

## **SUMMARY OF FINDINGS CHILD CARE, HEALTH INSURANCE, UNINSURED HEALTH EXPENSES AND IMPUTATION OF INCOME**

All jurisdictions, excluding Washington, and including Guam and the District of Columbia, are included in this survey. They are called states in the following summary.

### **CHILD CARE**

- 37 states consider the child care cost an obligation in addition to the basic child support obligation and apportion the expense between the parties.
- 7 states provide child care as the subject of a deviation.
- 5 specifically include child care in the support schedule.
- 2 presumably include child care in the support schedule because they do not mention it as a factor.

### **HEALTH INSURANCE**

- 33 states consider the health insurance premium attributed to the child to be an obligation in addition to the basic support obligation and apportion the expense between the parties.
- 6 specifically include the premium in the support schedule.
- 8 consider the insurance obligation as an additional obligation outside of the support schedule.
- 2 other states provide that the obligation is in addition to the scheduled amount and provide that the cost is a deduction from the basic support obligation.
- 1 state provides that the cost is an additional obligation and is credited against the basic support obligation.
- 1 state requires that the order include provisions for medical support.

### **UNINSURED HEALTH EXPENSES**

Most states consider uninsured health care costs to be an additional obligation outside of the support schedule. Only 2 make no mention of the costs, indicating that the costs are included in the schedule. 43 states apportion the costs between the parties. 22 of those apportion all uninsured costs. Several states include a portion of the costs in the schedule.

The breakdown is as follows:

- \$250 – 11 states include this amount in the basic support obligation.
- \$100 – 4 states include this amount in the basic support obligation.
- \$100 per injury/illness is included in the scheduled obligation for 1 state.
- \$350 – 1 state includes this amount in the basic support obligation.
- \$480 – 1 state includes this amount in the basic support obligation.
- \$200 – 1 state includes this amount in the basic support obligation.
- 6% of basic support obligation is included in the scheduled obligation for 1 state.
- 1 state provides a formula to determine the amount of uninsured costs to apportion.
- 5 states include uninsured health care costs as the subject of a deviation from the scheduled support obligation.
- 2 presumably include the uninsured medical obligation in the support schedule because they do not mention it as a factor.
- 1 state requires that the order include provisions for medical support.

## **IMPUTATION OF INCOME**

Nearly all states provide the statutory authority that allows the court to impute income to the voluntarily unemployed or underemployed. Those statutes require that the determination be based on potential income and earning capacity.

- 21 states provide no presumed income when income information is lacking.
- Several states provide a presumed income to impute in the case of a lack of evidence of earning capacity.

The breakdown is as follows:

- 10 states use state minimum wage.
- 7 states use federal minimum wage.
- 6 states use an average annual wage as determined by state labor department statistics.
- 1 state uses the greater of the state minimum wage, the federal minimum wage, and \$7.50/hour.
- 1 state uses the greater of the needs of the child and the standard of living of the child.
- 5 states do not mention imputation of income.