

## **SHARED CUSTODY**

### **Child Support Worksheet Instructions**

When each parent exercises physical custody (keeping the children overnight) thirty percent (30%) or more of a calendar year, this is considered shared custody. The guideline calculation in these cases is adjusted to reflect the additional costs of maintaining two households. This is a credit which is determined by multiplying 150% of the child expenditures by the percentage of time that parent exercises custody. 15 V.S.A. § 657(a)

When one parent exercises physical custody for twenty-five percent (25%) or more, but less than thirty percent (30%) of the calendar year, there is an additional adjustment in order to minimize economic disputes over parent-child contact and visitation. 15 V.S.A. § 657(b) This adjustment is derived from the Partial Shared Costs Table at the end of the Shared Tax Conversion Table (the last pink page).

These instructions and worksheets incorporate all adjustments for shared custody cases. On the shared custody worksheet, parent A is the parent with the child(ren) the higher percentage of time. If each parent has the child(ren) 50% of the time, Parent A is the parent with the lower Monthly Gross Income.

#### **I. CALCULATING MONTHLY AVAILABLE INCOME FOR PARENT A AND PARENT B**

Part I of the child support worksheet involves the process of deriving the monthly available income by making the necessary adjustments to an individual's monthly gross income. Broadly defined, available income is gross income less: (1) state, federal and FICA taxes; (2) pre-existing child or spousal support paid; and (3) the actual cost of providing adequate health insurance for the children.

##### **LINE 1 - Monthly Gross Income**

Enter the total Monthly Gross Income for each parent under the Custodial and Noncustodial column. This includes income from any source, including but not limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay pensions, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, and spousal support actually received. (Spousal support includes alimony and spousal maintenance.)

Income at the current rate for long-term United States Treasury Bills shall be imputed to non-income producing assets with an aggregate fair market value of \$10,000 or more, other than a primary residence and not more than \$15,000.00 of the value of a motor vehicle. Gross income also includes potential income of a parent who is voluntarily unemployed or underemployed unless the parent is physically or mentally incapacitated; or the parent is attending a vocational education program related to current employment; or the unemployment or underemployment of the parent is in the best interest of the child.

Self-employed parties or parties who derive income from the proprietorship of a business, joint ownership of a partnership or a closely held business operation calculate gross income with gross receipts minus ordinary and necessary expenses. Additionally, gross income includes rents minus ordinary and necessary expenses. In determining ordinary and necessary expenses, the court may exclude amounts allowable by the Internal Revenue Service for the accelerated component of depreciation expenses.

Gross income does not include the amount of money received from means tested public assistance programs, including but not limited to, Aid to Needy Families with Children (ANFC), SSI, food stamps and general assistance (GA). 15 V.S.A. § 653(5).

**LINE 1a - Self-Employment and/or Spousal Support Adjustment**

If you do not have self-employment income and you do not pay spousal support, enter zero on LINE 1a and go on to LINE 2. If all or part of your income is from self-employment and/or you pay spousal support, you must complete the Self-Employment and/or Spousal Support Adjustment Worksheet (the green colored pages). Enter the amount from Section Three, LINE C of the Self-Employment and/or Spousal Support Adjustment Worksheet.

**LINE 2 - Monthly Adjusted Gross Income**

Subtract the Self-Employment and/or Spousal Support Adjustment on LINE 1a from the Monthly Gross Income of LINE 1. Enter this amount on LINE 2. This figure represents the amount of income which you will use to determine Monthly After Tax Income from the Tax Conversion Table for Shared Custody Cases (the pink table). Parent A: (LINE 1) - (LINE 1a). Parent B: (LINE 1) - (LINE 1a).

**LINE 3 - Monthly After Tax Income**

Take the Monthly Adjusted Gross Income amount from LINE 2 of the Child Support Worksheet and find that amount on the Tax Conversion Table for Shared Custody Cases (the pink table), in the column marked Monthly Adjusted Gross Income. Enter the corresponding After Tax Income figure under the column that represents the number of dependents in the household.

**LINE 3a - Pre-existing Child Support**

Enter the amount of Monthly Pre-existing Child Support actually paid. 15 V.S.A. § 653(1)(A)

**LINE 3B - Health Insurance Premiums for Children**

Enter the amount of Monthly Health Insurance Premiums actually paid for the benefit of the child(ren) who are the subject of this support calculation. 15 V.S.A. § 653(1)(B).

**LINE 3C - Additional Self-Employment and/or Spousal Support Adjustment**

If you do not have self-employment income and you do not pay spousal support, enter zero on LINE 3c and go on to LINE 4.

If all or part of your income is from self-employment and/or you pay spousal support, enter the amount from Section Four, LINE C of the Self-Employment and/or Spousal Support Adjustment Worksheet (the green worksheet).

**LINE 4 - Monthly Unadjusted Available Income**

Subtract from each parent's Monthly After Tax Income each parent's payments for Preexisting Child Support, Health Insurance Premiums, and the Additional Self-Employment and/or Spousal Support Adjustment.

Parent A: (LINE 3) - (LINE 3a) - (LINE 3b) - (LINE 3c)

Parent B: (LINE 3) - (LINE 3a) - (LINE 3b) - (LINE 3c)

**LINE 4A - Additional Dependent Adjustment**

This adjustment applies only to parties who have additional dependents. Additional dependents means any natural, adopted, and/or stepchild(ren) whom the parent has a duty to support and who are not the subject of this support order. The adjustment is made by calculating a hypothetical support obligation for those dependent(s). Take the amount on LINE 4 and find this figure in the Monthly Combined Available Income column of the Intact Family Expenditures Table (the blue colored table). On this row, find the Table amount under the column which represents the appropriate number of additional dependents. Enter this amount.

15 V.S.A. § 656a.

**LINE 5 - Monthly Available Income**

Enter each parent's total Monthly Available Income after subtracting the Additional Dependent Adjustment, if any, from the total Monthly Unadjusted Available Income.

Parent A: (LINE 4) - (LINE 4a)

Parent B: (LINE 4) - (LINE 4a)

Enter the sum of Parent A's and Parent B's Monthly Available Income under the "Combined" column in LINE 5. Parent A (LINE 5) + Parent B (LINE 5).

15 V.S.A. § 653(1).

**II. CALCULATING THE CHILD SUPPORT OBLIGATION**

**LINE 6 - Proportional Share of Income**

Divide each parent's individual Monthly Available Income by the Combined Monthly Available Income and enter this amount.

Parent A (LINE 5) divided by Combined (LINE 5).

Parent B (LINE 5) divided by Combined (LINE 5).

**LINE 7 - Child Support Guideline Amount**

Take the amount of Combined Monthly Available Income (in LINE 5 under the combined column) and find this figure on the Intact Family Expenditures Table (the blue colored table). Enter the amount under the column indicating the appropriate number of children.

15 V.S.A. § 654.

**LINE 8 - Multiply Line 7 x 1.5**

LINE 8 is an adjustment which reflects the additional costs of maintaining two households. (LINE 7 x 1.5). 15 V.S.A. § 657(a).

**LINE 8a - Qualified Child Care Costs**

For each parent, include monthly work-related or education-related child care costs. This shall be calculated on an annualized basis (yearly amount of child care divided by 12). Child care costs do not include child care subsidies or child care tax credits. 15 V.S.A. § 653(2).

**LINE 8b - Extraordinary Medical Expenses**

For each parent, indicate monthly Extraordinary Medical Expenses incurred on behalf of the involved children. Extraordinary medical expenses shall include, but are not limited to uninsured monthly medical expenses in excess of \$16.00. 15 V.S.A. § 653(4)

**LINE 8c - Extraordinary Educational Expenses**

For each parent, indicate monthly Extraordinary Educational Expenses incurred on behalf of the involved children. 15 V.S.A. § 653(4).

**LINE 9 - Totals of Lines 8a, 8b, 8c**

For Parent A, add the total amount of Child Care Costs, Extraordinary Medical Expenses and Extraordinary Educational Expenses and enter the total amount in the column for Parent A. Parent A: LINE (8a) + (8b) + (8c).

For Parent B, add the total amount of Child Care Costs, Extraordinary Medical Expenses and Extraordinary Educational Expenses and enter the total amount in the column for Parent B. Parent B: LINE (8a) + (8b) + (8c).

Add the total amount from Parent A's column and the total amount from Parent B's column and enter this amount in the combined total column on LINE 9. Total Parent A (LINE 9) + Total Parent B (LINE 9).

**LINE 10 - Combined Family Expenditures**

Add the amount on LINE 8, to the amount on combined LINE 9. Enter this figure on LINE 10. (LINE 8+ Combined LINE 9).

**LINE 11 - Parental Support Obligations**

For each parent, multiply that parent's Proportional Share of Income (LINE 6) by the Combined Family Expenditures (LINE 10) and include this amount in (LINE 11) for each parent. Parent A: (LINE 6) X (LINE 10). Parent B (LINE 6) X (LINE 10).

**III. SHARED CUSTODY CALCULATION**

**LINE 12 - Expenditure Adjustment**

Enter the total amount of Expenditures from Parent B, LINE 9. This step adjusts Parent B's share of expenditures.

**LINE 13 - Credit for Time Child(ren) are with Parent B**

Multiply the percentage of time child(ren) are with Parent B X the figure in LINE 8 and enter on LINE 13. This step adjusts the child support obligation for the amount of time child(ren) are with Parent B.

**LINE 14 - Adjustment for Shared Costs**

This amount only applies if the child(ren) are with Parent B for at least 25% of the time but not more than 30% of the time. Refer to the Shared Costs Table (the last pink colored page). Multiply LINE 13 X the adjustment factor from the Partial Shared Costs Table for the appropriate percentage of time and enter the amount on LINE 14. 15 V.S.A. § 657(b).

**LINE 15** - Take the amount of LINE 11 for Parent B and subtract the amount of LINE 12.

		LINE 11		\$
		LINE 12		\$
		TOTAL A	-	\$
Then subtract the amount of credit entered on LINE 13 from Total A.		LINE 13		\$
		TOTAL B		\$
If there is an adjustment for families where children spend at least 25% but less than 30% of their time with Parent B, then add LINE 14 to Total B.		LINE 14	+	\$
This is referred to as the Adjusted Shared Custody Support Obligation. Enter this amount (Total C) on LINE 15. For families where this adjustment does not apply, enter Total B on LINE 15.		TOTAL C		\$

#### **IV. ABILITY TO PAY CALCULATION**

##### **LINE 16 - Self-Support Reserve**

Include the monthly Self-Support Reserve for Parent B. This amount is updated annually, and is found on the Reference Sheet (the last green colored page). 15 V.S.A. § 653(7).

##### **LINE 17 - Income Available for Support**

Subtract LINE 16 from LINE 4. Enter this amount. 15 V.S.A. § 656(c).

##### **LINE 18 - Monthly Support Payable**

Enter the smaller amount of LINE 15 or LINE 17.

NOTE: In some cases, Parent B's support obligation without the Shared Custody Adjustment may be a smaller amount. This can be calculated by first multiplying Parent B (LINE 6) times the sum of [(Combined LINE 7) and (Combined LINE 9)] Then subtract the Parent B, LINE 9 amount from the result. If this amount is smaller than LINE 15 or LINE 17, enter this amount.

If the amount on LINE 15 is a negative amount, Parent A should be ordered to pay the absolute (i.e. positive) value of that amount or \$50.00; whichever is greater, to Parent B as child support. This may occur when Parent A has a very high percentage of available income and has the children more than 50% but less than 75% of the time.

##### **LINE 19 - Monthly Incomes**

Indicate each parent's monthly income after the payment of support. (Parent A LINE 4 + LINE 18) and (Parent B LINE 4 - LINE 18).

##### **LINE 20 - Maintenance Supplement**

A maintenance supplement may be included in addition to the parental support obligation to be paid to a parent while the support obligation exists. This amount, if any, shall take into account the respective financial circumstances of the parties, including gross income, assets, liabilities, including tax liabilities, and the obligation to pay child support. The payment of a maintenance supplement to a parent should correct any financial disparity in the financial circumstances of the parties if the disparity will result in a lower standard of living for the child than the child would have if living with the noncustodial parent.

15 V.S.A. § 661.