

**Review of Child Support Policies for Multiple Family Obligations:
Five Case Studies**

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INTRODUCTION

Each state is required by Congress to develop guidelines for determining child support cases, in order to provide some uniformity in the calculation of orders and to make the process of seeking orders more predictable for families. The purpose of this report is to describe policies used in five states concerning child support orders for multiple family obligations, that is those in which one or both parents have had children with two or more partners. In addition to providing information on policies in other states, the collected information will inform the simulation models included in a related report that estimates the effects of current and potential alternative policies for families in Wisconsin.

Substantial divorce and remarriage and growing rates of nonmarital fertility have contributed to a higher incidence of multiple-partner fertility. In TANF cases, the degree of complexity is particularly high—three years after initial entry to W-2, more than half of mothers had a multiple family structure (Cancian et al, 2003). Preliminary results from ongoing research (Cancian and Meyer, 2006) suggest substantial levels of multiple partner fertility among the full population served by the child support enforcement system. For 9 percent of mothers, both the mother and at least one associated father had children with more than one partner; 16 percent of the mothers had children with only one father, but he had children with more than one mother; and 6 percent of mothers had children with more than one father, each of whom had children only with her. Thus, child support guidelines are often applied to parents who have children with more than one partner.

This study builds on Brito (2003), which provided an overview of the different approaches that have been taken to constructing child support guidelines provisions related to complicated families. In considering how to formulate guidelines that apply to multiple family obligations, the question of how to deal with subsequent children arises. When a parent had a second family, should the obligation to the first

family be reduced, do prior-born children take precedence, or should all children be treated equally? In this report, I present five approaches to this question.

STUDY METHODOLOGY

In order to select states on which to focus, I concentrated on two specific policy dimensions; the general model used to calculate child support order amounts, and whether a state had specific guideline provisions related to multiple family obligations.

There are three models of child support guidelines currently in use; percentage-of-obligor-income, income shares, and the Melson formula. A number of states have specific guidelines provisions related to multiple family obligations, while others permit guideline deviations for these cases, to allow judicial discretion in setting order amounts. From fifteen locations identified in Brito (2003) as having specific multiple-family guidelines provisions, I selected five, trying to include a variety of approaches to the treatment of additional dependents. I chose two percentage-of-obligor's income models, two states that use income shares, and one that uses the Melson formula. The five locations included in this study are North Dakota, Washington, DC, Colorado, New Jersey, and Montana. For each location, I reviewed the written child support guidelines and interviewed at least two officials. All respondents had one the following job descriptions; state IV-D director, child support chief of operations, Family Court manager, or guidelines coordinator or specialist.

CASE STUDIES

Percentage-of-Obligor-Income Models

In this type of model, guidelines call for child support orders to reflect a percentage of the noncustodial parent's income, with higher percentages applying to larger numbers of children. The two models included in this category are North Dakota, and Washington, DC.

North Dakota

In North Dakota, to determine the support amount in a multiple-family case, two amounts are calculated and then averaged. The first is the amount that would be due to the child or children in question, assuming no other obligations. The second reduces the net income of the obligor by the amount of any other child support orders due, and also by the cost of support for any children living with the obligor for whom there is no support order. The final order amount is the average of these two “hypothetical” amounts. Birth order is not taken into account in these calculations—prior orders are considered regardless of whether the new child is younger or older. North Dakota does permit the court to recalculate an earlier order when a new order is being determined (which could result in a reduction of the earlier order and a corresponding higher amount for the new order), but this happens rarely.

For example, say that the noncustodial parent has a net monthly income of \$2,000, and a prior order of \$411 per month¹ for a child with a different custodial parent.

The order amount for a new child would be the average of two hypothetical orders:

- 1) the order amount based on his net monthly income of \$2,000 assuming no other child support obligations, which would be \$411, and
- 2) the order amount based on his net income after subtracting the prior order amount of \$1,589, which under the guidelines would be \$346.

Thus, the final order amount for the new child would be the average of \$411 and \$346, or \$379.

The multiple-family provision has been part of North Dakota’s guidelines since 1995. Prior to that, other children in the home of the obligor were not considered in order calculations. There is a pending initiative to reform the guidelines to focus on children’s needs rather than on obligor’s income. While this reform, if it is implemented, could affect how multiple-family cases are handled, the impetus

¹Under North Dakota’s guidelines, a parent with a net income of \$2,000 per month with a child support obligation for one child would have a monthly order amount of \$411. For more detail, see the appendix.

for the change appears to be a general dissatisfaction with the guidelines; the current multiple-family provisions appear to be well accepted.

Washington, DC

In Washington, DC, the same types of prior obligations are considered as in North Dakota, but the calculation is done differently. A prior child support order that is being paid is deducted from a parent's income before the next child support obligation is computed, and an adjustment is also made for other children living with the noncustodial parent without a child support order. Opinions differ on whether existing child support orders should be deducted only for prior born children, or for any child with a prior-established order. The Child Support Services Division maintains that only orders for prior-born children should be deducted, and there is some case law to support this viewpoint, but some judges may interpret the guidelines differently. New guideline legislation, discussed in more detail below, refers to "a child support order that is being paid" rather than "a prior child support order that is being paid," which is the language used in the current guidelines. This indicates that in the future, any child support order being paid will be deducted from income regardless of the birth order of the child.

If the income of the custodial parent is above a threshold amount, the order percentage applied to the noncustodial parent's income is reduced by a percentage that corresponds to the custodial parent's share of total parental gross income. The threshold amount is \$16,500 for 1 child, with \$2,000 added for each additional child.

The adjustment for other children living with the noncustodial parent is calculated as follows: the guideline amount is calculated for all children who live with the noncustodial parent and for the children to be covered under the new order. A per capita share of the guideline amount for the children who live with the noncustodial parent is subtracted from gross income.

For example, say the noncustodial parent's gross income is \$30,000 per year, but he pays \$6,600 per year in child support.² He has one child living with him, and a child with a

²Washington, DC uses different guidelines percentages for different age ranges. This example assumes that all children are age 6 or younger. Given a noncustodial parent's gross income of \$30,000, and a custodial parent's

third mother for whom an order is being established. The gross income of the new custodial parent is \$24,000.

The noncustodial parent's income after paying the other order is

$$\$30,000 - \$6,600 = \$23,400$$

Because the custodial parent's income is over the threshold of \$16,500 by \$7,500, an amount by which the guideline percentage will be reduced is calculated

$$\$7,500 / (\$23,400 + \$7,500) = 24.27\%$$

Given the noncustodial parent's adjusted gross income of \$23,400, the guideline percentage for two children (the one living with the noncustodial parent and the one for whom the new order is being established) is 27 percent of gross income. This percentage is reduced by the 24.27 percent calculated above, resulting in an order percentage of 20.44 percent, and a guideline amount of

$$\$23,400 * .2044 = \$4,783$$

Since this guideline amount is for two children, only one of whom is living with the father, the per capita amount for the child living with the noncustodial parent is half of the guideline amount for two children, or

$$\$4,783 / 2 = \$2,391 \text{ per year}$$

So, the noncustodial parent's income used to calculate the order amount for the third child reflects deductions for both the order being paid and a support amount for the second child

$$\$30,000 - \$6,600 - \$2,391 = \$21,009$$

This adjusted gross income is used to calculate a new adjustment percentage using the custodial parent's share of the new total parental gross income.

$$\$7,500 / (\$21,009 + \$7,500) = 26.31\%$$

Given the noncustodial parent's income of \$21,009, the guideline percentage for one child is 21 percent. Reducing this by the adjustment percentage of 26.31 percent, the final child support order percentage is 15.47 percent. So, the final child support order amount is

income of \$16,500 or less, the guidelines specify an order percentage of 22 percent for a child age 0–6, so the order amount under the guidelines for the first child would be \$6,600. For more detail, see the appendix.

$\$21,009 * .1547 = \$3,250$ per year or $\$271$ per month.

If a custodial parent has custody of children of more than one noncustodial parent, a standard of living calculation is done for both custodial and noncustodial households, counting the income of all adults contributing to each household. If the standard of living for the custodial household is larger than that for the noncustodial household, the judge may decide to deviate from the guideline.

Washington, DC recently passed new guidelines legislation which will be implemented shortly. This legislation represents a shift from a percentage-of-obligors income model to an income shares model. The provisions for multiple families in the guidelines are similar to those in the present guidelines, with a few changes. In addition to the removal of the word “prior” in the provision for deducting orders being paid as discussed above, the deduction for other children living with the noncustodial parent is now calculated as 75 percent of the basic support obligation according to the guidelines for that child. All examples for Washington, DC included in this report reflect the current guidelines, not the new legislation.

Income Shares Models

Under an income shares model, the income of both parents is totaled and multiplied by a percentage to yield the combined child support, then that support amount is apportioned to each parent based on their share of the combined income.³ The two states included for this model are Colorado and New Jersey.

Colorado

In Colorado, if at the time of order establishment a parent is paying another child support order, the amount of child support paid is subtracted from the parent’s income for the purposes of calculating the

³If the same percentages are applied to both parents’ incomes, and if the percentage of income does not vary with total income, the percentage-of-obligors income and income shares models will yield identical order amounts (Rothe, 2001).

new order. In addition, if the parent is living with prior-born children for whom there is no support order, an amount for basic support of those prior-born children is calculated and subtracted from the parent's income. Note that this second adjustment applies only to prior-born children. These same income adjustments also apply to the modification of a support order, so a prior order would not be modified just because the payer had subsequent children.

The second part of this provision, limiting adjustments for resident children to prior-born children, has been somewhat controversial. The provision first went into effect in 1998, and since then the Colorado Child Support Commission has been convened three times, and each time recommended that the "prior-born" language be removed from the provision. In Colorado, the Child Support Commission develops guidelines, but they must be enacted by the Legislature. Legislators have declined to sponsor legislation to remove this language, arguing that it would encourage people to have additional children without considering whether they have the resources to support them. The Child Support Commission does not believe that providing a deduction irrespective of birth order would in fact provide a significant incentive for people to have more children. As a compromise, the Commission is now recommending that instead of providing a 100 percent income credit for support costs for prior-born children, they instead provide a 75 percent credit for the support costs of any child living with the parent. This recommendation continues to meet resistance in the legislature.

In Colorado, calculation of the new order amount is fairly straightforward. If the noncustodial parent has a gross monthly income of \$2,500 and a prior order (or calculated support amount for a prior-born child) of \$436, and the custodial parent has a monthly income of \$2,000, then the total support amount based on a combined income of $\$2,500 - \$436 + \$2,000 = \$4,064$ would be \$682, and the order amount would be the noncustodial parent's share of that amount, based on the share of income:⁴

$$\$682 * (\$2,064 / 4,064) = \$346$$

⁴In Colorado, the custodial parent's gross income does not include child support payments received.

New Jersey

New Jersey's multiple family provision is similar to Colorado's, with the major exception that the income credit for other children living with the noncustodial parent is not limited to prior-born children. Thus, prior to calculating the support amount, an income adjustment is made for any child support being paid for child support orders for other children, and for support for any other legal dependents regardless of birth order. Calculation of the order amount once all allowable income credits are deducted is basically the same as that shown for Colorado, although the schedule of support amounts for each income level is slightly different. If multiple orders reduce the obligor's income to an amount below a self-support reserve (currently \$198 per week), the orders should be adjusted to distribute the obligor's available income equitably among all children while preserving the obligor's self-support reserve.

New Jersey also has a unique provision that permits the court to review all past orders for an obligor with multiple family obligations. If the court has jurisdiction over all orders, it may average the orders, or fashion some other equitable resolution to treat all supported children fairly under the guidelines. However, a Family Court official indicated that this provision is used infrequently. All of the multiple-family provisions have been in the guidelines since the late 1980s, and appear to be well accepted.

Example:

Assume the custodial parent has a net weekly income of \$350, and the noncustodial parent has a net weekly income of \$450 (before paying child support) and a prior child support order of \$110.⁵

The basic child support amount is based on a combined net weekly income of

$$\$350 + \$450 - \$110 = \$690$$

⁵\$110 is the New Jersey guideline weekly order amount for one child, given a noncustodial parent net weekly income of \$450 and a custodial parent net weekly income of \$250. The custodial parent's income does not include child support payments received. See appendix for more guideline detail.

According to the guidelines, the basic child support amount for a combined weekly income of \$690 is \$169. The order amount is the noncustodial parent's share of that amount, according to the share of weekly net income

$$\$169 * (\$340 / \$690) = \$83 \text{ per week}$$

In this example, the order amounts of \$110 and \$83 would reduce the noncustodial parent's net weekly income from \$450 to \$257. Since this amount is above the self-support reserve of \$198, no adjustment is required.

Melson Formula

Under this formula, a self-support allowance is subtracted from each parent's income in order to ensure that both can support a minimal standard of living. A similar support standard is calculated for each child, then apportioned to each parent based on their share of the combined income. If the parents have income remaining after these calculations, an additional percentage of income is added to the support amount to raise the child's standard of living. Three states currently use this formula, Delaware, Hawaii, and Montana. For this study, I included Montana.

Montana

Any pre-existing support orders for other children are deducted from a parent's income before calculating a new support order. In addition, half of a child support amount calculated according to the guidelines is subtracted for any other children for whom no order exists. This includes children who live with the parent as well as those who do not.

Montana also currently has a provision stating that when an existing order is being modified, the support obligation of each parent is calculated considering all children, prior and subsequent, of each parent. Then, the support order obligation of each parent is calculated considering no subsequent children of either parent. If both calculations result in an amount smaller than the existing order, the lesser of the two decreases in order amount is granted. If both calculations result in an amount larger than the existing order, the lesser of the two increases in order amount is granted. If one calculation results in a smaller order amount, and the other in a larger order amount, no modification is granted. Most of the time, the

order amount that does not consider subsequent children is the one that results from this rule. There is currently a proposal under consideration to eliminate this provision for modifying an existing order. The concern is that child support for the first family can be decreased because of a subsequent child. The current provisions have been in place since 1992.

In Montana, calculation of an order amount requires several steps:⁶

Say the custodial parent has a net annual income of \$20,000 and the noncustodial parent has a net annual income (before paying child support) of \$24,000 and is paying \$3,581 for a prior child support order.

Each parent is given a personal allowance of \$12,740. This means that the custodial parent has income available for child support of

$$\$20,000 - \$12,740 = \$7,260$$

And the noncustodial parent has income available for child support of

$$\$24,000 - \$12,740 - \$3,581 = \$7,679$$

Thus, the combined available income for child support is

$$\$7,260 + \$7,679 = \$14,939$$

And the noncustodial parent's share of that income is

$$\$7,679 / \$14,939 = 51\%$$

Under Montana's guidelines, the primary child support allowance for one child is \$3,822, so the noncustodial parent's share of that allowance is

$$\$3,822 * .51 = \$1,949$$

The next step is to calculate a standard of living adjustment (SOLA). For one child, the SOLA factor is 14 percent. The noncustodial parent's income available for the SOLA is the income available for child support (calculated above) minus the noncustodial parent's share of the primary child support allowance. That income amount is then multiplied by the SOLA factor

⁶Detail is included in the appendix

$$\$7,679 - \$1,949 = \$5,730 * .14 = \$802$$

The SOLA is added to noncustodial parent's share of the primary child support allowance for a final order amount of

$$\$1,949 + \$802 = \$2,751 \text{ per year, or } \$229 \text{ per month}$$

EXAMPLE CASE

To see some of the effects of the different state provisions, I calculated order amounts for a fairly simple multiple family case under each set of guidelines. In this case, a father has one child with each of two different mothers. The order for the older child was set first. For each set of guidelines, I calculate the order amount for each child, then calculate the percentage that the second order represents compared to the first order, to give some sense of how the father's resources are distributed between the two families. Note that this calculation is done for a particular example case with particular income levels. Also, since the order amounts are calculated in order of birth, any provision that favors prior-born children does not come into play in this example. Finally, this example does not include any children living with the father, who are treated differently under different guidelines.

In this case, the father has an annual income of 30,000 gross, 24,000 net (not counting any prior orders that might be deducted under the various guidelines), and each mother has an annual income of 24,000 gross, 20,000 net.⁷ The father does not live with either child, and both mothers have sole custody. For the purposes of this example, I am ignoring child care expenses and other income adjustments. For states that have different child support rates for different age children, I have assumed that both children fall in the youngest age category. Note that the example used for this table does not necessarily correspond to the illustrative examples used for each state above.

⁷In reality, net incomes would vary by state given different allowable deductions and different tax rates. The example case requires both types of income, as some of the guideline charts are based on gross income and others on net. For ease of calculation, I have assumed the same net income amount in each state.

Order Amounts for Example Case Under Each Model

	Monthly Order Amount for First Child	Monthly Order Amount for Second Child	Order Amount for Second Child as a Percentage of First Child Order
North Dakota	\$411	\$379	92%
Washington, DC	440	332	75
Colorado	401	351	88
New Jersey*	481	369	78
Montana	298	231	78

*If the New Jersey provision permitting the court to equalize the two orders was used, the order amounts could both be \$422.

In each case, the order amount for the second child is smaller than for the first (although New Jersey guidelines do permit these amounts to be averaged, or some other calculation to treat both children fairly). The percentage by which the second is smaller ranges from 8 percent for North Dakota, to 25 percent for Washington, DC.

CONCLUSIONS

This report reviews guideline provisions in five locations that each take a different approach to multiple family cases. In all the locations included, provisions generally provide a smaller order amount for later-established orders. One state distinguishes between prior-born and subsequent-born children when adjusting for the costs of children living with the noncustodial parent. The models described here suggest some of the important dimensions along which policies vary. These dimensions, and the implications for Wisconsin families, are discussed in greater detail in a related report that also includes simulations of different approaches for families currently served by the Wisconsin child support program.

**Appendix
Guideline Detail⁸**

1. Washington, DC: Percentage-of-Obligor-Income Model

A prior child support order that is being paid is deducted from a parent's income before the next child support obligation is computed.

If the custodial parent's income is above a threshold amount, then the percentage of the noncustodial parent's income used to determine child support is reduced by a percentage that corresponds to the custodial parent's share of total parental gross income. So, if a noncustodial parent is in the income bracket that would indicate a 20 percent payment for one child, but the custodial parent's income accounts for 25 percent of total parental gross income, then the child support percentage of 20 percent is reduced by 25 percent to 15 percent. The threshold amount is \$16,500 for 1 child, with \$2,000 added for each additional child.

If there are other children living with the noncustodial parent, the guideline amount is calculated for all children who live with the noncustodial parent and for the children to be covered under the new order. A per capita share of the guideline amount for the children who live with the noncustodial parent is subtracted from gross income.

Guideline Percentages:

Noncustodial Parent Gross Income:	1 Child	2 Children	3 Children	4+
<= \$7,500/year	discretion; minimum \$50/month			
\$7,501–\$15,000	20%	26%	30%	32%
\$15,001–\$25,000	21	27	31	33
\$25,001–\$50,000	22	28	32	34
\$50,001–\$75,000	23	29	33	35

If oldest child is 7–12 years old, order is increased by 10% (e.g., one child order = 22%)

If oldest child is 13–21, order is increased by 15% (e.g., one child order = 23%)

⁸The following descriptions are simplified versions of each guideline, ignoring adjustments for child care and other expenses, as well as adjustments for shared custody cases.

Deviation from the guideline is permitted if children of more than one noncustodial parent live in the custodial parent's household and 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. Standard of living is measured by dividing the gross income available to the household from all sources by the poverty level income for the number of adults contributing to the household plus the number of children.

2. North Dakota: Percentage-of-Obligor-Income Model

Net income is defined as total gross income minus federal and state tax (state tax obligation calculated as 14 percent), social security, health insurance premiums for the child(ren) for whom support is sought, union dues and other required employment expenses.

In multiple family cases, a hypothetical amount due to each obligee must first be determined. Next, a hypothetical amount due to each obligee in the order is determined, reducing the obligor's net income by the amount of child support due to all other obligees (those included in the first calculation). The support amount is calculated as one-half of the total of the two amounts.

Excerpt of Child Support Schedule:

Obligor's Monthly Net Income	One Child	Two Children	Three Children	Four Children	Five Children	Six or More Children
100 or less	14	17	20	22	24	26
200	28	34	40	44	48	52
300	42	51	60	66	72	78
400	56	68	80	88	96	104
500	75	90	105	120	130	140
600	102	126	144	162	174	192
700	133	161	189	210	231	252
800	168	200	232	264	288	320
900	207	252	288	324	360	387
1,000	250	300	350	390	430	470
1,100	266	328	384	428	470	511
1,200	282	356	418	465	510	553
1,300	298	385	452	503	550	594
1,400	314	412	486	540	590	635
1,500	330	441	520	578	630	677
1,600	346	469	554	616	669	718
1,700	362	497	588	653	709	759
1,800	378	526	622	691	749	800
1,900	394	554	656	728	789	842
2,000	411	582	690	766	829	883

3. Colorado: Income Shares Model

The basic child support obligation is divided between the parents in proportion to their adjusted gross incomes. “Adjusted gross income” means gross income less preexisting child support obligations actually paid by a parent. Income is rounded to the nearest \$50. Income does not include child support payments received.

If at the time of setting/modifying a child support order, the parent is also legally responsible for the support of other prior-born children, a support amount (calculated as described below) is subtracted from the parent’s income prior to calculating the obligation for the new order.

Excerpt of Child Support Schedule:

Combined Monthly Gross Income	Number of Children					More than 5
	1	2	3	4	5	
Incomes of less than \$850						
			A payment of \$50.00 a month is required			
850	184	269	319	352	382	409
900	193	282	334	369	400	428
950	202	294	349	386	418	447
1,000	211	307	364	402	436	467
1,050	220	320	379	419	455	486
1,100	228	333	395	436	473	506
3,500	610	882	1,038	1,147	1,243	1,330
3,550	617	892	1,050	1,160	1,258	1,346
3,600	624	903	1,062	1,173	1,272	1,361
3,650	631	913	1,074	1,187	1,287	1,377
3,700	638	923	1,086	1,200	1,301	1,392
3,750	645	934	1,098	1,214	1,315	1,408
3,800	652	944	1,110	1,227	1,330	1,423
3,850	660	954	1,122	1,240	1,344	1,439
3,900	667	964	1,135	1,254	1,359	1,454
3,950	673	973	1,145	1,266	1,372	1,468
4,000	677	980	1,153	1,274	1,381	1,478
4,050	682	987	1,161	1,283	1,391	1,488
4,100	686	993	1,169	1,292	1,400	1,498
4,150	691	1,000	1,177	1,301	1,410	1,509
4,200	695	1,006	1,185	1,310	1,420	1,519
4,250	700	1,013	1,193	1,318	1,429	1,529
4,300	704	1,020	1,201	1,327	1,439	1,539
4,350	708	1,026	1,209	1,336	1,448	1,550
4,400	713	1,033	1,217	1,345	1,458	1,560
4,450	717	1,039	1,225	1,354	1,467	1,570
4,500	722	1,046	1,233	1,362	1,477	1,580

4. New Jersey: Income Shares Model

Net income of the parents is gross income minus income taxes, mandatory union dues, mandatory retirement, previously ordered child support orders, and, when appropriate, a theoretical child support obligation for other dependents.

Multiple Family Obligations. When the court adjudicates a case involving an obligor with multiple family obligations, it may be necessary to review all past orders for that individual. If the court has jurisdiction over all matters, it may either average the orders or fashion some other equitable resolution to treat all supported children fairly under the guidelines.

If multiple orders reduce the obligor's income to an amount below the self-support reserve, the orders are adjusted to distribute the obligor's available income equitably among all children while preserving the obligor's self-support reserve. The self-support reserve affects child support award calculation only when one or both of the parents have income at or near the poverty level. The self-support reserve is 105 percent of the U.S. poverty guideline for one person. A child support award is adjusted to reflect the self-support reserve only if its payment would reduce the obligor's net income below the reserve *and* the custodial parent's net income is above the reserve. As of January 24, 2006, the self-support reserve is \$198.00 per week.

Excerpt of Basic Child Support Award Schedule

Combined Net Weekly Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
0						
50	For combined net incomes that are less than \$170 per week, the court shall establish a child support award based on the obligor's net income and living expenses and the needs of the child. In these circumstances, the support award should be between \$5.00 per week and the support amount at \$170 combined net weekly income as shown on this schedule.					
100						
150						
160						
170	44	62	72	81	89	97
180	47	66	77	85	94	102
...
640	159	221	255	284	312	340
650	161	224	258	287	316	344
660	163	227	261	291	320	348
670	165	230	264	294	324	352
680	167	232	267	298	327	356
690	169	235	270	301	331	360
700	171	238	273	305	335	364
710	174	241	276	308	339	369
720	176	244	279	311	343	373
730	178	246	282	315	346	377
740	180	249	286	319	351	381
750	182	252	289	322	355	386
760	185	256	293	326	359	390
770	187	259	296	330	363	395
780	189	262	299	334	367	400
790	191	265	303	338	371	404
800	194	268	306	341	376	409
810	196	271	310	345	380	413

5. Montana: Melson Formula Model

Net income is gross income minus taxes, mandatory retirement expenses, any pre-existing support orders, and an allowance for other children. Income does not include child support from other sources.

A personal allowance of \$12,740 is deducted from net income for each parent.

Each parent's minimum child support contribution is calculated:

- If a parent's income is less than or equal to the personal allowance, the minimum contribution is net income multiplied by the rate in the table below that corresponds to that parent's ratio of net income to the personal allowance. So, if a parent had a net income of \$10,000, their ratio of net income to personal allowance would be $\$10,000 / \$12,740 = .78$ which corresponds to a multiplier of .09, so their minimum contribution would be $\$10,000 * .09$ or \$900.

Income Ratio	Minimum Contribution Multiplier
over .00 to .25	0.00
.25 to .31	0.01
.31 to .37	0.02
.37 to .43	0.03
.43 to .50	0.04
.50 to .56	0.05
.56 to .62	0.06
.62 to .68	0.07
.68 to .75	0.08
.75 to .81	0.09
.81 to .87	0.10
.87 to .93	0.11
.93 to 1.00	0.12

- If a parent's income is greater than the personal allowance, the minimum contribution is 12 percent of net income.

For each parent, the income to be considered for child support is the greater of

- the amount by which their income exceeds the personal allowance and
- the minimum contribution calculated above.

The income available for child support from each parent is added together, and an income share is calculated.

A primary support allowance is determined based on the number of children, shown in the table below:

Number of Children	Allowance for children of this calculation
1	3,822
2	6,370
3	8,918
4	10,192
5	11,466
6	12,740
7	14,014
8	15,288

A standard of living adjustment (SOLA) is calculated. The noncustodial parent's income available for the SOLA is net income minus the noncustodial parent's share (based on income share) of the primary support allowance. This amount is multiplied by a factor based on the number of children, shown in the table below:

Number of Children	SOLA Factor
1	0.14
2	0.21
3	0.27
4	0.31
5	0.35
6	0.39
7	0.43
8 or more	0.47

The SOLA is added to the noncustodial parent's share of the primary support allowance to determine the final child support order amount.

In a proceeding to modify an existing order, the support obligation of each parent is calculated considering all children, prior and subsequent, of each parent. Then the support obligation of each parent

is calculated considering no subsequent children of either parent. If both calculations result in a decrease in the order amount, the lesser of the decreases is granted. If both calculations result in an increase in the order amount, the lesser of the increases is granted. If one calculation results in a decrease and the other in an increase, no modification is granted.

References

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