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Quick Facts: Child Support Guidelines

This Quick Facts guide provides information about using the guidelines formula to set and modify child support orders.

The Child Support Program¹ is a successful federal-state-tribal partnership whose mission is to promote economic stability for children whose parents live apart. Federal regulations (45 §302.56) require each state to have guidelines based on specific numeric criteria for setting and modifying child support orders. As long as minimum federal requirements are met, states have flexibility in developing child support guidelines. The purpose of the guidelines is to ensure the adequacy of child support awards, promote settlements through predictability, and achieve consistency among cases with similar circumstances.

Under federal law, the child support guidelines must, at a minimum²:

- Provide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay;
- Take into consideration the basic subsistence needs of the noncustodial parent who has a limited ability to pay;
- If imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent, including factors such as the noncustodial parent's employment history, education, job skills, employment barriers, and other background factors, to the extent those circumstances are known;
- Provide that incarceration may not be treated as voluntary unemployment; and,
- Address how the parents will provide for the child(ren)'s health care needs through private or public health coverage and/or through cash medical support.

45 C.F.R. §302.56 also states that the guidelines must be reviewed, and revised if appropriate, at least once every four years to ensure the guidelines formula results in an appropriate child support amount. When conducting the quadrennial review, states must provide a meaningful opportunity for public input, review analyses of the cost of raising children, and consider the impact of guidelines policies and amounts on low income custodial and noncustodial parents.

The most common guidelines model is Income Shares. Under that model, courts take into account the gross or net incomes of both parents and attempt to achieve the standard of living the child would have enjoyed if living in an intact family. Some states follow a Percentage of Obligor's Income model in which only the noncustodial parent's income is considered in determining the amount of child support. In addition to health insurance premiums, many guidelines require that child support orders address the custodial parent's work-related child care expenses or the child's unreimbursed medical expenses. When calculating





support, the guidelines may also take into consideration high and low-income families, access and parenting arrangements, and multiple family obligations. Deviations from the guidelines may be permitted based upon findings that application of the guidelines would result in an order that is unjust, inappropriate, or not in the best interests of the child.

Establishing realistic child support orders through fair and equitable guidelines results in obligors having a larger role in their child's life and promotes family self-sufficiency through regular payments of child support. Improvements in collection on current child support and reductions in the accumulation of child support arrears are also achieved.

¹ Created by Title IV-D of the Social Security Act

² 45 C.F.R. Section 302.56 Available: https://www.ecfr.gov/cgi-bin/text-idx?SID=3c53c7bab249d23002d30c6a2b17de48&mc=true&node=se45.2.302_156&rqn=div8

