusted basic child support obligation determined under subparagraph (D) of this paragraph, shall be made as specified in subsections (i) through (1) of this section.

(G) A child support obligation calculated based on shared physical custody shall not exceed the amount that the parent with a legal duty to pay support would pay if this parent's child support obligation were calculated based on the other parent's sole custody pursuant to subsection (f) of this section.

(2) Where the presumption of shared physical custody does not apply because the child does not spend 35% or more of the time during the year with each parent, the judicial officer shall presumptively calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

(3) If the presumption of shared physical custody applies pursuant to paragraph (1) of this subsection, either parent may rebut this presumption by proving that the method of calculating the child support obligation based on shared physical custody would be unjust or inappropriate because of the parents' particular arrangements for the custody of the child. If a parent rebuts this presumption, the judicial officer shall calculate the child support obligation based on sole physical custody pursuant to subsection (f) of this section.

(4) If the presumption of shared physical custody does not apply pursuant to paragraph (1) of this subsection, either parent may rebut the presumption that the support obligation should be calculated based on sole physical custody pursuant to subsection (f) of this section by proving that use of that method would be unjust or inappropriate based on the parents' particular arrangements for the custody of the child and that a calculation based on shared physical custody would yield a fair and just result. If a parent rebuts the presumption that the child support obligation should be calculated based on sole physical custody under this paragraph, the judicial officer shall calculate the child support obligation based on shared physical custody pursuant to paragraph (1) of this subsection.

(5) Where a parent has challenged the applicability of either method for calculating the child support obligation under this subsection, the judicial officer shall issue written factual findings stating the reason for using either the shared custody or sole custody method of calculation.

(6) Worksheet (B) in Appendix III may be used to calculate the child support obligation under this subsection.

(r) A support order issued under this section or section 46-204, shall be subject to modification by application of the guideline subject to the following conditions or limitations:

(1) The parents in a child support proceeding shall exchange relevant information on finances or dependents every 3 years and shall be encouraged to update a support order voluntarily using the updated information and the guideline. Relevant information is any information that is used to compute child support pursuant to the guideline.

(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S. C. § 651 *et seq.*), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of the support order under the guideline. The IV-D agency shall conduct the review in all cases where there is an assignment of support rights pursuant to § 4-205.19, and at the request of either parent in all other cases. If the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline, and shall petition for a modification of the support order when there is an assignment of support rights or if requested by a parent.

(3) If a support order does not provide for the payment of medical expenses for each child subject to the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.

(4)(A) There shall be a presumption that there has been a substantial and material change of circumstances that warrants a modification of a support order if application of the guideline to the current circumstances of the parents results in an amount of child support that varies from the amount of the existing support order by 15% or more. The presumption is rebutted by:

(i) Proof of special circumstances, such as a circumstance that would justify a departure from the guideline; or

(ii) Proof of substantial reliance on the original support order issued prior to the adoption of or revision to the guideline, and that application of the guideline would yield a patently unjust result.

(B) If a change to the guideline results in a support order that differs from the current support order by 15% or more, the presumption stated in subparagraph (A) of this paragraph shall apply, and the current order may be modified without any additional showing of a change in circumstances.

(C) Nothing in this paragraph shall be construed to limit the ability of a parent to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the parent with a legal duty to pay support to pay, regardless of whether this change results in a support order that differs by 15% or more from the current order.

(5) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02), the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent's incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a request, the court shall modify the support order in accordance with the guideline. The court may modify the support order from the date on which the IV-D agency received notice under this paragraph of the parent's incarceration.

(6) The basic child support obligation, as adjusted by additions and deletions made pursuant to subsections (i) through (1) of this section, shall be used to compute the amount of child support the guideline would yield for modification and to apply the test for the presumption.

(7) If a support order is issued after September 27, 1987, and the amount of the support order differs from the guideline, by order of the court or by a merged agreement of the parties, the presumption shall not apply within one year of the issuance of the support order.

(8) If a motion to modify a support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the judicial officer may enter an order modifying the support order in accordance with the guideline unless a party requests a hearing within 30 days of service of the motion for modification. No support order shall be modified without a hearing if a hearing is timely requested.

(9) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the court, to modify the child support amount by agreement of the parties at any time. This agreement shall be reviewed by a judicial officer for issuance of a revised support order in the same manner as an original agreement of the parties is reviewed.

(10) The judicial officer shall justify any departure from the guideline in writing with a statement of the factors that form the basis for the finding that the guideline amount is unjust or inappropriate. A transcript filed in the jacket shall suffice as a writing.

(11) Notwithstanding paragraph (4)(B) of this subsection, if a new child is born to the parents, the guideline shall be applied to the entire family and one order shall be issued for all the children in the family. If possible, the 2 cases shall be consolidated if child support for the last child is petitioned as a separate case.

(12) Nothing in this subsection shall preclude a party from moving to modify a support order at any other time.

(s) A support order shall not be deemed invalid on the sole basis that the support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127; 37 DCR 3).

(t) Upon the occurrence of a substantial and material change in circumstances sufficient to warrant the modification of a child support obligation pursuant to the guideline, the judicial officer may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

(u) If an order or agreement providing for child support does not set forth a date on which the child support commences, the child support shall be deemed to commence on the date the order was entered or the date the agreement was executed.

(v)(1) When a case is brought to establish child support, the judicial officer may award retroactive child support for a period not to exceed the 24 months preceding the filing of the petition or request for child support, unless the parent to whom support is owed proves that the parent with a legal duty to pay support has acted in bad faith or there are other extraordinary circumstances warranting an award of retroactive child support beyond the 24-month period. Upon this showing, the judicial officer may award retroactive child support for a period that exceeds the 24 months prior to the filing of the petition or request for child support. The judicial officer shall issue written factual findings stating the reason for awarding retroactive child support beyond the 24 month period.

(2) Retroactive child support shall be determined by calculating the guideline using the parents' incomes during the retroactive period and by considering the current ability to pay of the parent with a legal duty to pay support according to subsections (g) and (m) of this section.

(3) If the parent with a legal duty to pay support made voluntary payments or contributions to the child's expenses during the retroactive period, and proves these payments or contributions, the judicial

officer shall credit the payments or contributions against an award of retroactive child support.

(w) The Schedule of Basic Child Support Obligations contained in Appendix I shall be used to determine child support under the guideline.

(x) The worksheets contained in Appendices II and III may be used to calculate child support obligations under the guideline. Refer to Worksheet B in Appendix III to calculate child support in cases involving shared physical custody pursuant to subsection (q) of this section. Refer to Worksheet A in Appendix II to calculate child support in all other cases.

(y) The Mayor shall recommend to the Council every 4 years whether the dollar values in subsections (g) (3), (h), (j)(1), (m)(2), and (m)(3) of this section should adjusted for inflation.

CREDIT(S)

(Mar. 15, 1990, D.C. Law 8-90, § 2(b), 37 DCR 758; July 25, 1990, D.C. Law 8-150, § 2(b), 37 DCR 3720; Sept. 26, 1990, D.C. Law 8-165, § 3, 37 DCR 4827; Mar. 16, 1995, D.C. Law 10-217, § 3, 41 DCR 8040; Apr. 9, 1997, D.C. Law 11-255, § 18(e), 44 DCR 1271; Mar. 24, 1998, D.C. Law 12-81, § 10(g), 45 DCR 745; Apr. 20, 1999, D.C. Law 12-241, § 12, 46 DCR 905; Apr. 3, 2001, D.C. Law 13-269, § 106(h), 48 DCR 1270; Jan. 8, 2002, Pub. L. 107-114, § 2(d)(1), 115 Stat. 2106; Oct. 19, 2002, D.C. Law 14-207, § 2(k), 49 DCR 7827; Mar. 30, 2004, D.C. Law 15-130, § 202(c), 51 DCR 1615; May 24, 2005, D.C. Law 15-357, § 104, 52 DCR 1999; May 12, 2006, D.C. Law 16-100, § 2(h), 53 DCR 1886; June 22, 2006, D.C. Law 16-138, § 2(a), 53 DCR 3650; Mar. 20, 2008, D.C. Law 17-128, § 2(d), 55 DCR 1525; Dec. 10, 2009, D.C. Law 18-88, § 403, 56 DCR 7413.)

**APPENDIX I**

Schedule of Basic Child Support Obligations

COMBINED ADJUSTED GROSS INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR or MORE CHILDREN
12,382	3261	4634	5410	6063
12,600	3310	4702	5488	6151
13,200	3444	4890	5705	6393
13,800	3577	5076	5919	6632
14,400	3695	5244	6113	6847
15,000	3810	5411	6306	7063
15,600	3926	5578	6500	7279
16,200	4042	5740	6693	7494
16,800	4157	5902	6886	7710
17,400	4270	6064	7074	7926
18,000	4371	6226	7261	8141
18,600	4471	6389	7448	8352
19,200	4571	6550	7629	8547
19,800	4669	6692	7791	8728
20,400	4760	6835	7952	8908
21,000	4851	6958	8114	9088
21,600	4941	7081	8276	9269

22,200	5032	7205	8438	9449
22,800	5123	7328	8599	9629
23,400	5214	7451	8761	9809
24,000	5305	7575	8905	9990
24,600	5395	7698	9045	10170
25,200	5486	7821	9185	10350
25,800	5577	7945	9326	10530
26,400	5668	8068	9463	10697
27,000	5759	8190	9593	10850
27,600	5849	8306	9724	10995
28,200	5936	8423	9854	11140
28,800	6023	8539	9984	11285
29,400	6110	8655	10114	11430
30,000	6205	8782	10256	11588
30,600	6305	8915	10405	11754
31,200	6405	9048	10554	11921
31,800	6503	9181	10703	12087
32,400	6596	9315	10852	12253
33,000	6689	9448	11001	12419
33,600	6782	9581	11151	12605
34,200	6875	9716	11318	12791
34,800	6966	9861	11485	12977
35,400	7061	9998	11652	13163
36,000	7158	10132	11819	13349
36,600	7255	10266	11986	13535
37,200	7352	10399	12151	13721
37,800	7449	10533	12313	13908
38,400	7546	10666	12465	14092
39,000	7643	10800	12617	14274
39,600	7740	10933	12769	14456
40,200	7837	11067	12921	14623
40,800	7934	11201	13070	14769
41,400	8031	11334	13192	14906
42,000	8128	11453	13314	15041
42,600	8222	11564	13435	15177
43,200	8304	11674	13557	15313
43,800	8387	11785	13679	15448

44,400	8469	11895	13800	15584
45,000	8551	12006	13922	15720
45,600	8633	12116	14043	15855
46,200	8715	12227	14165	15991
46,800	8797	12337	14287	16126
47,400	8879	12448	14408	16262
48,000	8961	12558	14530	16376
48,600	9043	12668	14642	16487
49,200	9125	12779	14742	16598
49,800	9207	12879	14841	16709
50,400	9290	12979	14941	16820
51,000	9372	13079	15041	16932
51,600	9455	13180	15140	17043
52,200	9538	13280	15240	17154
52,800	9621	13380	15340	17265
53,400	9703	13480	15439	17376
54,000	9786	13580	15539	17487
54,600	9869	13680	15639	17598
55,200	9952	13780	15738	17716
55,800	10034	13881	15838	17849
56,400	10117	13981	15954	17983
57,000	10200	14085	16074	18117
57,600	10283	14195	16194	18250
58,200	10369	14306	16314	18384
58,800	10455	14417	16434	18518
59,400	10542	14528	16554	18651
60,000	10628	14638	16674	18785
60,600	10715	14749	16793	18919
61,200	10801	14860	16913	19052
61,800	10888	14971	17033	19186
62,400	10974	15081	17153	19320
63,000	11061	15192	17273	19451
63,600	11147	15303	17392	19582
64,200	11234	15414	17509	19712
64,800	11320	15522	17626	19843
65,400	11406	15628	17743	19973

66,000	11490	15735	17860	20103
66,600	11575	15842	17977	20234
67,200	11659	15949	18094	20364
67,800	11743	16056	18211	20495
68,400	11827	16163	18328	20625
69,000	11911	16270	18445	20755
69,600	11995	16377	18562	20886
70,200	12080	16483	18679	21016
70,800	12164	16590	18796	21147
71,400	12248	16697	18913	21277
72,000	12332	16804	19030	21408
72,600	12416	16911	19147	21538
73,200	12500	17018	19264	21668
73,800	12585	17125	19381	21799
74,400	12662	17232	19498	21936
75,000	12733	17338	19617	22076
75,600	12805	17445	19743	22216
76,200	12877	17560	19868	22356
76,800	12949	17676	19994	22496
77,400	13024	17785	20119	22636
78,000	13101	17885	20245	22776
78,600	13178	17984	20370	22916
79,200	13254	18083	20496	23056
79,800	13331	18182	20622	23196
80,400	13408	18282	20743	23336
81,000	13485	18381	20850	23476
81,600	13562	18480	20957	23616
82,200	13639	18579	21064	23756
82,800	13715	18678	21171	23896
83,400	13792	18778	21278	24035
84,000	13869	18877	21385	24154
84,600	13946	18976	21492	24273
85,200	14023	19075	21599	24393
85,800	14100	19174	21707	24512
86,400	14177	19274	21814	24632
87,000	14253	19373	21921	24751
87,600	14338	19483	22039	24883

88,200	14424	19593	22158	25015
88,800	14509	19702	22276	25148
89,400	14594	19812	22395	25280
90,000	14679	19922	22514	25410
90,600	14764	20032	22632	25537
91,200	14849	20142	22751	25665
91,800	14934	20251	22865	25792
92,400	15019	20361	22979	25919
93,000	15104	20467	23093	26046
93,600	15189	20571	23207	26173
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95,400	15427	20881	23548	26554
96,000	15504	20985	23662	26681
96,600	15582	21089	23776	26808
97,200	15659	21192	23890	26935
97,800	15736	21296	24004	27062
98,400	15814	21399	24118	27189
99,000	15891	21503	24232	27316
99,600	15969	21606	24346	27443
100,200	16046	21710	24460	27570
100,800	16123	21814	24574	27697
101,400	16201	21917	24688	27824
102,000	16278	22021	24802	27951
102,600	16356	22124	24916	28078
103,200	16433	22228	25030	28205
103,800	16510	22331	25143	28332
104,400	16588	22435	25257	28459
105,000	16665	22539	25371	28586
105,600	16743	22642	25485	28713
106,200	16820	22746	25599	28840
106,800	16897	22849	25713	28966
107,400	16975	22953	25827	29093
108,000	17052	23056	25940	29219
108,600	17130	23160	26053	29345
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112,200	17611	23796	26733	30103
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115,200	18023	24326	27299	30734
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117,600	18352	24750	27752	31239
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118,200	18434	24856	27865	31365
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118,800	18517	24962	27978	31491
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119,400	18599	25068	28092	31618
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124,200	19257	25916	28998	32628
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125,400	19422	26128	29224	32880
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126,000	19504	26234	29337	33007
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126,600	19586	26340	29450	33133
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127,200	19669	26447	29564	33259
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127,800	19748	26553	29677	33385
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132,600	20376	27383	30590	34411
133,200	20454	27484	30706	34541
133,800	20533	27585	30820	34671
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135,000	20688	27787	31042	34931
135,600	20765	27888	31153	35060
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136,800	20918	28090	31375	35319
137,400	20995	28191	31486	35442
138,000	21072	28292	31597	35566
138,600	21149	28392	31708	35690
139,200	21225	28493	31819	35814
139,800	21302	28594	31930	35937
140,400	21379	28695	32041	36061
141,000	21456	28796	32152	36185
141,600	21532	28897	32263	36309
142,200	21609	28998	32374	36432
142,800	21686	29099	32485	36556
143,400	21763	29200	32596	36680
144,000	21839	29301	32707	36804
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146,400	22147	29705	33151	37299
147,000	22223	29805	33262	37423
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148,200	22377	30007	33484	37670
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149,400	22530	30209	33706	37918
150,000	22607	30310	33817	38041
150,600	22684	30411	33928	38165
151,200	22761	30512	34039	38289
151,800	22837	30613	34150	38413
152,400	22914	30714	34261	38536
153,000	22991	30815	34372	38660

153,600	23068	30916	34483	38784
154,200	23144	31017	34594	38908
154,800	23221	31118	34705	39031
155,400	23298	31219	34816	39155
156,000	23375	31319	34927	39279
156,600	23452	31420	35038	39403
157,200	23528	31521	35149	39527
157,800	23605	31622	35260	39650
158,400	23682	31723	35371	39774
159,000	23759	31824	35482	39898
159,600	23835	31925	35593	40022
160,200	23912	32026	35704	40145
160,800	23989	32127	35815	40269
161,400	24066	32228	35926	40393
162,000	24142	32329	36037	40517
162,600	24219	32430	36148	40640
163,200	24296	32531	36259	40764
163,800	24373	32632	36370	40888
164,400	24449	32732	36481	41012
165,000	24526	32833	36592	41135
165,600	24603	32934	36703	41259
166,200	24680	33035	36814	41383
166,800	24757	33136	36925	41507
167,400	24833	33237	37036	41630
168,000	24910	33338	37147	41735
168,600	24987	33439	37258	41836
169,200	25064	33540	37366	41937
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170,400	25217	33742	37548	42140
171,000	25294	33837	37639	42242
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172,200	25447	34012	37821	42445
172,800	25520	34100	37912	42546
173,400	25591	34187	38003	42648
174,000	25662	34275	38094	42749
174,600	25733	34363	38184	42850
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176,400	25947	34626	38457	43155
177,000	26018	34714	38548	43256
177,600	26089	34802	38639	43358
178,200	26160	34889	38730	43459
178,800	26231	34977	38821	43561
179,400	26302	35065	38912	43662
180,000	26374	35152	39003	43764
180,600	26445	35240	39094	43865
181,200	26516	35328	39185	43966
181,800	26587	35416	39276	44068
182,400	26658	35503	39367	44169
183,000	26729	35591	39458	44271
183,600	26801	35679	39549	44372
184,200	26872	35767	39640	44474
184,800	26943	35854	39731	44575
185,400	27014	35942	39822	44677
186,000	27085	36030	39913	44778
186,600	27156	36117	40004	44879
187,200	27227	36205	40095	44981
187,800	27299	36293	40186	45082
188,400	27370	36381	40277	45184
189,000	27441	36468	40368	45285
189,600	27512	36556	40459	45387
190,200	27583	36644	40550	45488
190,800	27654	36732	40641	45590
191,400	27725	36819	40732	45691
192,000	27797	36907	40823	45793
192,600	27868	36995	40914	45894
193,200	27939	37082	41005	45995
193,800	28010	37170	41096	46097
194,400	28081	37258	41187	46198
195,000	28151	37346	41278	46300
195,600	28216	37433	41369	46401
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196,800	28347	37609	41551	46604

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202,800	29000	38428	42439	47619
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203,400	29066	38509	42523	47720
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204,000	29131	38589	42606	47821
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205,800	29327	38831	42857	48103
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206,400	29392	38912	42941	48196
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207,600	29523	39073	43108	48383
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208,800	29654	39234	43275	48569
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209,400	29719	39314	43358	48662
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210,600	29850	39476	43525	48848
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211,200	29915	39556	43609	48942
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214,200	30242	39959	44027	49407
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217,800	30634	40442	44528	49966
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219,000	30764	40603	44695	50153

219,600	30830	40684	44779	50246
220,200	30895	40765	44862	50339
220,800	30960	40845	44946	50432
221,400	31026	40926	45029	50525
222,000	31091	41006	45113	50619
222,600	31156	41087	45197	50712
223,200	31222	41167	45280	50805
223,800	31287	41248	45364	50898
224,400	31352	41329	45447	50991
225,000	31418	41409	45531	51084
225,600	31483	41490	45614	51178
226,200	31548	41570	45698	51271
226,800	31614	41651	45782	51364
227,400	31679	41731	45865	51457
228,000	31744	41812	45949	51550
228,600	31810	41892	46032	51643
229,200	31875	41973	46116	51737
229,800	31941	42054	46199	51830
230,400	32006	42134	46283	51923
231,000	32071	42215	46366	52016
231,600	32137	42295	46450	52109
232,200	32202	42376	46534	52202
232,800	32267	42456	46617	52296
233,400	32333	42537	46701	52389
234,000	32398	42618	46784	52482
234,600	32463	42698	46868	52575
235,200	32529	42779	46951	52668
235,800	32594	42859	47035	52761
236,400	32659	42940	47118	52855
237,000	32725	43020	47202	52948
237,600	32790	43101	47286	53041
238,200	32855	43181	47369	53137
238,800	32921	43262	47453	53235
239,400	32986	43343	47536	53332
240,000	33051	43423	47621	53429

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## HISTORICAL AND STATUTORY NOTES

### Prior Codifications

1981 Ed., § 16-916.1.

### Effect of Amendments

D.C. Law 13-269, in subsec. (i), substituted "if payment of such expenses has not been addressed in the support order or in an agreement between the parties" for "absent an agreement between the parties" at the end of the first sentence and rewrote (o)(2), which formerly read:

"(2) Every 3 years, in cases being enforced under part D of title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.) ("IV-D program"), the Department of Human Services Office of Paternity and Child Support Enforcement and the Child Support Section of the Civil Division of the Office of the Corporation Counsel shall notify both the noncustodial and the custodial parent of the right to seek a modification of their child support order under the guidelines. The Department of Human Services Office of Paternity and Child Support Enforcement and the Child Support Section of the Civil Division of the Office of the Corporation Counsel shall establish a procedure for informing the noncustodial and custodial parent if a modification is warranted under the guideline."

Pub. L. 107-114, in subsec. (o)(6), substituted "Family Court of the Superior Court" for "Family Division".

D.C. Law 14-207, in subsec. (c), rewrote par. (17), made nonsubstantive changes to pars. (23) and (24), and added par. (25); added subsec. (c-1); in subsec. (j), added par. (3); in subsec. (n), inserted "In such shared custody situations, the judicial officer shall have the authority to order either parent to pay a portion of the following expenses for the child: extracurricular activities and lessons, visitation, transportation, private school tuition, school fees, day care, camp, unreimbursed or uninsured health care expenses, and other such expenses. The payments may be in addition to any award of child support."; and added subsecs. (s) and (t). Par. (17) of subsec. (c) had read as follows:

"(17) Spousal support received from a person who is not a party to the child support order;"

D.C. Law 15-130 added subsec. (h-1) and par. (2A) of subsec. (o).

D.C. Law 15-357 added par. (3A).

D.C. Law 16-100, in par. (o)(3A), substituted "specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02)," for "specific facility,".

D.C. Law 16-138 rewrote the section which had read as follows:

"(a) In any case brought under paragraph (1), (3), (10), or (11) of section 11- 1101 that involves the establishment or enforcement of child support, or in any case that seeks to modify an existing child support order, if the judicial officer finds that there is an existing duty of child support, the judicial officer shall conduct a hearing on child support, make a finding, and enter a judgment in accordance with the child support guideline ("guideline") established in this section.

"(b) The guideline shall be based on the following principles:

"(1) The guideline shall set forth an equitable approach to child support in which both parents share legal responsibility for the support of the child.

"(2) The subsistence needs of each parent shall be taken into account in the determination of child support.

"(3) A parent has the responsibility to meet the child's basic needs as well as to provide additional child support above the basic needs level. The relative standard of living of each household shall be considered in the child support award, and a child shall not bear a disproportionate share of the economic consequences of the existence of 2 households rather than 1. When child support is established, the child shall not live at a standard substantially below that of the noncustodial parent.

"(4) Application of the guideline shall be gender neutral.

"(5) The guideline shall take into consideration the existence of a prior child support order that is being

paid by a parent or the obligation of a parent to support a dependent child who lives in the parent's household.

"(6) The guideline shall take into account the difference in cost to raise children of different ages.

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibility recipient.

"(8) The guideline shall be applied presumptively.

"(c) For purposes of this section, the term "gross income" means income from any source, including, but not limited to:

"(1) Salary or wages, including overtime, tips, or income from self-employment;

"(2) Commissions;

"(3) Severance pay;

"(4) Royalties;

"(5) Bonuses;

"(6) Interest or dividends;

"(7) Income derived from a business or partnership after deduction of reasonable and necessary business expenses, but not depreciation;

"(8) Social Security;

"(9) Veteran's benefits;

"(10) Insurance benefits;

"(11) Worker's compensation;

"(12) Unemployment compensation;

"(13) Pension;

"(14) Annuity;

"(15) Income from a trust;

"(16) Capital gains from a real or personal property transaction, if the capital gains represent a regular source of income;

"(17) Spousal support received from any person;

"(18) A contract that results in regular income;

"(19) A perquisite or in-kind compensation if the perquisite or in-kind compensation is significant and represents a regular source of income or reduces living expenses, such as use of a company car or reimbursed meals;

"(20) Income from life insurance or an endowment contract;

"(21) Regular income from an interest in an estate, directly or through a trust;

"(22) Lottery or gambling winnings that are received in a lump sum or in an annuity;

"(23) Prize or award;

"(24) Net rental income after deduction of reasonable and necessary operating costs, but not depreciation; or

"(25) Taxes paid on a party's income by an employer or, if the income is nontaxable, the amount of taxes that would be paid if the income were taxable.

"(c-1) Spousal support paid by the party to the child support order to the other party shall be deducted from the gross income of the paying party.

"(d) A prior child support order that is being paid shall be deducted from a parent's income before the child support obligation is computed in the instant case.

"(e)(1) The guideline shall have 5 income levels with a different percentage applied at each level.

"(2) In level 1, a noncustodial parent with income of \$7,500 or below shall be considered unable to contribute the guideline percentage. A noncustodial parent with gross income below \$7,500 shall be treated on an individual basis and, in nearly all cases, shall be ordered to pay at least a nominal sum of \$50 per month. If the individual circumstances permit, a noncustodial parent with an income below \$7,500 shall be ordered to contribute more.

"(3) In level 2, a noncustodial parent with income that is not less than \$7,501 and not more than \$15,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child support:

One child	20%
Two children	26%
Three children	30%
Four or more children	32%

"(4) In level 3, a noncustodial parent with income that is not less than \$15,001 and not more than \$25,000 per year, and whose income with application of the guideline will not be below the poverty level, shall contribute the following percentage of income for basic child support:

One child	21%
Two children	27%
Three children	31%
Four or more children	33%

"(5) In level 4, a noncustodial parent with income that is not less than \$25,001 and not more than \$50,000 per year shall contribute the following percentage of income for basic child support:

One child	22%
Two children	28%
Three children	32%
Four or more children	34%

"(6) In level 5, a noncustodial parent with income that is not less than \$50,001 and not more than \$75,000 per year shall contribute the following percentage of income for basic child support:

One child	23%
Two children	29%
Three children	33%
Four or more children	35%

"(7) In level 2, 3, 4, or 5, the child support percentage for older children shall be adjusted in accordance with this section. Further adjustments to offset medical insurance cost or income of the custodial parent shall be provided in accordance with this section.

"(f) The guideline percentage shall not apply presumptively to a noncustodial parent with income that exceeds \$75,000. The amount available to a child of a noncustodial parent with income above \$75,000 shall not be less than the amount that would have been ordered if the guideline had been applied to a noncustodial parent with income of \$75,000.

"(g) The basic child support order amount of the guideline is for a child 6 years of age or younger. The basic child support order shall be increased by 10% if the oldest child is not less than 7 years of age and not older than 12 years of age. The basic child support order shall be increased by 15% if the oldest child is not less than 13 years of age and not more than 21 years of age. For purposes of this subsection, the

age of the oldest child shall be used for the computation of the entire child support order amount rather than to compute a separate amount for each child.

"(h)(1) An offset from the child support order amount shall be allowed for the child's portion of a medical insurance premium if the noncustodial parent adds or has already added the child to the noncustodial parent's current medical insurance policy and the conditions described in this subsection are met. The offset shall be determined by the subtraction from the noncustodial parent's gross income of the amount of the premium attributable to coverage for the child measured on a per capita basis.

"(2) The noncustodial parent shall present proof of the increase in a medical insurance premium incurred as a result of the addition of the child to the medical insurance policy. The proof provided shall identify clearly that the source of the increase of the medical insurance premium is the child who is the subject of the child support order. The cost shall be reasonable.

"(3) If a noncustodial parent does not have medical insurance coverage, does not have a second family, and can obtain medical insurance coverage at a reasonable cost, the court may order the noncustodial parent to obtain medical insurance coverage for the child in accordance with federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent.

"(4) If the noncustodial parent has family medical insurance coverage in the noncustodial parent's medical plan for a second family, the addition of the child who is the subject of the child support order need not result in an additional cost of medical insurance coverage to the parent. The noncustodial parent shall be required to provide proof that the child has been added to the medical insurance coverage and to provide a medical insurance card to the custodial parent. An offset shall not be given if there is no additional cost of medical insurance coverage to the noncustodial parent.

"(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

"(j) The percentage of the noncustodial parent's gross income shall be reduced by a percentage that corresponds to the custodial parent's share of total parental gross income. The reduction shall be determined according to the following formula:

"(1) Gross income of the custodial parent minus the appropriate threshold amount provided for in paragraph 2 of this subsection and day-care cost divided by gross income of the noncustodial parent plus the custodial parent's gross income minus appropriate threshold amount and child care costs.

"(2) The threshold amount to be used to apply the offset, and below which the custodial parent's income shall be disregarded, shall be \$16,500 gross income if there is 1 child. For each additional child, the threshold amount to be used to apply the offset shall increase by \$2,000.

"(3) For the purposes of this subsection, the terms "day-care cost" and "child care costs" include work-or education-related child care expenses, including camp and before and after school care.

"(k)(1) If the parties present a consent order, an agreement that is to become an order, or a written agreement that is to be merged in an order, the judicial officer shall examine the child support provisions of the agreement, and compare the child support provisions to the guideline. If the amount of child support agreed upon is outside of the range of child support that would be ordered presumptively upon application of the guideline, the judicial officer shall determine if the agreed upon level of child support is fair and just. If the parties are represented by counsel, the judicial officer shall inquire whether the attorney informed the clients of the guideline. If the clients have not been informed of the guideline, the judicial officer shall advise the attorneys to do so. If a party is not represented by an attorney, the judicial officer shall ensure that the party is aware of the child support amount that the court would order presumptively pursuant to the guideline.

"(2) The propriety of any deviation from the guideline shall be justified in writing with a statement of the factors that form the basis for the judicial officer's finding that the deviation is fair and just. A transcript filed in the jacket shall suffice as a writing.

"(l) Application of the guideline shall be presumptive. The guideline shall be applied unless application of the guideline would be unjust or inappropriate in the circumstances of the particular case. Departures shall be set forth and explained in writing. The factors that may be considered to overcome the presumption are:

"(1) The needs of the child are exceptional and require more than average expenditures;

"(2) The gross income of the noncustodial parent is substantially less than that of the custodial parent;

"(3) A property settlement provides resources readily available for the support of the child in an amount at least equivalent to the formula amount;

"(4) The noncustodial parent supports a dependent other than the child for whom the custodial parent receives credit in the formula calculation, and application of the guideline would result in extraordinary hardship;

"(5) The noncustodial parent needs a temporary period of reduced child support payment to permit the repayment of a debt or rearrangement of his or her financial obligations; a temporary reduction may be included in a child support order if:

"(A) The debt or obligation is for a necessary expenditure of reasonable cost in light of the noncustodial parent's family responsibilities;

"(B) The time of the reduction does not exceed 12 months; and

"(C) The child support order includes the amount that is to be paid at the end of the reduction period and the date that the higher payments are to commence;

"(6) The custodial parent provides medical insurance coverage for the child at an additional cost to the custodial parent's medical insurance coverage and the additional cost is significant in relation to the amount of child support prescribed by the guideline;

"(7) Children of more than 1 noncustodial parent live in the custodial parent's household, receive a child support payment from the noncustodial parent, and the resulting gross income for the custodial parent and the children in the household causes the standard of living of the children to be greater than that of the noncustodial parent; or

"(8) Any other exceptional circumstance that would yield a patently unfair result.

"(m) The formula established in subsection (q) of this section incorporates a variation of plus or minus 3% for each level. A variation within the plus or minus 3% limit need not be justified by written findings but specific findings are advisable. The factfinder shall consider at least the following factors in the application of a variation:

"(1) A child has regular and substantial income that can be used for child support without impairment of the child's current or future education;

"(2) The noncustodial parent has special needs that require additional subsistence cost;

"(3) The noncustodial parent pays for certain expensive necessities for the child, such as tuition or orthodontia;

"(4) The child has moderately more than average needs;

"(5) High child care costs are involved; or

"(6) There is no medical insurance coverage, medical insurance coverage does not cover dental or major medical items, or the medical insurance coverage has a high deductible, and the expenses are paid or are to be paid by the custodial parent.

"(n) In a case in which shared custody is ordered or agreed to and the child spends 40% or more of the child's time with each parent, the guideline shall not apply presumptively. In such shared custody situations, the judicial officer shall have the authority to order either parent to pay a portion of the following expenses for the child: extracurricular activities and lessons, visitation, transportation, private school tuition, school fees, day care, camp, unreimbursed or uninsured health care expenses, and other such expenses. The payments may be in addition to any award of child support. For the purposes of this subsection, "shared custody" means actual visitation that exceeds 40% of the year. The guideline shall be

considered advisory, and if, in the discretion of the judicial officer, application of the guideline would result in an unjust or inappropriate order in a particular circumstance, the following procedure shall be considered:

"(1)(A) Calculate the amount that the father would pay the mother if the mother has sole custody, and multiply the amount by 1.5.

"(B) Calculate the amount that the mother would pay the father if the father has sole custody, and multiply the amount by 1.5.

"(2)(A) Multiply the father's obligation by the percentage of the time the mother has the child.

"(B) Multiply the mother's obligation by the percentage of the time the father has the child.

"(3) The difference between the amounts of paragraphs (2)(A) and (2)(B) of this subsection shall be the net transfer.

"(4) Apply any necessary credit or debit. For example, if 1 parent pays all the day-care expense, he or she shall be entitled to a credit for the day-care expense attributable to the days the child is with the other parent.

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; § 46-204), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

"(1) A party to a child support proceeding shall exchange relevant information on finances or dependents every 3 years and shall be encouraged to update a child support order voluntarily using the updated information and the guideline. Relevant information is any information that is used to compute child support pursuant to the guideline.

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), the IV-D agency shall notify both the noncustodial and the custodial parent of the right to a review, and, if appropriate, a modification of their support order under the guideline. In cases where the IV-D agency conducts a review, the IV-D agency shall inform the noncustodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay.

"(2A) If a support order does not provide for the payment of medical expenses for each child included in the support order, at the request of a party or the IV-D agency, the court shall modify the support order to provide for the payment of such expenses in accordance with section 16-916.

"(3) There shall be a presumption that there has been a substantial or material change of circumstances that warrants a modification of a child support order if application of the guideline to the current circumstances of the parties results in an amount of child support that varies from the amount of the existing child support order by 15% or more. A child support order shall not be modified based solely on the enactment of the guideline. The presumption may be rebutted by:

"(A) Proof of special circumstances such as a circumstance that would take a case outside the guideline; or

"(B) Proof of substantial reliance on the original child support order issued prior to adoption of the guideline, and that application of the guideline, would yield a patently unjust result.

"(3A) In cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2371; 42 U.S.C. § 651 *et seq.*), upon receipt of notice and documentation establishing that a parent is incarcerated in a specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to section 46-225.02), the IV-D agency shall review the circumstances of both parents and determine if a modification of the support order is appropriate under the guideline. If the IV-D agency determines that a parent's incarceration has resulted in a change in financial circumstances warranting a modification of the support order, the IV-D agency may request the court to suspend or modify the support order pursuant to this subsection. Upon receipt of such a request, the court shall modify the support order in accordance with the guideline. The court may modify the support

order from the date on which the IV-D agency received notice under this paragraph of the parent's incarceration.

"(4) The central figure stated in the guideline shall be used to compute the amount of child support that the guideline would yield for modification and to apply the test for the presumption.

"(5) If a child support order is issued after September 27, 1987, and the child support order is outside the guideline, by order of the court or by merged agreement of the parties, the presumption shall not apply within 1 year of the issuance of the child support order.

"(6) If a petition to modify a child support order pursuant to this section is accompanied by an affidavit that sets forth sufficient facts and guideline calculations, and is accompanied by proof of service upon the respondent, the Family Court of the Superior Court may enter an order to modify the child support order in accordance with the guideline unless a party requests a hearing within 30 days of service of the petition for modification. No order shall be modified without a hearing if a hearing is timely requested.

"(7) Notwithstanding paragraphs (3) through (6) of this subsection, a party may submit a praecipe with a certification of waiver and supporting documentation, as prescribed by the court, to modify the child support amount by agreement of the parties at any time. This agreement shall be treated and reviewed by the court for issuance of a revised decree in the same manner as an original agreement of the parties is reviewed.

"(8) The judicial officer shall state the reasons for a departure from the guideline in writing. A transcript filed in the jacket shall suffice as a writing.

"(9) Notwithstanding paragraph (3)(B) of this subsection, if a new child is born to the custodial and noncustodial parent, the guideline shall be applied to the entire family and 1 order shall be issued for all the children in the family. If possible, the 2 cases shall be consolidated if the child support of the last child is petitioned as a separate case.

"(10) Nothing in this subsection shall preclude a party from moving to modify a child support order at any other time.

"(p)(1) If a custodial parent has custody of children of more than 1 noncustodial parent, the judicial officer shall determine the standard of living of the custodial and noncustodial households. Standard of living is measured by dividing the gross income available to the household from all sources by the poverty level income (Chart 5) for the number of adults contributing income to the household, plus the number of children. If the standard of living for the custodial household is larger than the standard of living of the noncustodial household, the departure principle pursuant to subsection (l)(7) of this section may apply.

"(2) If the noncustodial parent has other children living with him or her, the guideline shall be determined as follows:

"(A) The guideline amount shall be determined for all of the children who live with the noncustodial parent and with the custodial parent for whom the noncustodial parent is responsible, except any child who is already the subject of a child support order.

"(B) A per capita share of the guideline amount for a child who lives in the noncustodial parent's household shall be subtracted from the noncustodial parent's gross income. The remaining income shall be used as the noncustodial parent's gross income to calculate child support for a child before the court.

"(3) If the judicial officer determines that the presumption has been overcome, the amount of child support ordered shall not reduce the standard of living of the child to less than that of the noncustodial parent. The precise amount of child support ordered is within the discretion of the judicial officer.

"(q) The guideline percentages are established as follows:

CHART 1  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
ONE CHILD  
AGES 0-6

ANNUAL GROSS  
INCOME OF  
NONCUSTODIAL  
PARENT  
0 -- \$7,500

CHILD SUPPORT  
ORDER

Discretion--Minimum \$50/month

\$7,501	--	15,000	20% of Gross Income
15,001	--	25,000	21% of Gross Income
25,001	--	50,000	22% of Gross Income
50,001	--	75,000	23% of Gross Income

AGES 7-12

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT			CHILD SUPPORT ORDER
0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	20% of Gross Income + 10% of Basic Order (22%)
15,001	--	25,000	21% of Gross Income + 10% of Basic Order (23.1%)
25,001	--	50,000	22% of Gross Income + 10% of Basic Order (24.2%)
50,001	--	75,000	23% of Gross Income + 10% of Basic Order (25.3%)

AGES 13-21

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT			CHILD SUPPORT ORDER
0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	20% of Gross Income + 15% of Basic Order (23%)
15,001	--	25,000	21% of Gross Income + 15% of Basic Order (24.15%)
25,001	--	50,000	22% of Gross Income + 15% of Basic Order (25.3%)
50,001	--	75,000	23% of Gross Income + 15% of Basic Order (26.45%)

CHART 2  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
TWO CHILDREN  
AGES 0-6 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT			CHILD SUPPORT ORDER
0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	26% of Gross Income
15,001	--	25,000	27% of Gross Income
25,001	--	50,000	28% of Gross Income
50,001	--	75,000	29% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT			CHILD SUPPORT ORDER
0	--	\$7,500	Discretion--Minimum \$50/month
\$7,501	--	15,000	26% of Gross Income + 10% of Basic Order (28.6%)
15,001	--	25,000	27% of Gross Income + 10% of Basic Order (29.7%)
25,001	--	50,000	28% of Gross Income + 10% of Basic Order (30.8%)
50,001	--	75,000	29% of Gross Income + 10% of Basic Order (31.9%)

AGES 13-21 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL			CHILD SUPPORT ORDER
-------------------------------------	--	--	---------------------

PARENT		
0	-- \$7,500	Discretion--Minimum \$50/month
\$7,501	-- 15,000	26% of Gross Income + 15% of Basic Order (29.9%)
15,001	-- 25,000	27% of Gross Income + 15% of Basic Order (31.05%)
25,001	-- 50,000	28% of Gross Income + 15% of Basic Order (32.2%)
50,001	-- 75,000	29% of Gross Income + 15% of Basic Order (33.35%)

CHART 3  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
THREE CHILDREN  
AGES 0-6 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	30% of Gross Income
15,001 -- 25,000	31% of Gross Income
25,001 -- 50,000	32% of Gross Income
50,001 -- 75,000	33% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	30% of Gross Income + 10% of Basic Order (33.0%)
15,001 -- 25,000	31% of Gross Income + 10% of Basic Order (34.1%)
25,001 -- 50,000	32% of Gross Income + 10% of Basic Order (35.2%)
50,001 -- 75,000	33% of Gross Income + 10% of Basic Order (36.3%)

AGES 13-21 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	30% of Gross Income + 15% of Basic Order (34.5%)
15,001 -- 25,000	31% of Gross Income + 15% of Basic Order (35.65%)
25,001 -- 50,000	32% of Gross Income + 15% of Basic Order (36.8%)
50,001 -- 75,000	33% of Gross Income + 15% of Basic Order (37.95%)

CHART 4  
CHILD SUPPORT ORDER FORMULA  
FOR THE SUPERIOR COURT  
FOUR OR MORE CHILDREN  
AGES 0-6 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	32% of Gross Income
15,001 -- 25,000	33% of Gross Income
25,001 -- 50,000	34% of Gross Income
50,001 -- 75,000	35% of Gross Income

AGES 7-12 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	32% of Gross Income + 10% of Basic Order (35.2%)
15,001 -- 25,000	33% of Gross Income + 10% of Basic Order (36.3%)
25,001 -- 50,000	34% of Gross Income + 10% of Basic Order (37.4%)
50,001 -- 75,000	35% of Gross Income + 10% of Basic Order (38.5%)

AGES 13-21 (oldest child)

ANNUAL GROSS INCOME OF NONCUSTODIAL PARENT	CHILD SUPPORT ORDER
0 -- \$7,500	Discretion--Minimum \$50/month
\$7,501 -- 15,000	32% of Gross Income + 15% of Basic Order (36.8%)
15,001 -- 25,000	33% of Gross Income + 15% of Basic Order (37.95%)
25,001 -- 50,000	34% of Gross Income + 15% of Basic Order (39.1%)
50,001 -- 75,000	35% of Gross Income + 15% of Basic Order (40.25%)

CHART 5  
1989 POVERTY LEVELS (ANNUALIZED)  
FOR THE DISTRICT OF COLUMBIA

NUMBER OF PERSONS	POVERTY LEVEL GROSS INCOME
1	\$ 6,314
2	8,075
3	9,890
4	12,675
5	14,994
6	16,927
7	19,127
8	21,256
9 or more	25,296

STANDARD INCOME DISREGARD FOR  
PETITIONER'S ADJUSTED GROSS INCOME

NUMBER OF CHILDREN	AMOUNT
1	\$16,500
2	18,500
3	20,500
4	22,500

"For each additional child, add \$2,000.

"(r) A child support order shall not be deemed invalid on the sole basis that the child support order was issued pursuant to the Superior Court of the District of Columbia Child Support Guideline and prior to the effective date of the Child Support Guideline Amendment Emergency Act of 1989, effective December 21, 1989 (D.C. Act 8-127, 37 DCR 3).

"(s) Upon the occurrence of a substantial or material change in circumstances sufficient to warrant the modification of a support obligation pursuant to the child support guideline, the Court may modify any provision of an agreement or settlement relating to child support, without regard to whether the agreement or settlement is entered as a consent order or is incorporated or merged in a court order.

"(t) If an order or agreement providing for child support does not set forth a date on which the support commences, the support shall be deemed to commence on the date the order was entered or the date the agreement was executed."

D.C. Law 17-128, in subsec. (i)(5), substituted "the cost to the obligated parent of providing coverage for the children subject to the support order pursuant to § 16-916.01(i)(3) does not exceed 5 % of the parent's gross income" for "it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism"; in subsec. (j)(1), substituted "include copayments, deductibles, and contributions associated with public and private health insurance coverage," for "include copayments and deductibles,"; and rewrote subsec. (r)(2), which had read as follows:

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.), the IV-D agency shall notify both parents of the right to a review, and, if appropriate, a modification of the support order under the guideline. In cases where the IV-D agency conducts a review, the IV-D agency shall inform both parents if a modification is warranted under the guideline."

D.C. Law 18-88 rewrote subsec. (g)(1), which had read as follows:

"(g)(1) A parent with a legal duty to pay support may maintain a self-support reserve as provided in this subsection. The self-support reserve shall be calculated at 133% of the United States Department of Health and Human Services poverty guideline per year for a single individual. As of the effective date of the Child Support Guideline Revision Act of 2006, the self-support reserve shall be \$12,382. The self-support reserve shall be updated every 2 years and any revision shall be published in the District of Columbia Register."

#### Temporary Amendments of Section

Section 2(a) of D.C. Law 8-90 (March 15, 1990, 37 DCR 758) added "§ 16-916.1 [1981 Ed.]. Child Support Guideline." to the table of contents for Chapter 9.

Sections 2(b) and 3 of D.C. Law 8-90 added § 16-916.1 [1981 Ed.] and 16-916.2 [1981 Ed.]. Section 4 (b) of D.C. Law 8-90 provided that the act shall expire on the 225th day of its having taken effect.

Section 3 of D.C. Law 10-210 substituted "30" for "20" in (o)(6).

Section 4(b) of D.C. Law 10-210 provided that the act shall expire on the 225th day of its having taken effect.

Section 5(j) of D.C. Law 12-103 amended (b)(7), (i), and (o) to read as follows:

"(b) The guideline shall be based on the following principles:

\* \* \*

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families recipient.

\* \* \*

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

\* \* \*

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code, 30-504), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

\* \* \*

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved

January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), the IV-D agency shall notify both the non-custodial and the custodial parent of the right to a review, and, if appropriate, a modification of their child support order under the guideline. The IV-D agency and the Child Support Section of the Family Services Division of the Office of the Corporation Counsel shall establish a procedure for informing the non-custodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a child support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a child support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

Section 16(b) of D.C. Law 12-103 provides that the act shall expire after 225 days of its having taken effect.

Section 5(j) of D.C. Law 12-210 amended (b)(7), (i), and (o)(2) to read as follows:

"(b) The guideline shall be based on the following principles:

\* \* \*\*

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families recipient.

\* \* \*\*

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

\* \* \*\*

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code, 46-204), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

\* \* \*\*

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), the IV-D agency shall notify both the non-custodial and the custodial parent of the right to a review, and, if appropriate, a modification of their support order under the guideline. The IV-D agency shall establish a procedure for informing the noncustodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Section 12 of D.C. Law 12-230 substituted "Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities" for "Aid to Families with Dependent Children ("AFDC")" in (b)(7).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Section 105 (i) of D.C. Law 13-57 substituted reference to temporary assistance for needy families for aid to families with dependent children as used in subsec. (b)(7), and substantially rewrote subsec. (o)(2).

Section 401 (b) of D.C. Law 13-57 provides that the act shall expire after 225 days of its having taken effect.

#### Temporary Amendments of Section

Section 2(a) of D.C. Law 8-90 (March 15, 1990, 37 DCR 758) added "§ 16-916.1 [1981 Ed.]. Child Support Guideline." to the table of contents for Chapter 9.

Sections 2(b) and 3 of D.C. Law 8-90 added § 16-916.1 [1981 Ed.] and 16-916.2 [1981 Ed.]. Section 4 (b) of D.C. Law 8-90 provided that the act shall expire on the 225th day of its having taken effect.

Section 3 of D.C. Law 10-210 substituted "30" for "20" in (o)(6).

Section 4(b) of D.C. Law 10-210 provided that the act shall expire on the 225th day of its having taken effect.

Section 5(j) of D.C. Law 12-103 amended (b)(7), (i), and (o) to read as follows:

"(b) The guideline shall be based on the following principles:

\* \* \*\*

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families recipient.

\* \* \*\*

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

\* \* \*\*

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code, 30-504), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

\* \* \*\*

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), the IV-D agency shall notify both the non-custodial and the custodial parent of the right to a review, and, if appropriate, a modification of their child support order under the guideline. The IV-D agency and the Child Support Section of the Family Services Division of the Office of the Corporation Counsel shall establish a procedure for informing the non-custodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a child support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a child support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

Section 16(b) of D.C. Law 12-103 provides that the act shall expire after 225 days of its having taken effect.

Section 5(j) of D.C. Law 12-210 amended (b)(7), (i), and (o)(2) to read as follows:

"(b) The guideline shall be based on the following principles:

\* \* \*\*

"(7) The guideline shall be applied consistently whether or not the custodial parent is a Temporary Assistance for Needy Families recipient.

\* \* \*

"(i) The payment of an uninsured extraordinary medical or dental expense incurred by a minor child who is the subject of a child support petition shall be treated on a case by case basis, if payment of such expenses has not been addressed in the support order or in an agreement between the parties. If the court determines that the medical or dental expense is necessary and is in the best interest of the child, the court may reduce the child support order of the noncustodial parent for a portion of the payment that the noncustodial parent makes toward the medical or dental expense or may increase the child support order to reimburse the custodial parent for payments made by the custodial parent.

\* \* \*

"(o) A child support order issued under this section or section 5 of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Code, 46-204), shall be subject to modification by application of the guideline subject to the following conditions or limitations:

\* \* \*

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 et seq.), the IV-D agency shall notify both the non-custodial and the custodial parent of the right to a review, and, if appropriate, a modification of their support order under the guideline. The IV-D agency shall establish a procedure for informing the noncustodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

Section 15(b) of D.C. Law 12-210 provided that the act shall expire after 225 days of its having taken effect.

Section 12 of D.C. Law 12-230 substituted "Temporary Assistance for Needy Families, or Program on Work, Employment, and Responsibilities" for "Aid to Families with Dependent Children ("AFDC")" in (b)(7).

Section 18(b) of D.C. Law 12-230 provides that the act shall expire after 225 days of its having taken effect.

Section 105 (i) of D.C. Law 13-57 substituted reference to temporary assistance for needy families for aid to families with dependent children as used in subsec. (b)(7), and substantially rewrote subsec. (o)(2).

Section 401 (b) of D.C. Law 13-57 provides that the act shall expire after 225 days of its having taken effect.

Section 105(j) of D.C. Law 13-207, in subsec. (b)(7), substituted "a Temporary Assistance for Needy Families ("TANF")" for "an Aid to Families with Dependent Children ("AFDC")"; in subsec. (i), substituted "if payment of such expenses has not been addressed in the support order or in an agreement between the parties" for "absent an agreement between the parties"; and amended subsec. (o)(2) to read as follows:

"(2) Every 3 years, in cases being enforced under title IV, part D of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. 651 et seq.), the IV-D agency shall notify both the noncustodial and the custodial parent of the right to a review, and, if appropriate, a modification of their support order under the guideline. The IV-D agency shall establish a procedure for informing the noncustodial and custodial parent if a modification is warranted under the guideline. Upon the request of either parent or, if the obligee receives public assistance, upon the request of either parent or the IV-D agency, the Superior Court shall modify a support order without requiring any showing of a change in circumstances, notwithstanding any other provision of law, if the order differs by 15% or more from the central guideline figure calculated by applying the guideline to the parties' current circumstances. Nothing in this paragraph shall be construed to limit the ability of a party to seek a modification of a support order upon a showing of a material and substantial change in the needs of the child or the ability of the obligor to pay."

Section 401(b) of D.C. Law 13-207 provides that the act shall expire after 225 days of its having taken effect.

Section 202(c) of D.C. Law 14-238 amended the section by rewriting subsec. (h)(3), and adding subsec. (h-1) and par. (2A) to subsec. (o) to read as follows:

"(3) If a noncustodial parent does not have medical insurance coverage, and can obtain medical insurance coverage at a reasonable cost, the court shall order the noncustodial parent to obtain medical insurance coverage for the child in accordance with § 16-916 and federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent."

"(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism."

"(2A) The court may modify a support order to require a parent to provide medical insurance coverage for a child at the request of a party, if the support order does not contain a provision for medical insurance coverage. The court shall modify a support order to include a provision for medical insurance coverage at the request of the IV-D agency, if the support order is being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and medical insurance coverage is available to the noncustodial parent at a reasonable cost."

Section 401(b) of D.C. Law 14-238 provides that the act shall expire after 225 days of its having taken effect.

Section 202(c) of D.C. Law 15-84 rewrote subsec. (h)(3); added subsec. (h-1); and in subsec. (o), added par. (2A). Subsecs. (h)(3), (h-1), and par. (2A) of subsec. (o) read as follows:

"(3) If a noncustodial parent does not have medical insurance coverage, and can obtain medical insurance coverage at a reasonable cost, the court shall order the noncustodial parent to obtain medical insurance coverage for the child in accordance with § 16-916 and federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent."

"(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism."

"(2A) The court may modify a support order to require a parent to provide medical insurance coverage for a child at the request of a party, if the support order does not contain a provision for medical insurance coverage. The court shall modify a support order to include a provision for medical insurance coverage at the request of the IV-D agency, if the support order is being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and medical insurance coverage is available to the noncustodial parent at a reasonable cost."

Section 302(b) of D.C. Law 15-84 provides that the act shall expire after 225 days of its having taken effect.

Section 2(h) of D.C. Law 16-42, in subsec. (o)(3A), substituted "specific facility (except where the parent is incarcerated for contempt for failure to pay child support pursuant to § 46-225.02)," for "specific facility,".

Section 5(b) of D.C. Law 16-42 provides that the act shall expire after 225 days of its having taken effect.

#### Emergency Act Amendments

For temporary addition of § 16-916.1 [1981 Ed.] and 16-916.2 [1981 Ed.], see § 2 and 3 of the Child Support Guideline Amendment Emergency Act of 1989 (D.C. Act 8-127, December 21, 1989, 37 DCR 3).

For temporary amendment of section, see § 3 of the Child Support Enforcement Emergency Amendment Act of 1994 (D.C. Act 10-322, August 4, 1994, 41 DCR 5373), § 3 of the Child Support Enforcement Congressional Adjournment Emergency Amendment Act of 1994 (D.C. Act 10-328, October 21, 1994, 41 DCR 7158), and § 3 of the Child Support Enforcement Congressional Adjournment Emergency Amendment Act of 1995 (D.C. Act 11-4, January 19, 1995, 42 DCR 543).

For temporary amendment of section, see § 5(j) of the Child Support and Welfare Reform Compliance

Emergency Amendment Act of 1997 (D.C. Act 12-222, December 23, 1997, 44 DCR 114), § 5(j) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-309, March 20, 1998, 45 DCR 1923), § 5(j) of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110), § 5(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-503, October 27, 1998, 45 DCR 8495), and § 5(e) of the Child Support and Welfare Reform Compliance Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-600, January 20, 1999, 46 DCR 1239).

For temporary amendment of section, see § 12 of the Self-Sufficiency Promotion Emergency Amendment Act of 1998 (D.C. Act 12-372, June 9, 1998, 45 DCR 4270), § 12 of the Self-Sufficiency Promotion Legislative Review Emergency Amendment Act of 1998 (D.C. Act 12-425, July 31, 1998, 45 DCR 5682), § 12 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-552, December 24, 1998, 46 DCR 521), and § 12 of the Self-Sufficiency Promotion Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-19, February 17, 1999, 46 DCR 2492).

For temporary repeal of D.C. Law 12-103, see § 13 of the Child Support and Welfare Reform Compliance Second Emergency Amendment Act of 1998 (D.C. Act 12-439, August 12, 1998, 45 DCR 6110).

For temporary amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary repeal of D.C. Law 12-210, see § 113 of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 1999 (D.C. Act 13-126, August 4, 1999, 46 DCR 6606).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Legislative Review Emergency Amendment Act of 1999 (D.C. Act 13-177, November 2, 1999, 46 DCR 9678).

For temporary (90-day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-241, January 11, 2000, 47 DCR 581).

For temporary (90 day) amendment of section, see § 105(j) of the Child Support and Welfare Reform Compliance Emergency Amendment Act of 2000 (D.C. Act 13-446, November 7, 2000, 47 DCR 9213).

For temporary (90 day) amendment of section, see § 106(h) of Child Support and Welfare Reform Compliance Congressional Review Emergency Amendment Act of 2001 (D.C. Act 14-5, February 13, 2001, 48 DCR 2440).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2002 (D.C. Act 14-485, October 3, 2002, 49 DCR 9631).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2002 (D.C. Act 14-600, January 7, 2003, 50 DCR 664).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Emergency Amendment Act of 2003 (D.C. Act 15-208, October 24, 2003, 50 DCR 9856).

For temporary (90 day) amendment of section, see § 202(c) of Medical Support Establishment and Enforcement Congressional Review Emergency Amendment Act of 2004 (D.C. Act 15-330, January 28, 2004, 51 DCR 1603).

For temporary (90 day) amendment of section, see § 2(h) of Income Withholding Transfer and Revision Emergency Amendment Act of 2005 (D.C. Act 16-167, July 26, 2005, 52 DCR 7648).

For temporary (90 day) amendment of section, see § 2(h) of Income Withholding Transfer and Revision Congressional Review Emergency Amendment Act of 2005 (D.C. Act 16-200, November 17, 2005, 52 DCR 10490).

For temporary (90 day) amendment of section, see § 2 of Self-Support Reserve Revision Emergency Act of 2009 (D.C. Act 18-131, July 6, 2009, 56 DCR 5690).

For temporary (90 day) amendment of section, see § 403 of Omnibus Public Safety and Justice

Emergency Amendment Act of 2009 (D.C. Act 18-181, August 6, 2009, 56 DCR 6903).

For temporary (90 day) amendment of section, see § 403 of Omnibus Public Safety and Justice Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18- 227, October 21, 2009, 56 DCR 8668).

#### Legislative History of Laws

Law 8-90, the "Child Support Guideline Amendment Temporary Act of 1989," was introduced in Council and assigned Bill No. 8-491. The Bill was adopted on first and second readings on December 19, 1989, and January 2, 1990, respectively. Signed by the Mayor on January 11, 1990, it was assigned Act No. 8-141 and transmitted to both Houses of Congress for its review. D.C. Law 8-90 became effective on March 15, 1990.

Law 8-150, the "Child Support Guideline Amendment Act of 1990," was introduced in Council and assigned Bill No. 8-461, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 1, 1990, and May 15, 1990, respectively. Signed by the Mayor on May 30, 1990, it was assigned Act No. 8-208 and transmitted to both Houses of Congress for its review.

Law 8-165, the "District of Columbia Statutory Savings Provision Act of 1990," was introduced in Council and assigned Bill No. 8-552, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 12, 1990, and June 26, 1990, respectively. Signed by the Mayor on July 12, 1990, it was assigned Act No. 8-230 and transmitted to both Houses of Congress for its review.

Law 10-210, the "Child Support Enforcement Temporary Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-739. The Bill was adopted on first and second readings on July 19, 1994, and October 4, 1994, respectively. Signed by the Mayor on October 21, 1994, it was assigned Act No. 10-331 and transmitted to both Houses of Congress for its review. D.C. Law 10-210 became effective on March 14, 1995.

Law 10-217, the "Child Support Enforcement Amendment Act of 1994," was introduced in Council and assigned Bill No. 10-740. The Bill was adopted on first and second readings on November 1, 1994, and December 6, 1994, respectively. Signed by the Mayor on December 15, 1994, it was assigned Act No. 10-354, and transmitted to both Houses of Congress for its review. D.C. Law 10- 217 became effective on March 16, 1995.

For legislative history of D.C. Law 11-255, see Historical and Statutory Notes following § 16-909.01.

Law 12-81, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-408, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 1997, and December 4, 1997, respectively. Signed by the Mayor on December 22, 1997, it was assigned Act No. 12-246 and transmitted to both Houses of Congress for its review. D.C. Law 12-81 became effective on March 24, 1998.

For legislative history of D.C. Law 12-103, see Historical and Statutory Notes following § 16-901.

For legislative history of D.C. Law 12-210, see Historical and Statutory Notes following § 16-901.

For legislative history of D.C. Law 12-230, see Historical and Statutory Notes following § 16-901.

For legislative history of D.C. Law 12-241, see Historical and Statutory Notes following § 16-901.

For D.C. Law 13-269, see notes following § 16-901.

For D.C. Law 13-207, see notes following § 16-901.

For Law 14-207, see notes following § 16-904.

For Law 14-238, see notes following § 16-901.

For Law 15-84, see notes following § 16-901.

For Law 15-130, see notes following § 16-901.

Law 15-357, the "Omnibus Public Safety Ex-offender Self-sufficiency Reform Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-785, which was referred to the Committee on Judiciary. The Bill was adopted on first and second readings on November 9, 2004, and December 21, 2004, respectively. Signed by the Mayor on January 19, 2005, it was assigned Act No. 15-744 and

transmitted to both Houses of Congress for its review. D.C. Law 15-357 became effective on May 24, 2005.

For D.C. Law 16-100, see notes following § 16-571.01.

Law 16-138, the "Child Support Guideline Revision Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-205 which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 7, 2006, and April 4, 2006, respectively. Signed by the Mayor on April 26, 2006, it was assigned Act No. 16-367 and transmitted to both Houses of Congress for its review. D.C. Law 16-138 became effective on June 22, 2006.

For Law 17-128, see notes following § 16-901.

For Law 18-88, see notes following § 16-801.

#### Effective Dates

Applicability: Section 4 of D.C. Law 16-138 provides: "This act shall apply as of April 1, 2007."

#### Miscellaneous Notes

Section 28(b)(2) of D.C. Law 15-354 provides that the section designation of § 16-916.1 of the District of Columbia Official Code is redesignated as § 16- 916.01.

DC CODE § 16-916.01

Current through September 17, 2010

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