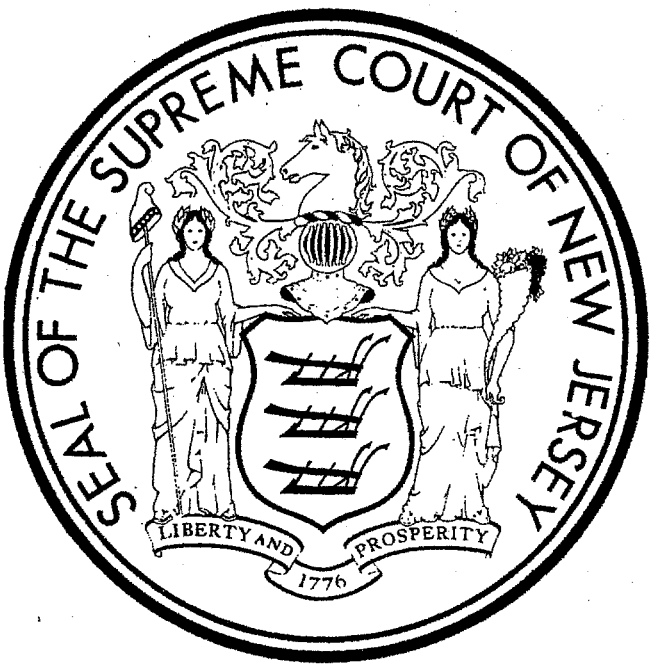
SUPREME COURT

FAMILY PRACTICE COMMITTEE



2004-2007

OUT OF CYCLE REPORT

January 17, 2006

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I. Introduction

The Supreme Court Family Practice Committee ("Practice Committee") recommends that the Supreme Court adopt the proposed rule amendments and proposed new rule adoptions contained in this report.

In each ***Proposed Rule Change*** and ***Proposed New Rule*** section contained in this report, deleted text is indicated in brackets [as such], and added text is indicated in underline as such. No change in the text of the rule is indicated by "... no change."

II. Proposed Rule Amendments Recommended for Adoption

A. Proposed Amendments to Rules Appendix IX-F - Schedule of Child Support Awards

Discussion

As required by the federal Family Support Act of 1988 (42 U.S.C.A. § 667(a)) and 45 C.F.R. 302.56(e), each state must review its child support guidelines every four years ("Quadrennial Review") to "ensure that ... application [of the guidelines] results in the determination of appropriate child support award amounts." 42 U.S.C.A. §667(a). The New Jersey Administrative Office of the Courts sponsored two reports to satisfy this Quadrennial Review requirement: (1) *New Jersey Economic Basis for Updated Child Support Schedule* report ("Economic Basis Report" (appended here as Attachment A)), dated March 30, 2004; and (2) *Findings from Child Support Order Case File Reviews* report ("File Reviews Report" (appended here as Attachment B)), dated January 12, 2005. As such, in a Notice to the Bar dated September 6, 2005 (appended here as Attachment C), the Supreme Court of New Jersey published for comment the Economic Basis Report and File Reviews Report. The Notice to the Bar and attached reports may be viewed at <http://www.judiciary.state.nj.us/notices/2005/n050909c.htm>.

New Jersey's existing schedule of child support awards (*Rules Governing the Courts of the State of New Jersey*, Appendix IX-F) was last updated in 1997 and, as such, should be updated to be consistent with current economic conditions. The Economic Basis Report explains the empirical basis for the proposed child support schedule. The economic data was realigned to apply to New Jersey.

The guidelines provide the courts with an economically-based method of setting fair, adequate and consistent child support awards and since economic data form the basis for the guidelines, it is important to maintain the viability of the empirical basis of the awards by adopting the proposed schedule in the Economic Basis Report. Economic Basis Report at III through III-17 (appended here as Attachment D). The Practice Committee proposes that the child support schedule as set forth in the Economic Basis Report should be adopted and implemented as the new Appendix IX-F Schedule of Child Support Awards.

Justification for Out of Cycle Adoption

The Quadrennial Review of the child support guidelines is federally mandated. States are required to review their child support guidelines every four years by evaluating current economic data on child-rearing costs and analyzing case data on the application and deviation from the guidelines. New Jersey is overdue in meeting these requirements. The review includes a study of the deviation from the guidelines rate in New Jersey and an update of the table of basic child support awards in Appendix IX-F. The guidelines review commenced in the previous rules cycle and continued into the current cycle because the economic data analysis was being completed. The guidelines review meets the federal mandate and maintains the viability of our guidelines by basing the basic support awards table on current economic data. The Practice Committee adopted the above reports and Acting Administrative Director, Philip S. Carchman, J.A.D. ("Administrative Director Carchman"), directed the publication of the reports in a Notice to the Bar dated September 6, 2005 (Attachment C). The out-of-cycle adoption of the Quadrennial Review reports and rule amendments complete the federally mandated review.

Proposed Rule Change

Rules Governing the Courts of the State of New Jersey, Appendix IX-F - See proposed Basic Child Support Award Schedule (Attachment D)

B. Proposed Amendments to Rules Appendix IX-A - College or Other Post-Secondary Education Expenses

Discussion

The applicability of guidelines for students who commute to college was considered with the guidelines review. The Economic Basis Report, *supra*, states that there is no available economic data to determine the expenditures for this group of individuals. Economic Basis Report at II-8 and IV-1. Although the student may live at home while attending college, it is reasonable to conclude that there would still be a significant variation in the expenses incurred by students who commute. The cost of tuition, the cost of transportation and other items vary from child to child. Appendix IX-A, *Considerations in the Use of Child Support Guidelines*, section 18, College or Other Post-Secondary Education Expenses, states that the guidelines "are intended to apply to children who are less than 18 years old or 18 years old and still attending high school or a similar secondary educational institution." Regardless of the rationale set forth in the guidelines, there is an interest in applying the guidelines for the support of college students who commute. Many dependent children who commute to college still require the basic necessities that form the economic basis for the guidelines-based awards.

Justification for Out of Cycle Adoption

The Practice Committee has struggled with this issue for several cycles. As such, this issue was included in the Quadrennial Review analysis of economic data. The reports' conclusions compelled the Practice Committee to make this recommendation. The Practice Committee believes that, due to its interrelation with the Quadrennial Review, the recommendation should be adopted out-of-cycle. Publication of this amendment was included in the Notice to the Bar referenced above.

Proposed Rule Change

Appendix IX-A - Considerations in the Use of Child Support Guidelines

. . .

18. College or Other Post-Secondary Education Expenses - These child support guidelines are intended to apply to children who are less than 18 years of age or more than 18 years of age but still attending high school or a similar secondary educational institution. For the reasons set forth below, the Appendix IX-F support schedules shall not be used to determine parental contributions for college or other post-secondary education (hereafter college) expenses nor the amount of support for a child attending college. The child support guidelines may, in the court's discretion, be applied to support for students over 18 years of age who commute to college.

C. *Proposed Amendments to Rules Appendix IX-A, IX-B and IX-C - Self-Support Reserve*

Discussion

The Practice Committee reviewed the application of the self-support reserve in *R.* 5:6A, *Child Support Guidelines*. This particular issue was raised prior to the guidelines Quadrennial Review reports. In the Economic Basis Report, the result from the current calculation to apply the self-support reserve is characterized as "an anomaly." Economic Basis Report at V-14. The Practice Committee reviewed whether the self-support reserve should be amended to treat obligors and obligees equally in the calculation of support. The self-support reserve (105% of the poverty guidelines) is currently $193.00 per week.

Currently, the child support guidelines provide a self-support reserve for obligors based on the obligor's net income minus the obligor's child support obligation. This test determines whether the obligor has sufficient income to support himself or herself after paying the guidelines child support obligation. If the obligor has insufficient income, the support award will be reduced unless the obligee's

income is below the self-support reserve. In the current scheme, the court may, but is not required to consider the effect of the obligee's share of the child support obligation. See Appendix IX-A, *Considerations in the Use of Child Support Guidelines*.

> 20. Extreme Parental Income Situations
> (a) Obligors with Net Income less than the U.S. Poverty Guidelines
> . . . If an obligee's income is less than 105% of the poverty guideline, no self-support reserve adjustment shall be made regardless of the obligor's income. When assessing whether an obligee has sufficient net income to permit the application of the self-support reserve for an obligor, the court **may** consider the effect of the obligee's share of the child support obligation (note that this amount is not calculated on either worksheet.). Thus, at the Court's discretion, the obligor self-support reserve may not be applied if the obligee's net income minus the obligee's child support obligation is less than 105% of the poverty guideline for one person. (Emphasis added).

The Practice Committee recommends amending the guidelines so that when considering the obligee's income, deduction of the obligee's share of the child support obligation is mandatory rather than discretionary in order to be fair to the obligee. The obligee's share of child support should be deducted just as the obligor's support payment is deducted. Although the obligee retains his or her share of child support, that amount represents the portion of the obligee's income that will go to support the child, just like the obligor's support obligation. This change requires modifying the sole parenting worksheet and line instructions to perform this calculation to test both incomes against the self-support reserve.

The Practice Committee does not recommend amending the shared parenting worksheet and line instructions because the shared parenting adjustment already requires the court to review the incomes of both parties. When analyzing the income of the Parent of Primary Residence (PPR), the court must consider not just the PPR's income from all sources (including means-tested income such as TANF), but also the income of all household members. Additionally, if the PPR's household income plus a Parent of Alternate Residence (PAR) time-adjusted support award is still below 200% (**not** 105%) of the poverty guideline, the application of the variable expense adjustment remains discretionary.

Justification for Out of Cycle Adoption

This self-support reserve issue was analyzed as part of the Quadrennial Review and had been carried from prior cycles by the Practice Committee. The current application of the self-support reserve treats the obligee's income differently than the obligor's income. The calculation gives the obligor a deduction for the support amount but does not require that the obligee be given credit for the obligee's portion of the support obligation. The results reached in the guidelines review was that this situation creates an "anomaly" that the Practice Committee believed was inequitable. Since this issue was included in the Quadrennial Review and in the publication, the rule amendment should be adopted out-of-cycle.

Proposed Rule Change

Appendix IX-A, paragraph 20:

20. Extreme Parental Income Situations

. . . no change

a. Obligors With Net Income Less Than the U.S. Poverty Guideline. When assessing whether an obligee has sufficient net income to permit the application of the self-support reserve for an obligor, the court [may] shall consider the effect of the obligee's share of the child support obligation (note that this amount is not calculated on either worksheet). [Thus, at the court's discretion,] The obligor's [the obligor] self-support reserve [may] shall not be applied if obligee's net income minus the obligee's child support obligation is less than 105% of the poverty guideline for one person.

b. . . . no change

Appendix IX-B - Sole-Parenting Worksheet - Line Instructions:

Lines 24, 25, and 26- Maintaining a Self-Support Reserve

To ensure that the obligor parent retains sufficient net income to live at a minimum subsistence level and has the incentive to work, that parent's net child support award is tested against 105% of the

U.S. poverty guideline for one person. If the NCP's net income after deducting the child support award is less than the self-support reserve, the order should be adjusted. No such adjustment shall occur, however, if the custodial parent's net income, after deducting the obligee's share of the child support obligation, is less than the self-support reserve. This priority is necessary to ensure that custodial parents can meet their basic needs while caring for the child(ren). The poverty guideline will be disseminated by the AOC each February or when it is published in the Federal Register. The self-support reserve test is applied as follows:

1. . . . no change

2. . . . no change

3. If the difference is less than 105% of the poverty guideline for one person and the custodial parent's net income, after calculating and deducting the obligee's share of the child support obligation, is greater than 105% of the poverty guideline, the obligor's child support order is the difference between the obligor's net income and 105% of the poverty guideline for one person.

In determining whether the application of the self-support reserve is appropriate, the court may need to impute income to a parent as provided in Appendix IX-A. The court should also consider a parent's actual living expenses[and the custodial parent's share of the support obligation (see Appendix IX-A, paragraph 20)].

Line 24. Self-Support Reserve Test

Calculate whether the obligor's income will exceed 105% of the poverty level by subtracting the non-custodial parent's net child support obligation from that person's net income. (Math: Line 5 Non-Custodial Net Income - Line 20 or Line 23 Non-Custodial Child Support Obligation). Enter the result for the NCP on Line 24. Enter the custodial parent's net income [(from Line 5)] minus the custodial parent's child support obligation (L-5 minus L-14) Custodial Child Support Obligation on Line 24.

If the NCP Line 24 amount is less than 105% of the poverty guideline and the CP Line 24 minus the CP Line 14 is greater than 105% of the poverty guideline, Go to Line 25.

...

NOTE: If the CP Line 24 minus the CP Line 14 amount is less than 105% of the poverty guideline, there is no NCP self-support reserve adjustment. In this case, the NCP Line 20 or 23 amount is the final child support order (Line 26).

...

Appendix IX-C - Sole-Parenting Worksheet - Line 24:

24. Self-Support Reserve Test. (L5 - L20 or L23 for NCP; L5 - L14 for CP) If NCP result is greater than 105% of the poverty guideline for one person (pg) or CP net income is less than the pg, enter L20 or L23 amount on L26. If NCP L24 income is less than the pg and the CP income is greater than the pg, go to L25.

D. Proposed Amendments to Rules Appendix XVI - Uniform Summary Support Order

Discussion

Rule 5:7-4(b) was amended in 1996 to provide that, in non-dissolution proceedings, the court shall record its decision using the Uniform Summary Support Order ("Uniform Order") (current and proposed versions appended here as Attachment E for comparison) set forth in Appendix XVI of the Rules of Court. In 2002, the Notices to the Uniform Summary Support Order (current and proposed versions included in appended here as Attachment F for comparison) were amended to provide that support payments must be made to the New Jersey Family Support Payment Center.

The Uniform Order and its Notices were developed to improve the collection and exchange of information between judges and the Family and Probation Divisions, to enhance litigants' understanding of court orders, to provide statutorily required notices, and to expedite preparation and dissemination of

support orders statewide. The current Uniform Order and Notices continue to serve these functions but require updating to comply with current statutes, rules and policies.

The Practice Committee proposes various changes to update the Order and Notices. The revised Uniform Order includes, for example, reference to paternity established through a Certificate of Parentage, recording of deviations from guidelines, Cost-of-Living Adjustment, and termination of Title IV-D services. The revised Uniform Order's Notices include required notices such as the suspension or revocation of driver's and professional licenses. A complete description of amendments is attached (appended here as Attachment G).

Justification for Out of Cycle Adoption

The Uniform Order and Notices to litigants are required to be used in all non-dissolution proceedings. Revision of the Uniform Order and Notices is required to update these documents to include changes in law, directives, policies, and best practices. The revisions foster compliance with the federal regulations (e.g., the Uniform Order revision includes a check box to indicate whether the support amount is a deviation from the guidelines and the reason for the deviation). Additionally, in conformance with the Inter-Divisional Work Group's (IDWG) standardization and best practices, the Uniform Order includes a check box and line to record the arrears amount established at the initial hearing.

Proposed Rule Change

This Practice Committee recommends adoption of the revised Uniform Summary Support Order with prescribed Notices to litigants in Appendix XVI as set forth more fully in Attachments E, F and G.

E. Proposed Amendments to R. 5:7-4 - Alimony and Child Support Payments

Discussion

The Report on Child Support Standardization and Best Practices (Best Practices Report) (approved by the Judicial Council in March 2005) recommended that, in all support cases (dissolution, non-dissolution, and domestic violence case types), arrearages must be calculated at the establishment hearings. In conjunction with the establishment of arrears, a determination of any appropriate direct payments made by the obligor to the obligee between the effective date of the order and the hearing date shall be credited in the calculation of arrearages.

Subsequent to approval of the Best Practices Report, Administrative Director Carchman asked each vicinage to develop plans to implement the approved best practices. Each vicinage reported that arrears are now being calculated at support hearings, or will be in the near future. The child support hearing officers implemented this practice in August 2005. Administrative Director Carchman referred this issue to the Practice Committee to review the recommendation of the Best Practices Report and to make any appropriate rule recommendations. (Memorandum dated July 5, 2005, appended here as Attachment H).

It is apparent from the Best Practices Report that the recommendation to calculate arrearages at the establishment hearing stems from a focus on serving the litigants. This change would ensure that, at the inception of every dissolution, non-dissolution and domestic violence case (case types FM, FD, and FV, respectively), the parties would know the amount of the arrearages that are owed. Arrearages are a debt and it is reasonable for the parties to know the total amount at the outset. To establish the importance of this practice and facilitate its implementation, the Practice Committee recommends the amendment of the court rules.

Justification for Out of Cycle Adoption

In March 2005, the Judicial Council approved the Best Practices Report, *supra*, from the IDWG. The Best Practices Report recommended that arrearages should be calculated at the initial hearing. This best practice would ensure that, at the inception of the case, litigants are informed of the arrears owed and the direct-pay sums credited to the obligor. This initiative improves customer service for child support litigants. Administrative Director Carchman referred this issue to the Practice Committee to undertake a review of the recommended best practice and to make appropriate rule recommendations. Statewide implementation of the child support standardization and best practices is in progress. The rule amendment will facilitate uniformity of this practice and will give notice to practitioners and others of this requirement. An out-of-cycle amendment would support the implementation already under way.

Proposed Rule Change

5:7-4 Alimony and Child Support Payments

(a) . . . no change

(b) . . . no change

(c) Establishment Of Support Arrears At The Hearing. At establishment hearings, wherein the payment of support is ordered, judges, child support hearing officers, attorneys, or court staff, as appropriate, shall calculate the child support obligation, payment on arrears, and total arrears owed so that these amounts will be known to the parties before they leave court on any new dissolution, non-dissolution, or domestic violence case. When establishing arrears, findings shall be made as to (1) any direct payments made between the effective date of the order and the date of the hearing by the obligor to the obligee, upon a showing of credible proof, and (2) the amount and frequency of regular payments to be made toward the arrears. The forms and procedures to implement the provisions of this rule shall be prescribed by the Administrative Director of the Courts.

[(c)] (d) . . . no change

[(d)] (e) . . . no change

[(e)] (f) . . . no change

Note: Source--R. (1969) 4:79-9(a). Adopted December 20, 1983, to be effective December 31, 1983; amended November 2, 1987 to be effective January 1, 1988; amended January 5, 1988 to be effective February 1, 1988; amended June 29, 1990 to be effective September 4, 1990; caption and text amended October 5, 1993 to be effective October 13, 1993; caption amended, text amended and redesignated as paragraphs (a), (b), and (d), captions of paragraph (a) through (e) and text of paragraphs (c) and (e) adopted July 13, 1994 to be effective September 1, 1994; paragraph (d) amended March 15, 1996 to be effective immediately; paragraph (b) amended June 28, 1996 to be effective immediately; caption of paragraph (d) and text of paragraphs (d) and (e) amended May 25, 1999 to be effective July 1, 1999; paragraph (b) amended July 5, 2000 to be effective September 5, 2000; paragraph (b) amended July 12, 2002 to be effective September 3, 2002; paragraph (b) caption and text amended, new paragraph (c) adopted, former paragraph (c) redesignated as paragraph (d), former paragraph (d) amended (including incorporation of some text of former paragraph (e)) and redesignated as paragraph (e), and former paragraph (e) deleted July 28, 2004 to be effective September 1, 2004; amended _____ to be effective _____, 2006.

F. Proposed Amendments to R. 5:19-1 - Venue; Transfer

Discussion

Currently, *R.* 5:19-1 presumes venue in the county of domicile, **unless** there are multiple defendants (adult or juvenile). In those cases, venue is laid in the county where the incident allegedly occurred. This multiple co-defendant exception was the subject of an amendment in 1990, which was intended to accommodate the convenience of trial witnesses in the county of occurrence.

Over the years, this rule has been the subject of much discussion. The concern centers on whether the information most useful to the Family Part judge assigned to hear the juvenile delinquency case is uniquely available in the juvenile's county of domicile. This information would include, for example, school records (as well as teachers and school counselors), counseling and other therapeutic interventions (including Probation Officers, the Division of Youth and Family Services or other social workers) and medical and mental health records/practitioners. Moreover, few of these cases ever reach adjudicatory hearing (i.e., trial). For these reasons, the Conference of Family Presiding Judges recommended that the current rule should be amended. As such, this issue was referred to the Practice Committee for review and rule recommendation.

Discussions have revealed that only a small number of cases exist in which the State or the juvenile has any interest in the case being heard in the county of occurrence. If a case involves multiple defendants, the proposed rule permits the State and the defense to raise a timely objection in the county of occurrence (i.e., where the case was originally filed). See revised R. 5:19-1(a)(2).

The new rule:

1. Supports a presumption in favor of venue in the county of the child's domicile;
2. Requires Family Part Case Management in the county where the complaint was originally filed (i.e., the county of occurrence) to notify the State and any attorney of record of the existence of multiple defendants, whether juvenile or adult;
3. Permits the raising of an objection, within five days of such notice of multiple defendants in the county where the complaint was originally filed and requires good cause to retain venue there; and
4. In any other case, and for any other reason, a motion to change venue may be brought at any time, which would also require a finding of good cause in order to change venue.

To further clarify the history of the rule, as well as the intended effect of the current recommendation, the Practice Committee recommends amendments to the Comment following the rule.

Justification for Out of Cycle Adoption

The rule change is necessary to clarify existing confusion regarding the handling of venue changes. The new rule substantially reduces the need for multiple telephone calls among vicinages to resolve venue issues.

This issue is most troublesome for shore communities, where large numbers of juvenile offenses that occur in the summer require transfer to the county of residence. The current rule is cumbersome, and if this proposed revision is not taken out of cycle, the current rule will remain in effect not only throughout the summer of 2006, but also throughout the summer of 2007.

The new rule will replace the non-uniform local practices of many counties, thus promoting uniformity in keeping with the Court's policy of best practices.

There is no opposition to the rule change.

Proposed Rule Change

[5:19-1 Venue; Transfer

(a) Venue in a juvenile delinquency action shall be laid in the county in which the juvenile is domiciled or, where more than one juvenile is charged with the delinquent act or where one or more adult codefendants are charged with an indictable offense, in the county in which the circumstances occasioning the complaint were alleged to have occurred.

(b) Before a case is transferred to the juvenile's county of domicile, Family Part Intake screening shall ascertain whether there are multiple defendants, either juvenile or adult, and, if so, the case shall be venued in the county in which the circumstances occasioning the complaint were alleged to have occurred. The Prosecutor of the county in which the circumstances occasioning the complaint were alleged to have occurred shall be notified when a case is transferred to a juvenile's county of domicile.

(c) Venue may be transferred on motion to the presiding judge of the Family Part in the county in which the circumstances occasioning the complaint were alleged to have occurred, for the convenience of witnesses, for consolidation with other pending actions against the juvenile, or for other good cause. If a motion to change venue is made, the county in which the juvenile is domiciled shall inactivate the case until such time as that motion is decided. All motions to retain venue in the county in which the circumstances occasioning the complaint were alleged to have occurred must be filed within seven days of notice to the prosecutor that the Family Part has transferred the case to the juvenile's county of domicile.]

5:19-1. Establishment of Venue; Change of Venue

(a) Establishment.

(1) Juvenile delinquency complaints are filed in the county where the incident giving rise to the complaint allegedly occurred. However, where the juvenile charged is domiciled in a county other than the county of alleged occurrence, venue shall be laid in the county of the juvenile's domicile unless the Family Part finds good cause for venue to be retained in the county where the incident allegedly occurred.

(2) If there are multiple defendants, juvenile or adult, Family Part Case Management in the county where the complaint was filed shall immediately notify the State and any attorney of record to the action of the intent to transfer the juvenile matter. Any objection to the placement of venue in the county where the juvenile is domiciled shall be made to the Family Part in the county where the complaint was filed, within 5 days of such notice.

(b) Change of Venue. Except when venue has been established by a court pursuant to an objection raised in paragraph (a)(2), a motion for change of venue may be made at any time. Such motion shall be made to the Presiding Judge or designee in the county where the matter is currently venued on notice to the other party. Venue shall be retained unless the court determines that good cause exists to change venue.

Note: Source-*R.* (1969) 5:3-1(a) and (b). Adopted December 20, 1983, to be effective December 31, 1983; amended June 29, 1990 to be effective September 4, 1990; amended and redesignated as paragraphs (a), (b), and (c) July 10, 1998 to be effective September 1, 1998; amended and redesignated on _____ as paragraphs (a)(1) and (2), and paragraph (b), to be effective _____.

COMMENT

The source rule, former *R.* 5:3-1, permitted venue to be laid either where the circumstances occasioning the complaint allegedly occurred, or where the plaintiff, complaining witness, defendant, or juvenile offender is domiciled. That rule was applicable to all actions in the former juvenile and domestic relations courts, there having been no special venue provision for juvenile delinquency actions. [This rule is, therefore, essentially a new provision] It was replaced by *R.* 5:19-1, effective December 31, 1983, which [requires]required venue in juvenile delinquency actions to be laid in the first instance

in the county in which the juvenile [resides] is domiciled. [This choice is ordinarily the most practical and expeditious, particularly if the juvenile is ultimately adjudicated a delinquent, since all of the support arms of the court then involved are most conveniently those operating in the county of domicile. Note, however, that the transfer provision of the rule is available for effecting a change in venue where there is good cause shown, including but not limited to the convenience of witnesses or the need to consolidate with other pending actions.]

[This rule was, however, amended effective September, 1990 to provide that where more than one juvenile is charged with the delinquent act, venue shall be laid in the county in which the delinquent conduct took place.] This rule, effective September 2005, replaces the prior rule. The prior rule was amended effective September 1990, to provide that venue was automatically retained in the county in which the alleged offense occurred, whenever there were multiple defendants, either juvenile or adult. The rule was again amended effective September 1998 to allocate its text to three separately lettered paragraphs. [Thus paragraph (a) states the general venue rule adding, however, the provision that venue be laid in the county in which the circumstances occurred not only where more than one juvenile is charged but also if there is an adult "co-defendant" charged with an indictable offense. Paragraph (b) requires the Family Part Intake to determine whether there are such other involved persons prior to a transfer to the juvenile's county of residence and to notify the prosecutor of the county in which the circumstances occurred prior to such transfer. Paragraph (c) prescribes the circumstances and procedures governing transfer.

As pointed out in the Explanatory Note, certain of the source rules governing juvenile delinquency actions were deleted as either self-evident or as governed by the applicable Part III rule. These include former *R.* 5:8-9 (suppression of evidence), former *R.* 5:9-4 (failure of complaining witness to appear), former *R.* 5:9-11 (adult responsibility), and former 5:9-12 (community responsibility). Adult responsibility matters are dealt with either by family-in-crisis techniques or

directly by the criminal process. Problems resulting from the failure of the complaining witness to appear are generally within the inherent power of the court. And suppression of evidence is part of the applicable Part III practice. See further Comment on *R.* 5:21-7.]

This rule has now been completely re-written and returns to a system of establishing venue in a juvenile's county of domicile, unless there is an objection by the prosecutor or the juvenile's attorney of record. In order to avoid delaying juvenile cases, the rule is intended to permit objections to the place of venue to be made immediately by telephone or in writing, without the need for a formal motion. The rule was revised because the practice of retaining all multiple co-defendant cases in the county of occurrence was over inclusive in that it resulted in the retention of too many minor offenses that would be better handled informally in the juvenile's county of domicile. However, in most cases with multiple defendants, it is anticipated that venue would be retained in the county of occurrence, if requested by the prosecutor or the juvenile's attorney. Except in cases where venue has been established pursuant to an objection, paragraph (b) of the rule also permits the filing of venue motions. Venue decisions under either paragraph (a) or paragraph (b) are made based upon a determination of good cause. This language is clearer than that used in the prior rule, which provided in former paragraph (c) that venue may be transferred "...for the convenience of witnesses, for consolidation with other pending actions against the juvenile, or for other good cause." Although the new rule simplifies the standard to "good cause," the elimination of the phrase "...for the convenience of witnesses, for consolidation with other pending actions against the juvenile..." is not meant to signify that these considerations no longer constitute good cause.

III. Proposed New Rules for Adoption

A. Proposed R. 5:5-2(f) - Marital Standard of Living Declaration

Discussion

In *Crews v. Crews*, 164 N.J. 11 (2000), the Supreme Court addressed "...whether marital lifestyle findings should be made upon the entry of a Divorce Judgment that includes support so as to facilitate the official handling of subsequent modification applications." In *Crews*, the Court directed the lower courts, when setting an alimony award, to make findings establishing the standard of living during the marriage and as part of the Court's assessment of the adequacy and reasonableness of the award, to determine whether the award would enable the parties to enjoy a lifestyle that is "reasonably comparable" to that enjoyed during the marriage. Although *Crews* involved a contested divorce and, therefore, presented a full trial record, in *dicta*, the Supreme Court directed that the same judicial findings should be made in uncontested cases, and observed that:

> [t]he setting of the marital standard is equally important in an uncontested divorce. Accordingly, lest there be an insufficient record for the settlement, the Court should require the parties to place on the record the basis for the alimony award including, in pertinent part, establishment of the marital standard of living, before the Court accepts the divorce agreement.

Id. at 26. During the 2000-2002 and the 2002-2004 rules cycles, the Practice Committee addressed the implementation of the *Crews* decision and its impact upon the Family Part and family practice.

In *Weishaus v. Weishaus*, 180 N.J. 131 (2004), the Supreme Court revisited its procedural pronouncement in *Crews* within the context of an uncontested case and specifically reconsidered its directive that the finding of the marital standard should be mandatory in every uncontested case that included a provision for alimony.

Justice LaVecchia's opinion in *Weishaus* specifically referred to the earlier work of the General Procedures and Rules Subcommittee of this Practice Committee as follows:

> Plaintiff sought reconsideration of the rejected Consent Order. Coincidentally, on June 14, 2001, the Supreme Court Family Division Practice Committee Subcommittee on General Procedures and Rules released a "Revised Statement Concerning *Crews v. Crews*" (Revised Statement), that recommended an approach to address *Crews* marital lifestyle issues in the context of a settling divorce action. The Revised Statement recommended that courts make a "limited finding" in matters where parties agree to settle all aspects of their divorce except the marital lifestyle and/or the ability of one or both of the parties to maintain the marital lifestyle under the proposed alimony award. In such circumstances, the Revised Statement proposed that courts include a brief description of the martial lifestyle on the record and hear testimony from both spouses on the adequacy of the alimony award to maintain the supported spouse at the marital lifestyle.
>
> One member of the Subcommittee, the Honorable Ellen L. Koblitz, Presiding Judge, Family Part, Bergen County, dissented from the Revised Statement. Judge Koblitz disagreed with the Revised Statement's fundamental premise that *Crews* did not require trial courts to make definitive findings concerning the marital lifestyle in uncontested divorces and, citing her experience implementing "*Crews*-hearings" in Bergen County, asserted that such findings could be made efficiently and without jeopardizing the judiciary's interest in encouraging settlements in divorce actions. On December 19, 2001, the Revised Statement received a split vote when presented to the Conference of Family Division Presiding Judges.

Weishaus at 139.

In *Weishaus*, reconsidering the Court's earlier directory language in *Crews* concerning lifestyle findings in uncontested divorces, the Court continued:

> Our directory language in *Crews* concerning uncontested divorce actions was offered to encourage parties and courts to make marital lifestyle findings, or at the very least to preserve the evidence necessary to such a determination at the time of entry of a judgment of divorce. Although the parties and *amici* now argue that we should discard the *Crews* requirements concerning the marital standard in all uncontested cases, we decline to do so. We lack objective evidence of the systemic problems that the *amici* have asserted. What we do have is the case presently before us - a complex divorce in which the parties were able to settle all but two issues: the marital lifestyle and the supported spouse's ability to maintain a comparable lifestyle post-divorce under the terms of the support to which she agreed. The lower courts' faithful adherence to our directive that such cases require court findings on marital lifestyle has resulted in an appeal of an otherwise settled case and the disruption and uncertainty of an unresolved marital action. We come now to the reluctant conclusion that, notwithstanding the economy and efficiency considerations that led to that directive, there are valid reasons to revisit the issue and to allow flexibility to trial courts when entertaining settled divorce actions.

Weishaus at 142-43.

Applying those principles to the facts present in *Weishaus*, the Court continued:

> Divorce actions involve personal, even intimate, details of people's lives. The parties are often intensely emotional. Progress toward resolving disputes and reaching a speedy conclusion easily can deteriorate into contentious and difficult interactions that thwart settlement. Therefore, while settlement is an encouraged mode of resolving cases generally, "the use of consensual agreements to resolve marital controversies" is particularly favored in divorce matters. *Konzelman v. Konzelman*, 158 *N.J.* 185, 193, 729 *A.*2d 7 (1999). In *Konzelman*, Justice Handler elaborated on the important role that consensual agreements play in divorce matters:
>
> > Voluntary agreements that address and reconcile conflicting interests of divorcing parties support our "strong public policy favoring stability of arrangements" in matrimonial matters. *Smith v. Smith*, 72 *N.J.* 350, 360, 371 *A.*2d 1 (1977). The prominence and weight we accord such arrangements reflect the importance attached to individual autonomy and freedom, enabling parties to order their personal lives consistently with their post-marital responsibilities.... Thus, it "would be shortsighted and unwise for courts to reject out of hand consensual solutions to vexatious personal matrimonial problems that have been advanced by the parties themselves." *Petersen v. Petersen*, 85 *N.J.* 638, 645, 428 *A.*2d 1301 (1981). For these reasons, "fair and definitive arrangements arrived at by mutual consent should not be unnecessarily or lightly disturbed." *Smith, supra,* 72 *N.J.* at 358, 371, *A.*2d 1. The very consensual and voluntary character of these arrangements render them optimum solutions for abating marital discord, resolving matrimonial differences, reaching accommodations between divorced couples, and assuring stability in post-divorce relationships.
>
> [*Id.* at 193-94, 729 *A.*2d 7 (citations omitted).]

Such agreements generally are upheld, to the extent they comply with the equitable precepts embodied in *N.J.S.A.* 2A:34-23a, -23b, and-23.1. *Petersen, supra*, 85 *N.J.* at 642, 428 *A.*2d 1301; *Konzelman, supra*, 158 *N.J.* at 194, 729 *A.*2d 7. A settlement agreement will be reformed, however, where a party demonstrates that the agreement is plagued by "unconscionability, fraud or overreaching in the negotiations of the settlement." *Miller v. Miller*, 160 *N.J.* 408, 419, 724 *A.*2d 752 (1999).

In this matter, none of the latter concerns is in play. The trial court amended the parties' agreement solely because it concluded that it was required by *Crews* to make marital lifestyle findings, and the Appellate Division affirmed on that basis. We now hold that in uncontested divorce actions, trial courts must have the discretion to approve a consensual agreement that includes a provision for support without rendering marital lifestyle findings at the time of entry of judgment. Our holding in *Crews* should no longer be read to require findings on marital lifestyle in every uncontested divorce. A

> trial court may forego the findings when the parties freely decide to avoid the issue as part of their mutually agreed-upon settlement, having been advised of the potential problems that might ensue as a result of their decision. Even if the court does decide not to make a finding of marital standard, however, it nonetheless should take steps to capture and preserve the information that is available.

Weishaus at 143-44.

The Court referred to the Practice Committee the question of how best to capture marital lifestyle information efficiently and economically for use in later post-judgment proceedings. Thus, the Court wrote:

> We shall refer to the Supreme Court Family Practice Committee for its consideration and recommendation the question of how best to capture marital lifestyle information efficiently and economically. Many suggestions have been advanced in this appeal. We encourage the Committee to consider those, and other suggestions for preemptively easing the burden on parties and the courts when future modification applications arise following an uncontested divorce. Because the trial court here did not believe that it could exercise the independent judgment that we today allow, we are constrained to remand this matter to that court.

Weishaus at 144.

The Practice Committee concurs with the Court that it is important to ease the burden on parties and the Courts when future modification applications arise following an uncontested divorce. The Practice Committee specifically notes that statistics from the recently concluded 2004-2005 court year show that post-judgment applications are not uncommon and that the preservation of marital lifestyle information is important and should be handled in the most efficient and economical manner possible.

As the result of its recommendations during the last rules cycle, the Practice Committee concludes that a viable vehicle exists for the preservation of lifestyle information needed to address the goals set in *Crews* and the referral contained in *Weishaus*. In its 2002-2004 Final Report, this Practice Committee recommended the adoption of a revised Case Information Statement ("CIS") form. This Practice Committee's revision of the CIS form was in part designed to preserve the information it perceived was required to meet the *Crews* mandate. Effective September 2004, the Supreme Court

adopted the new and significantly modified CIS form that now appears as amended Appendix V to the *Rules Governing the Courts of the State of New Jersey.*

For present purposes, attention is directed to the revised CIS's amended budget, Part D - Family Expenses. As an integral portion of its 2004 recommended changes, the Practice Committee rewrote the budget section. The left hand column, as amended, requires information that reflects the joint marital lifestyle of the parties including their children. This column is intended to set forth the expenses of the family living together prior to separation. The Practice Committee is satisfied that the Bench and Bar now understand this intent. Indeed, the form was revised in part to preserve marital lifestyle information to capture, in a practical fashion, the information that *Crews* intended to preserve.

The Practice Committee has concluded that the new CIS budget section preserves the information that *Crews* and *Weishaus* require. The Practice Committee recognizes, however, that matters exist in which litigants do not complete the CIS form, particularly where a matter has been resolved before a Complaint for Divorce has been filed. The Practice Committee is particularly mindful that it is in the public interest to encourage the settlement of matrimonial matters. The Practice Committee notes that, in *Puder v. Buechel*, 183 N.J. 428 (2005), a malpractice action, the Supreme Court discussed New Jersey's long-standing goal of encouraging settlements particularly in matrimonial proceedings. Thus, Justice Zazzali wrote:

> For nearly forty-five years, New Jersey courts have found that the "'[s]ettlement of litigation ranks high in [the] public policy'" of this State. *Nolan ex rel. Nolan v. Lee Ho*, 120 *N.J.* 465, 472, 577 *A.*2d 143 (1990) quoting *Jannarone v. W.T. Co.*, 65 *N.J. Super*, 472, 476, 168 *A.*2d 72 (App.Div), *certif.. denied*, 35 *N.J.* 61, 171 *A.*2d 147 (1961)). Therefore, our courts have actively encouraged litigants to settle their disputes. *E.g., Morris County Fair Hous. Council v. Boonton Tp.*, 197 *N.J. Super.* 359, 366, 484 *A.*2d 1302 (1984). **Advancing that public policy is imperative in the family courts where matrimonial proceedings have increasingly overwhelmed the docket. As the Appellate Division has aptly stated: "With more divorces being granted now than in history, and with filings on the rise, fair, reasonable, equitable and, to the extent possible, *conclusive settlements must be reached*, or the inexorable and inordinate passage of time from initiation of suit to final trial will be absolutely devastating...."** *Davidson v. Davidson*, 194 *N.J. Super.* 547, 550, 477 *A.*2d 423 (1984) **(emphasis added). Consequently, our courts approve numerous settlements in divorce cases**

> ***"so long as the parties acknowledge that the agreement was reached voluntarily and is for them, at least, fair and equitable."*** ***Lerner v. Laufer*****, 359 *N.J. Super.* 201, 217, 819 *A.*2d 471 (App. Div. 2003) (emphasis added). This practice preserves the "right of competent, informed citizens to resolve their own disputes in whatever way may suit them."** ***Ibid.***

Puder at 437-38 (emphasis added).

In order to fulfill the mandates of *Crews* and *Weishaus*, if filed case information statements exist for both parties, the parties shall each preserve their respective case information statements. It is specifically recognized that there may still remain a dispute as to which budget more accurately captures marital lifestyle. There should be no requirement that that dispute be resolved at the time of divorce. The issue is be reserved until a later date when a post-judgment application may be filed.

Alternatively, if no CISs have been filed prior to the entry of judgment, the parties should be required to define the marital lifestyle by stipulation **or** to prepare and preserve their own Part D (Monthly Expenses) portion of a CIS form.

Justification for Out of Cycle Adoption

Since late May 2000, when the Supreme Court's Opinion in *Crews v. Crews* was released, Family Part judges and attorneys practicing in the Family Part have been required, in settled matters, to address the issue of the extent to which the Family Part is required to make findings establishing the standard of living during the marriage. Additionally, the court must determine whether to assess the adequacy and reasonableness of any alimony award for the parties to enjoy a lifestyle that is "reasonably comparable" to that enjoyed during the marriage. As set forth above, the Supreme Court directed that, like contested matters, the same judicial findings should be made in uncontested cases.

These issues were revisited in *Weishaus v. Weishaus*, *supra*, referring to the earlier work of the Practice Committee concerning *Crews*-related issues. In *Weishaus*, the Supreme Court specifically referred to the Practice Committee for its consideration and recommendation the question of how best to capture marital lifestyle information efficiently and economically.

As part of its 2002-2004 Final Report, the Practice Committee adopted a significantly modified case information statement form, which requires the litigants to set forth their joint marital lifestyle including children. Specifically, the purpose of this new budget was to show the expenses of a family living together prior to separation. The new rule addresses the obligation of those who have filed CISs as part of their divorce, as well as the obligation of those parties who settle the divorce prior to the required filing of a CIS. This issue should not wait another year. The Practice Committee has completed its review and believes that the rule should be implemented forthwith, thereby resolving the issue that began with *Crews*, was addressed in *Weishaus* and now is addressed pursuant to the Court's remand to the Practice Committee.

Proposed New Rule

5:5-2 - Case Information Statement

(a) . . . no change

(b) . . . no change

(c) . . . no change

(d) . . . no change

(e) . . . no change

(f) Marital Standard of Living Declaration. In any matter in which an agreement or settlement contains an award of alimony, the parties shall include a declaration that the marital standard of living is satisfied by the agreement or if there is (a) one or more filed Case Information Statements, the parties shall each preserve their respective Case Information Statements until such time as alimony is terminated; or (b) the parties shall, by stipulation, define the marital standard of living; or (c) the party who shall have filed a Case Information Statement shall preserve that Case Information Statement and the other party who has not filed a Case Information Statement shall prepare and preserve the Part D (monthly expenses) portion of the Case Information Statement form serving a copy thereof upon the other party.

B. *Proposed R. 5:5 - Pretrial Procedures and Procedures Relating to Certain Judgments and R. 5:5-8 - Procedures Concerning the Entry of Certain Final Judgments of Divorce*

Discussion

1. Entress

In *Entress v. Entreess*, 376 N.J. Super. 125 (App. Div. 2005), the Appellate Division addressed the practice of attaching a copy of a transcript of the parties' agreement as set forth the court's record to a Final Judgment of Divorce. *Entress* involved multiple post-judgment applications concerning child custody and related matters. Judge Parker wrote:

> With respect to the judgment, we have expressly held that the entry of a judgment appending a transcript purportedly addressing the order's provisions is a violation of *R.* 4:42-1(a)(4), which requires "a separate numbered paragraph for each separate substantive provision of the judgment or order." *J.S. v. D.M.*, 285 N.J. Super. 498, 500, 667 A.2d 394 (App. Div. 1995). It is a disservice to the litigants, as well as the court, for a trial judge to enter a judgment of divorce appending a transcript of an agreement placed on the record. Recorded proceedings frequently suffer transcription errors. *See, e.g.*, *State v. Cohen*, 73 N.J. 331, 344, 375 A.2d 259 (1977). By requiring the parties to reduce their agreement to writing, and thereby clarify the terms and conditions, we will assure that such errors will not occur and that both parties will fully understand and assent to the agreement they are entering. In lieu of a judgment stating all of the substantive provisions in numbered paragraphs, a properly drafted and executed written settlement agreement satisfies the *R.* 4:42-1(a)(4) requirement and may be incorporated into a judgment of divorce.
>
> Family Part judges must refrain from entering judgments and orders appending transcripts that purport to set forth the terms and conditions of the parties' agreement. We refer this issue to the Family Practice Committee to consider a rule prohibiting the practice and establishing the proper form of a judgment of divorce.

Entress at 134.

The Practice Committee adopts the reasoning in *Entress* and views it as controlling authority. The Practice Committee specifically notes that *R.* 4:42-1(a)(4) applies to the Family Part just as it does to matters heard in other Divisions of the Superior Court. In full agreement with the Appellate Division, the Practice Committee concurs that appending a transcript is less desirable than the preparation of a carefully crafted order, judgment or agreement.

As described in the Practice Committee's discussion of *Puder v. Buechel*, *supra*, the policy of our Judiciary has been and should remain that litigants must be encouraged to settle their matrimonial disputes. One of the most effective tools in fostering the amicable resolution of matrimonial disputes has been the Matrimonial Early Settlement Program (MESP) that, for decades, has functioned in every county of New Jersey. Parties often settle their matters through the assistance of their counsel after recommendations from a MESP panel. The implications of this issue to the MESP process are discussed below.

Although proceeding with a comprehensive property settlement agreement or consented to form of Judgment is advisable, there are times when this does not happen. For example, one litigant changes his or her mind a day or two after the settlement has been entered into the record, and that party refuses to sign the property settlement agreement. This may occur after testimony has been taken as to the voluntariness of the settlement and the court has made its oral finding and entered its oral judgment. Nonetheless, a form of Judgment must still be prepared consistent with the settlement placed upon the record. Disputes as to the form should be resolved in the ordinary course with an aggrieved party being left to the remedies as provided in the Rules. This Practice Committee recommends the adoption of new *R.* 5:5-8 containing a cross-reference to *R.* 4:42-1(a)(4) and the re-labeling of *R.* 5:5 to "Pretrial Procedures and Procedures Relating to Certain Judgments."

2. Same Day Judgments

The Practice Committee has expanded its consideration of the issues raised by *Entress* to a general review of the increasing practice of entering a same day Judgment of Divorce. The Practice Committee recognizes the adoption of a generic form of divorce judgment as developed by the Conference of Family Presiding Judges. The Practice Committee generally concurs with the practice of entering a generic same day judgment. It is noted that, in discussion of this issue, concern was expressed about medical coverage under the Consolidated Omnibus Budget Reconciliation Act

(COBRA) and other issues where there may be a time lag between the adjudication upon the record of a given matter and the preparation and entry of a comprehensive Judgment or Judgment incorporating a Property Settlement Agreement. The Practice Committee resolves these concerns, in part, by its recognition that the adjudicatory act remains the entry of a judgment orally upon the record with the written Judgment being only the oral decision being memorialized.

The Practice Committee recommends that litigants must be given the opportunity to submit an amended judgment of divorce containing the terms of settlement or an amended form of judgment that incorporates a written property settlement agreement within a reasonable period of time. The Practice Committee disapproves of the notion that every such amended form of judgment or agreement must be submitted within ten days. The Practice Committee recommends that, for good cause shown, a court should permit the submission of a judgment within ten days or on a designated date. Therefore, the Practice Committee recommends a specific rule change to permit the assigned Family Part judge to designate, in appropriate cases, the specific time frame beyond ten days within which a judgment should be submitted.

Synthesizing the implications of *Entress* and the emergence of the same day divorce judgment form, the Practice Committee recognizes the large number of cases resolved as a result of the dedicated work of the MESP process. That process has become an integral part of achieving timely resolutions. Nothing should be done to discourage litigants from fully participating in the MESP process nor should anything be done to dissuade litigants or their counsel from concluding matters, when appropriate, with the entry of a final judgment of divorce on the same day or within a specified period of time thereafter. Therefore, when parties seek to incorporate the settlement into a formal draft judgment of divorce or property settlement agreement, their request should be granted.

It is acknowledged that the drafting of a property settlement agreement or a form of final judgment of divorce can be extremely time consuming. In those situations where counsel or the litigants

are satisfied that a settlement can be placed upon the record and the parties actually divorcing on the day of MESP paneling or following a judicial settlement conference, the generic form of judgment should be used subject to the caveats set forth herein. This Practice Committee, approving the rule recommendation below, also submits the proposed Final Judgment of Divorce form (appended here as Attachment I) developed by the Conference of Family Presiding Judges.

So as to promote uniformity throughout the 21 counties, the Practice Committee recommends the adoption of a new *R.* 5:5-8 and the re-labeling of *R.* 5:5 to "Pretrial Procedures and Procedures Relating to Certain Judgments." The Practice Committee further recommends that an approved Explanatory Note accompanying the rule in the annotated version of the rule book.

Justification for Out of Cycle Adoption

It is recommended that the procedure and rule amendment recommended above should immediately be implemented. At the present time, matters are not handled consistently by the Family Part in each county. The Practice Committee believes that same day Judgments should be entered. The recommendations made for a new paragraph to be added to *R.* 5:5 will assure that the practice throughout the State will be uniform. The Practice Committee submits the generic Final Judgment of Divorce form developed by the Conference of Family Presiding Judges. It is strongly recommended that there should be uniformity throughout the 21 counties. With the accompanying Explanatory Note, there should be little doubt as to what is the favored practice concerning Judgments. It is believed that this rule with the accompanying Explanatory Note will significantly assist the Bench and Bar.

Proposed New Rule

Rule 5:5. Pretrial Procedures <u>and Procedures Relating to Certain Judgments</u>

. . .

<u>5:5-8. Procedures Concerning the Entry of Certain Final Judgments of Divorce</u>

When a settlement is placed upon the Record and a Judgment of Divorce is orally entered a contemporaneous written Final Judgment of Divorce shall be entered either in a form submitted by consent by the parties or in the form set forth in Appendix ____ of these rules. In the event that the Final Judgment of Divorce that is entered is in the form set forth in Appendix ____, the parties shall be permitted to present to the Court and the Court shall enter an amended form of Final Judgment of Divorce setting forth with greater specificity their settlement or incorporating the parties' property settlement agreement within ten days of the entry of the original written Final Judgment of Divorce or within such other time as may be fixed by the Court.

2006 EXPLANATORY NOTE

The Supreme Court Family Practice Committee approvingly recognizes the adoption of a generic form of divorce judgment that the Committee received from the Conference of Presiding Family Part Judges. The Committee generally concurs with the practice of entering a generic same day judgment. It is noted that, in discussion of this issue, concern was expressed about COBRA and other issues where there may be a time lag between the adjudication upon the Record of a given matter and the preparation and entry of a comprehensive Judgment or Judgment incorporating a Property Settlement Agreement. The Committee resolves these concerns in part by its recognition that the adjudicatory act remains the entry of a judgment orally upon the Record with the written Judgment being only the oral decision being memorialized.

In resolving this issue as it does, the Committee recommends that litigants must be given the opportunity to submit an amended judgment of divorce containing the terms of settlement or an amended form of judgment that incorporates a written property settlement agreement within a reasonable period of time. **The Committee disapproves of the notion that every such amended form of judgment or agreement need be submitted within ten (10) days.** The Committee recommends that, for good cause shown, a court should, in an individual case, permit the submission of a judgment within

a specified later period of time or defer to a later designated date, for particular circumstances to be determined on a case-by-case basis.

The Committee has reviewed the specific generic form of judgment prepared by the Conference and recommends that paragraph 2 of the Judgment should generally provide that the parties' settlement agreement orally spread upon the record of this court should be incorporated by reference rather than necessarily by formal inclusion with the final judgment itself. Often times, litigants do not want the specifics of their settlement spread upon the record. Therefore, the Committee recommends that there should be a specific rule change that permits the assigned Family Part Judge to designate in appropriate cases the specific time frame beyond ten days within which a judgment should be submitted.

Synthesizing the implications of *Entress v. Entress*, 376 N.J. Super. 125 (App. Div. 2005) and the emergence of the same day divorce judgment form, the Committee recognizes the large number of cases resolved as the result of the dedicated work of the MESP process. That process has become an integral portion of the way timely resolutions are achieved. **Nothing should be done to discourage litigants from fully participating in the MESP process nor should anything be done to dissuade litigants or their counsel from concluding matters, when appropriate, with the entry of a final judgment of divorce on the same day or within a period of time thereafter.** ***It is for that reason that when counsel indicate a desire to incorporate the settlement the parties have reached into a formal draft judgment of divorce or Property Settlement Agreement, their request to do so should almost invariably be granted. It is acknowledged that the drafting of a property settlement agreement or a form of final judgment of divorce can be extremely time consuming.***

In those situations where counsel or the litigants are satisfied that a settlement can be placed upon the record and the parties actually divorced on the day of MESP paneling or following a judicial settlement conference, the generic form of judgment should be used subject to the caveats set forth herein.

C. *Proposed R. 5:8-7 - Parenting Coordinator*

Discussion

This rule proposed for adoption is modified from an earlier version submitted in the 2002-2004 rules cycle. Currently, no rule authorizes trial courts to appoint parenting coordinators. There also is no rule that defines who may serve as a parenting coordinator or describes that individual's role. The experience of members of the Practice Committee is that trial judges throughout the state are regularly appointing parenting coordinators, sometimes designating them instead as therapeutic monitors.

Despite the absence of a rule authorizing the use of such appointments, the practice continues. In *Rylick v. Rylick*, Dkt. No. A-0499-04T5 (App. Div. November 1, 2005) (unpublished opinion) (Attachment J), the Appellate Division approvingly referenced the appointment of a "therapeutic monitor" to assist in resolving parental disputes and helping create appropriate parenting plans in the best interests of the children. In *Rylick*, the parties had been unable to reach agreement on a myriad of issues involving their child, including parenting time and the appropriate T-ball league. The court distinguished *Maragliano v. Maragliano*, 321 N.J. Super. 78 (App. Div. 1999). In *Rylick's dicta*, the appellate panel stated:

> [T]he appointment of a monitor to assist in resolving parental disputes and creating a workable parenting plan was entirely appropriate and in the best interest of the child in light of the obvious inability of the parties to reach agreement on a myriad of issues involving their son, including not only parenting time, but also the appropriate T-Ball league for the child. Unlike *Maragliano v. Maragliano*, 321 N.J. Super. 78 (App. Div. 1999), cited by defendant, the order appointing the therapeutic monitor sub judice explicitly provided that either party could seek court intervention for appeal of any determinations by the monitor with which they disagreed.

Rylick at 6-7. See also *Jergensen v. Jergensen*, Dkt. No. A-1280-04T1 (App. Div. Nov. 15, 2005) (unpublished opinion) (Attachment K); and *Rodriguez v. Crane*, Dkt. No. A-3828-0T5 (App. Div. January 12, 2006) (unpublished opinion) (Attachment L). In short, the order in *Maragliano* delegated judicial authority to an appointed fiscal agent, but the Order in *Rylick* did not allow such delegation.

The Practice Committee believes that the use of parenting coordinators positively affects the court process and significantly reduces the motion practice of already burdened court calendars, particularly in connection with high conflict cases. The Conference of Family Presiding Judges is in favor of the use of parenting coordinators in an attempt to facilitate non-judicial resolution of parenting implementation issues.

Anecdotally, the members of the Practice Committee are aware that appointed parenting coordinators have performed a significant service to assist parties in resolving issues of daily living, such as selection and scheduling of activities, pick-up times and locations, disputes over switching time, and other such issues. The Practice Committee believes that it is not prudent or necessary for disputes about such issues to be processed by the court in the first instance.

Moreover, our judicial members believe that the use of parenting coordinators positively and significantly reduces the motion practice of already burdened Court calendars, particularly in connection with high conflict cases. The Conference of Family Presiding Judges is in favor of the use of parenting coordinators in an attempt to facilitate resolution of parenting implementation issues.

The proposed parenting coordinator rule does not delegate decision-making responsibility to private experts or lawyers. Rather, if the parents are unable to resolve day-to-day issues, then the rule provides that the appointed coordinator may make non-binding recommendations, subject to court review as set forth in paragraph (g) of the proposed rule.

Parenting coordinators are not evaluators determining custody issues. A parenting coordinator is a mental health professional who assists parties in dealing with issues of implementation of parenting time or parenting responsibility, such as pick-up/drop-off, locations of same, involvements of the children in activities and any other issue that the Order for Appointment of Parenting Coordinator (Attachment M) identifies specifically or which is submitted by agreement of the parties. Coordinators do not decide issues. They may make non-binding recommendations, which may be brought to the

attention of the court, along with all other relevant evidence. Under the proposed rule, the court may appoint a non-professional layman or attorney only if the parties affirmatively consent and request the use of such persons.

The Practice Committee believes that parenting coordinator appointments should not be prohibited when domestic violence orders have been entered. The Practice Committee, however, recognizes that careful strictures should be established regarding the use of coordinators in such situations. Therefore, the proposed rule provides that coordinators meet separately with each party in cases where domestic violence orders have been entered. Since the existence of domestic violence orders interferes with communication between parents as to their children, the Practice Committee believes that the use of parenting coordinators is beneficial to resolving child issues. The Practice Committee believes that domestic violence victims should be permitted to opt out of the parenting coordinating process. The proposed rule specifies that parenting coordinators must have training or experience in domestic violence counseling in accordance with standards to be developed by the Administrative Office of the Courts.

Justification for Out of Cycle Adoption

The proposed rule recommendation formally recognizes the use of parenting coordinators, a practice that is occurring without any standardized statewide procedures or protections for domestic violence victims. The Practice Committee believes the practice is salutary and reduces motion practice, but it also believes that uniform standards and procedures must be implemented regarding the appointment and use of parenting coordinators. Moreover, without a parenting coordinator rule, parenting coordinators appointed in cases where domestic violence orders have been entered are not regulated by any court rule from conducting meetings with the litigants. The proposed rule addresses that issue.

Proposed New Rule

5:8-7 Appointment of Parenting Coordinator

a. In all cases where there are issues regarding parenting responsibility, or implementation of parenting time, the court may, on the application of either party, or on its own motion, appoint a parenting coordinator.

b. The parenting coordinator shall be a social worker, a psychologist, a psychiatrist, or family therapist, licensed to practice in the State of New Jersey, by the appropriate State Board and agencies.. If the parties consent, the court may designate a non-mental health layman, unrelated to either party, including an attorney licensed in New Jersey, to be the parenting coordinator, so long as they are qualified by experience or training.

c. The appointment of a parenting coordinator shall occur when the court concludes that such a designation is in the best interests of the children. When the court elects to designate a parenting coordinator, it shall set forth its reasons. The scope of issues to be addressed by the parenting coordinator shall be those designated in the Order of Appointment or such other issues the parties agree should be addressed.

d. If there is in effect a temporary or final domestic violence restraining order entered pursuant to the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-17, *et. seq.*), a parenting coordinator shall not confer with the parties together and shall only meet with them separately. Any parenting coordinator appointed when a domestic violence restraining order is in effect must have training and/or experience in domestic violence counseling, according to standards to be developed by the Administrative Office of the Courts. A domestic violence victim may opt out of the parenting coordination process.

e. There is no confidentiality attached to communications to, from, and with the parenting coordinator.

f. The parenting coordinator shall have no authority to change or modify a court Order unless the parties consent.

g. Subject to the provisions of paragraph c, *infra*, either party, or the court, may submit an issue to the parenting coordinator designated in the Order of Appointment, who is to make an effort to assist the parties in resolving the dispute in the best interests of the children. However, if the parties do not agree, then the parenting coordinator shall propose a resolution with the understanding that neither party is required to accept the coordinator's recommendation. If either party objects to the recommendation, and refuses to be bound by it, either party may apply to the court pursuant to the Rules for determination of the issues. In connection with any such application, either party may submit the parenting coordinator's recommendation and any additional evidence, in accordance with the Rules of Court.

h. Either counsel may communicate in writing with the parenting coordinator provided that copies are provided to the other counsel or pro se party simultaneously. Copies of any documents, tape recordings or other electronic material that one party gives to the parenting coordinator must also be given simultaneously to the other party or his/her attorney.

i. The parties shall share the cost of the parenting coordinator pursuant to the parties' respective financial circumstances or as the court may direct.

j. If a parenting coordinator is appointed, the form of Order of appointment shall be in accordance with the model order set forth in the Appendix ___.

k. A parenting coordinator may serve only that role. A coordinator shall not at any time serve in the Family Part litigation involving the parties, either as an attorney or therapist for a party or child, a Guardian Ad Litem, a mediator, or a custody parenting time evaluator.

Note: Adopted ____ 2006, to be effective _____.

IV. List of Attachments

A. New Jersey Economic Basis for Updated Child Support Schedule Report

B. Findings from Child Support Order Case File Reviews Report

C. Notice to the Bar dated September 6, 2005 regarding Quadrennial Review Reports

D. Updated Basic Child Support Schedule

E. Current and Revised Versions of Uniform Summary Support Order

F. Current and Revised Versions of Notices to Uniform Summary Support Order

G. Description of Amendments to the Uniform Summary Support Order

H. Referral Memorandum from Acting Administrative Director Phillip S. Carchman, J.A.D., regarding the calculation of child support arrearages, dated July 5, 2005

I. Form of Final Judgment of Divorce

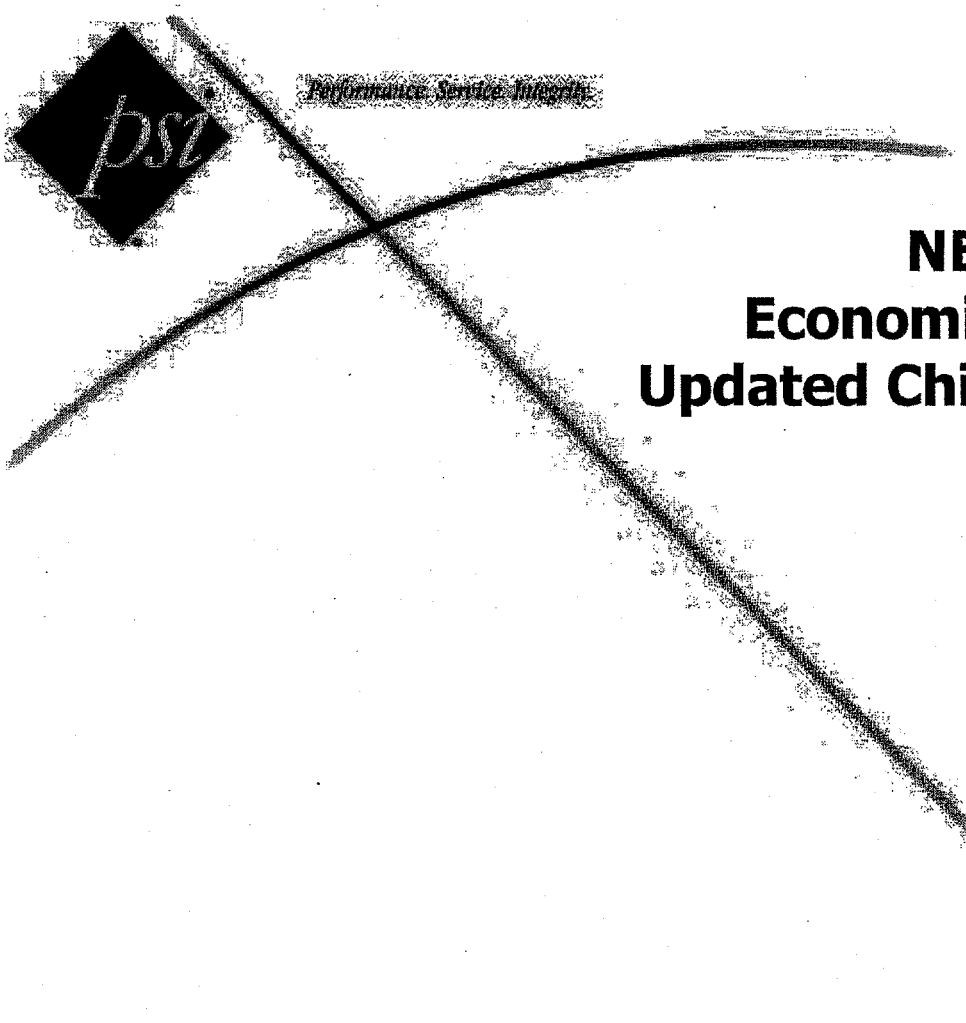
J. *Rylick v. Rylick*, Dkt. No. A-0499-04T5 (App. Div. 2005)

K. *Jergensen v. Jergensen*, Dkt. No. A-1280-04T1 (App. Div. 2005)

L. *Rodriguez v. Crane*, Dkt. No. A-3828-04T5 (App. Div. 2006)

M. Form of Order for Appointment of Parenting Coordinator

Attachment A



NEW JERSEY
Economic Basis for Updated Child Support Schedule

March 30, 2004

Submitted to:
State of New Jersey
Administrative Office of the Courts
Trenton, New Jersey 08625

Submitted by:
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Chapter I
Introduction

This report has been prepared under contract with the New Jersey Administrative Office of the Courts. The New Jersey Child Support Guidelines are being reviewed in accordance with a requirement of the Family Support Act of 1988 [P.L. 100-485]. Federal regulations [45 CFR 302.56] further require that the review must include an assessment of the most recent economic data on child-rearing costs and a review of case data to ensure that deviations from guidelines are limited. The findings from the case file review are provided under a separate report. This report addresses the core of the guidelines, the Basic Child Support Award Schedule.

This report develops an updated Schedule based on current economic parameters. It considers new measurements of child-rearing costs, current price levels, and adjusts for income differences between New Jersey and the U.S. average since the measurements of child-rearing costs are for the U.S. average. It also discusses anomalies in the current rule pertaining to how the self support reserve is applied. Further, it clarifies what is and what is not included in the measurements of child-rearing costs.

ECONOMIC BASIS FOR EXISTING GUIDELINES

Guidelines Model

The current New Jersey Child Support Guidelines are based on the Income Shares model, which was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement (OCSE) and administered by the National Center for State Courts. Recommended for state usage by the Guidelines Project Advisory Group, the Income Shares model has been described as follows:

> The Income Shares model is based on the concept that the child should receive the same proportion of parental income that he or she would have received if the parents lived together. In an intact household, the income of both parents is generally pooled and spent for the benefit of all household members, including any children. A child's portion of such expenditures includes spending for goods used only by the child, such as clothing, and also a share of goods used in common by the family, such as housing, food, household furnishings, and recreation.[1]

Measurements of Child-Rearing Costs Used in Schedule

When the New Jersey Child Support Guidelines were first adopted in 1985, the State implemented the national Income Shares model recommended by the Child Support Guidelines Project. Like most Income Shares states at this time, New Jersey based its Schedule on economic estimates of child-rearing expenditures

[1] Robert G. Williams, *Development of Guidelines for Child Support Orders, Part II, Final Report*, Report to U.S. Office of Child Support Enforcement, Policy Studies Inc., (March 1987) p. II-69.

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as a proportion of household consumption developed by Dr. Thomas Espenshade. The Espenshade estimates, which are published in *Investing in Children* (Urban Institute Press: Washington, D.C., 1984), were derived from national data on household expenditures from the 1972-73 Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. They were the most current and most reliable economic estimates at the time.

Subsequently, New Jersey has reviewed and updated its schedule for changes in economic factors. Substantial changes were made in 1997 including the formulaic adjustments for the self support reserve and shared parenting time and a switch to more current measurements of child-rearing costs developed by David Betson, Professor of Economics, University of Notre Dame for the U.S. Department of Health and Human Service in 1990.[2]

1990 Study on Child-Rearing Costs

Through the Institute of Research on Poverty, Dr. Betson's study fulfilled a requirement of The Family Support Act of 1988 [P.L. 100-485, §128] mandating that the U.S. Department of Health and Human Services "...conduct a study of the patterns of expenditures on children in 2-parent families, in single-parent families following divorce or separation, and in single-parent families in which the parents were never married... ." The purpose was to provide information to states that could be used in state guidelines reviews. Dr. Betson used data from the national 1980-86 Consumer Expenditure Survey for his research. The Consumer Expenditures Survey is an in-depth survey of about 5,000 households per year conducted by the federal Bureau of Labor Statistics.

Expressing his measurements as the percent of total family expenditures allocated to children, Dr. Betson measured average child-rearing costs for a range of incomes and a varying number of children and ages. Further, Dr. Betson employed five different methodologies in his research. An economic methodology is necessary to separate the child's and parent's shares of co-mingled household expenditures such as housing, food, and transportation. For most household expenditures, it is not obvious what proportion will be consumed by the child and what proportion will be consumed by the parents. For example, it is difficult to distinguish the child's and parent's shares of electricity, gas and other utilities and a loaf of bread. The co-mingling of most household expenditures also makes it difficult to set child support awards on a case-by-case basis. For many reasons, measurements of child-rearing expenditures are integral to establishing child support awards.

Of the five methodologies employed by Dr. Betson, he concluded that the "Rotbarth methodology," which is discussed more in the next section, was the most empirically valid and plausible. It forms the basis of the New Jersey Schedule and is used by 20 other states as the basis of all or some of their schedules. It is used more frequently than other measurements of child-rearing costs in state child support guidelines. Most states updating their Schedules in the 1990s relied on the Betson-Rothbarth measurements. As discussed more in the next Chapter, however, an independent evaluator of Dr. Betson's methodology, suggests that the

---

[2] David M. Betson, *Alternative Estimates of the Cost of Children from the 1980-86 Consumer Expenditure Survey*, Report to U.S. Department of Health and Human Services (Office of the Assistant Secretary for Planning and Evaluation), University of Wisconsin Institute for Research on Poverty (September 1990).

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Rothbarth methodology is likely to understate actual child-rearing costs and should be viewed as representing the lower bound of what actual child-rearing costs are.[3]

Summary of Economic Factors Considered in Existing Schedule

At the core of the existing Schedule are the 1990 Betson-Rothbarth measurements of child-rearing costs developed from national 1980-86 data. They were updated to December 1996 price levels and realigned to account for New Jersey's relatively higher income. The realignment was made by comparing family income distributions for New Jersey and the nation. The income data used for the realignment were from the 1990 Census.

UPDATE OF NEW JERSEY SCHEDULE

This report develops an updated Schedule considering three factors:

- 2001 Betson-Rothbarth measurements of child-rearing costs developed from national 1996-99 data;
- 2004 price levels; and
- 2002 Census data indicating differences in family income between New Jersey and the national average.

It also reviews the self support reserve adjustment method.

2001 Study on Child-Rearing Costs

In 2001, Dr. Betson updated his 1990 study using the same survey data (the Consumers Expenditures Survey) but more recent survey years (1996-99). He applied the most sound and robust methodologies from his 1990 study including the Rothbarth methodology to the 1996-99 data using the exact same approach, assumptions and computer code. The study was partially funded by the Institute for Research for Poverty, University of Wisconsin at Madison and the State of California.[4]

Steps Used to Update the New Jersey Schedule

Starting with the new Betson-Rothbarth measurements of child-rearing costs from 1996-99 data, the following steps were taken to arrive at an updated Schedule.

- With assistance from Dr. Betson, the measurements of child-rearing costs were realigned upward to account for New Jersey's relatively higher income;

- The measurements of child-rearing costs were converted to 2004 price levels;

- Then, estimates of the proportion of household *net* income spent on children across a broad income spectrum were developed.

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[3]Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines*, Report to U.S. Department of Health and Human Services (Office of the Assistant Secretary for Planning and Evaluation), Lewin/ICF (October 1990).

[4]Judicial Council of California, "Chapter 5, Parental Expenditures on Children," *A Review of Statewide Uniform Child Support Guideline*, 2001.

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- We also deducted average expenditures on child care, estimated health insurance, and estimated children's extraordinary medical expenses from these proportions. (In the Income Shares model, these child-rearing costs are added to the basic child support calculation as actually incurred.)

These steps are elaborated in Chapter III.

REPORT ORGANIZATION

In Chapter II, we discuss the Betson-Rothbarth estimates and assess other estimates of child-rearing expenditures. The new and old Betson-Rothbarth estimates of child-rearing expenditures are also discussed in greater detail in Chapter II.

In Chapter III, we describe the steps involved in developing the proposed Schedule based on relevant economic evidence, as well as the specific assumptions made in the course of that development. Further detail is provided in Appendix I, Technical Computations.

In Chapter IV, we summarize the key assumptions implicit in the development of the proposed Schedule that are likely to have the most impact on how the tables are used.

In Chapter V, we compare the existing Schedule to the proposed Schedule. In this Chapter, we also review the current self support reserve.

In Chapter VI, we present a brief summary and conclusions.

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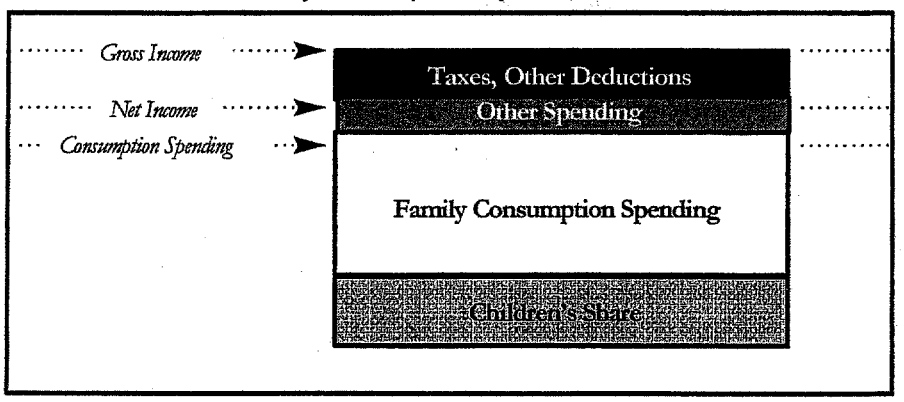
Chapter II
New Economic Data on Child-Rearing Expenditures

As previously discussed, economic estimates of child-rearing expenditures are the foundation of guidelines schedules. Child-rearing expenditures are estimated as a proportion of total family spending on consumption. By relating a family's consumption expenditures to total income, we can then derive estimates of spending on children as a proportion of net or gross family income. The relationship between consumption spending on children to total household consumption spending, and thus to net and gross family income, is depicted in Exhibit 1.

Exhibit 1
Family Consumption Expenditures and Income



GENERAL ECONOMIC APPROACH TO MEASURING CHILD-REARING EXPENDITURES

Most household spending on children cannot be directly observed. Parents can separately track, and account for, spending on such categories as children's clothing, educational expenses, and child care. However, for those expenditure categories accounting for the bulk of child-related expenditures, spending on children is inextricably intertwined with spending on adults. These categories of pooled family expenditures include food, housing, utilities, home furnishings, transportation, most recreation, and most health insurance. To determine how much of the household budget is spent on children, it is necessary to devise and apply an estimation methodology that indirectly calculates the children's share.

Several economic methodologies have been developed to produce such estimates. Most attempt to estimate the marginal, or extra, expenditures made on behalf of the children relative to expenditures in the absence of any children. They do so by comparing expenditures between two households that are equally well off

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economically, one with children and one without. The additional expenditures by the household with children are deemed to be the costs of child rearing.

An example, shown below, illustrates this method. In this example, the households are both assumed to have two adults and are considered to be equally well off. Family A has no children, while Family B has two children:

	Family A	Family B	
Number of Children	0	2	
Income	$18,000	$30,000	
Children's Additional Cost		$12,000	
Children's Share of Total		$12,000	/ $30,000 = 40%

In this example, Family B must spend $12,000 more to be as well off as Family A. That $12,000 can be considered as the marginal cost of the children. Since $12,000 is 40 percent of $30,000, we would estimate the total cost of the two children to be 40 percent of parental income at this level of earnings. The methodology can also be applied to compare expenditures by equally well off households with varying numbers of children. This yields estimates of additional costs of a second and third child, for example.

In order to estimate the children's share of expenditures in this manner, it is necessary to construct a standard of well-being that is independent of income. Only with such a standard can we consider two families to be equally well off, one with children and one without, even though they have different incomes. Several such standards of well-being have emerged from the economic literature on child-rearing expenditures.

Rothbarth Estimator

The Rothbarth estimator, which was mentioned in the introduction, uses the proportion of family expenditures on luxury goods as a standard of well-being. As stated by Lewin/ICF, economist Erwin Rothbarth "... argued that the best way to measure expenditures on children is to assess children's impact on their parents' consumption."[5] Rothbarth assumed that well-being should be determined by comparing the levels of "excess income" available once necessary expenditures on all family members have been made, with excess income defined to include luxuries (alcohol, tobacco, entertainment, and sweets) and savings. Studies which have used the Rothbarth methodology to estimate child-rearing expenditures — including Dr. Betson's — have limited the definition of excess income to those goods which are assumed to be used only by adults, usually adult clothing, alcohol, and tobacco. In fact, Dr. Betson tested the sensitivity of his estimates to several alternative definitions of "adult goods:" adult clothing alone, and adult clothing plus tobacco and alcohol. He found there was little variation in results with these changes in definition. This

[5] *Estimates of Expenditures on Children.* p. 2-16.

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finding suggests that his estimates have not been significantly compromised by any data inadequacies in the measurement of spending for tobacco and alcohol.

Dr. Betson used this standard of well-being (i.e., household expenditures on adult clothing, tobacco, and alcohol) as well as others to compare spending by families with and without children, who were equally well off. He then derived estimates of spending for two children compared with one, and three children compared with two. His 1990 estimates of the average proportion of consumption expenditures allocated to children based on 1980-86 data are 25 percent for one child, 37 percent for two, and 44 percent for three.[6] Betson's comparable 2001 Rothbarth estimates based on 1996-99 data are 25 percent for one child, 35 percent for two, and 41 percent for three.[7] There are no statistical significant differences in the average Betson-Rothbarth estimates of child-rearing expenditures from 1980-86 to 1996-99.

Since Dr. Betson's 2001 updated estimates are relatively new, it is not surprising that they are not used widely at this time. However, North Carolina and Oregon have adopted schedules using Dr. Betson's 2001 estimates. There are also 19 states that use the older Betson-Rothbarth measurements.

Other Estimators

In addition to the Rothbarth estimator, other estimators of child-rearing expenditures have been considered in the development and review of child support schedules. The most known estimates are the Engel estimator and the estimates developed by the United States Department of Agriculture (USDA). Betson also used three other methods to estimate child-rearing expenditures in his 1990 study, but none of the alternative estimators yielded reliable results.[8] More detailed information about all of these estimates of child-rearing expenditures is provided in the Lewin/ICF report.

Engel Estimator

Over a century ago, economist, Ernst Engel, found that as a family's income increases (holding family size constant), the percentage of the family's expenditures on food decrease, even though total spending increases. This means that a family's spending on food increases more slowly than income. Under this standard, total expenditures devoted to food are deemed to be a valid indicator of economic well-being. Thus, if two families of different size spend the same proportions of their incomes on food, they are deemed to be equally well off.

The Engel estimator was used by Dr. Thomas Espenshade in 1984 to develop estimates of child-rearing expenditures from 1972-73 Consumer Expenditure Survey (CEX) data. Since Espenshade's estimates were

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[6]The Lewin Report which is also quoted in the USDA study lists the Betson-Rothbarth estimates as 25, 35 and 39 percent for one, two and three children (See Table 4.5 of the Lewin Report). Yet, Betson actually estimated child-rearing expenditures based on the Rothbarth methodology through numerous specifications that varied by the ages of the children, total household expenditures, and how adults goods are defined. Lewin selected the Betson-Rothbarth estimates with specifications most similar to that of a much earlier study estimating child-rearing expenditures using the Rothbarth methodology. The estimates reported above are more in line with those in Table F11 of Betson (1990).

[7]The estimates based by 1996-99 data are currently unpublished. The California report includes estimates based on the 1996-98 data; yet, later, Dr. Betson added a year of data to increase the sample size. The estimates from the 1996-98 data were negligibly different but statistically insignificant than the estimates based on 1996-99 data. They are 26 percent for one child, 35 percent for two, and 42 percent for three.

[8]Lewin/ICF, Estimates of Expenditures on Children and Child Support Guidelines (page 4-8).

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the best available estimates on child-rearing expenditures at the time, Dr. Espenshade's estimates were used by the National Child Support Guidelines Project to develop prototype child support schedules for the Income Shares model. Most states that adopted the Income Shares approach developed their Schedule from Dr. Espenshade's estimates. New Jersey's initial Schedule was based on Dr. Espenshade's estimates. In addition, the Engel methodology was used in the development of the U.S. poverty standard, the Bureau of Labor Statistics equivalency scale.[9]

Dr. Betson also developed estimates from the Engel methodology in both his 1990 and 2001 study. He used the same data set as Dr. Thomas Espenshade; that is, the Consumer Expenditure Survey, but Dr. Betson used survey data from 1980-86 for his 1990 study and survey data from 1996-99 for his 2001 study.

As discussed in the Lewin/ICF report, the 1990 Betson-Engel estimates are greater than the Espenshade-Engel estimates.[10] Specifically, the 1990 Betson-Engel estimates, which are based on 1980-86 data, found that families allocate 33 percent of their consumption to one child, 49 percent to two children and 59 percent to three children. The Espenshade-Engel estimates, which are based on 1972-73 data, found that families allocate 24 percent of their consumption to one child, 41 percent to two children and 51 percent to three children. Lewin/ICF could not discern whether the difference results from changes in child-rearing expenditures over time or differences in the procedures used by Drs. Betson and Espenshade. Dr. Betson's estimates based on the Engel methodology applied to the 1996-99 data were somewhat less than his estimates based on the 1980-86 data but still significantly more than the Espenshade-Engel estimates. The Betson-Engel estimates that are based on 1996-99 data found that families allocate 30 percent of their consumption to one child, 44 percent to two children and 52 percent to three children.

U.S. Department of Agriculture Estimates

The U.S. Department of Agriculture's Center for Nutrition Policy and Promotion (CNPP) develops economic estimates for the major categories of child-rearing expenditures (i.e., housing, food, transportation, clothing, health care, child care and education, and miscellaneous child-rearing expenditures). Although many states examine the CNPP estimates as part of their quadrennial guidelines review, we know of no state that uses the CNPP estimates as the basis of its child support schedule. In part, this is because the estimates are generally higher than the Espenshade-Engel estimates and the Betson-Rothbarth estimates. Further, since the CNPP only considers three income ranges (i.e., low-income, middle-income, and high-income), it is difficult to extrapolate between income ranges, particularly from zero dollars in income to the highest amount considered in the low-income range. Some extrapolation is necessary at low incomes so guidelines-determined amounts do not exceed income to avoid cliff effects and so the guidelines-amounts based on the CNPP measurements do not exceed income withholding limits for child support set by the Consumer Credit Protection Act.

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[9]Thomas J. Espenshade, *Investing in Children: New Estimates of Parental Expenditures* (Washington, D.C.: Urban Institute Press, 1984).
[10]Lewin/ICF, *Estimates of Expenditures on Children and Child Support Guidelines* (Chapter IV: The Empirical Literature on Expenditures on Children).

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CNPP's most recently published figures are based on data from the 1990-92 CEX, updated to 2002 dollar levels using the Consumer Price Index (CPI).[11] The CNPP publication is easy to read and provides useful information that is not available from the Rothbarth and Engel estimates. Specifically, the CNPP provides estimates of child-rearing expenditures by expenditure category (e.g., housing, food), region, and age of the child. Yet, unlike the Rothbarth and Engel estimators, CNPP does not measure the marginal cost of children to a household; that is, how much more a childless family would have to spend to maintain their current well-being if they did have children. Many of the largest expenditure categories considered by CNPP are estimated using an average cost approach.

In general, CNPP's methodology differs considerably from the Rothbarth and Engel methodologies, although it uses the same data set that Drs. Betson and Espenshade used to estimate child-rearing expenditures. The CNPP estimates child-rearing expenditures for each category separately, then adds them together to arrive at a total amount of child-rearing expenditures. How expenditures are measured for each category varies. The CNPP first apportions housing, transportation, clothing services (e.g., dry cleaning) and miscellaneous other expenses among all members of the household on a simple per capita basis. For example, in a household with two parents and two children, the total housing expenditures would be equally divided among all four family members. Assuming the baseline family consists of a husband and wife and two children, CNPP then uses multivariate analysis to adjust these estimates for one-child and three or more children families.

Food and health care expenditures are allocated among each family member using proportions derived from the National Food Consumption Survey conducted by the U.S. Department of Agriculture and the National Medical Care Utilization and Expenditure Survey conducted by the U.S. Department of Health and Human Services.

Expenditures on children's clothing, education, and child care, which are directly reported in the CEX, are divided equally among each child in CNPP's baseline family (i.e., the two children). Multivariate analysis is then used to adjust these estimates for one child and three or more children.

Based on this approach, CNPP estimates child-rearing expenditures for a range of gross incomes. The CNPP estimates are also presented as a proportion of total household expenditures; they average: 26 percent of household expenditures for one child; 42 percent of household expenditures for two children; and 48 percent of household expenditures for three children. These amounts are between the Betson-Engel and Betson-Rothbarth estimates. Dr. Betson also developed estimates using the CNPP methodology from the 1996-98 data. He estimated that the proportions of total household expenditures devoted to children are: 32 percent for one child, 46 percent for two children and 58 percent for three children.

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[11]Mark Lino, *Expenditures on Children by Families: 2002 Annual Report* U.S. Department of Agriculture, Center for Nutrition Policy and Promotion. Miscellaneous Publication No. 1528-2002 (2003).

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Summary of Estimates

Exhibit 2 provides a summary of the estimates of child-rearing expenditures discussed above. Specifically, it displays the average percent of family expenditures devoted to child-rearing costs for one, two and three children for the:

- Espenshade-Engel estimates based on 1972-73 CEX data;
- Betson-Engel estimates based on 1980-86 CEX data;
- Betson-Engel estimates based on 1996-99 CEX data;
- Betson-Rothbarth estimates based on 1980-86 CEX data;
- Betson-Rothbarth estimates based on 1996-99 CEX data;
- CNPP-USDA estimates based on 1990-92 CEX data;
- Betson-USDA estimates based on 1996-99 CEX data; and,
- Per capita amounts.

The estimates do not consider changes in savings or the amount of consumption or personal income tax rates over time because they are expressed as a percent of total family expenditures.

As displayed in Exhibit 2, there is considerable range in the estimates. For example, the proportion of family expenditures devoted to child-rearing costs for one child ranges from a low of 24 percent to a high of 33 percent. For two children, the range is 35 to 49 percent and for three children the range is 41 to 59 percent. Also evident in Exhibit 2 is that the Betson-Engel estimator derived from 1980-86 CEX data is consistently the highest estimate, however, no estimate is consistently the lowest. It varies with the number of children.

Exhibit 2
Summary of Estimates of Child-Rearing Expenditures

Average child-rearing expenditures as a percent of total family expenditures			
Espenshade-Engel (1972-73 CEX)	24%	41%	51%
Betson-Engel (1980-86 CEX)	33%	49%	59%
Betson-Engel (1996-99 CEX)	30%	44%	52%
Betson-Rothbarth (1980-86 CEX)	25%	37%	44%
Betson-Rothbarth (1996-99 CEX)	25%	35%	41%
CNPP-USDA (1990-92 CEX)	26%	42%	48%
Betson-USDA (1996-99 CEX)	32%	46%	58%
Per capita	33%	50%	60%

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CHOICE OF ESTIMATORS

Among economists, no consensus has emerged that any single estimator is better than another. All have their limitations and biases. As a result, the Lewin/ICF report issued by the U.S. Department of Health and Human Services does not express any opinion concerning the single best estimator of child-rearing expenditures. Rather, it states that the various estimates should be considered as expressing a range of results. Of the estimates derived, however, which include several other formulations, only the Rothbarth and Engel methodologies are without serious problems of empirical specification. The primary bias of the Engel methodology, according to the Lewin/ICF Report, is that it is theoretically most likely to overstate child-rearing expenditures. In contrast, the primary bias of the Rothbarth methodology is that it is likely to understate child-rearing expenditures.

The Espenshade-Engel and the 1990 Betson-Rothbarth estimators have withstood the test of time. The Espenshade-Engel estimator has been used for over 20 years in child support schedules. The Betson-Rothbarth estimator has been used for almost 10 years in child support schedules. As mentioned earlier, 21 states base their schedules on the Betson-Rothbarth estimates. There are nine states that base their schedules on the Espenshade-Engel estimator. Most of these states have never updated their schedules. The third most frequently used economic estimate is based on Wisconsin's interpretation of a 1981 summary article of child-rearing costs.[12] Wisconsin uses a flat percentage of gross income to determine child support. In this guidelines model, the amount of the obligee's income has no effect on the child support order amount. Wisconsin's percentages form the basis of child support schedules in six states.

Dr. Betson favors the Rothbarth estimator over the Engel estimator for empirical and theoretical reasons. Because the 1990 Betson-Engel estimates approach per capita (i.e., average cost) estimates of child-rearing expenditures they appear unreasonable. In the economic sciences, it is generally accepted that marginal costs should be lower than average costs— or what is called "per capita costs" in Exhibit 2. The economic concept of "marginal cost" is that the second economic good costs less than the first economic good, and the third economic good costs less than the second economic good, and so forth. In contrast, average costs assume that the first, second and third economic goods cost exactly the same. In our view, the sound theoretical basis of the Rothbarth methodology, in conjunction with the implausible results from the Engel methodology, renders the Rothbarth estimator to be the preferred choice for revision of the guidelines schedule based on the most current research on child-rearing expenditures.

The CNPP estimates are not deemed suitable because they rely on an average cost approach. The division of some expenditures between parents and children assumes a conclusion about the real allocation of those expenditures, which is particularly bothersome for setting child support awards. Child support is commonly understood to provide for the additional costs of children. It seems very unlikely that the costs of children would proportionately equal the adult's initial costs in those categories of expenditures. For purposes of child support, a marginal cost approach to estimating costs of child rearing is a more appropriate method.

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[12]Jacques van der Gaag, *On Measuring the Cost of Children*, DP663-81, Institute for Research on Poverty, University of Wisconsin at Madison, Wisconsin (1981).

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OTHER ISSUES PERTAINING TO ESTIMATES OF CHILD-REARING EXPENDITURES

(1) Use of national data for state guidelines

Most state child support schedules using economic studies on child-rearing expenditures rely on estimates from national data. The specific source of the data is one of the periodic Consumer Expenditure Surveys (CEX) conducted by the Bureau of Labor Statistics. These surveys are used because they are the most detailed available source of data on household expenditures. The sample strategy is designed to be nationally representative. The current CEX samples 101 geographic areas. Since 1984, this has included representation of urban and rural areas. Prior to 1984, it was limited to urban areas.

The CEX tracks household expenditures and income through two components: (1) a diary of household spending; and (2) an interview survey. This produces in-depth information on household expenditures and income. The interview survey is a rotating panel survey in which approximately 8,910 addresses are contacted in each quarter of a calendar year. The targeted number of completed interview per quarter is 6,160. This allows for nonresponses and other issues that prevent interviews from being completed with all addresses. After excluding irrelevant groups (e.g., single individuals, widowed single parent households), Dr. Betson was left with an analysis sample of about 5,000 observations for the research relating to child-rearing expenditures.

As discussed more in the technical appendix, the CEX focuses on average expenditures made for current consumption. All of the economists measuring child-rearing costs focus on child-rearing expenditures made for children ages 0 through 17 years old. Because of the age limit, the measurements do not include college tuition or expenses. Housing, food, and transportation compose the largest expenditures categories. Nonetheless, there are many other expenditure categories included in the CEX and measurements of child-rearing costs. The USDA report provides a lucid description of many of these categories. Yet, in viewing these categories, it is important to keep in perspective that these represent average (typical) amounts.

Data with the depth and quality of the CEX are simply not available at the state level. Moreover, replication of the Consumer Expenditure Survey at the state level would be extremely costly. Because of the methods that must be used to estimate child-rearing expenditures, the absence of such data precludes the development of accurate estimates specific to a given state. This is why no state has attempted to develop such a data source and conduct its own research on child-rearing expenditures. Yet, a few States with incomes that differ substantially from the national average (like New Jersey), realign national child-rearing estimates to account for the income differences. Most of these States have incomes that are lower than the national average (e.g., Alabama, Arkansas, New Mexico, South Dakota, and South Carolina), so realign the national measurements downward. On the other hand, high income states like Connecticut and New Jersey have realigned the national measurements upward.

The methodology used to realign national child-rearing estimates is discussed in greater detail in the next chapter and the technical appendix.

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(2) Use of data from intact families to determine child support levels

The child-rearing expenditures discussed in this report are estimates from samples of two-parent households. This is appropriate since the Income Shares model (upon which the New Jersey guidelines are based) seeks to apportion to the child the amount that the parents would have spent if the household were intact.

Since child support is required only when the household is not intact, some have argued that child-rearing expenditure data from single-parent families should be used as the basis for child support levels. Although such data have generally not been available in the past, Betson did formulate such estimates in his research. However, those estimates are based on much smaller sample sizes than the estimates for two-parent households.

More at issue is that expenditure patterns in one-parent household do not provide meaningful guidance for setting child support awards. In economic terms, the "costs" of child rearing are defined by what parents actually spend on their children, at least above a minimum (i.e., poverty) level. For a middle class child, for example, the only way of determining whether part of that child's costs should include a new bicycle, or own bedroom is by observing how other parents at that same income level divide their income between their own needs and those of their children. All economic studies on child-rearing costs have found that parents spend more on children as they have more income available. The relevant question is, how much of that additional income do they spend on the children?

It is well known that single-parent households with children have lower incomes hence have less money to spend than intact families. Therefore, any study of such households will observe a lower level of spending on children overall than would be observed in two-parent households. The fact that single-parent households actually do spend less income on children than two-parent households does not mean that they should spend less if the other parent has the means to provide more child support.

A simple example will help to illustrate this point. Assume that two different single-parent households exist, each with two children, and each with income before child support of $1,000 per month. Assume also, that in the absence of child support each of these households would spend $600 per month on the two children. Finally, assume that the noncustodial parent in the first case had monthly income of $5,000, while the noncustodial parent in the second case had monthly income of $1,000. Clearly, the noncustodial parent in the first case should pay substantially more child support than the noncustodial parent in the second case. This reflects the greater ability to pay, and the fact that the children's standard of living would have been much higher if the first household were intact than if the second household were intact.

That spending on the children in the two single-parent households in this example was the same level (and much lower than it should be given the incomes of the noncustodial parents) has no relevance to the child support determination except as it reflects the custodial parent's ability to contribute. This demonstrates why it is appropriate to rely on child-rearing data from two-parent households rather than one-parent households for determination of child support obligations.

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EXPENDITURES ON CHILDREN AS A PROPORTION OF NET INCOME

Our discussion has focused up to now on the proportion of consumption expenditures allocated to children. Of more interest is the estimated proportion of net income spent on children, which we have derived from Betson's findings on child-rearing expenditures based on the 1996-99 CEX data. For the purposes of developing child support schedules, Dr. Betson estimated the proportion of net income spent on one, two, and three children in fourteen income categories (inflated to 2003 dollars from a 1997 constant dollar base).

As shown in the table and graph in Exhibit 3, the proportion of net income spent on children declines as income increases, although the level of spending (i.e., actual dollars) on children increases as income increases.

- For one child, spending is estimated to be approximately 27 percent for one child in the lowest income category, declining to 14 percent in the highest.

- For two children, spending is estimated to be 38 percent in the lowest income category, declining to 19 percent in the highest.

- For three children, spending is estimated to be 45 percent in the lowest income category, declining to 21 percent in the highest.

These proportions include average spending for child care and children's health care. As discussed in Chapter III, these amounts are deducted from the estimates prior to construction of a guidelines Schedule.

Like Espenshade's estimates and the CNPP estimates, the Betson-Rothbarth estimates show consumption spending declining as a proportion of net income as income increases. Yet, the Betson-Rothbarth estimates show those proportions declining more rapidly than the other estimates, with the result that expenditures on children as a proportion of net income are somewhat lower based on the Betson-Rothbarth estimates. Further, the more recent Betson-Rothbarth estimates indicate a greater decline. The more precipitous decrease at higher incomes between the Betson-Rothbarth measurements based on 1980-86 and 1996-99 data is shown in Exhibit 4 for one, two, and three children separately. Incomes are converted to 2004 price levels for comparative purposes.

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Exhibit 3

Proportion of Net Income Spent on Children (based on Betson-Rothbarth Estimates)			
U.S.A. Net Annual Income (2003 dollars)	Percent of Net Income Spent on ...		
Less than $15,607	26.80%	38.20%	44.70%
$15,607 - $20,807	26.72%	38.02%	44.47%
$20,808 - $26,010	26.44%	37.41%	43.67%
$26,011 - $31,212	26.16%	36.83%	42.90%
$31,213 - $36,415	25.88%	36.36%	42.25%
$36,416 - $41,617	25.57%	35.86%	41.56%
$41,618 - $46,819	24.02%	33.59%	38.87%
$46,820 - $52,022	22.91%	31.92%	36.88%
$52,023 - $62,425	21.75%	30.14%	34.81%
$62,426 - $72,830	18.96%	26.26%	30.33%
$72,831 - $83,235	18.58%	25.69%	29.59%
$83,236 - $104,044	17.28%	23.80%	27.30%
$104,045 - $130,055	15.64%	21.42%	24.45%
$130,056 +	13.68%	18.56%	21.06%

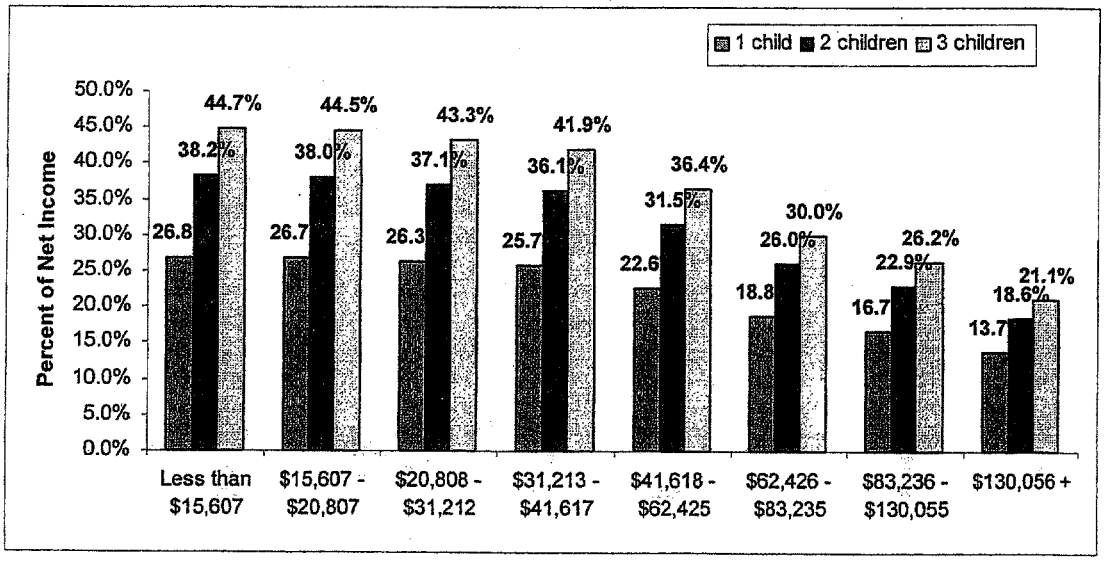

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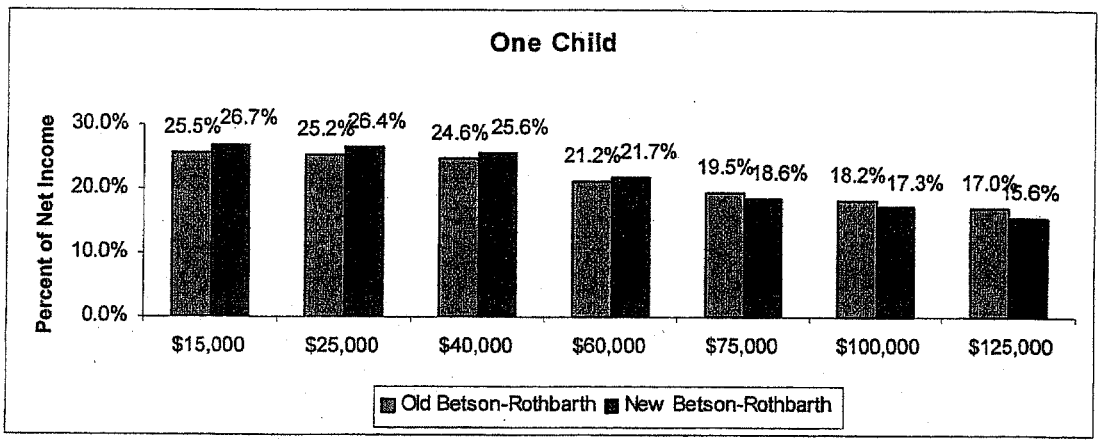
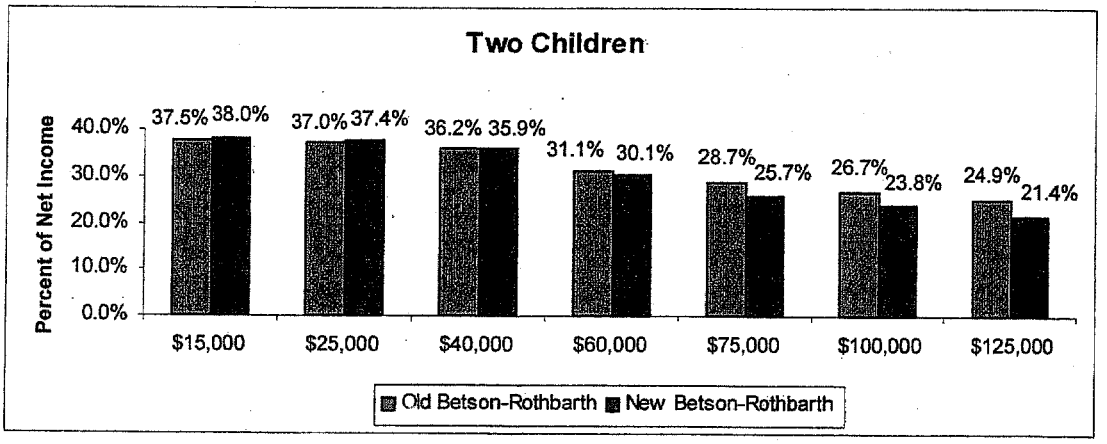
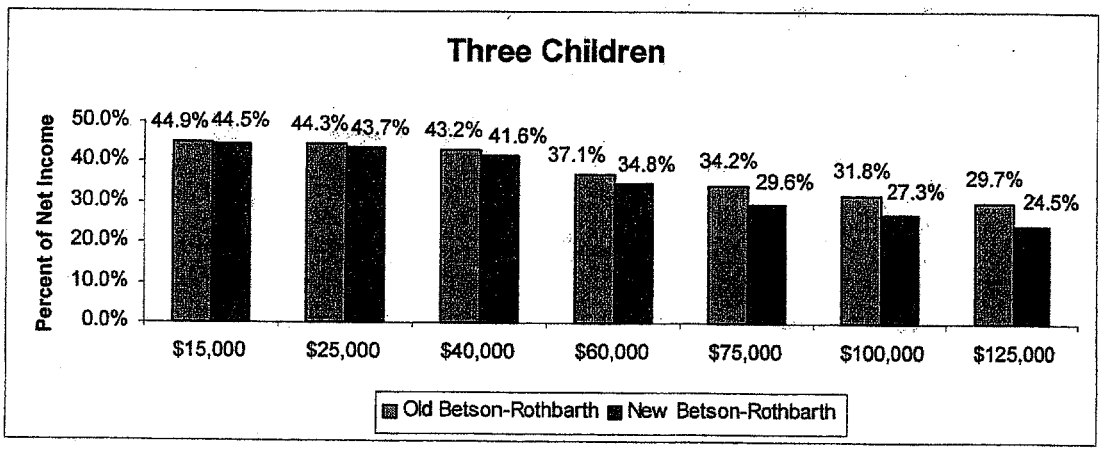
Exhibit 4







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Chapter III
Developing a Support Schedule from Estimates of Child Expenditures

Estimating expenditures on children in intact households is only one step in developing a Schedule of Basic Child Support Obligations. The purpose of this chapter is to describe the additional procedures and assumptions used to move from child expenditures to a Schedule. A more technical discussion of the material in this chapter is presented in Appendix I.

There are two stages in the development of a Schedule of Basic Child Support Obligations that build upon the estimates of child-rearing expenditures. The first stage involves realigning the national Rothbarth estimates presented in Exhibit 3 in the previous chapter to reflect New Jersey's higher income distribution. We do this by assuming that child-rearing expenditures are equivalent between U.S. and New Jersey families that have the same rank in their respective income distribution scales. For example, we assume that child-rearing expenditures are the same for a New Jersey family that is at the 25th percentile in New Jersey's income distribution to that of an average U.S. family at the 25th percentile in the average U.S. income distribution.

The second stage is the development of a table of support proportions that relates child expenditures in different household sizes to net income. This relationship uses the realigned Betson-Rothbarth estimates. Further adjustments were made to those proportions (1) to exclude the portion of expenditures accounted for by child care and the child's share of health insurance premiums and extraordinary medical expenses; (2) to extend the proportions to households with four, five, and six children; and (3) to develop a method of smoothing the proportions between income ranges to eliminate the gaps in support obligations that would otherwise exist. The final product is a support schedule developed from the table of support proportions.

REALIGNING NATIONAL ESTIMATES ON CHILD-REARING COSTS

The Rothbarth estimates shown in Exhibit 3 in the previous chapter are realigned to account for New Jersey's higher income distribution relative to that of the United States. The realigned Betson-Rothbarth estimates that take into account New Jersey's higher income distribution are shown in Exhibit 5. Based on the 2002 American Community Survey conducted by the Census, median family income is $70,488 per year in New Jersey compared to $51,742 for the U.S.[13] In fact, New Jersey ranks higher than any other state in median family income.

Since New Jersey has an income structure that is higher than that of the U.S. as a whole, it is reasonable to assume that prices are higher in New Jersey (due to the higher income structure), so it costs more to obtain

[13]The Census recently started the American Community Survey to obtain better information between decennial Censuses on population growth and other trends and to help eliminate the amount of information required when the Census is only conducted once every ten years.

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the goods and services that are perceived as necessities. Since many child-rearing expenditures are for necessities, a higher proportion of income is allocated to children in New Jersey than in the U.S. as a whole.

The method used to realign the Rothbarth estimates to account for New Jersey's higher income distribution is detailed in Appendix I. The method was used to develop the existing New Jersey Schedule only from 1990 Census data. It has been used in Connecticut, another relatively high-income state and several states with relatively low incomes to reduce the national measurements of child-rearing costs (e.g., Arkansas, South Carolina, West Virginia). The realignment matches New Jersey and U.S. families according to income distribution. For example, a New Jersey family that is at the 25th percentile in the income distribution is matched to the equivalent income for a U.S. family at the 25th percentile in the income distribution. Data on expenditures are captured for this U.S. family using the Rothbarth estimates and applied to its New Jersey family equivalent. For example, if the U.S. household at the 25th percentile in the income distribution spends 20 percent of its income on child rearing, it is assumed that a New Jersey household at the 25th percentile will also spend 20 percent.

The realigned estimates of child-rearing expenditures (Exhibit 5) show that the proportion of net income spent on children in New Jersey declines as income increases. Although similar to the national data in Exhibit 3, the New Jersey estimates are somewhat more than the national estimates.

BUILDING A TABLE OF SUPPORT PROPORTIONS

There are seven steps in developing a table of support proportions from the Rothbarth estimates of child expenditures. These steps include:

1. Updating the net income brackets for changes in the cost of living since the time the data were collected;

2. Deducting from child expenditures the portion attributable to child care;

3. Deducting from child expenditures the child's portion of medical expenses (i.e., health insurance premiums and extraordinary medical expenses);

4. Calculating the relationship between consumption spending and net income;

5. Computing child expenditures as a proportion of net income;

6. Extending the estimates for one, two, and three-child households to households with four, five, and six children; and

7. Computing marginal proportions between income ranges to avoid notches in support obligations.

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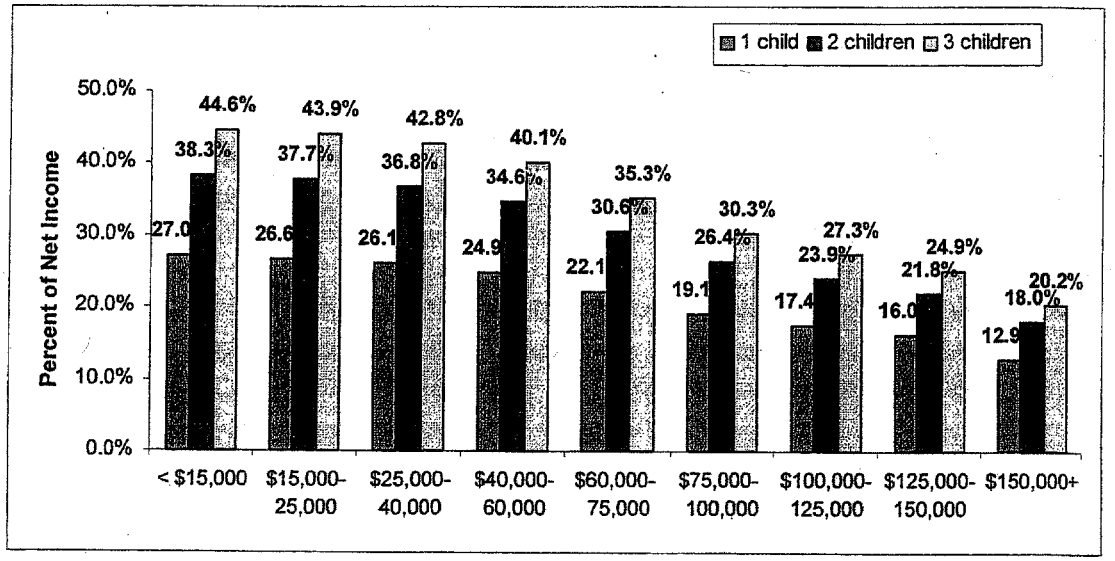
Exhibit 5

Proportion of Net Income Spent on Children (based on Betson-Rothbarth Estimates)			
New Jersey Net Annual Income (2003 dollars)	Percent of Net Income Spent on...		
Less than $15,000	27.0%	38.3%	44.6%
$15,000 - $25,000	26.6%	37.7%	43.9%
$25,000 - $30,000	26.4%	37.3%	43.5%
$30,000 - $35,000	26.1%	36.8%	42.8%
$35,000 - $40,000	25.9%	36.4%	42.2%
$40,000 - $45,000	25.6%	36.0%	41.7%
$45,000 - $50,000	25.5%	35.5%	41.1%
$50,000 - $60,000	24.2%	33.5%	38.8%
$60,000 - $75,000	22.1%	30.6%	35.3%
$75,000 - $100,000	19.1%	26.4%	30.3%
$100,000 - $125,000	17.4%	23.9%	27.3%
$125,000 - $150,000	16.0%	21.8%	24.9%
$150,000 +	12.9%	18.0%	20.2%



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1. Updating the Net Income Brackets

The Rothbarth estimates are based on annual Consumer Expenditure Survey (CEX) data from 1996 through 1999 compiled by the Bureau of Labor Statistics. The CEX income data specified in constant 1997 dollars were updated to August 2003 dollars for the realignment and then February 2004 dollars for the Schedule using statistics on changes in the consumer price index (CPI) since the time the data were collected.

2. Deducting Costs of Child Care

The Income Shares model proposed for use in New Jersey is meant to be a basic support obligation to which are added the costs of work-related child care and extraordinary medical expenses. The table of support proportions specifically excludes the child's share of expenditures related to these items. Adjustments for these expenditures can be accommodated because the CEX database identifies expenditures for each commodity. To make the adjustment, child care expenses are computed as a proportion of consumption spending and then subtracted from the Rothbarth estimates of child expenditures as a proportion of consumption spending. Child care costs per child ranged from 0.26 percent of consumption spending in households with annual net incomes of $15,000 to $25,000 and generally increases as income increases to 1.66 percent of consumption spending in households with annual net incomes above $150,000.

3. Deducting the Child's Share of Unreimbursed Medical Expenses

The adjustment for unreimbursed medical expenses is similar to the adjustment for child care costs, although not as easily computed since medical expenses are not itemized for each household member. Therefore, to compute an adjustment for medical expenses, we assumed that the child's share of those expenditures was the same as the child's share of all consumption spending. Once this share was computed and defined as a proportion of consumption, it was subtracted from the Rothbarth estimates of child expenditures as a proportion of consumption spending. The children's share of extraordinary medical expenses in two-child households ranged from 0.66 percent of consumption spending for households with annual net incomes between $25,000 and $30,000 to 1.13 percent in households with annual net incomes between $50,000 and $60,000. The schedule at the end of this chapter includes $250 per child per year in ordinary medical expenses (co-pays for doctor well visits, over the counter medicine, etc).

4. Calculating the Relationship Between Consumption and Net Income

Net income using CEX data was defined as gross income, less adjustments for federal taxes and social security (FICA) taxes. For all but relatively low income households, net income generally exceeds consumption spending. The difference takes the form of savings and increases in household net worth (e.g., principal payments on a mortgage). In order to convert expenditures on children as a proportion of consumption spending to child expenditures as a function of net income, the relationship between consumption and net income must be computed. Not surprisingly, that ratio decreases as net income increases. Thus, while consumption spending consumes all of net income for households with annual net incomes below $50,000, it represents only about 57 percent of net income for households with annual net incomes in excess of $150,000.

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5. Computing Child Expenditures as a Proportion of Net Income

Once the previous steps have been completed, the computation of child expenditures as a proportion of net income is straightforward. That is, the costs of child care and extraordinary medical expenses are subtracted from the Rothbarth estimates of child expenditures as a proportion of consumption, and the revised proportions are multiplied by the ratio of consumption to household net income. The resulting proportion relates child expenditures to net income.

6. Extending the Rothbarth Estimates to Larger Household Sizes

The CEX data do not allow estimates of child expenditures to be developed for households with more than three children because the number of households on which the estimates would be based is too small. In developing the proposed Schedule for this report, we use equivalency scales recommended by the Panel on Poverty and Family Assistance, a panel assembled by the National Research Council to review how poverty is measured and make recommendations for improving those measurements.[14] As part of this investigation, the Panel extensively reviewed equivalency scales; that is, formulas that adjust the costs of living relative to family size. In turn, the Panel recommended a formula, which we use for the purposes of extending the Betson-Rothbarth estimates to four-, five- and six-child households. The formula is displayed and discussed in greater detail in the technical appendix of this report.

7. Computing Marginal Proportions Between Income Ranges

The above steps result in a table that relates levels of net income to the proportion of income spent on children in one to six-child households. One further adjustment, however, is needed before the table can be used to prepare a Schedule of Support Obligations that will not result in "notches" in obligation amounts as income increases. That is, the Rothbarth estimates are assumed to apply at the midpoint of each net income range. For net incomes that lie between these midpoints, marginal proportions were computed so that obligations would increase gradually as income increases.

An example will illustrate why this method of smoothing the support Schedule is needed. Assume we have two, two-child households, one earning between $50,433 and $60,520 per year ($970 to $1,164 per week) and the other earning between $60,521 and $75,650 per year ($1,165 to $1,455 per week). The proportion of net income spent on the two children in the lower income household is estimated to be 30.64 percent. The comparable proportion in the higher income household is estimated to be 26.83 percent. If actual income in the first household were $1,150 per week, the total support obligation would be $352 weekly ($1,150 x .3064). If actual income in the second household were $1,200, the total weekly support obligation would be $322 ($1,200 x .2683); $30 less per week than the support obligation in the lower income household. The use of marginal proportions between the midpoints of income ranges eliminates this effect and creates a smooth increase in the total support obligation as household income increases.

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[14]Constance F. Citro and Robert T. Michael, Editors. *Measuring Poverty: A New Approach*, National Academy Press, Washington, D.C. (1995).

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Summary

After this last adjustment, the table of support proportions, shown below in Exhibit 6, can be prepared. (Exhibit 6 is derived from Exhibit 5.) This table of support proportions is analogous to a tax rate schedule. Each net income midpoint in the table is associated with two proportions for each number of children being supported. The first proportion is applied to the income midpoint and the proportion just below it is applied to income between that midpoint and the next highest midpoint. An example best illustrates how this procedure results in a basic support obligation if the net income and the number of children are known.

Exhibit 6
PROPOSED TABLE OF SUPPORT PROPORTIONS

	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
	26.12%	36.84%	42.73%	47.64%	52.41%	57.02%
	25.52%	36.11%	41.88%	46.69%	51.36%	55.88%
	25.74%	36.38%	42.20%	47.05%	51.75%	56.31%
	23.69%	31.93%	36.15%	40.31%	44.34%	48.24%
	25.18%	35.17%	40.55%	45.21%	49.73%	54.11%
	23.25%	31.82%	36.54%	40.74%	44.81%	48.76%
	24.88%	34.65%	39.93%	44.52%	48.97%	53.28%
	20.94%	27.97%	30.74%	34.28%	37.70%	41.02%
	24.36%	33.76%	38.70%	43.16%	47.47%	51.65%
	26.12%	36.84%	42.73%	47.64%	52.41%	57.02%
	24.14%	33.39%	38.15%	42.54%	46.79%	50.91%
	23.66%	32.22%	36.93%	41.18%	45.30%	49.28%
	24.09%	33.26%	38.02%	42.40%	46.64%	50.74%
	12.24%	13.99%	14.05%	15.67%	17.23%	18.75%
	22.48%	30.64%	34.76%	38.75%	42.63%	46.38%
	9.09%	10.07%	9.02%	10.06%	11.07%	12.04%
	20.00%	26.83%	29.99%	33.44%	36.78%	40.02%
	7.98%	10.19%	10.68%	11.90%	13.09%	14.25%
	17.25%	23.03%	25.58%	28.52%	31.37%	34.13%
	10.55%	13.37%	14.12%	15.74%	17.32%	18.84%
	15.76%	20.88%	23.03%	25.68%	28.25%	30.73%
	8.64%	10.79%	11.37%	12.67%	13.94%	15.17%
	14.47%	19.05%	20.91%	23.31%	25.64%	27.90%
	7.21%	10.49%	10.70%	11.93%	13.13%	14.28%
$4,444.56	11.57%	15.62%	16.83%	18.76%	20.64%	22.46%

Assume that the noncustodial parent has weekly net income of $800 and the custodial parent has $600. The computation of a child support obligation for two children using the information in Exhibit 6 involves the following three basic steps.

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Step 1: Add the weekly net incomes of both parents ($800 + $600 = $1,400) and compute their proportionate share of combined income. Custodial parent earns 57 percent of combined net ($800/$1,400), while noncustodial parent's share is 43 percent.

Step 2: Use the combined income from Step 1 to compute a basic support obligation using the proportions in Exhibit 6.

- Find the income midpoint just below the combined net income (i.e., $1,309.33 per week) and multiply the amount by the proportional support for two children: [$1,309.33 x .2683] = $351.
- Subtract the midpoint from the combined net income of the parents and multiply by the marginal proportion: [($1,400-$1,309.33) x .1019] = $9.
- Add the two obligation amounts: $351 + $9 = $360. This obligation represents the weekly amount estimated to have been spent on the children jointly by the parents if the household had remained intact.

Step 3: Pro-rate the basic support obligation between the parents based on their proportionate shares of net income: (1) noncustodial parent's share is $360 x .57 = $205, (2) custodial parent's share is $360 x .43 = $155. The noncustodial parent's computed obligation is payable as child support. The custodial parent's computed obligation is retained and is presumed to be spent directly on the child. This procedure simulates spending patterns in an intact household in which the proportion of income allocated to the children depends on total family income.

The final step involves using the proportions shown in Exhibit 6 to build a Schedule. The updated Schedule is shown in Exhibit 7.

OTHER ADJUSTMENTS

The support obligation computed using the Rothbarth parameters is meant to be a basic obligation. To that obligation should be added the costs of other necessary expenditures, such as work-related child care costs and extraordinary medical expenses in excess of $250 per year per child. As mentioned above, these additional costs of child rearing are not factored into the table of support proportions (Exhibit 7).

Exhibit 7

NEW JERSEY

UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE

NET WEEKLY INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
170	44	62	72	81	89	97
180	47	66	77	85	94	102

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
190	49	70	81	90	99	108
200	52	73	85	95	104	113
210	54	77	89	99	109	119
220	57	81	93	104	115	125
230	60	84	98	109	120	130
240	62	88	102	113	125	136
250	65	91	106	118	130	141
260	67	95	110	123	135	147
270	70	99	114	127	140	153
280	72	102	118	132	145	158
290	75	106	123	137	150	164
300	77	109	127	141	156	169
310	80	113	131	146	161	175
320	83	117	135	151	166	180
330	85	120	139	155	171	186
340	88	124	144	160	176	192
350	90	127	148	165	181	197
360	93	131	152	169	186	203
370	95	135	156	174	192	208
380	98	138	160	179	197	214
390	100	142	164	183	202	219
400	103	145	168	187	206	224
410	105	148	172	191	211	229
420	107	151	175	195	215	234
430	110	155	179	199	219	239
440	112	158	183	204	224	244
450	115	161	186	208	228	248
460	117	164	190	212	233	253
470	119	167	193	216	237	258
480	122	171	197	220	242	263
490	124	174	201	224	246	268
500	126	177	204	228	250	272
510	129	180	208	232	255	277
520	131	183	211	236	259	282
530	134	186	215	240	264	287
540	136	190	219	244	268	292

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
550	138	193	222	248	273	297
560	140	196	226	252	277	302
570	143	199	230	256	282	306
580	145	202	233	260	286	311
590	147	206	237	264	291	316
600	150	209	241	268	295	321
610	152	212	244	272	300	326
620	154	215	248	276	304	331
630	157	218	252	281	309	336
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
820	198	274	313	349	384	418
830	200	277	317	353	388	422
840	203	280	320	357	393	427
850	205	283	324	361	397	432
860	207	287	328	365	402	437
870	210	290	331	369	406	442
880	212	293	335	374	411	447
890	215	296	339	378	415	452
900	217	300	342	382	420	457

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
910	219	303	346	386	425	462
920	222	306	350	390	429	467
930	223	308	352	392	431	469
940	224	309	353	394	433	471
950	225	310	354	395	435	473
960	227	312	356	397	436	475
970	228	313	357	398	438	477
980	229	315	359	400	440	479
990	230	316	360	401	442	480
1,000	232	317	361	403	443	482
1,010	233	319	363	405	445	484
1,020	234	320	364	406	447	486
1,030	235	322	366	408	448	488
1,040	236	323	367	409	450	490
1,050	238	324	368	411	452	492
1,060	239	326	370	412	454	494
1,070	240	327	371	414	455	495
1,080	241	328	372	415	456	496
1,090	242	329	373	416	457	498
1,100	243	330	374	417	458	499
1,110	244	331	375	418	460	500
1,120	245	332	376	419	461	501
1,130	246	333	376	420	462	502
1,140	246	334	377	421	463	504
1,150	247	335	378	422	464	505
1,160	248	336	379	423	465	506
1,170	249	337	380	424	466	507
1,180	250	338	381	425	467	508
1,190	251	339	382	426	468	510
1,200	252	340	383	427	470	511
1,210	253	341	384	428	471	512
1,220	254	342	385	429	472	513
1,230	255	343	386	430	473	514
1,240	256	344	386	431	474	516
1,250	256	345	387	432	475	517
1,260	257	346	388	433	476	518

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1,270	258	347	389	434	477	519
1,280	259	348	390	435	478	520
1,290	260	349	391	436	479	522
1,300	261	350	392	437	481	523
1,310	262	351	393	438	482	524
1,320	263	352	394	439	483	526
1,330	263	353	395	440	484	527
1,340	264	354	396	441	486	528
1,350	265	355	397	443	487	530
1,360	266	356	398	444	488	531
1,370	267	357	399	445	490	533
1,380	267	358	400	446	491	534
1,390	268	359	401	447	492	535
1,400	269	361	402	449	493	537
1,410	270	362	403	450	495	538
1,420	271	363	404	451	496	540
1,430	271	364	406	452	497	541
1,440	272	365	407	453	499	543
1,450	273	366	408	455	500	544
1,460	274	367	409	456	501	545
1,470	275	368	410	457	503	547
1,480	275	369	411	458	504	548
1,490	276	370	412	459	505	550
1,500	277	371	413	461	507	551
1,510	278	372	414	462	508	553
1,520	279	373	415	463	509	554
1,530	279	374	416	464	511	555
1,540	280	375	417	465	512	557
1,550	281	376	418	466	513	558
1,560	282	377	419	468	514	560
1,570	283	378	420	469	516	561
1,580	283	379	422	470	517	563
1,590	284	380	423	471	518	564
1,600	285	381	424	472	520	565
1,610	286	382	425	474	521	567
1,620	287	383	426	475	522	568

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1,630	287	384	427	476	524	570
1,640	288	385	428	477	525	571
1,650	289	386	429	478	526	573
1,660	290	387	430	480	528	574
1,670	291	388	431	481	529	575
1,680	291	389	432	482	530	577
1,690	292	390	433	483	531	578
1,700	293	391	434	484	533	580
1,710	294	393	436	486	535	582
1,720	295	394	437	488	536	584
1,730	296	395	439	489	538	585
1,740	297	397	440	491	540	587
1,750	298	398	442	492	542	589
1,760	299	399	443	494	543	591
1,770	300	401	444	495	545	593
1,780	302	402	446	497	547	595
1,790	303	403	447	499	548	597
1,800	304	405	449	500	550	599
1,810	305	406	450	502	552	600
1,820	306	407	451	503	554	602
1,830	307	409	453	505	555	604
1,840	308	410	454	506	557	606
1,850	309	411	456	508	559	608
1,860	310	413	457	510	561	610
1,870	311	414	458	511	562	612
1,880	312	415	460	513	564	614
1,890	313	417	461	514	566	616
1,900	314	418	463	516	568	617
1,910	315	419	464	517	569	619
1,920	316	421	466	519	571	621
1,930	317	422	467	521	573	623
1,940	318	423	468	522	574	625
1,950	319	425	470	524	576	627
1,960	321	426	471	525	578	629
1,970	322	427	473	527	580	631
1,980	323	429	474	529	581	633

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
1,990	324	430	475	530	583	634
2,000	325	431	477	532	585	636
2,010	326	433	478	533	587	638
2,020	327	434	480	535	588	640
2,030	328	435	481	536	590	642
2,040	329	437	482	538	592	644
2,050	330	438	484	540	593	646
2,060	331	439	485	541	595	648
2,070	332	441	487	543	597	649
2,080	333	442	488	544	599	651
2,090	334	443	490	546	600	653
2,100	335	445	491	547	602	655
2,110	336	446	492	549	604	657
2,120	337	447	494	551	606	659
2,130	338	449	495	552	607	661
2,140	339	450	497	554	609	663
2,150	341	451	498	555	611	665
2,160	342	453	499	557	613	666
2,170	343	454	501	558	614	668
2,180	344	455	502	560	616	670
2,190	345	456	503	561	617	672
2,200	345	458	505	563	619	673
2,210	346	459	506	564	620	675
2,220	347	460	507	565	622	676
2,230	348	461	508	566	623	678
2,240	349	462	509	568	624	679
2,250	350	463	510	569	626	681
2,260	351	464	511	570	627	682
2,270	352	465	513	571	629	684
2,280	352	466	514	573	630	685
2,290	353	467	515	574	631	687
2,300	354	468	516	575	633	688
2,310	355	469	517	577	634	690
2,320	356	471	518	578	636	692
2,330	357	472	519	579	637	693
2,340	358	473	520	580	638	695

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2,350	358	474	522	582	640	696
2,360	359	475	523	583	641	698
2,370	360	476	524	584	643	699
2,380	361	477	525	585	644	701
2,390	362	478	526	587	645	702
2,400	363	479	527	588	647	704
2,410	364	480	528	589	648	705
2,420	365	481	530	590	650	707
2,430	365	482	531	592	651	708
2,440	366	483	532	593	652	710
2,450	367	485	533	594	654	711
2,460	368	486	534	596	655	713
2,470	369	487	535	597	656	714
2,480	370	488	536	598	658	716
2,490	371	489	538	599	659	717
2,500	371	490	539	601	661	719
2,510	372	491	540	602	662	720
2,520	373	492	541	603	663	722
2,530	374	493	542	604	665	723
2,540	375	494	543	606	666	725
2,550	376	495	544	607	668	726
2,560	377	496	545	608	669	728
2,570	377	497	547	609	670	729
2,580	378	499	548	611	672	731
2,590	379	500	549	612	673	732
2,600	380	501	550	613	675	734
2,610	381	502	551	615	676	735
2,620	382	503	552	616	677	737
2,630	383	504	553	617	679	739
2,640	384	505	555	618	680	740
2,650	384	506	556	620	682	742
2,660	385	507	557	621	683	743
2,670	386	508	558	622	684	745
2,680	387	509	559	623	686	746
2,690	388	510	560	625	687	747
2,700	388	511	561	626	688	749

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
2,710	389	512	562	627	690	750
2,720	390	514	563	628	691	752
2,730	390	515	564	629	692	753
2,740	391	516	565	630	694	755
2,750	392	517	567	632	695	756
2,760	393	518	568	633	696	757
2,770	393	519	569	634	697	759
2,780	394	520	570	635	699	760
2,790	395	521	571	636	700	762
2,800	395	522	572	638	701	763
2,810	396	523	573	639	703	765
2,820	397	524	574	640	704	766
2,830	398	525	575	641	705	767
2,840	398	526	576	642	707	769
2,850	399	527	577	644	708	770
2,860	400	528	578	645	709	772
2,870	400	529	579	646	711	773
2,880	401	530	580	647	712	775
2,890	402	531	582	648	713	776
2,900	403	532	583	650	715	777
2,910	403	533	584	651	716	779
2,920	404	534	585	652	717	780
2,930	405	536	586	653	718	782
2,940	406	537	587	654	720	783
2,950	406	538	588	656	721	785
2,960	407	539	589	657	722	786
2,970	408	540	590	658	724	787
2,980	408	541	591	659	725	789
2,990	409	542	592	660	726	790
3,000	410	543	593	662	728	792
3,010	411	544	594	663	729	793
3,020	411	545	595	664	730	795
3,030	412	546	596	665	732	796
3,040	413	547	598	666	733	797
3,050	413	548	599	667	734	799
3,060	414	549	600	669	736	800

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE							
COMBINED NET WEEKLY		ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3,070		415	550	601	670	737	802
3,080		416	551	602	671	738	803
3,090		416	552	603	672	739	805
3,100		417	553	604	673	741	806
3,110		418	554	605	675	742	807
3,120		419	555	606	676	743	809
3,130		419	556	607	677	745	810
3,140		420	558	608	678	746	812
3,150		421	559	609	679	747	813
3,160		421	560	610	681	749	815
3,170		422	561	611	682	750	816
3,180		423	562	613	683	751	817
3,190		424	563	614	684	753	819
3,200		424	564	615	685	754	820
3,210		425	565	616	687	755	822
3,220		426	566	617	688	757	823
3,230		426	567	618	689	758	825
3,240		427	568	619	690	759	826
3,250		428	569	620	691	760	827
3,260		429	570	621	693	762	829
3,270		429	571	622	694	763	830
3,280		430	572	623	695	764	832
3,290		431	573	624	696	766	833
3,300		431	574	625	697	767	835
3,310		432	575	626	699	768	836
3,320		433	576	628	700	770	837
3,330		434	577	629	701	771	839
3,340		434	579	630	702	772	840
3,350		435	580	631	703	774	842
3,360		436	581	632	704	775	843
3,370		437	582	633	706	776	845
3,420		440	587	638	712	783	852
3,470		444	592	644	718	789	859
3,520		447	597	649	724	796	866
3,570		451	603	654	730	802	873
3,620		455	608	660	736	809	880

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NEW JERSEY UPDATED BASIC CHILD SUPPORT AWARD SCHEDULE						
COMBINED NET WEEKLY	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
3,670	458	613	665	741	816	887
3,720	462	618	670	747	822	895
3,770	465	624	676	753	829	902
3,820	469	629	681	759	835	909
3,870	473	634	686	765	842	916
3,920	476	639	692	771	848	923
3,970	480	645	697	777	855	930
4,020	483	650	702	783	862	937
4,070	487	655	708	789	868	945
4,120	491	660	713	795	875	952
4,170	494	666	719	801	881	959
4,220	498	671	724	807	888	966
4,270	501	676	729	813	894	973
4,320	505	681	735	819	901	980
4,370	509	687	740	825	908	987
4,420	512	692	745	831	914	995

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Chapter IV
Summary of Key Assumptions

The design of the Schedule of Basic Child Support Obligations is based on a number of key economic decisions and assumptions that are documented throughout the text of the report and the technical appendix. In this chapter, we have highlighted the design assumptions that may be the most significant for application of the guidelines to individual cases.

(1) Schedule does not include expenditures on child care, extraordinary medical, and children's share of health insurance costs. The Schedule is based on economic data that represent estimates of total expenditures on child-rearing costs up to age 18. The major categories of expenditures include food, housing, home furnishings, utilities, transportation, clothing, education, and recreation. Excluded from these figures are average expenditures for child care, childrens' extraordinary medical care, and the children's' share of health insurance. These costs are deducted from the base amounts used to establish the Schedule because they are added to child support obligations as actually incurred in individual cases. Deducting these expenditures from the base amounts avoids double-counting them in the child support calculation.

(2) Schedule includes expenditures on ordinary medical care. Although expenditures for the children's extraordinary medical care and the children's share of health insurance are to be added to the child support obligation as actually incurred in individual cases, it is assumed that parents will make some expenditures on behalf of the children's ordinary (i.e. out-of-pocket expenses not covered by insurance) medical care. The Schedule amounts in this report are based on the assumption that expenditures on ordinary medical care are $250 per year per child.

(3) Schedule is based on average expenditures on children 0 - 17 years. Child-rearing expenditures are averaged for children across the entire age range of 0 - 17 years. Because of the age limitation, college tuition and expenses are not factored into the schedule. Dr. Betson did not find statistical differences in child-rearing costs by child's age when applying the Rothbarth methodology. Nonetheless, the USDA measurements suggest that expenditures may be higher for teen-aged children, and lower for pre-teen children.

(4) Visitation costs and shared-parenting time are not factored into the schedule. Since the Schedule is based on expenditures for children in intact households, there is no consideration given for visitation costs in the Schedule. Nonetheless, the New Jersey Guidelines factors in the parents' timesharing arrangements with the child in the guidelines worksheet.

(5) Self support reserve. The updated New Jersey Schedule does not incorporate a self support reserve to protect low-income parents from impoverishment due to the payment of child support. Instead, the self support reserve is considered in the guidelines worksheet.

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Chapter V
Comparison of Existing and Updated Schedules

This chapter discusses the differences between the existing and proposed New Jersey Schedules. As is evident in the side-by-side comparisons of the two schedules provided in Appendix II, there are small increases at lower incomes and then as income increases, the base award amounts decrease and the gap between the existing and updated Schedule amounts becomes larger. Most of this results from the new measurements of child-rearing costs, which indicate a more precipitous decline in child-rearing costs as income increases.

The impact of the economic factors updated in the Schedule are first discussed. This is followed by graphical and tabular comparisons of the existing and updated Schedule along with a few case examples. The Chapter concludes with a discussion of the anomaly in how the current self support reserve is applied.

IMPACT OF ECONOMIC FACTORS UPDATED IN SCHEDULE

There are three economic factors considered in the updating in the schedule.

- Changes in price levels
- Changes in New Jersey income relative to U.S. income
- New measurements of child-rearing costs

The impact of the changes in the first two factors is overshadowed by the impact of applying the new measurements of child-rearing costs to the updated Schedule.

Changes in Price Levels

The updated Schedule considers changes in price levels since the existing Schedule was developed. This only has a small impact on increases to the Schedule. From December 1996, the date of the price level used to develop the existing Schedule, through February 2004, price levels have increased 17.4 percent. However, this does not translate into a 17.4 percentage increase in Schedule amounts. If the Schedule was adjusted for inflation alone, only those cases where the combined income of the parents increased by 17.4 percent would have a 17.4 percent increase in Schedule amount. The percentage increase would be less for parents whose incomes did not keep pace with inflation and more for parents whose incomes outpaced inflation. If the Schedule was only adjusted for inflation and the parents' combined income did not change, base award amounts would increase by an average of 4 percent. The amount varies from less than 1 percent to 10 percent depending on the number of children and the income range.

Changes in New Jersey Income Relative to U.S. Income

In general, the gap between New Jersey and U.S. family incomes has stayed about the same in 1989 and 2002. The 1990 Census, which contains 1989 income information, was used to develop the existing Schedule. The most recent Census data available (the 2002 American Community Survey) was used to develop the updated

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Schedule. Since the gap in income has not change substantially, the updated realignment has little impact on Schedule changes.

The gap between median family incomes in New Jersey and the U.S. in 1989 was about 35 percent. (Median family income in 1989 dollars was $47,589 in New Jersey and $35,225 for the U.S.) The current gap (2002, which is the most current data available) between median family income in New Jersey and the U.S. is 36 percent. (Median family income in 2002 dollars in New Jersey is $70,488 and $51,742 for the U.S.). The growth in real median family income in New Jersey (2.1%) was slightly higher than the U.S. (1.3%) from 1989 to 2002.

This pattern appears to be similar for other income ranges; that is, the gap between New Jersey and U.S. income was similar at lower and higher incomes. For example, in 1989, about 25 percent of the U.S. families had incomes below $20,000 per year (1989 dollars) and about 25 percent of the New Jersey families had incomes below $30,000 per year (1989 dollars). In 2002, about 25 percent of the U.S. families had incomes below $30,000 per year (2002 dollars) and about 25 percent of the New Jersey families had incomes below $40,000 per year (2002 dollars). Still another example is provided at higher incomes. In 1989, about 75 percent of the U.S. families had incomes below $55,000 per year (1989 dollars) and about 75 percent of the New Jersey families had incomes below $75,000 per year (1989 dollars). In 2002, about 70 percent of the U.S. families had incomes below $75,000 per year (2002 dollars) and about 70 percent of the New Jersey families had incomes below $100,000 per year (2002 dollars).

Application of the New Measurments of Child-Rearing Costs

The technical rational for updating the Schedule for the new measurements of child-rearing costs faces two conflicting issues.

- On average, Betson found no statistical difference between his estimates of child-rearing expenditures based on 1980-86 and 1996-99 CEX data. As a simplification to the layperson, a statistical difference would mean that averages fall outside the margin of error of the measurement. (All averages have a margin of error of plus or minus a few percentage points. The Betson-Rothbarth measurements have a margin of error of 4 percentage points.) Since the difference is not statistically significant, this suggests it is not necessary to update the Schedule for the new measurements.
- However, the 1996-99 CEX data is better and more current than the 1990-86 CEX data. Although the survey obtains the same information, sampling and response rates have improved in the CEX through restructuring the geographical areas sampled and rephrasing questions. One particular improvement occurred in 1984, when the CEX begin to combine urban and rural areas in its published measurements. Prior to that, only information from urban areas was included.

Although there are no statistical differences between the Betson-Rothbarth measurements based on the 1980-86 and 1996-99 data, there are apparent differences when the child-rearing expenditures are broken down by the number of children and income groups. (These differences are evident in Exhibit 4 at the end of Chapter II.) These differences become large enough to impact the Schedule.

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Small increases in child-rearing costs at low incomes

Although statistically insignificant, there are small increases in the measurements of child-rearing costs at low incomes. The increase is larger for one child than it is for two or three children. In fact, there is no increase for three children. Yet, increase at low incomes do occur for four and more children.

There are not sufficient sample sizes at each income level to determine the precise causes of this increase. Nonetheless, one factor that appears to contribute to this increase is that low-income households are spending more of their net incomes but high-income households are spending less of their net incomes on "current household consumption."[15] This translates into higher basic support obligations for lower incomes considered in the child support schedule and smaller basic support obligations for higher incomes considered in the child support schedule based on the 1996-99 CEX data.

Decreases in child-rearing costs at middle to higher incomes

Although statistically insignificant, there are dereases in the measurements of child-rearing costs beginning at middle incomes and that becomes wider at higher incomes. As middle incomes, the gap between the new (1996-99) and old measurements (1980-86) of child-rearing costs closes. At higher incomes, the gap becomes wider— the new (1996-99) measurements result are lower than the old (1980-86) measurements. The income breakpoint where the amounts begin to decreases occur at higher incomes for one child than two and three children.

Again although there are not sufficient sample sizes at each income level to determine the precise causes of these decreases, there are a few apparent contributing factors.

Increases in child care and medical expenses which are subtracted from the measurements

One factor contributing to decreases is increases in child care and extraordinary medical expenses. These amounts are subtracted from the measurements of child-rearing expenditures to arrive at the Schedule because actual amounts are prorated between the parents and added to base support. Child care costs and medical expenses have increased, particularly at higher incomes. This means more is being subtracted from measurements of child-rearing costs to arrive at the Schedule, particularly at higher incomes.

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[15]Definitions of current household consumption for purposes of developing estimates of child-rearing expenditures differ from national accounting conventions used to measure consumption and savings rates. For example, the new Betson estimates and other estimates of child-rearing expenditures (e.g., Espenshade, Betson 1990 and USDA) include rent paid, mortgage interest paid, property taxes, home insurance and other expenditures in their estimate of housing expenditures, but they exclude payment on home principal because it is a form of investment. In part, decreases in mortgage interest rates from 1980-86 to 1996-99 have likely impacted the ratio of household consumption to net income used to develop estimates of child-rearing expenditures.

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Decreases in three-child amounts based on other studies

Although Dr. Betson did not find any statistical decrease in the three-child measurements using the Rothbarth estimator, he did find a statistical decrease in the three-child amounts using the Engel estimator.[16] Hence, the apparent decrease in the Betson-Rothbarth measurements for three children may be an actual decrease, but the decrease is too small to be statistically significant. Since the amounts for four and more children are derived from the amounts for three children, this affects the measurements for four and more children as well. (Recall that there are an insufficient number of families with four or more children in the CEX to develop measurements of child-rearing costs, so equivalency scales are used to extend the measurements for four or more children.)

COMPARISON OF EXISTING AND UPDATED SCHEDULE

This section compares New Jersey's existing support Schedule against the updated proposed Schedule. Additional comparisons are provided in Appendices II and III. (Appendix II provides the side-by-side comparison. Appendix III provides graphical examples for a range of noncustodial parent incomes using varying assumptions about the number of children and custodial parent income.)

The comparisons start with graphical comparisons of support obligations as a proportion of obligor net income throughout a range of incomes and under different assumptions about the obligee's income. There are two sets of graphs, the first consider one, two and three children. The second set considers a range of obligee incomes. Finally, support obligations are computed from the two Schedules for selected case scenarios: low income, middle income, and high income cases.

Graphical Comparison of 1, 2 and 3 Children

Exhibits 8, 9 and 10 display levels of support obligations as percentages of obligor weekly net income across a range of incomes from $200 to $4,200. In these scenarios, obligee income is assumed to be zero. It is also useful to note that these comparisons assume there are no additional expenses, such as child care costs or children's extraordinary medical expenses.

In reading the figures, one important consideration is that the x-axis is not an interval level scale. That is, although support is shown as a proportion of net income for each $100 increase in income through $1,000 per week, the scale changes to $200 income increases through the remainder of the income range. As a result, the fairly rapid descent of the curves after $1,000 per week is an artifact of the income scale used in the figures. The actual curves would decline much more slowly if $100 income increments had been used throughout the income range.

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[16]Dr. Betson finds a statistically significant decrease in the percent of total family expenditures devoted to child-rearing expenditures in three-children families using the Engel estimator from 1980-86 to 1996-98, however, he does not find a statistical difference in the Rothbarth estimators from the same time period. Nonetheless, it is plausible and consistent with other observed trends such as decreases in the proportion of child-rearing expenditures devoted to food and clothing that would make the marginal costs of a third child less.

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Exhibit 8: One Child, Obligee Income = $0

According to the case file review, about 70 percent of the New Jersey child support orders cover one child. For incomes below $1,600 per week, there is an increase in the award amounts. These increases result from increases in the Schedule due to the new measurements of child-rearing costs, which indicate a small increase at lower incomes for one child. At incomes above $1,600 per week, there is a decrease in the award amounts. This also results from the application of the new measurements of child-rearing costs, which indicate a decrease at higher incomes. For one-child amounts, most of these decreases result from a larger amount being subtracted for child care costs and extraordinary medical expenses. The actual amounts are to be prorated between the parents and added to each parent's share of base support.

The amounts under the existing Schedule stop at $2,800 per week because the existing Schedule stops at combined net incomes of $2,900 per week. The updated Schedule includes combined net incomes up to $4,420 per week. The more recent data have more families with higher income, so measurements can be developed from higher incomes.

Exhibit 9: Two Children, Obligee Income = $0

According to the case file review, about 20 percent of the New Jersey child support orders cover two children. For incomes below $600 per week, there is an increase in the award amounts. These increases result from increases in the Schedule due to the new measurements of child-rearing costs, which indicate a small increase at lower incomes. At incomes above $600 per week, there is a decrease in the award amounts. This also results from the application of the new measurements of child-rearing costs, which indicate a decrease at higher incomes. For two-child amounts, the decreases result from smaller proportion of income being devoted to child-rearing expenditures (as evident in Exhibit 3) and larger amounts being subtracted for child care costs and extraordinary medical expenses.

Exhibit 10: Three Children, Obligee Income = $0

According to the case file review, about 5 percent of the New Jersey child support orders cover three children. For incomes below $400 per week, there is no change in the award amounts. At incomes above $400 per week, there is a decrease in the award amounts. This also results from the application of the new measurements of child-rearing costs, which indicate a decrease at higher incomes. For three-child amounts, the decreases result from smaller proportion of income being devoted to child-rearing expenditures (as evident in Exhibit 3) and larger amounts being subtracted for child care costs and extraordinary medical expenses.

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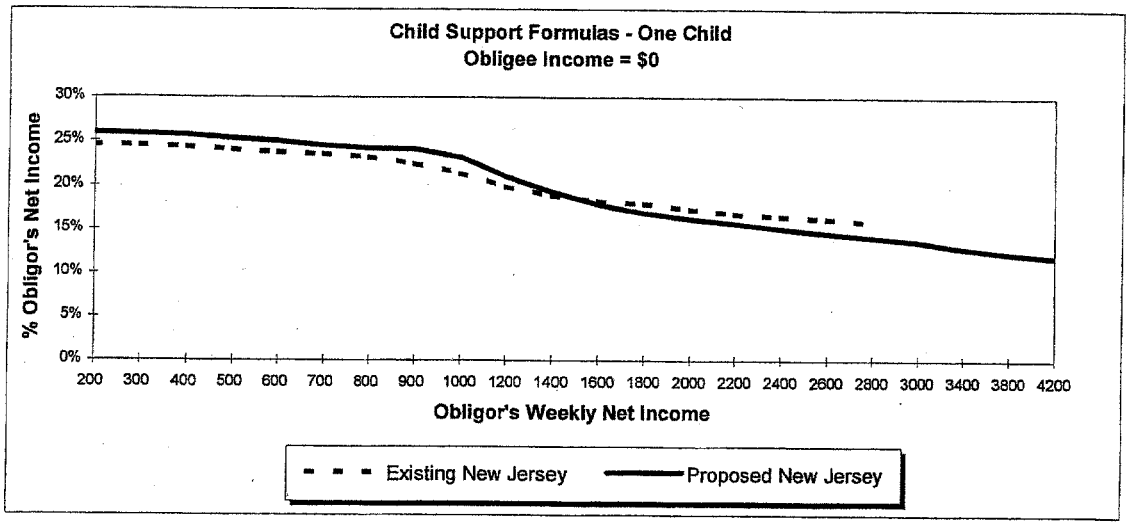
Exhibit 8



CHILD SUPPORT FORMULAS - ONE CHILD
Obligee Income = $0

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	49	52	200	25%	26%
300	73	77	300	24%	26%
400	97	103	400	24%	26%
500	120	126	500	24%	25%
600	142	150	600	24%	25%
700	165	171	700	24%	24%
800	186	194	800	23%	24%
900	202	217	900	22%	24%
1000	214	232	1000	21%	23%
1200	238	252	1200	20%	21%
1400	264	269	1400	19%	19%
1600	291	285	1600	18%	18%
1800	323	304	1800	18%	17%
2000	346	325	2000	17%	16%
2200	369	345	2200	17%	16%
2400	396	363	2400	16%	15%
2600	422	380	2600	16%	15%
2800	443	395	2800	16%	14%
3000		410	3000		14%
3400		439	3400		13%
3800		468	3800		12%
4200		496	4200		12%

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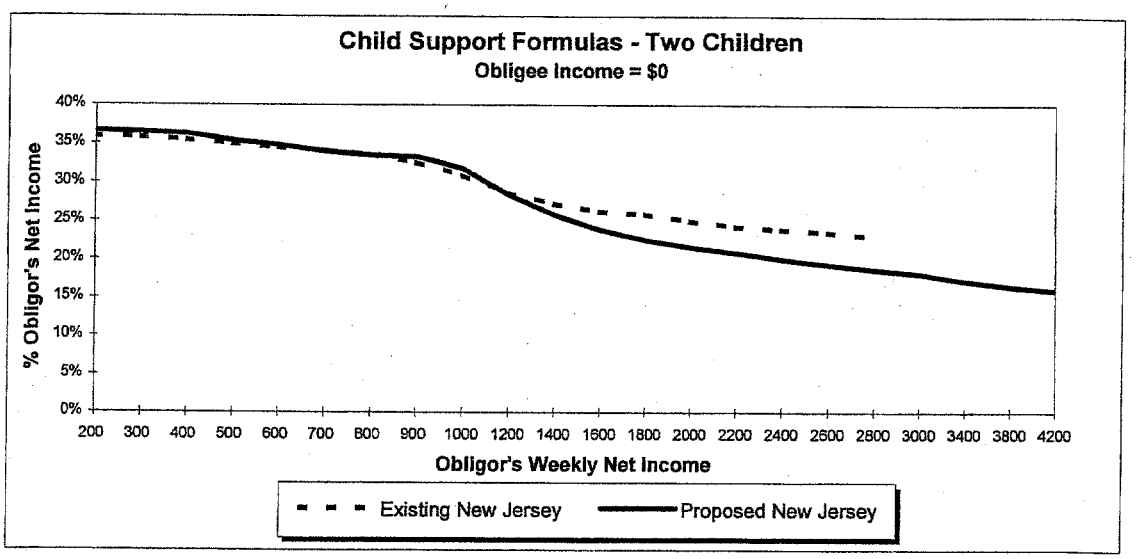
Exhibit 9



CHILD SUPPORT FORMULAS - TWO CHILDREN
Obligee Income = $0

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	72	73	200	36%	37%
300	107	109	300	36%	36%
400	142	145	400	35%	36%
500	175	177	500	35%	35%
600	207	209	600	34%	35%
700	239	238	700	34%	34%
800	269	268	800	34%	33%
900	293	300	900	33%	33%
1000	309	317	1000	31%	32%
1200	343	340	1200	29%	28%
1400	380	361	1400	27%	26%
1600	419	381	1600	26%	24%
1800	464	405	1800	26%	22%
2000	499	431	2000	25%	22%
2200	533	458	2200	24%	21%
2400	572	479	2400	24%	20%
2600	610	501	2600	23%	19%
2800	640	522	2800	23%	19%
3000		543	3000		18%
3400		585	3400		17%
3800		627	3800		16%
4200		669	4200		16%

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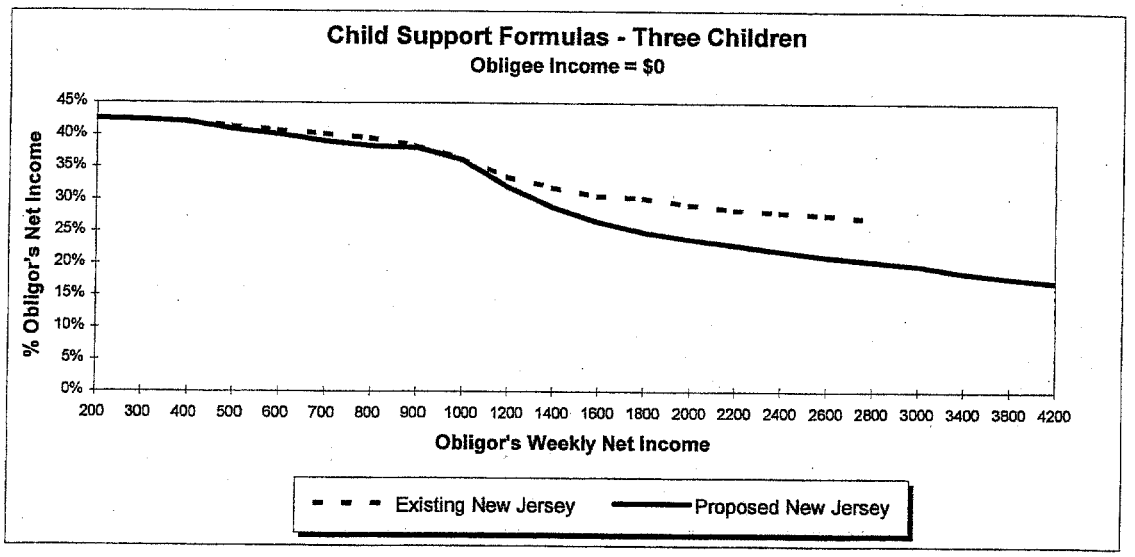
Exhibit 10



CHILD SUPPORT FORMULAS - THREE CHILDREN
Obligee Income = $0

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	85	85	200	43%	42%
300	127	127	300	42%	42%
400	168	168	400	42%	42%
500	206	204	500	41%	41%
600	244	241	600	41%	40%
700	281	273	700	40%	39%
800	316	306	800	40%	38%
900	345	342	900	38%	38%
1000	363	361	1000	36%	36%
1200	402	383	1200	34%	32%
1400	446	402	1400	32%	29%
1600	489	424	1600	31%	26%
1800	544	449	1800	30%	25%
2000	585	477	2000	29%	24%
2200	626	505	2200	28%	23%
2400	672	527	2400	28%	22%
2600	719	550	2600	28%	21%
2800	755	572	2800	27%	20%
3000		593	3000		20%
3400		636	3400		19%
3800		679	3800		18%
4200		722	4200		17%

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Graphical Comparisons Assuming Obligee Has Income

Since the relationship between the support Schedules shifts across the income spectrum and with different ratios of obligor and obligee net income, a comparison between the existing and proposed Schedules under different assumptions about obligee income is in order. The information from the case file review indicates that the split between the custodial parent's income and the noncustodial parent's income is in the range of 20%/80% to 40%/60%. We use three alternatives:

- obligee income equals half of obligor income (33%/67% split);
- obligee income equals obligor income (50%/50% split); and
- obligee income equals 150 percent of obligor income (60/40% split).

To illustrate the impact of obligee income, we discuss situations where there is one child since the case file review indicates that the majority (70%) of New Jersey cases involve one child. Comparisons with one and two children are presented in Appendix III.

Exhibit 11: One Child, Obligee Income = 50% of Obligor Income

In Exhibit 11 we assume the obligee has income equivalent to half of obligor income. So, if obligor net income is $1,000 per week, obligee net income is $500 per week. In comparing obligations in Exhibit 11 to Exhibit 8; that is, the situation when the obligee has income to that of when the obligee does not have income, obligations are less when the obligee has income. For example, the support obligation as a proportion of obligor income under the proposed Schedule if obligor income is $1,000 per week is 18 percent when the obligee has income ($500 per week, which is 50 percent of obligor's income) and 23 percent when the obligee has no income (see Exhibit 8). This occurs because the obligee shares in the financial responsibility of the child because the obligee now has income.

The amounts under the existing Schedule stop at obligor's net income of $1,800 per week ($2,700 combined) because the existing Schedule stops at combined net incomes of $2,900 per week. The updated Schedule considers higher incomes.

Exhibit 12: One Child, Obligee Income = Obligor Income

In Exhibit 12, when obligee income equals obligor income, many of the trends evident in Exhibit 11 are also evident; that is, order amounts are smaller than when the obligee had no or less income; and, the existing Schedule stops at lower income than the updated Schedule. Exhibit 12 also shows that the self support reserve would be applied when the obligor income equals $200 per week. At this income level, obligee income is above 105 percent of the poverty level ($188 per week based on the 2004 poverty level). If the self support reserve was not applied, the order amounts would be $49 and $51 per week, respectively, under the existing and updated Schedule when both obligor and obligee incomes equal $200 per week.

Exhibit 13: One Child, Obligee Income = 150% Obligor Income

Exhibit 13, the same trends evidenced in Exhibit 12 are apparent: obligation amounts are lower when the obligee has more income; the existing Schedule stops at a lower income than the updated Schedule; and, the self support reserve applies when obligor income equals $200 per week.

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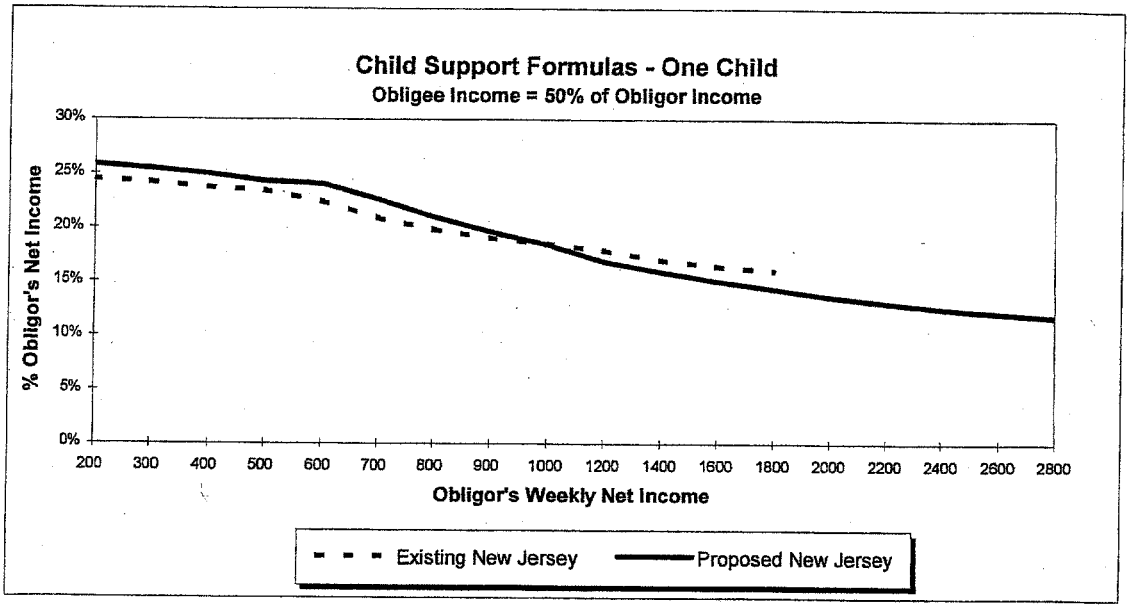
Exhibit 11



CHILD SUPPORT FORMULAS - ONE CHILD
Obligee Income = 50% of Obligor Income

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	49	52	200	24%	26%
300	73	76	300	24%	25%
400	95	100	400	24%	25%
500	117	122	500	23%	24%
600	135	145	600	22%	24%
700	146	158	700	21%	23%
800	159	168	800	20%	21%
900	172	177	900	19%	20%
1000	185	185	1000	19%	18%
1200	215	202	1200	18%	17%
1400	238	224	1400	17%	16%
1600	264	242	1600	16%	15%
1800	289	259	1800	16%	14%
2000		273	2000		14%
2200		288	2200		13%
2400		302	2400		13%
2600		317	2600		12%
2800		331	2800		12%

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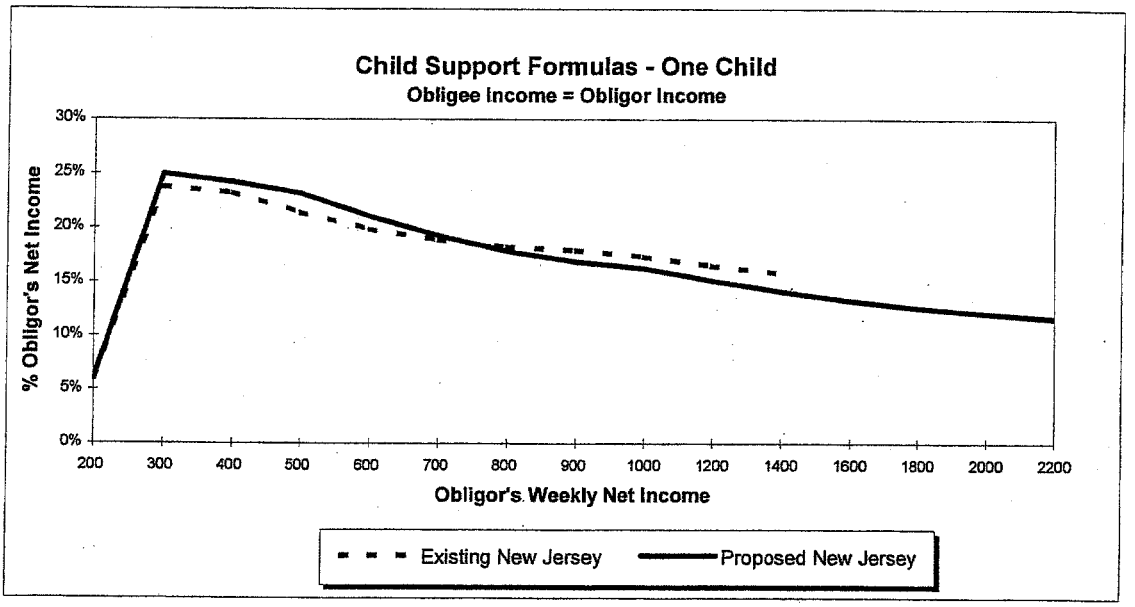
Exhibit 12



CHILD SUPPORT FORMULAS - ONE CHILD
Obligee Income = Obligor Income

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200			200	6%	6%
300	71	75	300	24%	25%
400	93	97	400	23%	24%
500	107	116	500	21%	23%
600	119	126	600	20%	21%
700	132	135	700	19%	19%
800	146	143	800	18%	18%
900	161	152	900	18%	17%
1000	173	162	1000	17%	16%
1200	198	181	1200	16%	15%
1400	221	198	1400	16%	14%
1600		212	1600		13%
1800		227	1800		13%
2000		241	2000		12%
2200		255	2200		12%

Shaded area indicates where low income adjustment is applied.

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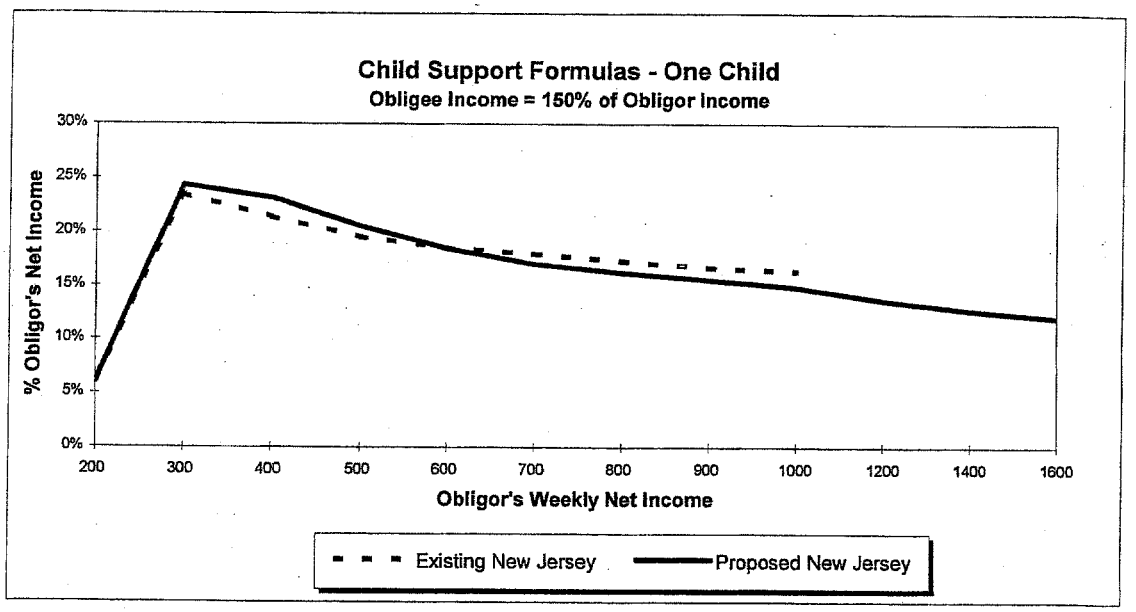
Exhibit 13



CHILD SUPPORT FORMULAS - ONE CHILD
Obligee Income = 150% of Obligor Income

Support Due ($ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	12	12	200	6%	6%
300	70	73	300	23%	24%
400	86	93	400	21%	23%
500	98	103	500	20%	21%
600	111	111	600	19%	18%
700	126	119	700	18%	17%
800	139	130	800	17%	16%
900	150	140	900	17%	16%
1000	163	149	1000	16%	15%
1200		164	1200		14%
1400		178	1400		13%
1600		193	1600		12%

Shaded area indicates where low income adjustment is applied.

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Case Examples Comparing Existing to Proposed Schedule

Below are three case examples (a low, middle and high income case) to compare further the levels of support under the existing and proposed New Jersey Schedules.

Case Example 1: Low Income Case

In this example, the mother has custody of the two children and receives TANF. The father earns $200 net per week, which approximates earnings from a full-time minimum wage job. The order would be $293 per week under the proposed Schedule, and $322 under the existing Schedule.

$200	$72	$73

Case Example 2: Middle Income Case

The father's weekly net income is $1,000. The mother's weekly net income is $600. She has custody of the couple's two children and has work-related child care expenses of $200 per week. The parents' combined net income is $1,600 per week. The father's share of the combined net income is 62.5 percent. The basic support obligation as computed from the existing and proposed New Jersey Schedules is shown in the table below. As the obligor, the father's share of the basic obligation would be 62.5 percent of the amounts in the table. To the basic support obligation would be added the father's share of child care costs: $125 per week ($200 x .625).

Middle Income Case Combined Net Weekly Income = $1,600		
	Existing Schedule	Proposed Schedule
(1) Basic Obligation	$419	$381
(2) Child Care	$200	$200
(3) Basic Obligation and Child Care	$619	$581
(4) Father's Weekly Obligation (0.625 x row 3)	$387	$363

Case Example 3: High Income Case

Before their divorce, the parents had one child, who now lives with the mother. The mother earns $1,600 per week net. Her child care expenses are $100 per week. The father earns $800 per week net. The parents' combined net income is $2,400 per week. As the obligor, the father's share of the basic obligation would be 33 percent of the amounts in the table. To the basic support obligation would be added the father's share of child care costs: $33 per week ($100 x .33). The father's total weekly support obligation under the two Schedules would therefore be:

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High Income Case Combined Net Weekly Income = $2,400		
	Existing Schedule	Proposed Schedule
(1) Basic Obligation	$396	$363
(2) Child Care	$100	$100
(3) Basic Obligation and Child Care	$496	$463
(4) Father's Weekly Obligation (0.33 x row 3)	$164	$153

ANOMALY IN SELF SUPPORT RESERVE APPLICATION

The self support reserve is 105 percent of the poverty guidelines for one person. If can only be applied if the custodial parent's income is above the self support reserve. If that test is met, and the noncustodial parent's income less the child support award is below the self support reserve, the support order is to be set at the difference between the noncustodial parent's net income and the self support reserve. The anomaly occurs because the self support reserve is applied to the custodial parent net income *prior* to consideration of the custodial parent's share of the base award amount, but is applied to the noncustodial parent net income *after* consideration of the noncustodial parent's share of the base award amount.

To illustrate this anomaly, consider a scenario where both parents earn $200 per week net. Support is being determined for two children. In this scenario, the order amount is set at $12 (Line 7) although the custodial parent cannot meet his/her self support reserve as evident by comparing the amounts in Lines 4 and 6 for the custodial parent.

Anomaly in Application of Self Support Reserve: No Add-Ons to Base Support (e.g., Child Care)			
	Custodial Parent	Noncustodial Parent	Combined
1. Net Weekly Income	$200	$200	$400
2. Share of Combined Income	50%	50%	100%
3. Base Support from Schedule for 2 Children			$142
4. Each Parent' Share (Line 2 x Line 3)	$71	$71	
5. Self Support Reserve (105% of 2004 poverty level)	$188	$188	
6. Parent's income less SSR (Line 1 – Line 5)	$12	$12	
7. Child Support Order (lesser of Lines 4 or 6 if CP Line 1 greater than CP Line 5)		$12	

The anomaly becomes more egregious if there is add-ons such as child care costs or extraordinary medical expenses. The custodial parent absorbs all of the add-on if the noncustodial parent is eligible for the self support reserve adjustment.

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Anomaly in Application of Self Support Reserve: Add-Ons to Base Support (e.g., Child Care)			
	Custodial Parent	Noncustodial Parent	Combined
1. Net Weekly Income	$200	$200	$400
2. Share of Combined Income	50%	50%	100%
3. Base Support from Schedule for 2 Children			$142
4. Child Care Expenses	$ 58	$0	$ 58
5. Total Obligation (Line 3 + Line 4)			$200
6. Each Parent' Share (Line 2 x Line 3)	$100	$100	
7. Self Support Reserve (105% of 2004 poverty level)	$188	$188	
8. Parent's income less SSR (Line 1 – Line 5)	$12	$12	
9. Child Support Order (lesser of Lines 6 or 8 if CP Line 1 greater than CP Line 5)		$12	

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CHAPTER VI
Summary and Conclusions

New Jersey is reviewing its Child Support Guidelines. The existing Schedule is based on a version of the Income Shares model which was last updated in 1997 using 1996 price levels and child-rearing measurements developed by Dr. David Betson from 1980-86 Consumer Expenditures Survey data. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of providing information to states that could be used to update child support guidelines. Since Dr. Betson's measurements were based on national data (the Consumer Expenditures Survey is a nationally representative survey conducted by the federal Bureau of Labor Statistics) and New Jersey has income much higher than the national average, Dr. Betson's measurements were realigned using Census data comparing incomes between New Jersey and the U.S.

Since 1997, Dr. Betson has updated his measurements of child-rearing costs using the same methodology and computer code but more recent Consumer Expenditures Survey data (i.e., 1996-1999). These new measurements form the basis of the updated Schedule developed in this report. The Schedule is updated to consider current price levels (2004) and more recent data on the differences between New Jersey and U.S. incomes as provided by the 2002 Census American Community Survey.

Dr. Betson's new measurements are not statistically significant different than his old measurements, but there appear to be small increases at low incomes and decreases at higher incomes that widen as income increases and for three children. Part of the decrease is explained by increases in child care expenses and the child's extraordinary medical expenses, which are excluded from the Schedule because they are added to base support on a case-by-case basis. Child care expenses and extraordinary medical expenses have increased more at high incomes than low incomes. Other measurements of child-rearing costs using a different methodology also indicate that child-rearing costs have decreased for three children.

On the one hand, an argument can be made for updating the Schedule because more current data is available. The 1990-96 Consumers Expenditure Survey is more recent and also benefits from improved sampling and data completion techniques than what were employed in the 1980-86 Consumers Expenditures Survey. On the other hand, an argument can be made against updating the Schedule since the new measurements are not statistically different than the old measurements. Since there is no statistical difference, the difference may result from differences in the sample than an actual change in child-rearing expenditures patterns over time.

The report also reviews anomalies in the application of the self support reserve. Since the self support reserve test is applied to the custodial parent *prior* to the determination of the custodial parent's share of the support obligation and to the noncustodial parent *after* the determination of the noncustodial parent's share of the support obligation, the custodial parent carries a disportionate share of the child-rearing costs. The application of the self support reserve would be more equitable if it applied to both parents in the same step.

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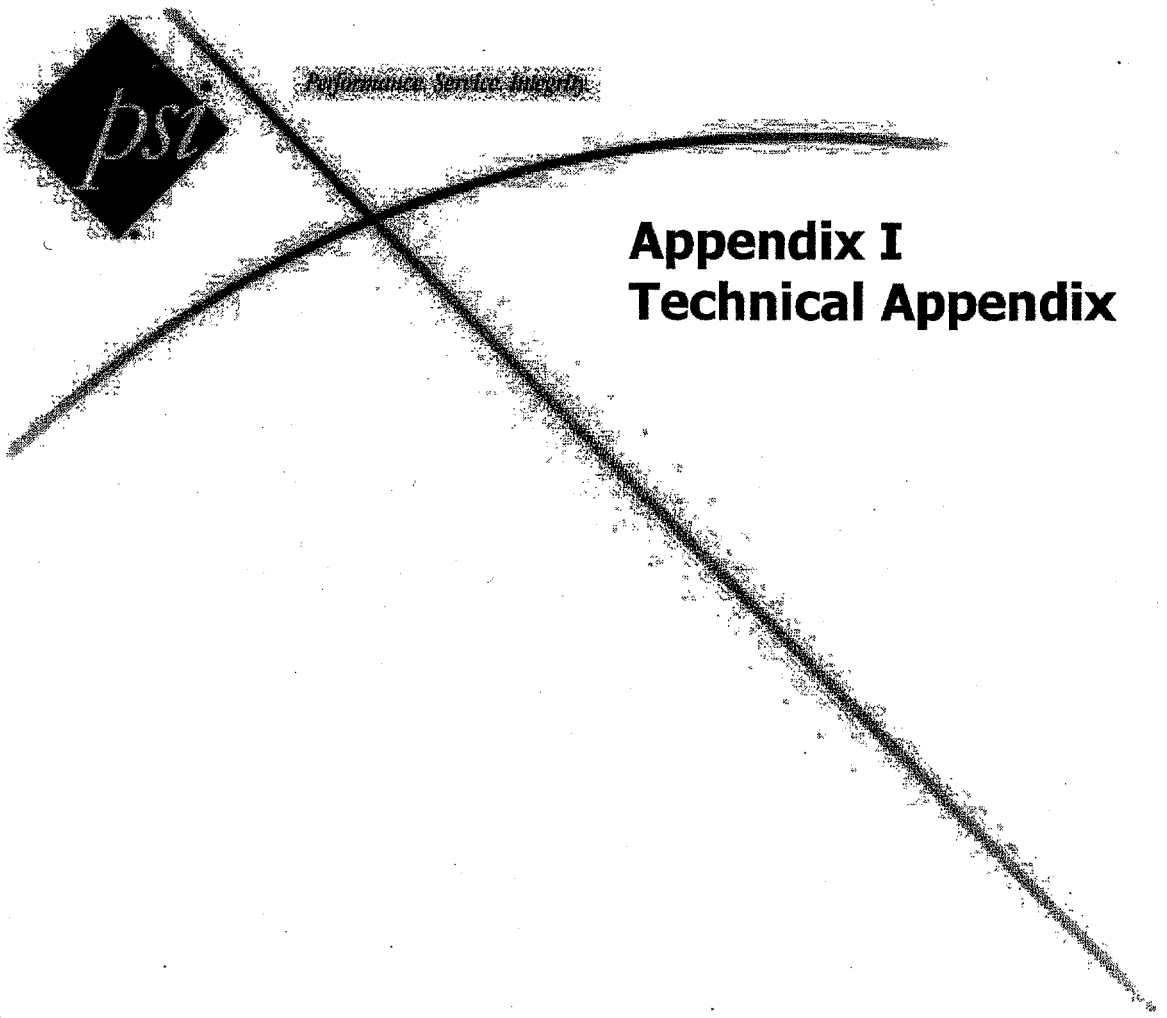

Appendix I
Technical Appendix

Appendix I

Technical Considerations in Developing a Schedule of Support Obligations

The development of a schedule of child support obligations is fairly complex in that it requires (1) the use of multiple data sources (e.g., Consumer Expenditure Surveys); (2) decisions about how to treat certain classes of expenditures (e.g., medical care); (3) intermediate calculations (e.g., how to translate expenditures on children to a proportion of net income); and (4) assumptions (e.g., how to estimate expenditures on children, computation of taxes in estimating net income). The purpose of this technical appendix is to explain the procedures used in developing the table of support proportions (i.e., expenditures on children as a proportion of household net income for various levels of income and numbers of children) and, therefore, the proposed Schedule of Basic Child Support Obligations.

REALIGN NATIONAL ESTIMATES TO NEW JERSEY'S INCOME DISTRIBUTION

Since New Jersey has an income structure that is higher than that of the U.S. as a whole, national data are adjusted to take this difference into account. Since definitive research is lacking on the nature and magnitude of any adjustment that should be made, we have adopted an approach that makes an adjustment based on the differences between the New Jersey and U.S. income distributions. These differences are seen in Table I-1, which shows the cumulative frequency distribution for U.S. and New Jersey families using 2002 income data from the Census Bureau's 2002 American Community Survey. The table shows that New Jersey has fewer families with lower incomes than the United States. For example, 6 percent of New Jersey families have annual incomes below $15,000, whereas 10 percent of all U.S. families have incomes below this level.

These Census data are used to equate the incomes of New Jersey and U.S. families based on equivalent rankings in the income distribution. For example, consider a U.S. family with annual income of $25,000. Based on Table I-1, they are at the 20.3 percentile of all families (2002 dollars). In New Jersey, 20.9 percent of families have annual incomes of $35,000 per year. Through interpolation, we find that 20.3 percent of the New Jersey families have incomes below $34,973 per year. It is assumed that the proportion devoted to child-rearing expenditures by a US family with $25,000 in income is the same proportion devoted by a New Jersey family with $34,973 in income. This logic is applied to a range of incomes. It realigns the national measurements of child-rearing costs upward, so the amounts applicable to lower incomes nationally are applied to higher incomes in New Jersey. Since child-rearing expenditures as a proportion of combined net income increase as income increases, this applies higher percentages to lower incomes.

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Table I-1

Cumulative Percent of Families With Income below Threshold		
2002 Annual Income Threshold	U.S.	New Jersey
$ 10,000	5.5%	3.2%
$ 15,000	9.7%	5.9%
$20,000	14.7%	9.2%
$ 25,000	20.3%	12.7%
$30,000	25.8%	16.6%
$ 35,000	31.8%	20.9%
$40,000	37.3%	25.7%
$45,000	42.9%	29.9%
$ 50,000	48.0%	33.9%
$ 75,000	69.8%	53.4%
$100,000	82.9%	69.5%
$150,000	93.9%	87.5%
More than $150,000	100.0%	100.0%

PARENTAL EXPENDITURES ON CHILDREN

The effort to build a schedule of support obligations begins with decisions about how to measure parental expenditures on children. Obviously, those expenditures cannot be observed directly, primarily because many expenditures (e.g., shelter, transportation) are shared among household members. For example, in a two-adult, two-child household, what proportion of a new car's cost should be attributed to the children? Since child expenditures cannot be measured directly, an indirect method must be defined to estimate those expenditures. The common element of all the estimation methods is that they attempt to allocate expenditures to the children based on a comparison of expenditure patterns in households with and without children and which are deemed to be equally well off.

There are numerous estimation techniques available and they are described succinctly in a 1990 Lewin/ICF report to the U.S. Department of Health and Human Services. The two techniques that appear to offer the most sound theoretical bases are the Engel and Rothbarth estimators. The Engel approach estimates child expenditures based on total household expenditures on food. Economists believe child expenditure estimates using this approach represent an upper bound to those expenditures. The Rothbarth approach, on the other hand, estimates child expenditures based on the level of household expenditures on adult goods (e.g., adult clothing, alcohol, tobacco). Child expenditures using this approach are believed to represent a lower bound to expenditures. Again, the Lewin/ICF report cited above presents a clear description of the approaches and

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of their merits and limitations as estimators of child expenditures. The support schedule defined in this report is based on the Rothbarth approach. Specifically, it is based on recent Rothbarth estimates developed by Dr. David Betson, Professor of Economics, University of Notre Dame using 1996-99 CEX data.

Data on Household Expenditures

The ideal database for estimating child-rearing expenditures would be one that itemized household consumption expenses by cost category and by each individual in the household. There is no existing database that provides this level of detail. Moreover, since 90 percent of household expenditures are shared, it is unlikely that such a database will ever exist, if only because it would be impossible to allocate expenditures with any level of precision to individual household members.

The database most commonly used to estimate child expenditures is the Consumer Expenditure Survey (CEX). As the aforementioned Lewin/ICF report says of the CEX, "It is by far the best available source of information for implementing the techniques for estimating expenditures on children...." (p. 3-1). The Espenshade and Rothbarth models presented in this report are based on household expenditure data reported in the CEX.

Even though the CEX may be the best database to estimate child expenditures, it has some limitations that are important to the development of a schedule of child support obligations, especially a schedule based on an income shares concept. They include:

- Only a few items in the CEX (i.e., adult clothing, alcohol, tobacco) are solely "adult" expenditures;
- It is impossible to distinguish between "necessary" child care expenses (e.g., those incurred to allow someone to work) from "discretionary" expenses;
- Medical expenses on children cannot be distinguished from expenses on adult household members; and
- The CEX likely understates total household income.

The first issue is of concern because the Rothbarth technique estimates child expenditures by examining how adult expenditures are affected by the addition of a child to the household; that is, asking how much of total expenditures is displaced (i.e., transferred from the adults to the children) when a child is added to the household. The precision of the technique would be improved if there were more items that were clearly adult expenses.

The second and third issues are of concern because the support schedule developed for New Jersey establishes a "basic" support obligation to which is added the parental share of expenditures for child care and unreimbursed medical expenses. The assumptions used to deal with these limitations are discussed later in this appendix.

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The CEX is much like every survey that attempts to capture income information; that is, there is likely to be underreporting or nonreporting of income. Staff at the Bureau of Labor Statistics, which administers the survey, suggest that income reported in the CEX is too low relative to expenditures. There are, however, no theoretically-based methods to adjust income for this problem and so no adjustment is applied.

Child Expenditures as a Proportion of Net Income

Using the Rothbarth estimation technique and CEX data from 1996-99, David Betson computed child expenditures for 1, 2 and 3-child households. These expenditures are related to total consumption spending in the expression EC/C, where EC = expenditures on children and C = total consumption expenditures. In order to estimate EC as a proportion of net income (NI), the relationship between NI and C must be computed. This can be done from the CEX because of the detailed itemization of expenditures.

Under the approach used to develop the income shares model, net income is computed independently using CEX data on gross income (GI) and on itemized deductions for (1) federal, state and local taxes, including personal property taxes; (2) social security (FICA) taxes; and (3) union dues, which are considered to be mandatory employment expenses. Thus,

$$NI = GI - taxes - FICA - union\ dues$$

In relation to current consumption, net income is greater by the amount of spending that is not related to current consumption. This includes, for example, spending on contributions, savings, personal insurance and pensions. Included in the category of savings are principal payments on a home mortgage (interest payments are counted as household consumption) and changes in net worth (i.e., net change in assets - net change in liabilities).

For low income households, current consumption expenditures may exceed the net income figure derived by subtracting taxes and other items from gross income. Thus, consumption as a proportion of net income (C/NI) exceeds 100 percent. In these instances, the C/NI ratio is set at 1.0. For example, in Betson's calculations, consumption expenditures exceeded net income for the lowest five income ranges (i.e., all households with annual net incomes below $50,000 per year in August 2003 dollars). This outcome may be partially related to reported difficulties of measuring income in the CEX as discussed above. As shown in Table I-2 below, the measured ratio of consumption expenditures to net income ranged from 3.4 for households with annual net incomes less than $10,000 to 0.57 for households with annual net incomes above $150,000.

Total consumption expenditures are related to net income by the expression C/NI. Expenditures on children are related to consumption by the expression EC/C. Multiplying the two expressions provides a ratio of child expenditures to net income (EC/NI).

$$EC/C \times C/NI = EC/NI$$

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Table I-2

			Consumption Spending (C) (1997)	
Less than $15,000	$10,870	73	3.315	$36,028
$15,000 - $20,000	$15,217	154	2.012	$30,617
$25,000 - $30,000	$19,565	137	1.553	$32,948
$30,000 - $35,000	$23,913	127	1.405	$37,137
$35,000 - $40,000	$28,261	169	1.148	$39,707
$40,000 - $45,000	$32,609	145	1.120	$37,435
$45,000 - $50,000	$36,957	145	1.057	$41,391
$50,000 - $60,000	$41,304	291	0.955	$43,659
$60,000 - $75,000	$45,669	595	0.883	$43,614
$75,000 - $100,000	$51,846	577	0.773	$45,780
$100,000 - $125,000	$58,840	455	0.717	$45,483
$125,000 - $150,000	$70,189	234	0.670	$50,325
$150,000 +	$80,143	328	0.571	$53,696

Treatment of Selected Factors

Specific questions have been raised in other states that have incorporated the Betson-Rothbarth estimates about the treatment of various types of expenditures. Specifically, there have been questions about adjustments for (1) teenage clothing; (2) child care; (3) medical expenses; (4) durable goods, particularly housing; and (5) savings.

Teenage Clothing

Clothing expenditures in the CEX for children beyond the age of 15 years are classified with other adult clothing expenditures. Therefore, it is necessary to estimate expenditures for 16-18 year old children based on clothing expenditure data for other children. The Rothbarth clothing cost estimates for teenagers get smaller as the child ages and actually are negative for 16-18 year old children. To correct for this anomaly, Betson assumed that the costs for children ages 13-18 years were the same as the costs for a 12 year old child.

Child Care

The proposed New Jersey support schedule presented in this report excludes the costs of child care. Instead, in the child support calculation, the actual costs are prorated between the parents based on their relative proportions of net income and added to the basic support obligation. There are several reasons for this approach:

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- They represent a large variable expenditure and are not incurred by all households; usually only in households with a working custodial parent and one or more young children.

- Where child care costs occur, they generally represent a large proportion of total child expenditures, particularly in households with children under 6 years of age.

- Treating child care costs separately maximizes the custodial parent's marginal benefits of working. If not treated separately, the economic benefits of working are reduced substantially. One of the principles incorporated into the Income Shares model is that the method of computing a child support obligation should not be a deterrent to participation in the work force.

Since the CEX itemizes child care expenditures, an adjustment can be made directly to EC/C. For example, Table I-4 at the end of this appendix shows that for two-child households in the $60,000-$75,000 income range, EC/C = 34.62 percent. Child care (CC) as a proportion of consumption for that same income range is 3.14 percent (1.57 percent x 2 children). For this income range, a revised EC/C which excludes child care costs is:

$$\text{Revised EC/C} = 34.62 - 3.14 = 31.48 \text{ percent}$$

Medical Expenses

Like expenses for child care, the proposed New Jersey support schedule presented in this report excludes the child's share of costs for some medical expenses, specifically including the costs of health insurance premiums and extraordinary, or unreimbursed medical expenses. There are two principal reasons these costs are excluded from the model:

- Federal regulations (45 CFR §302.80) require that a state's child support program must establish and enforce medical support orders. Further, Federal regulations (45 CFR §303.31) encourage the state to request that the noncustodial parent carry health insurance that covers the child, if available through the noncustodial parent's employer at a reasonable cost.

- Unreimbursed medical expenses (i.e., those not covered by or that exceed insurance reimbursement) are highly variable across households and can constitute a large proportion of expenditures on a child. Orthodontia, psychiatric therapy, asthma treatments, and extended physical therapy may be among the expenses not covered.

Deciding what proportion of unreimbursed medical expenses might be considered extraordinary is difficult. We have elected to assume that some unreimbursed medical expenses (e.g., non-prescription medications, well visits to doctors) should be considered routine and not extraordinary. For the purposes of estimating support proportions, extraordinary medical expenses are defined as the amount of expenditures that exceed $250 per family member. This amount, deflated to 1997 dollars, was subtracted from the reported costs of unreimbursed medical expenses in computing the proportion of medical expenses that should be considered extraordinary.

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While the CEX itemizes unreimbursed medical expenses and health insurance premium costs, it does not allocate expenses to individual household members. Thus, a method must be developed for excluding those expenditures from EC/C. There are two steps in this process. First, the child's share of those medical expenses (M) must be determined. That calculation assumes that the child's share is the same as his/her share of all household expenditures (EC/C). Thus, for a two-child household in the $60,000-$75,000 net annual income range, the child's share of these expenses would be 34.62 percent (i.e., EC/C for two children) of 3.17 percent (i.e., medical expenses as a proportion of consumption for a household in that income range). The children's share of medical expenses is therefore 1.11 percent of consumption expenditures. This proportion is subtracted from EC/C to arrive at an adjusted EC/C.

$$\text{Revised EC/C} = 34.62 - 1.1 = 33.52 \text{ percent}$$

Durable Goods

The largest durable goods expenditures are for housing and transportation. Housing costs are treated in the following manner:

- For housing that is owned or being purchased: only taxes and interest payments are counted as expenditures. Payments of principal are counted as savings.

- For housing that is rented: all rental costs are counted as consumption expenditures.

The purchase price of an automobile is not counted as an expenditure, however the interest payments made on an automobile loan are counted. This approach may underestimate total expenditures, particularly in the situation where the automobile is purchased for cash. The ideal approach to counting such a purchase would be to include as consumption the rental value of the automobile, not the net purchase price. The rental value, however, cannot be defined by the data.

With regard to other durable goods (e.g., television, toaster oven), their purchase prices are counted as consumption expenditures. The interest payments on consumer debt associated with those purchases are also counted as expenditures, since there is no way to link interest payments to individual purchases. Therefore, there is some double counting of expenditures for these durable goods items.

Savings

Savings are not counted as current consumption expenditures. Rather, they are counted as residual expenditures; that is, part of all non-current consumption spending which is the difference between net income and current consumption. Income specifically itemized as savings and retirement contributions fall into this residual category. Also, as noted above, the category includes principal payments on home mortgages and the purchase price of automobiles. Since savings are a residual and therefore not calculated independently, there is no implicit savings rate that is applied to the calculation of expenditures on children as a proportion of net income.

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Effect of Adjustments on Proportional Expenditures

Table I-5 at the end of this appendix illustrates for two children how adjustments for child care expenditures and medical expenses (health insurance and unreimbursed medical costs) are factored into the computation of a proportion that relates expenditures on children to net income. The table uses a two-child household as an example, but the same procedure was applied to one and three-child households using the information presented in Table I-4. Thus, for two-child households in the $60,000-$75,000 annual income range, child expenditures were estimated at 34.62 percent of consumption expenditures (EC/C). Child care (CC/C =3.14 percent of household consumption expenditures) and medical expenses attributable to the child (M/C = 1.10 percent of household consumption expenditures) were subtracted from EC/C. This new amount (30.8 percent) was multiplied by the ratio of household consumption to net income (C/NI =.883) of that net income range. The resulting figure - EC*/NI =26.83 percent - relates child expenditures to net income for the $60,000-$75,000 net annual income range.

Adjustments for the Number of Children

Betson's estimates of child expenditures for one, two, and three-child households are based on actual household income and expenditure data for 3,430 two-parent families with at least one child under 18 years of age. He did not compute proportions for households with greater numbers of children because of the small sample sizes in the database. Betson computed his proportions for one, two and three-child households in the following manner:

- Take the midpoint of the annual net income ranges expressed in August 2003 dollars and deflate the amount to 1997 dollars by the Consumer Price Index. The top interval uses the average net income ($229,131 in 2003 dollars) of households in that interval rather than the midpoint.

- Multiply the net income midpoint by the average ratio of consumption expenditures to net income. For income ranges where the ratio exceeded 1.0, expenditures were assumed to equal net income.

- Take the level of annual expenditures and determine what proportion is spent on one, two and three children. Using his Rothbarth estimates, Betson computed the average percentage spent over all the years the children were with their parents. That is, for one child he computed the average over 18 years. For two and three-child households, he assumed that the children differed in age by two years. Thus, for two-child households, he computed the average over a 16-year period when both children were in the household. Similarly, for three-child households, he computed the average over 14 years.

Adjustments to these data were necessary to extend the support proportions for one, two, and three children to four, five, and six-child households. The equivalency scale recommended by the Panel on Poverty and Family Assistance, a panel assembled by the National Research Council to review measures of poverty is used.[1] The recommended formula is:[2]

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[1]Constance F. Citro and Robert T. Michael, Editors. *Measuring Poverty: A New Approach*, National Academy Press, Washington, D.C. (1995).

[2]The formula actually states that the value in parentheses should be raised to a power of 0.65 to 0.75. We use 0.70, which is the midpoint of the suggested range.

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equivalency scale value =
(Number of adults + 0.7 X number of children)$^{0.7}$

Using this formula, we arrive at the following equivalency scales: 2.69 for three children; 3.00 for four children; 3.30 for five children; and, 3.59 for six children. In turn, these are converted to multipliers. For example, the multiplier for four children is 1.115 (3.00 divided by 2.69). Based on this method, we also develop multipliers for five and six children. They are displayed in Table I-3 along with the multiplier used in the 1997 proposed Schedule.

The multipliers were used as constants for all income ranges. The decreasing size of the multiplier as the number of children increases reflects two phenomena: (1) economies of scale as more children are added to the household (e.g., sharing of household items); and (2) reallocation of expenditures. The reallocation occurs as adults reduce their share of expenditures to provide for more children and as each child's share of expenditures is reduced to accommodate the needs of additional children. That is, as there are more people to share the economic pie, the share for each family member must decrease.

Table I-3

Extending the Rothbarth Support Proportions to Four, Five and Six-Child Households		
Number of Children		Rothbarth Multipliers
4	1.105 x 3 child proportion	1.115 x 3 child proportion
5	1.084 x 4 child proportion	1.100 x 4 child proportion
6	1.070 x 5 child proportion	1.088 x 5 child proportion

TABLE OF SUPPORT PROPORTIONS

The result of the computations and adjustments discussed above is a table of support proportions that relates child expenditures in one to six-child households to various levels of net income. These relationships are displayed in Table I-6 at the end of this appendix.

Adjusting Income Brackets

The data Betson used for his computations were from the time period 1996 through 1999. The database included both nominal and constant dollar amounts, with the base period being June 1997. In order to develop a table of support proportions aligned to 2003 income ranges, Betson used a Consumer Price Index (CPI-U) inflator and applied it to the 1997 incomes on the database.

Computing Marginal Proportions

The table of support proportions shown in Table I-6 links the proportion of net income spent on one to six children to different annual net income ranges. The proportions, however, are meant to apply only at the midpoints of each income range. In order to obtain a smooth transition in support obligations between

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income ranges, marginal proportions were computed. This adjustment eliminates notches in support obligations that would otherwise be created as parents move from one income range to another.

For example, assume we have two, two-child households, one at the $30,000-$35,000 net annual range and the second at the next highest range ($35,000-$40,000). The proportion of net income spent on the two children in the lower income household is estimated to be 34.65 percent. The comparable proportion in the higher income household is estimated to be 33.76 percent. If actual income in the first household were $34,900 per year, the total support obligation would be $12,093 annually ($34,900 x .3465). If actual income in the second household were $35,100 per year, the total annual support obligation would be $11,850 per year ($35,100 x .3376); $143 less per year than the support obligation in the lower income household. The use of marginal proportions between the midpoints of income ranges eliminates this effect and creates a smooth increase in the total support obligation as household income increases.

The marginal proportions between income midpoints are established by computing the support obligation at the two midpoints and dividing the difference in the support obligation amounts by the income difference between the two midpoints. For example, the marginal proportion between the midpoints of the above income ranges, $32,500 and $37,500 net income for two-child households, would be computed in the following manner:

	Annual Net Income Ranges	
Income midpoints	$32,500	$37,500
Midpoint difference	$5,000	
Support proportion	34.65%	33.76%
Support obligation	$11,226	$12,660
Obligation difference	$1,399	
Marginal proportion	27.97%	

Using the example above of one two-child household with $34,900 and another with $35,100 of annual net income, support obligations using the marginal proportion approach results in a annual support obligation for the lower income household of $11,932 ($229 per week) compared to $11,988 for the higher income household ($231 per week).

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Table I-4

		Expenditures on Children as a % of Total Consumption Expenditures (Rothbarth Parameters)			Child Care $ as a % of Consumption (per child)	
		One Child	Two Children	Three Children		
Less than $15,000	349.3%	27.03%	38.30%	44.62%	0.29%	2.30%
$15,000 - $25,000	184.8%	26.58%	37.72%	43.93%	0.26%	1.20%
$20,000 - $25,000	155.3%	26.36%	37.25%	43.45%	0.71%	1.78%
$30,000 - $35,000	140.5%	26.12%	36.76%	42.80%	0.62%	2.36%
$35,000 - $40,000	114.8%	25.87%	36.35%	42.24%	0.78%	2.83%
$40,000 - $45,000	112.0%	25.63%	35.95%	41.67%	0.80%	2.68%
$45,000 - $50,000	105.7%	25.45%	35.54%	41.09%	0.63%	2.86%
$50,000 - $60,000	95.5%	25.31%	35.13%	40.58%	0.96%	3.22%
$60,000 - $75,000	88.3%	25.01%	34.62%	39.94%	1.57%	3.17%
$75,000 - $100,000	77.3%	24.70%	34.10%	39.20%	1.65%	2.97%
$100,000 - $125,000	71.7%	24.28%	33.29%	38.04%	1.62%	2.79%
$125,000 - $150,000	67.0%	23.92%	32.61%	37.12%	1.59%	3.08%
$150,000 +	57.1%	22.55%	31.57%	35.45%	1.66%	2.82%

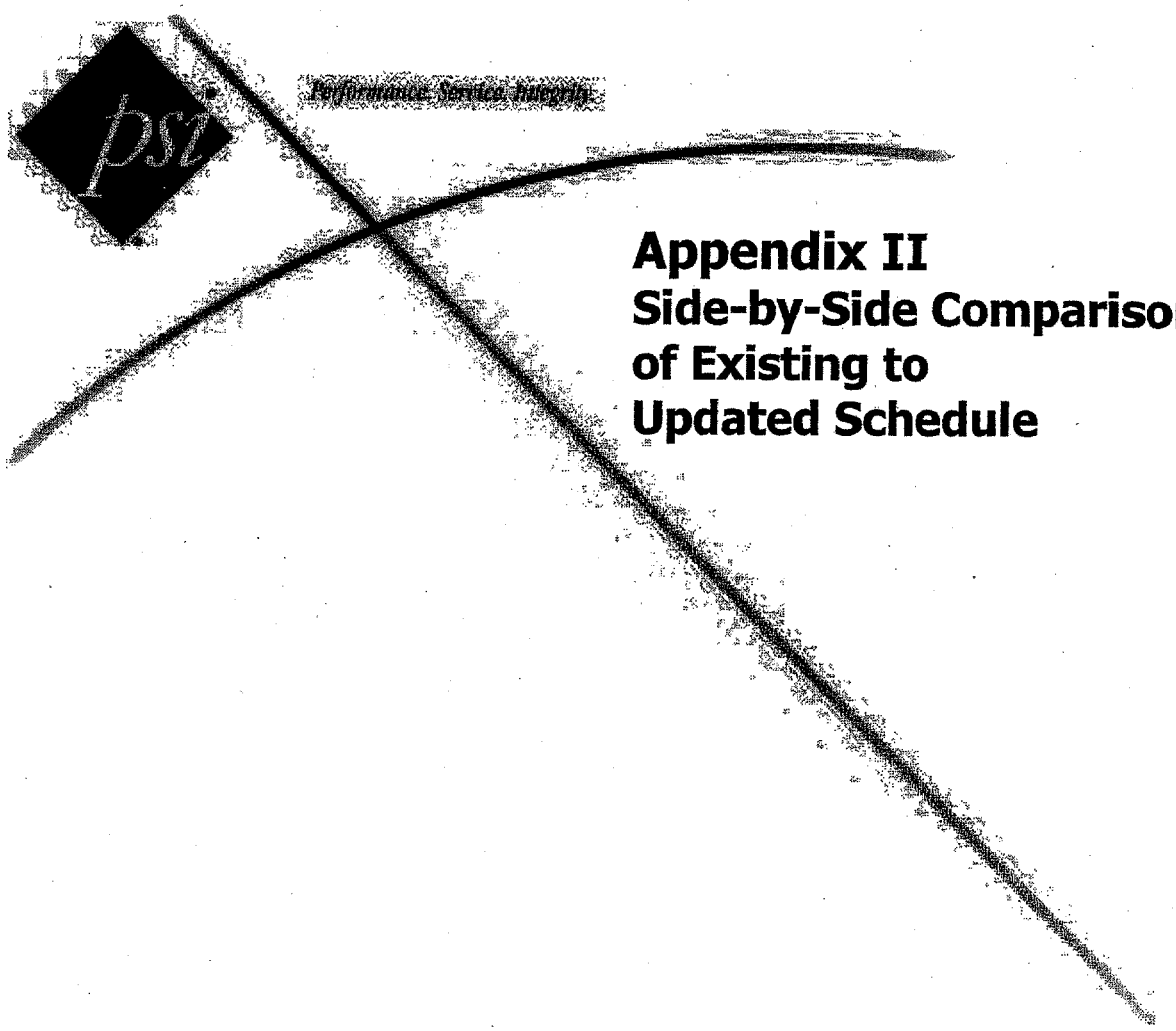
Table I-5

CHILD EXPENDITURES AS A PROPORTION OF NET INCOME Based on Betson/Rothbarth Estimates					
Net Income Range	EC/C (2 children)	CC/C	M/C	C/NI	EC*/NI
Less than $15,000	38.30%	0.58%	0.88%	> 100%	36.84%
$15,000 - $25,000	37.72%	0.51%	0.83%	> 100%	36.38%
$25,000 - $30,000	37.25%	1.42%	0.66%	> 100%	35.17%
$30,000 - $35,000	36.76%	1.24%	0.87%	> 100%	34.65%
$35,000 - $40,000	36.35%	1.56%	1.03%	> 100%	33.76%
$40,000 - $45,000	35.95%	1.60%	0.96%	> 100%	33.39%
$45,000 - $50,000	35.54%	1.26%	1.02%	> 100%	33.26%
$50,000 - $60,000	35.13%	1.92%	1.13%	95.5%	30.64%
$60,000 - $75,000	34.62%	3.14%	1.10%	88.3%	26.83%
$75,000 - $100,000	34.10%	3.30%	1.01%	77.3%	23.03%
$100,000 - $125,000	33.29%	3.24%	0.93%	71.7%	20.88%
$125,000 - $150,000	32.61%	3.18%	1.00%	67.0%	19.05%
$150,000 +	32.04%	3.32%	0.89%	57.1%	15.62%

EC/C = Expenditures on children as a proportion of consumption expenditures
CC/C = Child care expenditures as a proportion of consumption expenditures
M/C = Medical expenditures as a proportion of consumption expenditures
C/NI = Consumption expenditures as a function of net income
EC*/NI = Adjusted expenditures on children as a proportion of net income
EC*/NI = (EC/C - CC/C - M/C) x C/NI

Table I-6

TABLE OF SUPPORT PROPORTIONS Rothbarth Parameters						
	Number of Children					
	One	Two	Three	Four	Five	Six
Less than $15,000	0.2612	0.3684	0.4273	0.4764	0.5241	0.5702
$15,000 - $25,000	0.2574	0.3638	0.4220	0.4705	0.5175	0.5631
$25,000 - $30,000	0.2518	0.3517	0.4055	0.4521	0.4973	0.5411
$30,000 - $35,000	0.2488	0.3465	0.3993	0.4452	0.4897	0.5328
$35,000 - $40,000	0.2436	0.3376	0.3870	0.4316	0.4747	0.5165
$40,000 - $45,000	0.2414	0.3339	0.3815	0.4254	0.4679	0.5091
$45,000 - $50,000	0.2409	0.3326	0.3802	0.4240	0.4664	0.5074
$50,000 - $60,000	0.2248	0.3064	0.3476	0.3875	0.4263	0.4638
$60,000 - $75,000	0.2000	0.2683	0.2999	0.3344	0.3678	0.4002
$75,000 - $100,000	0.1725	0.2303	0.2558	0.2852	0.3137	0.3413
$100,000 - $125,000	0.1576	0.2088	0.2303	0.2568	0.2825	0.3073
$125,000 - $150,000	0.1447	0.1905	0.2091	0.2331	0.2564	0.2790
$150,000 +	0.1157	0.1562	0.1683	0.1876	0.2064	0.2246



Appendix II
Side-by-Side Comparisons of Existing to Updated Schedule

Comparison 1
Comparison of Existing and Proposed Child Support Schedules
One through Three Children

Combined Adjusted Net Income	One Child				Two Children				Three Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
170.00	42	44	2	5.9%	61	62	1	2.3%	72	72	0	0.0%
180.00	44	47	3	5.8%	65	66	1	2.3%	77	77	0	0.0%
190.00	47	49	3	5.8%	68	70	2	2.2%	81	81	0	0.0%
200.00	49	52	3	5.7%	72	73	2	2.2%	85	85	0	0.0%
210.00	52	54	3	5.7%	75	77	2	2.2%	89	89	0	-0.1%
220.00	54	57	3	5.6%	79	81	2	2.1%	93	93	0	-0.1%
230.00	56	60	3	5.6%	82	84	2	2.1%	98	98	0	-0.1%
240.00	59	62	3	5.5%	86	88	2	2.1%	102	102	0	-0.1%
250.00	61	65	3	5.5%	89	91	2	2.1%	106	106	0	-0.1%
260.00	64	67	3	5.5%	93	95	2	2.0%	110	110	0	-0.2%
270.00	66	70	4	5.4%	97	99	2	2.0%	115	114	0	-0.2%
280.00	69	72	4	5.4%	100	102	2	2.0%	119	118	0	-0.2%
290.00	71	75	4	5.4%	104	106	2	2.0%	123	123	0	-0.2%
300.00	73	77	4	5.4%	107	109	2	2.0%	127	127	0	-0.2%
310.00	76	80	4	5.3%	111	113	2	2.0%	131	131	0	-0.2%
320.00	78	83	4	5.3%	114	117	2	1.9%	136	135	0	-0.2%
330.00	81	85	4	5.3%	118	120	2	1.9%	140	139	0	-0.2%
340.00	83	88	4	5.3%	121	124	2	2.0%	144	144	0	-0.2%
350.00	86	90	5	5.4%	125	127	3	2.1%	148	148	0	-0.1%
360.00	88	93	5	5.5%	128	131	3	2.2%	152	152	0	0.0%
370.00	90	95	5	5.6%	132	135	3	2.3%	156	156	0	0.1%
380.00	93	98	5	5.6%	135	138	3	2.4%	160	160	0	0.2%
390.00	95	100	5	5.7%	138	142	3	2.4%	164	164	0	0.3%
400.00	97	103	5	5.6%	142	145	3	2.2%	168	168	0	0.0%
410.00	100	105	5	5.4%	145	148	3	2.0%	172	172	0	-0.2%
420.00	102	107	5	5.3%	149	151	3	1.8%	176	175	-1	-0.5%
430.00	104	110	5	5.2%	152	155	2	1.6%	180	179	-1	-0.7%
440.00	107	112	6	5.2%	155	158	2	1.5%	184	183	-1	-0.8%
450.00	109	115	6	5.2%	159	161	2	1.5%	188	186	-2	-0.8%
460.00	111	117	6	5.3%	162	164	2	1.5%	191	190	-2	-0.9%
470.00	113	119	6	5.3%	165	167	2	1.4%	195	193	-2	-0.9%
480.00	116	122	6	5.3%	168	171	2	1.4%	199	197	-2	-1.0%
490.00	118	124	6	5.3%	171	174	2	1.3%	203	201	-2	-1.0%
500.00	120	126	6	5.3%	175	177	2	1.3%	206	204	-2	-1.1%
510.00	122	129	7	5.3%	178	180	2	1.3%	210	208	-2	-1.1%
520.00	124	131	7	5.4%	181	183	2	1.2%	214	211	-3	-1.2%
530.00	127	134	7	5.4%	184	186	2	1.2%	218	215	-3	-1.2%
540.00	129	136	7	5.4%	187	190	2	1.2%	221	219	-3	-1.3%
550.00	131	138	7	5.3%	191	193	2	1.1%	225	222	-3	-1.3%
560.00	133	140	7	5.3%	194	196	2	1.1%	229	226	-3	-1.3%
570.00	136	143	7	5.3%	197	199	2	1.1%	233	230	-3	-1.3%
580.00	138	145	7	5.3%	200	202	2	1.0%	237	233	-3	-1.4%
590.00	140	147	7	5.3%	204	206	2	1.0%	240	237	-3	-1.4%
600.00	142	150	7	5.2%	207	209	2	1.0%	244	241	-3	-1.4%
610.00	145	152	8	5.2%	210	212	2	1.0%	248	244	-3	-1.4%
620.00	147	154	8	5.2%	213	215	2	1.0%	251	248	-3	-1.4%
630.00	149	157	8	5.2%	216	218	2	0.9%	255	252	-4	-1.4%
640.00	151	159	8	5.0%	220	221	2	0.7%	259	255	-4	-1.6%
650.00	154	161	7	4.8%	223	224	1	0.6%	263	258	-5	-1.8%
660.00	156	163	7	4.7%	226	227	1	0.4%	266	261	-5	-2.0%
670.00	158	165	7	4.5%	229	230	0	0.2%	270	264	-6	-2.3%

Comparison 1
Comparison of Existing and Proposed Child Support Schedules
One through Three Children

Combined Adjusted Net Income	One Child				Two Children				Three Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
680.00	160	167	7	4.4%	232	232	0	0.0%	274	267	-7	-2.5%
690.00	163	169	7	4.2%	235	235	0	-0.2%	277	270	-7	-2.7%
700.00	165	171	7	4.1%	239	238	-1	-0.3%	281	273	-8	-2.8%
710.00	167	174	7	3.9%	242	241	-1	-0.5%	285	276	-9	-3.0%
720.00	169	176	6	3.8%	245	244	-2	-0.6%	289	279	-9	-3.2%
730.00	171	178	6	3.7%	248	246	-2	-0.8%	292	282	-10	-3.4%
740.00	174	180	6	3.6%	251	249	-2	-0.8%	296	286	-10	-3.4%
750.00	176	182	6	3.6%	255	252	-2	-0.9%	300	289	-10	-3.5%
760.00	178	185	6	3.6%	258	256	-2	-0.9%	303	293	-11	-3.6%
770.00	180	187	6	3.5%	261	259	-2	-0.9%	307	296	-11	-3.6%
780.00	182	189	7	3.7%	264	262	-2	-0.8%	310	299	-11	-3.5%
790.00	184	191	7	4.0%	266	265	-1	-0.5%	313	303	-10	-3.3%
800.00	186	194	8	4.3%	269	268	-1	-0.3%	316	306	-10	-3.1%
810.00	187	196	9	4.6%	271	271	0	-0.1%	319	310	-9	-2.9%
820.00	189	198	9	4.9%	273	274	0	0.2%	322	313	-9	-2.7%
830.00	190	200	10	5.2%	276	277	1	0.4%	325	317	-8	-2.5%
840.00	192	203	11	5.5%	278	280	2	0.7%	328	320	-7	-2.3%
850.00	194	205	11	5.9%	281	283	3	1.0%	331	324	-7	-2.0%
860.00	195	207	12	6.2%	283	287	4	1.3%	333	328	-6	-1.7%
870.00	197	210	13	6.5%	286	290	4	1.5%	336	331	-5	-1.5%
880.00	199	212	14	6.8%	288	293	5	1.8%	339	335	-4	-1.2%
890.00	200	215	14	7.1%	290	296	6	2.1%	342	339	-3	-1.0%
900.00	202	217	15	7.4%	293	300	7	2.3%	345	342	-3	-0.8%
910.00	204	219	16	7.7%	295	303	8	2.6%	348	346	-2	-0.5%
920.00	205	222	17	8.2%	297	306	9	3.0%	350	350	0	-0.1%
930.00	206	223	17	8.3%	299	308	9	3.1%	352	352	0	0.0%
940.00	207	224	17	8.3%	300	309	9	3.0%	353	353	0	-0.1%
950.00	208	225	17	8.3%	302	310	9	3.0%	355	354	-1	-0.2%
960.00	209	227	17	8.3%	303	312	9	2.9%	357	356	-1	-0.2%
970.00	210	228	17	8.3%	305	313	9	2.9%	358	357	-1	-0.3%
980.00	212	229	18	8.3%	306	315	9	2.8%	360	359	-1	-0.4%
990.00	213	230	18	8.3%	308	316	9	2.8%	362	360	-2	-0.4%
1000.00	214	232	18	8.3%	309	317	8	2.7%	363	361	-2	-0.5%
1010.00	215	233	18	8.3%	311	319	8	2.7%	365	363	-2	-0.6%
1020.00	216	234	18	8.4%	312	320	8	2.6%	367	364	-2	-0.6%
1030.00	217	235	18	8.4%	314	322	8	2.6%	368	366	-3	-0.7%
1040.00	218	236	18	8.4%	315	323	8	2.5%	370	367	-3	-0.8%
1050.00	219	238	18	8.4%	317	324	8	2.5%	372	368	-3	-0.8%
1060.00	220	239	18	8.4%	318	326	8	2.4%	373	370	-3	-0.9%
1070.00	222	240	18	8.3%	320	327	7	2.3%	375	371	-4	-1.1%
1080.00	223	241	18	8.1%	322	328	6	2.0%	377	372	-5	-1.4%
1090.00	224	242	18	7.9%	323	329	6	1.8%	379	373	-7	-1.7%
1100.00	226	243	17	7.7%	325	330	5	1.5%	382	374	-8	-2.0%
1110.00	227	244	17	7.5%	327	331	4	1.3%	384	375	-9	-2.3%
1120.00	228	245	17	7.3%	329	332	3	1.0%	386	376	-10	-2.6%
1130.00	229	246	16	7.1%	331	333	3	0.8%	388	376	-11	-2.9%
1140.00	231	246	16	6.9%	332	334	2	0.6%	390	377	-12	-3.2%
1150.00	232	247	16	6.7%	334	335	1	0.3%	392	378	-14	-3.5%
1160.00	233	248	15	6.5%	336	336	0	0.1%	394	379	-15	-3.7%
1170.00	234	249	15	6.4%	338	337	0	-0.1%	396	380	-16	-4.0%
1180.00	236	250	15	6.2%	339	338	-1	-0.4%	398	381	-17	-4.3%

Comparison 1
Comparison of Existing and Proposed Child Support Schedules
One through Three Children

Combined Adjusted Net Income	One Child				Two Children				Three Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
1190.00	237	251	14	6.0%	341	339	-2	-0.6%	400	382	-18	-4.6%
1200.00	238	252	14	5.8%	343	340	-3	-0.8%	402	383	-19	-4.8%
1210.00	239	253	14	5.7%	345	341	-4	-1.0%	404	384	-21	-5.1%
1220.00	241	254	13	5.5%	347	342	-4	-1.2%	406	385	-22	-5.3%
1230.00	242	255	13	5.3%	348	343	-5	-1.5%	408	386	-23	-5.6%
1240.00	243	256	12	5.1%	350	344	-6	-1.7%	410	386	-24	-5.9%
1250.00	244	256	12	5.0%	352	345	-7	-1.9%	413	387	-25	-6.1%
1260.00	246	257	12	4.8%	354	346	-8	-2.1%	415	388	-27	-6.4%
1270.00	247	258	11	4.6%	356	347	-8	-2.4%	417	389	-28	-6.7%
1280.00	248	259	11	4.4%	358	348	-9	-2.6%	419	390	-29	-7.0%
1290.00	250	260	11	4.2%	360	349	-10	-2.8%	421	391	-30	-7.2%
1300.00	251	261	10	4.0%	361	350	-11	-3.1%	424	392	-32	-7.5%
1310.00	252	262	10	3.8%	363	351	-12	-3.3%	426	393	-33	-7.8%
1320.00	254	263	9	3.6%	365	352	-13	-3.5%	428	394	-34	-8.0%
1330.00	255	263	9	3.4%	367	353	-14	-3.7%	430	395	-35	-8.2%
1340.00	256	264	8	3.2%	369	354	-15	-4.0%	433	396	-37	-8.5%
1350.00	257	265	8	2.9%	371	355	-15	-4.2%	435	397	-38	-8.7%
1360.00	259	266	7	2.7%	373	356	-16	-4.4%	437	398	-39	-8.9%
1370.00	260	267	7	2.5%	375	357	-17	-4.6%	439	399	-40	-9.1%
1380.00	261	267	6	2.3%	377	358	-18	-4.8%	441	400	-41	-9.3%
1390.00	263	268	6	2.1%	378	359	-19	-5.0%	444	401	-42	-9.6%
1400.00	264	269	5	1.9%	380	361	-20	-5.2%	446	402	-44	-9.8%
1410.00	265	270	4	1.7%	382	362	-21	-5.4%	448	403	-45	-10.0%
1420.00	267	271	4	1.5%	384	363	-22	-5.6%	450	404	-46	-10.2%
1430.00	268	271	3	1.3%	386	364	-23	-5.8%	453	406	-47	-10.4%
1440.00	269	272	3	1.1%	388	365	-23	-6.0%	455	407	-48	-10.6%
1450.00	271	273	2	0.9%	390	366	-24	-6.2%	457	408	-49	-10.8%
1460.00	272	274	2	0.6%	392	367	-25	-6.4%	459	409	-50	-11.0%
1470.00	273	275	1	0.4%	394	368	-26	-6.6%	461	410	-51	-11.1%
1480.00	275	275	1	0.2%	396	369	-27	-6.8%	463	411	-52	-11.3%
1490.00	276	276	0	0.0%	398	370	-28	-7.0%	466	412	-54	-11.5%
1500.00	278	277	-1	-0.2%	400	371	-29	-7.2%	468	413	-55	-11.7%
1510.00	279	278	-1	-0.4%	401	372	-30	-7.4%	470	414	-56	-11.9%
1520.00	280	279	-2	-0.6%	403	373	-31	-7.6%	472	415	-57	-12.0%
1530.00	282	279	-2	-0.8%	405	374	-32	-7.8%	474	416	-58	-12.2%
1540.00	283	280	-3	-1.0%	407	375	-32	-8.0%	476	417	-59	-12.4%
1550.00	284	281	-3	-1.2%	409	376	-33	-8.2%	478	418	-60	-12.5%
1560.00	286	282	-4	-1.4%	411	377	-34	-8.3%	480	419	-61	-12.7%
1570.00	287	283	-5	-1.6%	413	378	-35	-8.5%	483	420	-62	-12.9%
1580.00	289	283	-5	-1.8%	415	379	-36	-8.7%	485	422	-63	-13.0%
1590.00	290	284	-6	-2.0%	417	380	-37	-8.9%	487	423	-64	-13.2%
1600.00	291	285	-6	-2.2%	419	381	-38	-9.1%	489	424	-65	-13.4%
1610.00	293	286	-7	-2.4%	421	382	-39	-9.2%	491	425	-66	-13.5%
1620.00	294	287	-7	-2.5%	423	383	-40	-9.4%	493	426	-67	-13.7%
1630.00	295	287	-8	-2.7%	425	384	-41	-9.6%	495	427	-69	-13.8%
1640.00	297	288	-9	-2.9%	427	385	-42	-9.8%	498	428	-70	-14.1%
1650.00	299	289	-10	-3.2%	429	386	-43	-10.1%	501	429	-72	-14.3%
1660.00	300	290	-10	-3.5%	431	387	-44	-10.3%	504	430	-74	-14.6%
1670.00	302	291	-11	-3.7%	434	388	-46	-10.6%	507	431	-75	-14.9%
1680.00	303	291	-12	-3.9%	436	389	-47	-10.8%	509	432	-77	-15.1%
1690.00	305	292	-13	-4.2%	438	390	-48	-11.0%	512	433	-79	-15.4%

Comparison 1
Comparison of Existing and Proposed Child Support Schedules
One through Three Children

Combined Adjusted Net Income	One Child				Two Children				Three Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
1700.00	307	293	-14	-4.4%	441	391	-50	-11.3%	515	434	-81	-15.7%
1710.00	308	294	-14	-4.6%	443	393	-51	-11.4%	518	436	-82	-15.8%
1720.00	310	295	-15	-4.7%	446	394	-52	-11.6%	521	437	-84	-16.0%
1730.00	311	296	-15	-4.9%	448	395	-53	-11.8%	524	439	-85	-16.2%
1740.00	313	297	-16	-5.0%	450	397	-54	-11.9%	527	440	-86	-16.4%
1750.00	315	298	-16	-5.2%	453	398	-55	-12.1%	529	442	-88	-16.6%
1760.00	316	299	-17	-5.3%	455	399	-56	-12.2%	532	443	-89	-16.8%
1770.00	318	300	-17	-5.5%	457	401	-57	-12.4%	535	444	-91	-17.0%
1780.00	319	302	-18	-5.6%	460	402	-58	-12.6%	538	446	-92	-17.1%
1790.00	321	303	-18	-5.7%	462	403	-59	-12.7%	541	447	-94	-17.3%
1800.00	323	304	-19	-5.9%	464	405	-60	-12.9%	544	449	-95	-17.5%
1810.00	324	305	-20	-6.0%	467	406	-61	-13.0%	546	450	-96	-17.7%
1820.00	326	306	-20	-6.2%	469	407	-62	-13.2%	549	451	-98	-17.8%
1830.00	327	307	-21	-6.3%	471	409	-62	-13.3%	552	453	-99	-18.0%
1840.00	328	308	-21	-6.3%	473	410	-63	-13.3%	554	454	-100	-18.0%
1850.00	330	309	-21	-6.3%	474	411	-63	-13.3%	556	456	-100	-18.0%
1860.00	331	310	-21	-6.3%	476	413	-63	-13.3%	558	457	-101	-18.1%
1870.00	332	311	-21	-6.3%	478	414	-64	-13.3%	560	458	-101	-18.1%
1880.00	333	312	-21	-6.3%	479	415	-64	-13.4%	562	460	-102	-18.1%
1890.00	334	313	-21	-6.3%	481	417	-64	-13.4%	564	461	-102	-18.2%
1900.00	335	314	-21	-6.2%	483	418	-65	-13.4%	566	463	-103	-18.2%
1910.00	336	315	-21	-6.2%	484	419	-65	-13.4%	567	464	-103	-18.2%
1920.00	337	316	-21	-6.2%	486	421	-65	-13.4%	569	466	-104	-18.2%
1930.00	338	317	-21	-6.2%	487	422	-66	-13.4%	571	467	-104	-18.3%
1940.00	340	318	-21	-6.2%	489	423	-66	-13.5%	573	468	-105	-18.3%
1950.00	341	319	-21	-6.2%	491	425	-66	-13.5%	575	470	-106	-18.3%
1960.00	342	321	-21	-6.2%	492	426	-66	-13.5%	577	471	-106	-18.4%
1970.00	343	322	-21	-6.2%	494	427	-67	-13.5%	579	473	-107	-18.4%
1980.00	344	323	-21	-6.2%	496	429	-67	-13.5%	581	474	-107	-18.4%
1990.00	345	324	-22	-6.2%	497	430	-67	-13.5%	583	475	-108	-18.5%
2000.00	346	325	-22	-6.2%	499	431	-68	-13.6%	585	477	-108	-18.5%
2010.00	347	326	-22	-6.2%	501	433	-68	-13.6%	587	478	-109	-18.5%
2020.00	349	327	-22	-6.2%	502	434	-68	-13.6%	589	480	-109	-18.6%
2030.00	350	328	-22	-6.2%	504	435	-69	-13.6%	591	481	-110	-18.6%
2040.00	351	329	-22	-6.2%	505	437	-69	-13.6%	593	482	-110	-18.6%
2050.00	352	330	-22	-6.2%	507	438	-69	-13.6%	595	484	-111	-18.6%
2060.00	353	331	-22	-6.2%	509	439	-69	-13.7%	597	485	-111	-18.7%
2070.00	354	332	-22	-6.2%	510	441	-70	-13.7%	599	487	-112	-18.7%
2080.00	355	333	-22	-6.2%	512	442	-70	-13.7%	601	488	-113	-18.7%
2090.00	356	334	-22	-6.2%	514	443	-70	-13.7%	603	490	-113	-18.8%
2100.00	357	335	-22	-6.2%	515	445	-71	-13.7%	605	491	-114	-18.8%
2110.00	359	336	-22	-6.2%	517	446	-71	-13.7%	607	492	-114	-18.8%
2120.00	360	337	-22	-6.2%	519	447	-71	-13.7%	608	494	-115	-18.8%
2130.00	361	338	-22	-6.2%	520	449	-72	-13.8%	610	495	-115	-18.9%
2140.00	362	339	-22	-6.2%	522	450	-72	-13.8%	612	497	-116	-18.9%
2150.00	363	341	-23	-6.2%	524	451	-72	-13.8%	614	498	-116	-18.9%
2160.00	364	342	-23	-6.2%	525	453	-73	-13.8%	616	499	-117	-19.0%
2170.00	365	343	-23	-6.2%	527	454	-73	-13.9%	618	501	-118	-19.0%
2180.00	367	344	-23	-6.3%	529	455	-74	-13.9%	621	502	-119	-19.1%
2190.00	368	345	-23	-6.4%	531	456	-74	-14.0%	623	503	-120	-19.2%
2200.00	369	345	-24	-6.5%	533	458	-75	-14.1%	626	505	-121	-19.3%

Comparison 1
Comparison of Existing and Proposed Child Support Schedules
One through Three Children

Combined Adjusted Net Income	One Child				Two Children				Three Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
2210.00	371	346	-24	-6.6%	535	459	-76	-14.2%	628	506	-122	-19.5%
2220.00	372	347	-25	-6.7%	537	460	-77	-14.3%	630	507	-123	-19.6%
2230.00	373	348	-25	-6.8%	539	461	-78	-14.5%	633	508	-125	-19.7%
2240.00	375	349	-26	-6.8%	541	462	-79	-14.6%	635	509	-126	-19.8%
2250.00	376	350	-26	-6.9%	543	463	-80	-14.7%	637	510	-127	-19.9%
2260.00	377	351	-27	-7.0%	544	464	-80	-14.8%	640	511	-128	-20.0%
2270.00	379	352	-27	-7.1%	546	465	-81	-14.9%	642	513	-129	-20.2%
2280.00	380	352	-27	-7.2%	548	466	-82	-15.0%	644	514	-131	-20.3%
2290.00	381	353	-28	-7.3%	550	467	-83	-15.1%	647	515	-132	-20.4%
2300.00	382	354	-28	-7.4%	552	468	-84	-15.2%	649	516	-133	-20.5%
2310.00	384	355	-29	-7.5%	554	469	-85	-15.3%	651	517	-134	-20.6%
2320.00	385	356	-29	-7.6%	556	471	-86	-15.4%	654	518	-135	-20.7%
2330.00	386	357	-30	-7.7%	558	472	-86	-15.5%	656	519	-137	-20.8%
2340.00	388	358	-30	-7.8%	560	473	-87	-15.6%	658	520	-138	-20.9%
2350.00	389	358	-31	-7.9%	562	474	-88	-15.7%	661	522	-139	-21.1%
2360.00	390	359	-31	-7.9%	564	475	-89	-15.8%	663	523	-140	-21.2%
2370.00	392	360	-31	-8.0%	566	476	-90	-15.9%	665	524	-142	-21.3%
2380.00	393	361	-32	-8.1%	568	477	-91	-16.0%	668	525	-143	-21.4%
2390.00	394	362	-32	-8.2%	570	478	-92	-16.1%	670	526	-144	-21.5%
2400.00	396	363	-33	-8.3%	572	479	-93	-16.2%	672	527	-145	-21.6%
2410.00	397	364	-33	-8.4%	574	480	-93	-16.3%	675	528	-146	-21.7%
2420.00	398	365	-34	-8.5%	576	481	-94	-16.4%	677	530	-148	-21.8%
2430.00	400	365	-34	-8.5%	577	482	-95	-16.5%	680	531	-149	-21.9%
2440.00	401	366	-35	-8.6%	579	483	-96	-16.6%	682	532	-150	-22.0%
2450.00	402	367	-35	-8.7%	581	485	-97	-16.7%	684	533	-151	-22.1%
2460.00	403	368	-35	-8.8%	583	486	-98	-16.7%	687	534	-152	-22.2%
2470.00	405	369	-36	-8.9%	585	487	-99	-16.8%	689	535	-154	-22.3%
2480.00	406	370	-36	-9.0%	587	488	-99	-16.9%	691	536	-155	-22.4%
2490.00	407	371	-37	-9.0%	589	489	-100	-17.0%	694	538	-156	-22.5%
2500.00	409	371	-37	-9.1%	591	490	-101	-17.1%	696	539	-157	-22.6%
2510.00	410	372	-38	-9.2%	593	491	-102	-17.2%	698	540	-158	-22.7%
2520.00	411	373	-38	-9.3%	595	492	-103	-17.3%	701	541	-160	-22.8%
2530.00	413	374	-39	-9.4%	597	493	-104	-17.4%	703	542	-161	-22.9%
2540.00	414	375	-39	-9.4%	599	494	-105	-17.5%	705	543	-162	-23.0%
2550.00	415	376	-40	-9.5%	601	495	-105	-17.6%	708	544	-163	-23.1%
2560.00	417	377	-40	-9.6%	603	496	-106	-17.6%	710	545	-165	-23.2%
2570.00	418	377	-40	-9.7%	605	497	-107	-17.7%	712	547	-166	-23.3%
2580.00	419	378	-41	-9.7%	607	499	-108	-17.8%	715	548	-167	-23.4%
2590.00	420	379	-41	-9.8%	609	500	-109	-17.9%	717	549	-168	-23.5%
2600.00	422	380	-42	-9.9%	610	501	-110	-18.0%	719	550	-169	-23.5%
2610.00	423	381	-42	-10.0%	612	502	-111	-18.1%	722	551	-171	-23.6%
2620.00	424	382	-43	-10.0%	614	503	-111	-18.1%	724	552	-172	-23.7%
2630.00	426	383	-43	-10.1%	616	504	-112	-18.2%	726	553	-173	-23.8%
2640.00	427	384	-44	-10.2%	618	505	-113	-18.3%	729	555	-174	-23.9%
2650.00	428	384	-44	-10.2%	620	506	-114	-18.4%	731	556	-175	-24.0%
2660.00	429	385	-44	-10.2%	621	507	-114	-18.4%	732	557	-175	-24.0%
2670.00	430	386	-44	-10.2%	623	508	-114	-18.4%	734	558	-176	-24.0%
2680.00	431	387	-44	-10.3%	624	509	-115	-18.4%	735	559	-176	-24.0%
2690.00	432	388	-44	-10.3%	625	510	-115	-18.4%	737	560	-177	-24.0%
2700.00	433	388	-45	-10.3%	627	511	-115	-18.4%	739	561	-178	-24.0%
2710.00	434	389	-45	-10.4%	628	512	-116	-18.4%	740	562	-178	-24.0%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
2720.00	820	628	-192	-23.4%	889	691	-198	-22.2%	951	752	-199	-20.9%
2730.00	822	629	-192	-23.4%	891	692	-198	-22.3%	953	753	-200	-21.0%
2740.00	823	630	-193	-23.4%	892	694	-199	-22.3%	955	755	-200	-21.0%
2750.00	825	632	-193	-23.4%	894	695	-199	-22.3%	957	756	-201	-21.0%
2760.00	827	633	-194	-23.5%	896	696	-200	-22.3%	959	757	-202	-21.0%
2770.00	829	634	-194	-23.5%	898	697	-201	-22.3%	961	759	-202	-21.0%
2780.00	830	635	-195	-23.5%	900	699	-201	-22.4%	963	760	-203	-21.1%
2790.00	832	636	-196	-23.5%	902	700	-202	-22.4%	965	762	-203	-21.1%
2800.00	834	638	-196	-23.5%	904	701	-202	-22.4%	967	763	-204	-21.1%
2810.00	836	639	-197	-23.5%	906	703	-203	-22.4%	969	765	-205	-21.1%
2820.00	837	640	-197	-23.6%	908	704	-204	-22.4%	971	766	-205	-21.1%
2830.00	839	641	-198	-23.6%	910	705	-204	-22.5%	973	767	-206	-21.1%
2840.00	841	642	-198	-23.6%	911	707	-205	-22.5%	975	769	-206	-21.2%
2850.00	843	644	-199	-23.6%	913	708	-205	-22.5%	977	770	-207	-21.2%
2860.00	844	645	-200	-23.6%	915	709	-206	-22.5%	979	772	-208	-21.2%
2870.00	846	646	-200	-23.7%	917	711	-207	-22.5%	981	773	-208	-21.2%
2880.00	848	647	-201	-23.7%	919	712	-207	-22.5%	983	775	-209	-21.2%
2890.00	850	648	-201	-23.7%	921	713	-208	-22.6%	985	776	-210	-21.3%
2900.00	851	650	-202	-23.7%	923	715	-208	-22.6%	988	777	-210	-21.3%
2910.00		651				716				779		
2920.00		652				717				780		
2930.00		653				718				782		
2940.00		654				720				783		
2950.00		656				721				785		
2960.00		657				722				786		
2970.00		658				724				787		
2980.00		659				725				789		
2990.00		660				726				790		
3000.00		662				728				792		
3010.00		663				729				793		
Average Diference			-$74	-10.8%			-$73	-9.4%			-$70	-7.9%
Minimum			-$202	-23.7%			-$208	-22.6%			-$210	-21.3%
Maximum			$3	1.2%			$10	2.7%			$18	4.4%
Income Breakpoint (where orders begin to decrease)				$510				$840				$1,180

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
170.00	80	81	1	0.9%	87	89	2	2.4%	93	97	4	4.2%
180.00	85	85	1	0.9%	92	94	2	2.4%	98	102	4	4.1%
190.00	89	90	1	0.9%	97	99	2	2.4%	104	108	4	4.1%
200.00	94	95	1	0.9%	102	104	2	2.3%	109	113	4	4.1%
210.00	99	99	1	0.8%	107	109	2	2.3%	114	119	5	4.0%
220.00	103	104	1	0.8%	112	115	3	2.3%	120	125	5	4.0%
230.00	108	109	1	0.8%	117	120	3	2.3%	125	130	5	4.0%
240.00	113	113	1	0.8%	122	125	3	2.3%	131	136	5	4.0%
250.00	117	118	1	0.8%	127	130	3	2.2%	136	141	5	4.0%
260.00	122	123	1	0.7%	132	135	3	2.2%	141	147	6	4.0%
270.00	127	127	1	0.7%	137	140	3	2.2%	147	153	6	3.9%
280.00	131	132	1	0.7%	142	145	3	2.2%	152	158	6	3.9%
290.00	136	137	1	0.7%	147	150	3	2.2%	158	164	6	3.9%
300.00	140	141	1	0.7%	152	156	3	2.2%	163	169	6	3.9%
310.00	145	146	1	0.7%	157	161	3	2.2%	168	175	7	3.9%
320.00	150	151	1	0.7%	162	166	4	2.2%	174	180	7	3.9%
330.00	154	155	1	0.7%	167	171	4	2.1%	179	186	7	3.9%
340.00	159	160	1	0.7%	172	176	4	2.2%	184	192	7	3.9%
350.00	163	165	1	0.8%	177	181	4	2.3%	190	197	8	4.0%
360.00	168	169	2	0.9%	182	186	4	2.4%	195	203	8	4.1%
370.00	172	174	2	1.0%	187	192	5	2.5%	200	208	9	4.3%
380.00	177	179	2	1.1%	192	197	5	2.6%	205	214	9	4.4%
390.00	181	183	2	1.2%	196	202	5	2.7%	210	219	9	4.4%
400.00	186	187	2	0.9%	201	206	5	2.4%	215	224	9	4.1%
410.00	190	191	1	0.7%	206	211	4	2.2%	221	229	9	3.9%
420.00	195	195	1	0.4%	211	215	4	1.9%	226	234	8	3.6%
430.00	199	199	0	0.2%	216	219	4	1.7%	231	239	8	3.4%
440.00	203	204	0	0.1%	220	224	4	1.6%	236	244	8	3.3%
450.00	207	208	0	0.1%	225	228	3	1.5%	241	248	8	3.3%
460.00	212	212	0	0.0%	229	233	3	1.5%	245	253	8	3.2%
470.00	216	216	0	0.0%	234	237	3	1.4%	250	258	8	3.1%
480.00	220	220	0	-0.1%	238	242	3	1.4%	255	263	8	3.1%
490.00	224	224	0	-0.2%	243	246	3	1.3%	260	268	8	3.0%
500.00	228	228	0	-0.2%	247	250	3	1.3%	265	272	8	3.0%
510.00	232	232	-1	-0.3%	252	255	3	1.2%	269	277	8	2.9%
520.00	236	236	-1	-0.3%	256	259	3	1.2%	274	282	8	2.9%
530.00	241	240	-1	-0.3%	261	264	3	1.1%	279	287	8	2.8%
540.00	245	244	-1	-0.4%	265	268	3	1.1%	284	292	8	2.8%
550.00	249	248	-1	-0.4%	270	273	3	1.1%	289	297	8	2.8%
560.00	253	252	-1	-0.4%	274	277	3	1.0%	294	302	8	2.7%
570.00	257	256	-1	-0.4%	279	282	3	1.0%	298	306	8	2.7%
580.00	261	260	-1	-0.5%	283	286	3	1.0%	303	311	8	2.7%
590.00	265	264	-1	-0.5%	288	291	3	1.0%	308	316	8	2.7%
600.00	270	268	-1	-0.5%	292	295	3	1.0%	313	321	8	2.7%
610.00	274	272	-1	-0.5%	297	300	3	1.0%	317	326	9	2.7%
620.00	278	276	-1	-0.5%	301	304	3	1.0%	322	331	9	2.7%
630.00	282	281	-1	-0.5%	306	309	3	1.0%	327	336	9	2.7%
640.00	286	284	-2	-0.7%	310	312	2	0.8%	332	340	8	2.4%
650.00	290	287	-3	-0.9%	314	316	2	0.5%	336	344	7	2.2%
660.00	294	291	-3	-1.2%	319	320	1	0.3%	341	348	7	2.0%
670.00	298	294	-4	-1.4%	323	324	0	0.1%	346	352	6	1.8%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
680.00	302	298	-5	-1.6%	328	327	0	-0.1%	351	356	5	1.6%
690.00	307	301	-5	-1.8%	332	331	-1	-0.3%	356	360	5	1.4%
700.00	311	305	-6	-2.0%	337	335	-2	-0.5%	360	364	4	1.2%
710.00	315	308	-7	-2.2%	341	339	-2	-0.7%	365	369	3	1.0%
720.00	319	311	-7	-2.3%	346	343	-3	-0.9%	370	373	3	0.8%
730.00	323	315	-8	-2.5%	350	346	-4	-1.1%	375	377	2	0.6%
740.00	327	319	-8	-2.6%	355	351	-4	-1.1%	379	381	2	0.5%
750.00	331	322	-9	-2.6%	359	355	-4	-1.2%	384	386	2	0.5%
760.00	335	326	-9	-2.7%	363	359	-5	-1.2%	389	390	2	0.4%
770.00	339	330	-9	-2.7%	368	363	-5	-1.3%	394	395	1	0.4%
780.00	343	334	-9	-2.6%	372	367	-4	-1.2%	398	400	2	0.5%
790.00	346	338	-8	-2.4%	375	371	-4	-1.0%	401	404	3	0.7%
800.00	349	341	-8	-2.2%	379	376	-3	-0.8%	405	409	4	0.9%
810.00	352	345	-7	-2.1%	382	380	-2	-0.6%	409	413	4	1.1%
820.00	356	349	-7	-1.9%	386	384	-2	-0.4%	413	418	5	1.3%
830.00	359	353	-6	-1.6%	389	388	-1	-0.2%	416	422	6	1.5%
840.00	362	357	-5	-1.4%	392	393	0	0.1%	420	427	7	1.8%
850.00	365	361	-4	-1.1%	396	397	1	0.4%	424	432	9	2.0%
860.00	368	365	-3	-0.8%	399	402	2	0.6%	427	437	10	2.3%
870.00	372	369	-2	-0.6%	403	406	4	0.9%	431	442	11	2.6%
880.00	375	374	-1	-0.3%	406	411	5	1.1%	435	447	12	2.8%
890.00	378	378	0	-0.1%	410	415	6	1.4%	439	452	14	3.1%
900.00	381	382	1	0.1%	413	420	7	1.6%	442	457	15	3.3%
910.00	384	386	1	0.4%	417	425	8	1.9%	446	462	16	3.6%
920.00	387	390	3	0.9%	419	429	10	2.3%	449	467	18	4.1%
930.00	389	392	3	0.9%	421	431	10	2.4%	451	469	18	4.1%
940.00	390	394	3	0.8%	423	433	10	2.3%	453	471	18	4.0%
950.00	392	395	3	0.7%	425	435	9	2.2%	455	473	18	3.9%
960.00	394	397	3	0.7%	427	436	9	2.1%	457	475	18	3.9%
970.00	396	398	2	0.6%	429	438	9	2.1%	459	477	17	3.8%
980.00	398	400	2	0.5%	431	440	9	2.0%	461	479	17	3.7%
990.00	400	401	2	0.5%	433	442	8	1.9%	463	480	17	3.7%
1000.00	401	403	2	0.4%	435	443	8	1.9%	466	482	17	3.6%
1010.00	403	405	1	0.3%	437	445	8	1.8%	468	484	16	3.5%
1020.00	405	406	1	0.3%	439	447	8	1.7%	470	486	16	3.4%
1030.00	407	408	1	0.2%	441	448	7	1.7%	472	488	16	3.4%
1040.00	409	409	1	0.1%	443	450	7	1.6%	474	490	16	3.3%
1050.00	411	411	0	0.1%	445	452	7	1.5%	476	492	15	3.2%
1060.00	412	412	0	0.0%	447	454	6	1.4%	478	494	15	3.2%
1070.00	415	414	-1	-0.2%	450	455	6	1.2%	481	495	14	2.9%
1080.00	417	415	-2	-0.5%	452	456	4	0.9%	484	496	13	2.6%
1090.00	419	416	-4	-0.8%	455	457	3	0.6%	486	498	11	2.3%
1100.00	422	417	-5	-1.1%	457	458	1	0.3%	489	499	10	2.0%
1110.00	424	418	-6	-1.4%	459	460	0	0.0%	492	500	8	1.7%
1120.00	426	419	-7	-1.7%	462	461	-1	-0.3%	494	501	7	1.4%
1130.00	428	420	-9	-2.0%	464	462	-3	-0.6%	497	502	5	1.1%
1140.00	431	421	-10	-2.3%	467	463	-4	-0.9%	500	504	4	0.8%
1150.00	433	422	-11	-2.6%	469	464	-5	-1.2%	502	505	3	0.5%
1160.00	435	423	-12	-2.9%	472	465	-7	-1.4%	505	506	1	0.2%
1170.00	438	424	-14	-3.1%	474	466	-8	-1.7%	508	507	0	-0.1%
1180.00	440	425	-15	-3.4%	477	467	-10	-2.0%	510	508	-2	-0.3%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
1190.00	442	426	-16	-3.7%	479	468	-11	-2.3%	513	510	-3	-0.6%
1200.00	444	427	-18	-4.0%	482	470	-12	-2.5%	515	511	-5	-0.9%
1210.00	447	428	-19	-4.2%	484	471	-14	-2.8%	518	512	-6	-1.2%
1220.00	449	429	-20	-4.5%	487	472	-15	-3.1%	521	513	-8	-1.4%
1230.00	451	430	-21	-4.7%	489	473	-16	-3.3%	523	514	-9	-1.7%
1240.00	454	431	-23	-5.0%	492	474	-18	-3.6%	526	516	-10	-2.0%
1250.00	456	432	-24	-5.3%	494	475	-19	-3.9%	529	517	-12	-2.2%
1260.00	458	433	-25	-5.5%	497	476	-21	-4.2%	532	518	-14	-2.5%
1270.00	461	434	-27	-5.8%	499	477	-22	-4.4%	534	519	-15	-2.8%
1280.00	463	435	-28	-6.1%	502	478	-24	-4.7%	537	520	-17	-3.1%
1290.00	466	436	-30	-6.4%	505	479	-25	-5.0%	540	522	-18	-3.4%
1300.00	468	437	-31	-6.7%	507	481	-27	-5.3%	543	523	-20	-3.7%
1310.00	471	438	-33	-6.9%	510	482	-28	-5.6%	546	524	-22	-4.0%
1320.00	473	439	-34	-7.2%	513	483	-30	-5.8%	549	526	-23	-4.2%
1330.00	475	440	-35	-7.4%	515	484	-31	-6.0%	552	527	-25	-4.5%
1340.00	478	441	-36	-7.6%	518	486	-32	-6.3%	554	528	-26	-4.7%
1350.00	480	443	-38	-7.9%	521	487	-34	-6.5%	557	530	-27	-4.9%
1360.00	483	444	-39	-8.1%	523	488	-35	-6.7%	560	531	-29	-5.2%
1370.00	485	445	-40	-8.3%	526	490	-37	-6.9%	563	533	-30	-5.4%
1380.00	488	446	-42	-8.5%	529	491	-38	-7.2%	566	534	-32	-5.6%
1390.00	490	447	-43	-8.7%	531	492	-39	-7.4%	569	535	-33	-5.8%
1400.00	493	449	-44	-8.9%	534	493	-41	-7.6%	571	537	-35	-6.1%
1410.00	495	450	-45	-9.2%	537	495	-42	-7.8%	574	538	-36	-6.3%
1420.00	498	451	-47	-9.4%	539	496	-43	-8.0%	577	540	-37	-6.5%
1430.00	500	452	-48	-9.6%	542	497	-45	-8.2%	580	541	-39	-6.7%
1440.00	503	453	-49	-9.8%	545	499	-46	-8.5%	583	543	-40	-6.9%
1450.00	505	455	-50	-10.0%	547	500	-47	-8.6%	586	544	-42	-7.1%
1460.00	507	456	-52	-10.2%	550	501	-49	-8.8%	588	545	-43	-7.3%
1470.00	510	457	-53	-10.3%	552	503	-50	-9.0%	591	547	-44	-7.5%
1480.00	512	458	-54	-10.5%	555	504	-51	-9.2%	594	548	-46	-7.7%
1490.00	514	459	-55	-10.7%	558	505	-52	-9.4%	597	550	-47	-7.9%
1500.00	517	461	-56	-10.9%	560	507	-54	-9.6%	599	551	-48	-8.0%
1510.00	519	462	-57	-11.1%	563	508	-55	-9.7%	602	553	-50	-8.2%
1520.00	521	463	-59	-11.2%	565	509	-56	-9.9%	605	554	-51	-8.4%
1530.00	524	464	-60	-11.4%	568	511	-57	-10.1%	608	555	-52	-8.6%
1540.00	526	465	-61	-11.6%	570	512	-59	-10.3%	610	557	-53	-8.8%
1550.00	529	466	-62	-11.7%	573	513	-60	-10.4%	613	558	-55	-8.9%
1560.00	531	468	-63	-11.9%	576	514	-61	-10.6%	616	560	-56	-9.1%
1570.00	533	469	-64	-12.1%	578	516	-62	-10.8%	619	561	-57	-9.3%
1580.00	536	470	-66	-12.2%	581	517	-64	-11.0%	621	563	-59	-9.5%
1590.00	538	471	-67	-12.4%	583	518	-65	-11.1%	624	564	-60	-9.6%
1600.00	540	472	-68	-12.6%	586	520	-66	-11.3%	627	565	-61	-9.8%
1610.00	543	474	-69	-12.7%	588	521	-67	-11.5%	630	567	-63	-10.0%
1620.00	545	475	-70	-12.9%	591	522	-69	-11.6%	632	568	-64	-10.1%
1630.00	547	476	-71	-13.1%	593	524	-70	-11.8%	635	570	-65	-10.3%
1640.00	550	477	-73	-13.3%	596	525	-72	-12.0%	638	571	-67	-10.5%
1650.00	553	478	-75	-13.6%	600	526	-74	-12.3%	642	573	-69	-10.8%
1660.00	557	480	-77	-13.8%	603	528	-76	-12.6%	646	574	-72	-11.1%
1670.00	560	481	-79	-14.1%	607	529	-78	-12.8%	649	575	-74	-11.4%
1680.00	563	482	-81	-14.4%	610	530	-80	-13.1%	653	577	-76	-11.7%
1690.00	566	483	-83	-14.6%	614	531	-82	-13.4%	657	578	-78	-11.9%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

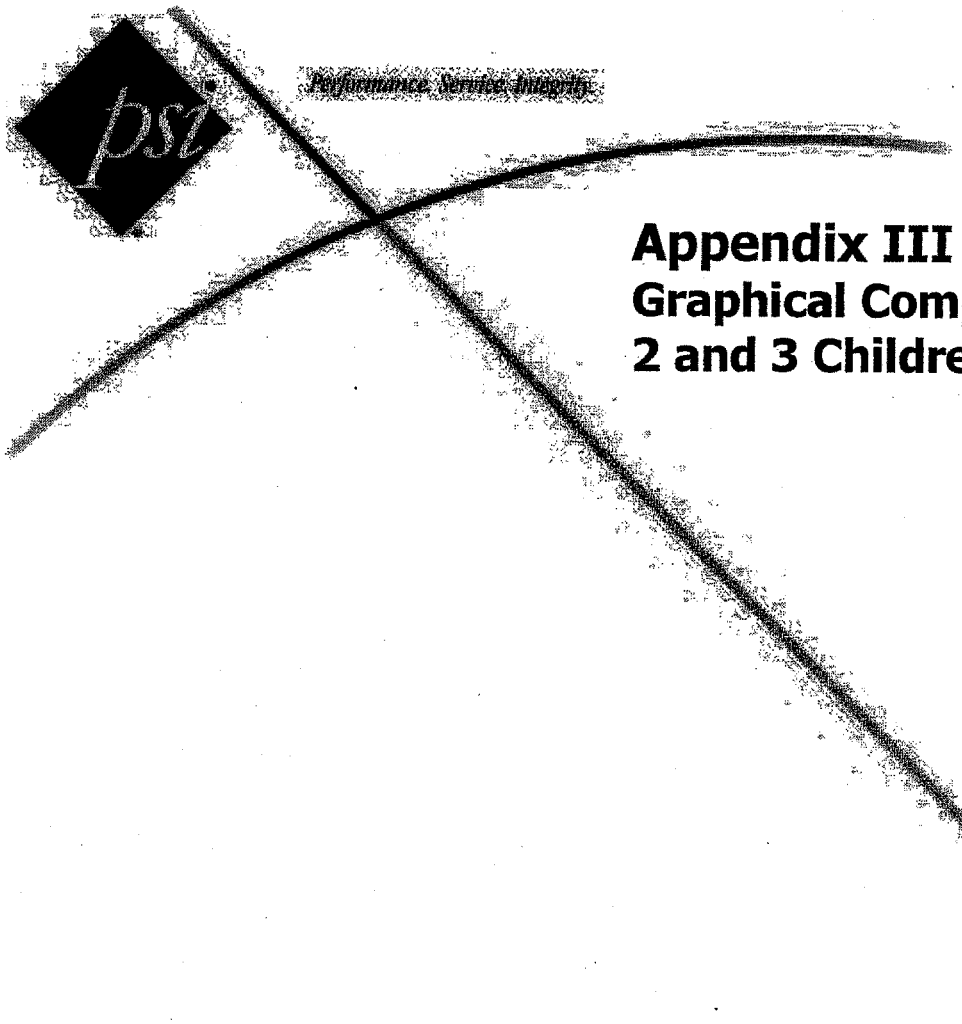
Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
1700.00	569	484	-85	-14.9%	617	533	-84	-13.6%	660	580	-80	-12.2%
1710.00	572	486	-86	-15.1%	620	535	-86	-13.8%	664	582	-82	-12.4%
1720.00	575	488	-88	-15.3%	624	536	-87	-14.0%	667	584	-84	-12.6%
1730.00	579	489	-89	-15.5%	627	538	-89	-14.2%	671	585	-86	-12.8%
1740.00	582	491	-91	-15.7%	631	540	-91	-14.4%	675	587	-87	-13.0%
1750.00	585	492	-93	-15.8%	634	542	-93	-14.6%	678	589	-89	-13.2%
1760.00	588	494	-94	-16.0%	637	543	-94	-14.8%	682	591	-91	-13.3%
1770.00	591	495	-96	-16.2%	641	545	-96	-15.0%	686	593	-93	-13.5%
1780.00	594	497	-97	-16.4%	644	547	-98	-15.1%	689	595	-95	-13.7%
1790.00	598	499	-99	-16.6%	648	548	-99	-15.3%	693	597	-96	-13.9%
1800.00	601	500	-101	-16.7%	651	550	-101	-15.5%	697	599	-98	-14.1%
1810.00	604	502	-102	-16.9%	655	552	-103	-15.7%	700	600	-100	-14.3%
1820.00	607	503	-104	-17.1%	658	554	-104	-15.9%	704	602	-102	-14.4%
1830.00	610	505	-105	-17.2%	661	555	-106	-16.0%	707	604	-103	-14.6%
1840.00	612	506	-106	-17.2%	663	557	-106	-16.0%	710	606	-104	-14.6%
1850.00	614	508	-106	-17.3%	666	559	-107	-16.1%	712	608	-104	-14.6%
1860.00	616	510	-107	-17.3%	668	561	-107	-16.1%	715	610	-105	-14.7%
1870.00	618	511	-107	-17.3%	670	562	-108	-16.1%	717	612	-106	-14.7%
1880.00	621	513	-108	-17.4%	673	564	-109	-16.2%	720	614	-106	-14.7%
1890.00	623	514	-108	-17.4%	675	566	-109	-16.2%	722	616	-107	-14.8%
1900.00	625	516	-109	-17.4%	677	568	-110	-16.2%	725	617	-107	-14.8%
1910.00	627	517	-110	-17.5%	680	569	-111	-16.3%	727	619	-108	-14.9%
1920.00	629	519	-110	-17.5%	682	571	-111	-16.3%	730	621	-109	-14.9%
1930.00	631	521	-111	-17.5%	684	573	-112	-16.3%	732	623	-109	-14.9%
1940.00	634	522	-111	-17.6%	687	574	-112	-16.4%	735	625	-110	-14.9%
1950.00	636	524	-112	-17.6%	689	576	-113	-16.4%	737	627	-110	-15.0%
1960.00	638	525	-112	-17.6%	691	578	-114	-16.4%	740	629	-111	-15.0%
1970.00	640	527	-113	-17.7%	694	580	-114	-16.5%	742	631	-112	-15.0%
1980.00	642	529	-114	-17.7%	696	581	-115	-16.5%	745	633	-112	-15.1%
1990.00	644	530	-114	-17.7%	698	583	-115	-16.5%	747	634	-113	-15.1%
2000.00	646	532	-115	-17.8%	701	585	-116	-16.5%	750	636	-114	-15.1%
2010.00	649	533	-115	-17.8%	703	587	-117	-16.6%	752	638	-114	-15.2%
2020.00	651	535	-116	-17.8%	705	588	-117	-16.6%	755	640	-115	-15.2%
2030.00	653	536	-117	-17.9%	708	590	-118	-16.6%	757	642	-115	-15.2%
2040.00	655	538	-117	-17.9%	710	592	-118	-16.7%	760	644	-116	-15.3%
2050.00	657	540	-118	-17.9%	712	593	-119	-16.7%	762	646	-117	-15.3%
2060.00	659	541	-118	-17.9%	715	595	-120	-16.7%	765	648	-117	-15.3%
2070.00	662	543	-119	-18.0%	717	597	-120	-16.8%	767	649	-118	-15.4%
2080.00	664	544	-119	-18.0%	719	599	-121	-16.8%	770	651	-118	-15.4%
2090.00	666	546	-120	-18.0%	722	600	-121	-16.8%	772	653	-119	-15.4%
2100.00	668	547	-121	-18.1%	724	602	-122	-16.8%	775	655	-120	-15.4%
2110.00	670	549	-121	-18.1%	726	604	-123	-16.9%	777	657	-120	-15.5%
2120.00	672	551	-122	-18.1%	729	606	-123	-16.9%	780	659	-121	-15.5%
2130.00	674	552	-122	-18.1%	731	607	-124	-16.9%	782	661	-122	-15.5%
2140.00	677	554	-123	-18.2%	733	609	-124	-17.0%	785	663	-122	-15.6%
2150.00	679	555	-124	-18.2%	736	611	-125	-17.0%	787	665	-123	-15.6%
2160.00	681	557	-124	-18.2%	738	613	-126	-17.0%	790	666	-123	-15.6%
2170.00	683	558	-125	-18.3%	741	614	-127	-17.1%	793	668	-124	-15.7%
2180.00	686	560	-126	-18.4%	744	616	-128	-17.2%	796	670	-125	-15.8%
2190.00	689	561	-127	-18.5%	746	617	-129	-17.3%	799	672	-127	-15.9%
2200.00	691	563	-129	-18.6%	749	619	-130	-17.4%	802	673	-128	-16.0%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

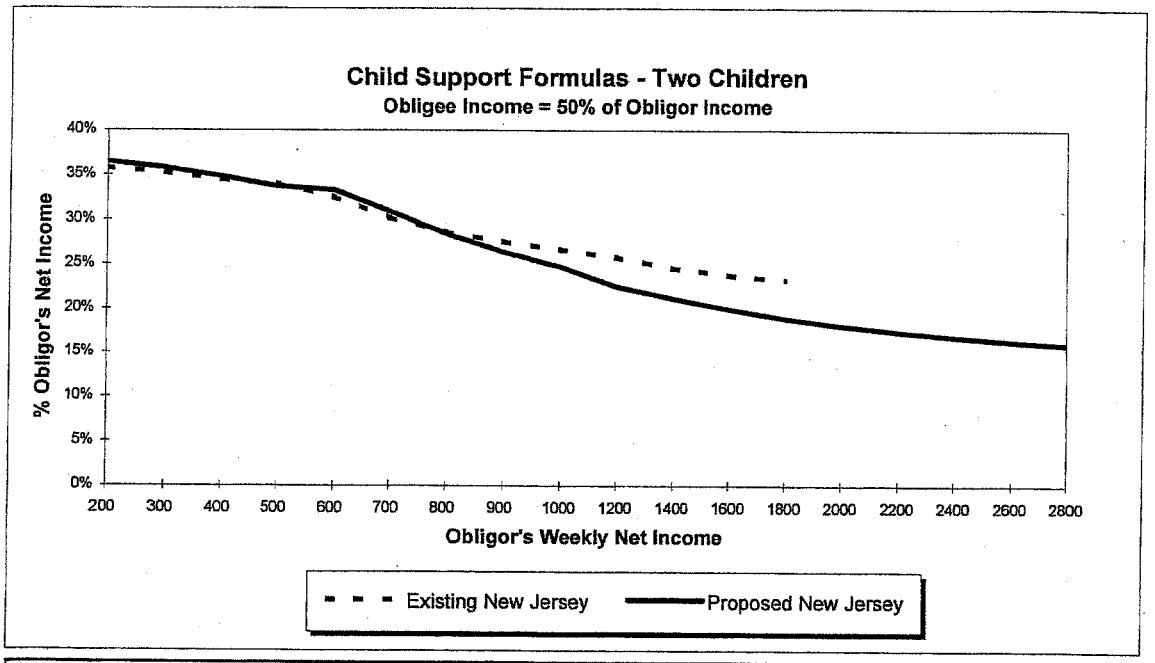
Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
2210.00	694	564	-130	-18.7%	752	620	-132	-17.5%	805	675	-130	-16.1%
2220.00	696	565	-131	-18.8%	755	622	-133	-17.6%	808	676	-131	-16.3%
2230.00	699	566	-133	-19.0%	758	623	-135	-17.8%	811	678	-133	-16.4%
2240.00	702	568	-134	-19.1%	760	624	-136	-17.9%	814	679	-134	-16.5%
2250.00	704	569	-135	-19.2%	763	626	-137	-18.0%	817	681	-136	-16.6%
2260.00	707	570	-137	-19.3%	766	627	-139	-18.1%	820	682	-137	-16.8%
2270.00	709	571	-138	-19.4%	769	629	-140	-18.2%	823	684	-139	-16.9%
2280.00	712	573	-139	-19.6%	772	630	-142	-18.4%	826	685	-140	-17.0%
2290.00	715	574	-141	-19.7%	775	631	-143	-18.5%	829	687	-142	-17.1%
2300.00	717	575	-142	-19.8%	777	633	-145	-18.6%	832	688	-143	-17.2%
2310.00	720	577	-143	-19.9%	780	634	-146	-18.7%	835	690	-145	-17.3%
2320.00	722	578	-145	-20.0%	783	636	-147	-18.8%	838	692	-146	-17.5%
2330.00	725	579	-146	-20.1%	786	637	-149	-18.9%	841	693	-148	-17.6%
2340.00	728	580	-147	-20.2%	789	638	-150	-19.1%	844	695	-149	-17.7%
2350.00	730	582	-148	-20.3%	791	640	-152	-19.2%	847	696	-151	-17.8%
2360.00	733	583	-150	-20.4%	794	641	-153	-19.3%	850	698	-152	-17.9%
2370.00	735	584	-151	-20.6%	797	643	-155	-19.4%	853	699	-154	-18.0%
2380.00	738	585	-152	-20.7%	800	644	-156	-19.5%	856	701	-155	-18.1%
2390.00	740	587	-154	-20.8%	803	645	-157	-19.6%	859	702	-157	-18.2%
2400.00	743	588	-155	-20.9%	805	647	-159	-19.7%	862	704	-158	-18.4%
2410.00	746	589	-156	-21.0%	808	648	-160	-19.8%	865	705	-160	-18.5%
2420.00	748	590	-158	-21.1%	811	650	-162	-19.9%	868	707	-161	-18.6%
2430.00	751	592	-159	-21.2%	814	651	-163	-20.0%	871	708	-163	-18.7%
2440.00	753	593	-160	-21.3%	817	652	-164	-20.1%	874	710	-164	-18.8%
2450.00	756	594	-162	-21.4%	820	654	-166	-20.2%	877	711	-166	-18.9%
2460.00	759	596	-163	-21.5%	822	655	-167	-20.3%	880	713	-167	-19.0%
2470.00	761	597	-164	-21.6%	825	656	-169	-20.4%	883	714	-169	-19.1%
2480.00	764	598	-166	-21.7%	828	658	-170	-20.5%	886	716	-170	-19.2%
2490.00	766	599	-167	-21.8%	831	659	-172	-20.6%	889	717	-172	-19.3%
2500.00	769	601	-168	-21.9%	834	661	-173	-20.7%	892	719	-173	-19.4%
2510.00	772	602	-170	-22.0%	836	662	-174	-20.8%	895	720	-175	-19.5%
2520.00	774	603	-171	-22.1%	839	663	-176	-20.9%	898	722	-176	-19.6%
2530.00	777	604	-172	-22.2%	842	665	-177	-21.0%	901	723	-178	-19.7%
2540.00	779	606	-174	-22.3%	845	666	-179	-21.1%	904	725	-179	-19.8%
2550.00	782	607	-175	-22.4%	848	668	-180	-21.2%	907	726	-181	-19.9%
2560.00	785	608	-176	-22.5%	850	669	-181	-21.3%	910	728	-182	-20.0%
2570.00	787	609	-178	-22.6%	853	670	-183	-21.4%	913	729	-184	-20.1%
2580.00	790	611	-179	-22.7%	856	672	-184	-21.5%	916	731	-185	-20.2%
2590.00	792	612	-180	-22.8%	859	673	-186	-21.6%	919	732	-187	-20.3%
2600.00	795	613	-182	-22.9%	862	675	-187	-21.7%	922	734	-188	-20.4%
2610.00	798	615	-183	-22.9%	865	676	-189	-21.8%	925	735	-190	-20.5%
2620.00	800	616	-184	-23.0%	867	677	-190	-21.9%	928	737	-191	-20.6%
2630.00	803	617	-186	-23.1%	870	679	-191	-22.0%	931	739	-193	-20.7%
2640.00	805	618	-187	-23.2%	873	680	-193	-22.1%	934	740	-194	-20.8%
2650.00	807	620	-188	-23.3%	875	682	-194	-22.1%	937	742	-195	-20.8%
2660.00	809	621	-188	-23.3%	877	683	-194	-22.1%	939	743	-196	-20.8%
2670.00	811	622	-189	-23.3%	879	684	-195	-22.2%	941	745	-196	-20.8%
2680.00	813	623	-189	-23.3%	881	686	-195	-22.2%	943	746	-197	-20.9%
2690.00	814	625	-190	-23.3%	883	687	-196	-22.2%	945	747	-197	-20.9%
2700.00	816	626	-191	-23.3%	885	688	-197	-22.2%	947	749	-198	-20.9%
2710.00	818	627	-191	-23.4%	887	690	-197	-22.2%	949	750	-198	-20.9%

Comparison 2
Comparison of Existing and Proposed Child Support Schedules
Four - Six Children

Combined Adjusted Net Income	Four Children				Five Children				Six Children			
	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference	Existing	Proposed	dollar difference	percentage difference
2720.00	820	628	-192	-23.4%	889	691	-198	-22.2%	951	752	-199	-20.9%
2730.00	822	629	-192	-23.4%	891	692	-198	-22.3%	953	753	-200	-21.0%
2740.00	823	630	-193	-23.4%	892	694	-199	-22.3%	955	755	-200	-21.0%
2750.00	825	632	-193	-23.4%	894	695	-199	-22.3%	957	756	-201	-21.0%
2760.00	827	633	-194	-23.5%	896	696	-200	-22.3%	959	757	-202	-21.0%
2770.00	829	634	-194	-23.5%	898	697	-201	-22.3%	961	759	-202	-21.0%
2780.00	830	635	-195	-23.5%	900	699	-201	-22.4%	963	760	-203	-21.1%
2790.00	832	636	-196	-23.5%	902	700	-202	-22.4%	965	762	-203	-21.1%
2800.00	834	638	-196	-23.5%	904	701	-202	-22.4%	967	763	-204	-21.1%
2810.00	836	639	-197	-23.5%	906	703	-203	-22.4%	969	765	-205	-21.1%
2820.00	837	640	-197	-23.6%	908	704	-204	-22.4%	971	766	-205	-21.1%
2830.00	839	641	-198	-23.6%	910	705	-204	-22.5%	973	767	-206	-21.1%
2840.00	841	642	-198	-23.6%	911	707	-205	-22.5%	975	769	-206	-21.2%
2850.00	843	644	-199	-23.6%	913	708	-205	-22.5%	977	770	-207	-21.2%
2860.00	844	645	-200	-23.6%	915	709	-206	-22.5%	979	772	-208	-21.2%
2870.00	846	646	-200	-23.7%	917	711	-207	-22.5%	981	773	-208	-21.2%
2880.00	848	647	-201	-23.7%	919	712	-207	-22.5%	983	775	-209	-21.2%
2890.00	850	648	-201	-23.7%	921	713	-208	-22.6%	985	776	-210	-21.3%
2900.00	851	650	-202	-23.7%	923	715	-208	-22.6%	988	777	-210	-21.3%
2910.00		651				716				779		
2920.00		652				717				780		
2930.00		653				718				782		
2940.00		654				720				783		
2950.00		656				721				785		
2960.00		657				722				786		
2970.00		658				724				787		
2980.00		659				725				789		
2990.00		660				726				790		
3000.00		662				728				792		
3010.00		663				729				793		
Average Diference			-$74	-10.8%			-$73	-9.4%			-$70	-7.9%
Minimum			-$202	-23.7%			-$208	-22.6%			-$210	-21.3%
Maximum			$3	1.2%			$10	2.7%			$18	4.4%
Income Breakpoint (where orders begin to decrease)				$510				$690				$1,180



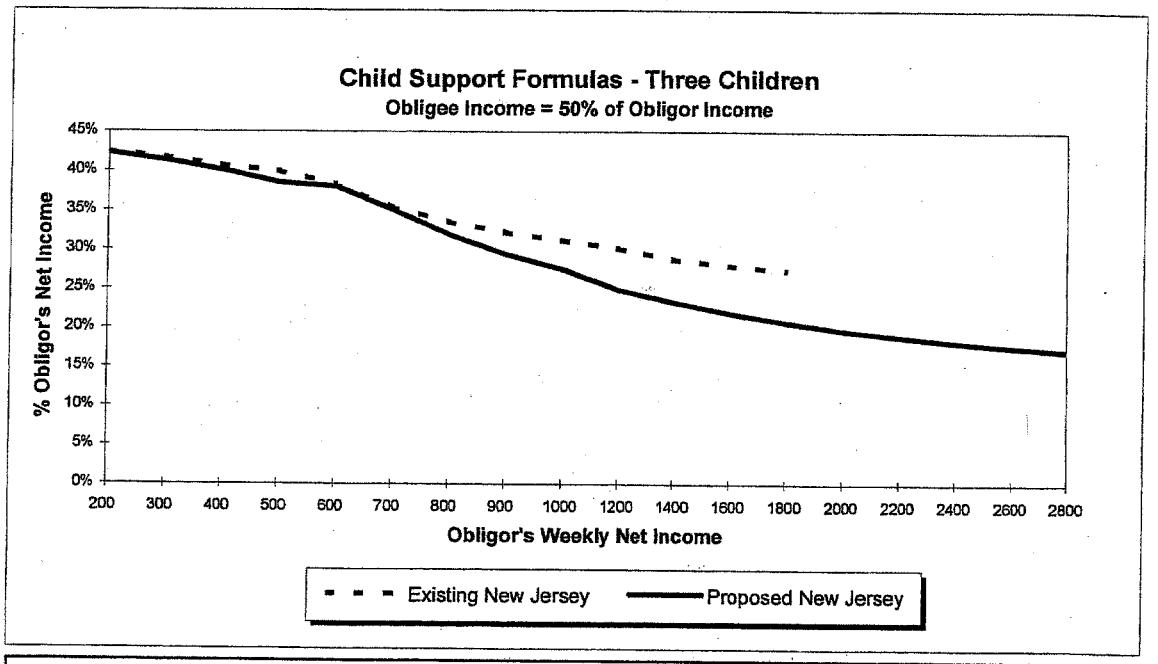
Appendix III
Graphical Comparisons of 2 and 3 Children



CHILD SUPPORT FORMULAS - TWO CHILDREN
Obligee Income = 50% of Obligor Income

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	72	73	200	36%	36%
300	106	107	300	35%	36%
400	138	139	400	34%	35%
500	170	168	500	34%	34%
600	195	200	600	33%	33%
700	211	216	700	30%	31%
800	229	227	800	29%	28%
900	247	237	900	27%	26%
1000	266	247	1000	27%	25%
1200	309	270	1200	26%	22%
1400	344	296	1400	25%	21%
1600	381	319	1600	24%	20%
1800	418	341	1800	23%	19%
2000		362	2000		18%
2200		383	2200		17%
2400		404	2400		17%
2600		425	2600		16%
2800		446	2800		16%

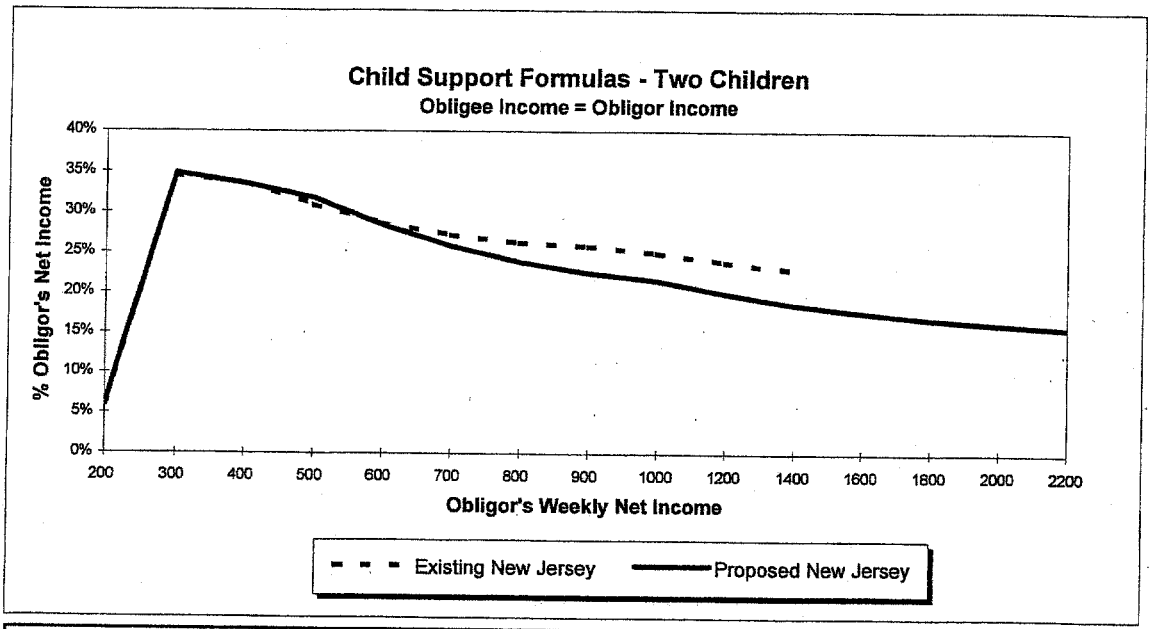
Shaded area indicates where low income adjustment is applied.



CHILD SUPPORT FORMULAS - THREE CHILDREN
Obligee Income = 50% of Obligor Income

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	85	85	200	42%	42%
300	125	124	300	42%	41%
400	163	160	400	41%	40%
500	200	193	500	40%	39%
600	230	228	600	38%	38%
700	248	246	700	35%	35%
800	268	255	800	34%	32%
900	290	265	900	32%	29%
1000	312	275	1000	31%	28%
1200	362	299	1200	30%	25%
1400	403	327	1400	29%	23%
1600	448	352	1600	28%	22%
1800	492	374	1800	27%	21%
2000		396	2000		20%
2200		417	2200		19%
2400		438	2400		18%
2600		460	2600		18%
2800		481	2800		17%

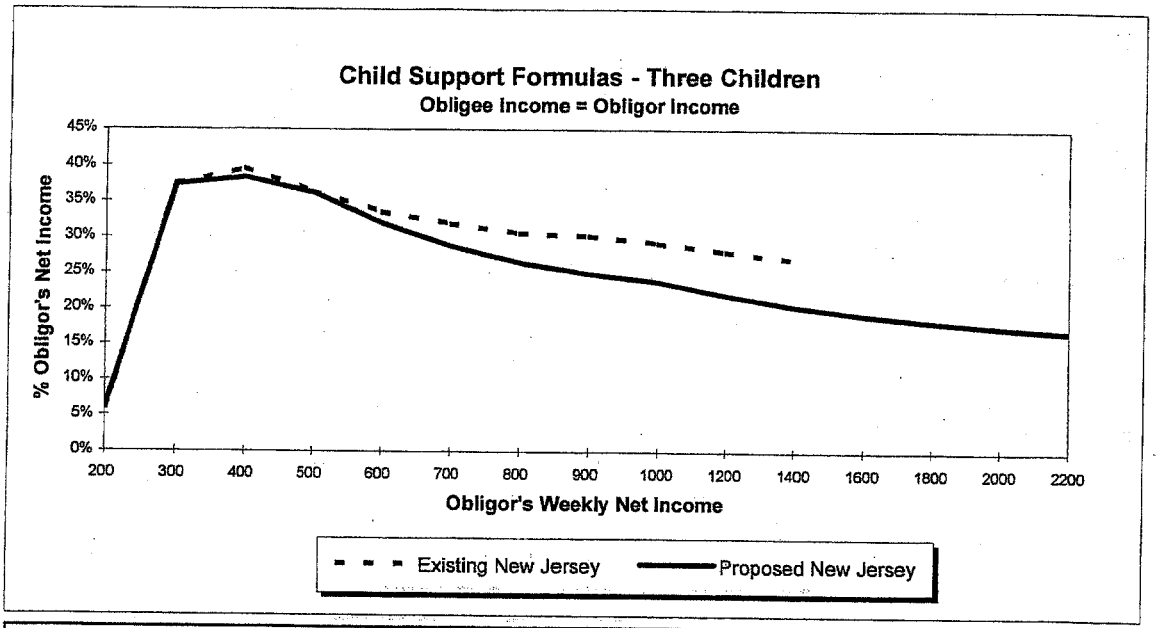
Shaded area indicates where low income adjustment is applied.



CHILD SUPPORT FORMULAS - TWO CHILDREN
Obligee Income = Obligor Income

Obligor's Net Weekly Income	Support Due ($$ per month) Existing New Jersey	Support Due ($$ per month) Proposed New Jersey	Obligor's Net Weekly Income	% of Obligor's Net Income Existing New Jersey	% of Obligor's Net Income Proposed New Jersey
200			200	6%	6%
300	103	104	300	34%	35%
400	134	134	400	34%	33%
500	155	159	500	31%	32%
600	172	170	600	29%	28%
700	190	180	700	27%	26%
800	209	190	800	26%	24%
900	232	202	900	26%	22%
1000	249	216	1000	25%	22%
1200	286	240	1200	24%	20%
1400	320	261	1400	23%	19%
1600		282	1600		18%
1800		303	1800		17%
2000		324	2000		16%
2200		345	2200		16%

Shaded area indicates where low income adjustment is applied.



CHILD SUPPORT FORMULAS - THREE CHILDREN
Obligee Income = Obligor Income

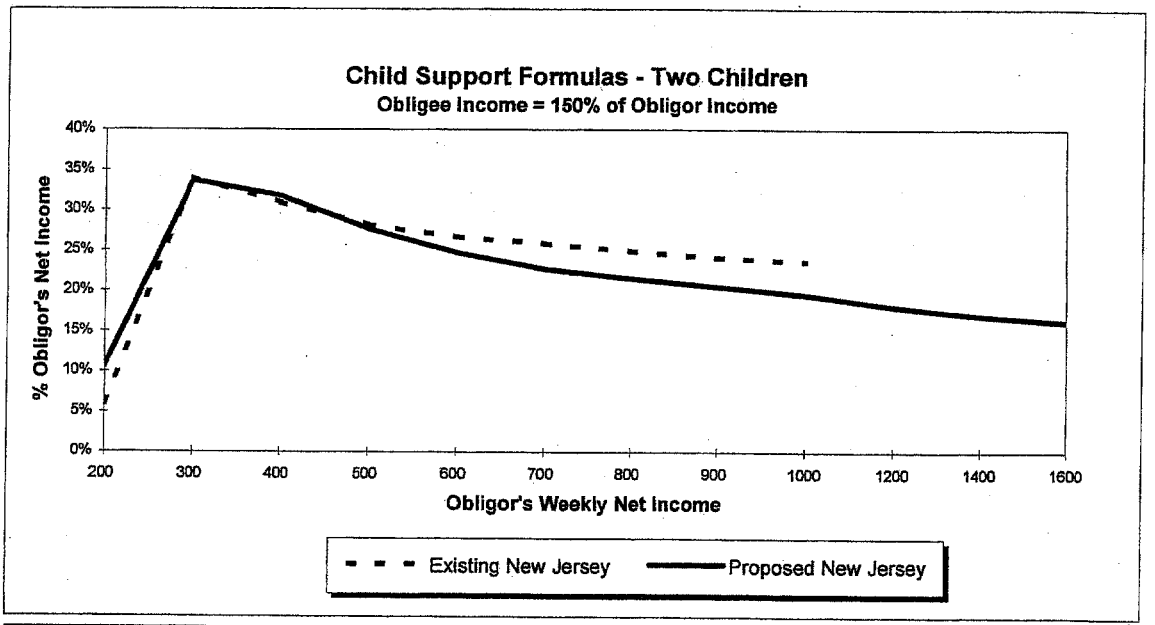
Support Due ($$ per month)

Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200		
300		
400	158	153
500	182	181
600	201	191
700	223	201
800	245	212
900	272	224
1000	293	238
1200	336	264
1400	377	286
1600		307
1800		329
2000		350
2200		372

% of Obligor's Net Income

Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	6%	6%
300	37%	37%
400	40%	38%
500	36%	36%
600	34%	32%
700	32%	29%
800	31%	26%
900	30%	25%
1000	29%	24%
1200	28%	22%
1400	27%	20%
1600		19%
1800		18%
2000		18%
2200		17%

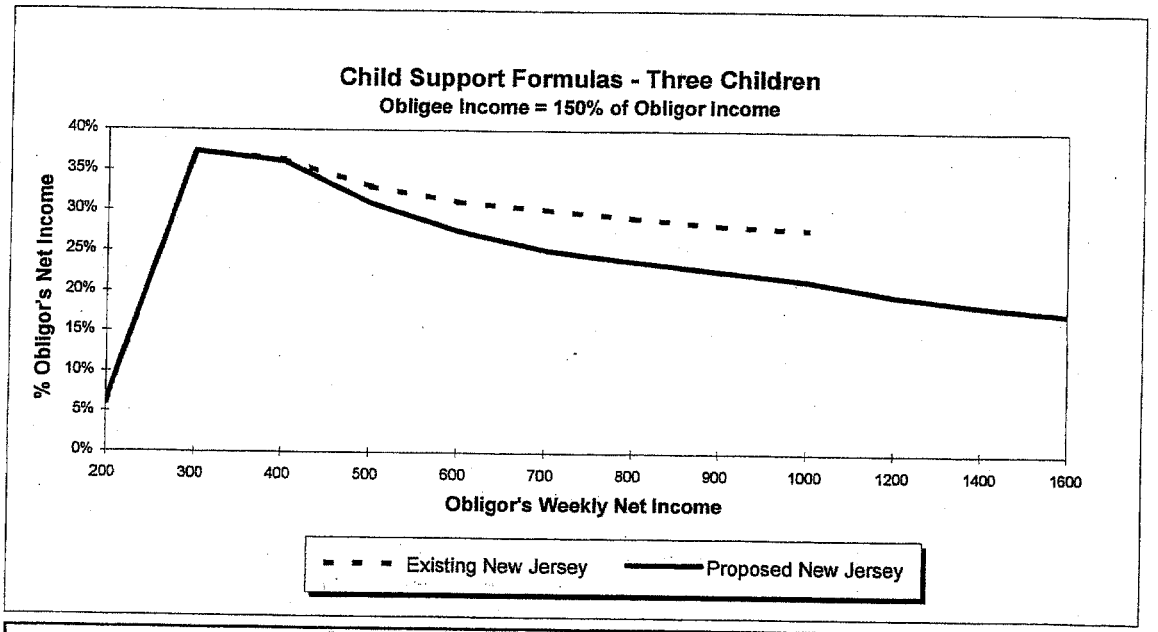
Shaded area indicates where low income adjustment is applied.



CHILD SUPPORT FORMULAS - TWO CHILDREN
Obligee Income = 150% of Obligor Income

Support Due ($$ per month)			% of Obligor's Net Income		
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey	Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	[illegible]	[illegible]	200	6%	11%
300	102	101	300	34%	34%
400	124	127	400	31%	32%
500	141	138	500	28%	28%
600	160	148	600	27%	25%
700	181	159	700	26%	23%
800	200	173	800	25%	22%
900	217	185	900	24%	21%
1000	236	196	1000	24%	20%
1200		217	1200		18%
1400		238	1400		17%
1600		259	1600		16%

Shaded area indicates where low income adjustment is applied.



CHILD SUPPORT FORMULAS - THREE CHILDREN
Obligee Income = 150% of Obligor Income

Support Due ($$ per month)

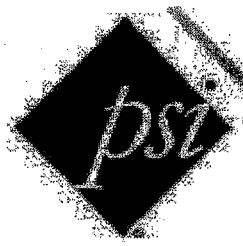
Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200		
300		
400	145	145
500	165	155
600	187	165
700	212	177
800	234	191
900	255	204
1000	278	215
1200		237
1400		259
1600		280

% of Obligor's Net Income

Obligor's Net Weekly Income	Existing New Jersey	Proposed New Jersey
200	6%	6%
300	37%	37%
400	36%	36%
500	33%	31%
600	31%	28%
700	30%	25%
800	29%	24%
900	28%	23%
1000	28%	22%
1200		20%
1400		18%
1600		18%

Shaded area indicates where low income adjustment is applied.

Attachment B



NEW JERSEY
Findings from Child Support Order Case File Reviews

January 12, 2005

Submitted to:
State of New Jersey
Administrative Office of the Courts
Trenton, New Jersey 08625

Submitted by:
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Appendix I – Guidelines Worksheets

Appendix II – Deviation Reasons

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Executive Summary

In accordance to federal regulation [45 CFR 302.56], New Jersey is reviewing its child support guidelines. As part of that review, New Jersey has conducted a case file review to determine the extent to which child support guidelines are applied and deviated. After reviewing over 2,400 case files, New Jersey has found that the guidelines were applied in 96 percent of the orders and the guidelines are deviated from in 4 percent of the orders. This is comparable to New Jersey's previous guidelines deviation rate of 3 percent and much lower than the deviation rate in other states. Since deviations are permissible when the guidelines-determined amount would be unjust, inappropriate or not in the best interest of the child, this implies the New Jersey guidelines are working well.

The case file review also reveals many characteristics of recently established and modified child support orders. Many cases involve poor parents. This includes custodial and noncustodial parents and the FD (non-dissolution) and FM (dissolution) cases, where most child support orders are issued. For example, about half (48%) of the custodial parents in FD (non-dissolution) orders have poverty incomes. Noncustodial parents and FM (dissolution) cases are less likely to have poverty incomes, but poverty still exists. For example, 8 percent of noncustodial parent in FM (dissolution) orders have poverty incomes.

The New Jersey Guidelines permits many adjustments for individual circumstances of the case (e.g., either parent has a prior child support orders, additional dependents, or eligible child care expenses; or pays additional premium costs to insure the child, unreimbursed health care costs for the child, or additional expenses such as educational expenses). These adjustments are applied in 1 to 38 percent of the orders depending on the adjustment and the docket type. The only exceptions are unreimbursed health care costs and additional expenses. There were no cases with unreimbursed health care costs and only a few orders with additional expenses.

The New Jersey Guidelines are unique because they allow a shared-parenting time adjustment for routine visitation, provided certain criteria are met. Shared-parenting time adjustments were applied in 17 percent of the FD (non-dissolution) orders and 30 percent of the FM (dissolution) orders. The average adjustment for shared-parenting time is $12 and $14 per week, respectively, among FD (non-dissolution) and FM (dissolution) orders.

New Jersey Guidelines provide a self support reserve equivalent to 105 percent of the federal poverty guidelines. If the custodial parent's income is above the self support reserve and the noncustodial parent's income after child support is less than the self support reserve, there may be a downward adjustment to the order. This adjustment was applied in about one third (13%) of the FD (non-dissolution) orders and 10 percent of the FM (dissolution orders). The adjustment may have been applied in more orders if the custodial parent had income above the self support reserve.

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Introduction

This report has been prepared under contract with the New Jersey Administrative Office of the Courts (AOC). The New Jersey Child Support Guidelines are being reviewed in accordance with a requirement of the Family Support Act of 1988 [P.L. 100-485]. Federal regulations [45 CFR 302.56] further require that the review must include an analysis of case data on the application of, and deviation from, the guidelines. The information is to be used to "ensure that deviations from the guidelines are limited."

This report provides the findings from analyses of New Jersey child support case files. Particular emphasis is placed on determining the guidelines deviation rate, the directions and amounts of the deviations, and the reasons for the deviations.

ORGANIZATION OF REPORT

The remainder of this report is divided into five sections.

- The first section provides background information including a brief overview of the New Jersey Child Support Guidelines and a previous study examining guidelines usage and deviations in New Jersey.
- The second section describes how case file data were collected and how they are aggregated for analysis.
- The third section summarizes average order amounts, number of children for whom support is being determined and the incomes of the parents.
- The fourth section summarizes the application of the guidelines, particularly the application of adjustments for special factors (e.g., additional dependents, shared parenting time).
- The fifth section provides the findings from the analysis for guidelines deviations and compares it to findings from other studies.

Background

The New Jersey Child Support Guidelines are based on the Income Shares model, which was recommended by the 1983-87 National Child Support Guidelines Advisory Panel. The Income Shares model calculates child support based on both parents' incomes. It presumes that the child is entitled to the same amount of expenditures the child would have received had the parents lived together. At the core of the New Jersey Guidelines is the "Basic Child Support Award Schedule," which is a look-up table that shows the average amount of child-rearing expenditures in intact families for a range of combined parental incomes and one to six children. The amount from the Schedule is prorated between the parents in the guidelines calculation. The custodial parent's share is assumed to be spent directly on the child. The noncustodial parent's share is the child support order. The Schedule excludes child care costs, the premium cost of carrying health insurance for the children, and the unreimbursed health care expenses for the child. Those expenses are prorated between the parents and added or subtracted from base support depending on which parent is paying the expense. The New Jersey Guidelines also permits additional adjustments for other factors that are discussed later.

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FEDERAL REQUIREMENTS

Federal law required states to promulgate advisory guidelines by 1987 and presumptive guidelines by 1989. The guidelines are to be applied statewide and be made available to persons whose duty it is to set child support award amounts. The presumptive guidelines amount can be rebutted based on state-determined criteria. In determining the criteria, states must consider the best interest of the child and what would be unjust or inappropriate in a particular case.

NEW JERSEY'S EXISTING GUIDELINES

Since New Jersey adopted statewide guidelines in 1985, it has conducted several reviews that resulted in many changes to the guidelines over time, including updates to the schedule to reflect more current economic factors. Although the guidelines have been reviewed since, the last time that there were substantive changes to the Schedule and guideline formula accompanying the Schedule was in 1997.

Key factors considered in the calculation of child support are shown in Exhibit 1. They include each party's net income, additional dependents of either parent, a self support reserve available to both parties, eligible child care costs, the premium costs associated with the child's health insurance, unreimbursed health care expenses made on behalf of the child, and additional expenses such as extraordinary educational expenses.

Exhibit 1
Selected Factors Considered in the Calculation of Child Support under New Jersey Guidelines

- ✓ The custodial parent's net income
- ✓ The noncustodial parent's net income
- ✓ A self support reserve equivalent to the federal poverty guidelines
- ✓ Additional dependents of either party
- ✓ Percent of overnights with each party
- ✓ Eligible child care costs
- ✓ Premium costs of child's health insurance coverage
- ✓ Unreimbursed health care expenses for the child
- ✓ Other court-approved expenses (e.g., extraordinary education expenses)

There are two guidelines worksheets for New Jersey: one for sole custody cases and the other for shared-parenting time cases. They are contained in Appendix I.

Guidelines Deviation Criteria

The Court may deviate from the guidelines to accommodate the needs of the children or the parents' circumstances. The following deviation factors are provided [NJSA 2A:34-23(a) and NJSA 9:17-53(e)]:

- Needs of the child;
- Standard of living and economic circumstances of each parent;
- All sources of income and assets of each parent;
- Earning ability of each parent, including educational background, training, employment skills, work experience, custodial responsibility for children including the cost of providing child care and the length of time and cost of each parent to obtain training or experience for appropriate employment;
- Need and capacity of the child for education, including higher education;
- Age and health of the child and each parent;
- Income, assets and earning ability of the child;
- Responsibility of the parents for the support of others;

- Debts and liabilities of each child and parent; and
- Any other factors the court may deem relevant if the amount determined in unjust, inappropriate, or not in the child's best interest.

DETERMINATION OF SUPPORT AWARDS

Child support orders are established and modified through a judicial process in New Jersey. Orders are typically established or modified through the Family Division of the Superior Court, which includes a Child Support Hearing Officer Program to expedite court proceedings and assist litigants who are not parties to a divorce proceeding in reaching mutual decisions. A Hearing Officer adjudicates most complaints for child support among non-dissolution cases. They hear IV-D cases; that is, county child support program cases. Contested, dissolution cases are generally heard by a Judge, although first they may be referred to a mediation program or another diversionary program. Other Family Division units, such as the Domestic Violence units, may also establish child support orders; yet, only a small number of orders are issued through these other units.

PREVIOUS CASE FILE REVIEWS

New Jersey participated in a national guidelines study sponsored by the federal Office of Child Support Enforcement (OCSE).[1] The study encompassed 11 states and 21 counties, averaging two counties per state. States were encouraged to cooperate with the study on the basis that the cases reviewed in that particular state would satisfy the federal requirement to conduct a case file review.

The OCSE study reviewed 438 cases in two New Jersey counties. The New Jersey counties participating in the study were unnamed. Most (99%) of the New Jersey cases reviewed were IV-D cases. The percent of cases reviewed with a deviation from the guidelines amount was 4 percent in one New Jersey county and 0 percent in the other New Jersey county. The deviation rates among the other counties participating in the study ranged from 1 to 41 percent. The overall rate was 17 percent. All of the New Jersey deviations were downward. In contrast, 83 percent of all cases in the study with deviations were downward. The most frequent reason for deviation among all cases was agreement between the parties. The study did not report reasons for deviations by state or county.

Data Collection and Methodology

Data Collection

The AOC with assistance from LegalPlus was able to extract automated guidelines worksheets from recently established and modified orders for the case data analyses. This data collection method was superior to other methods such as hard copy case file reviews because it avoided the need to dedicate staff to pull case files, the development of data collection instruments and sampling plans, data entry and cleaning, and staff traveling between counties to review cases. The automated worksheets were extracted from court local area networks

[1]CSR, Incorporated and the American Bar Association Center on Children and the Law, *Evaluation of Child Support Guidelines: Volume 1; Findings and Conclusions*, Report to the federal Office of Child Support Enforcement, Washington, D.C. (March 1996).

(LANs) in three New Jersey vicinages using a software application designed by LegalPlus specifically for this project. It is envisioned that guidelines users who wish to monitor or track their case files and guidelines applications could also use the software application in the future.

LegalPlus developed the automated guidelines software, which is used in all New Jersey courts to compute the guidelines amount. The software typically resides on individual personal computers, but many courts have begun to save guidelines calculations on their LANs. In addition, the guidelines calculation is normally contained in the hardcopy court case file or another record of legal proceeding.

Counties Participating in Study

There are 21 counties and 15 vicinages in New Jersey. (Vicinages combine one or more counties into a judicial district.) The goal was to obtain automated guidelines worksheets from recently established or modified orders in at least two counties or vicinages (preferably a large and small county). AOC contacted vicinages to determine which vicinages save automated guidelines calculations for recently determined or modified orders on their LAN and whether they would cooperate with the study. Using these criteria, AOC found three vicinages comprising five counties: Burlington, Essex, Cumberland, Gloucester, and Salem. The last three counties form one vicinage. Burlington and Essex Counties are each a vicinage. Exhibit 2 displays the number of cases reviewed from each vicinage and other relevant statistics.

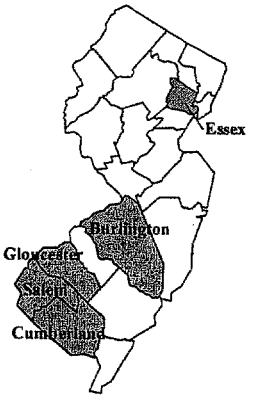

Exhibit 2
Number of Cases Reviewed, Population and Number of Orders Established and Modified

	Burlington County/ Vicinage	Cumberland, Gloucester, and Salem Counties/ Vicinage	Essex County/ Vicinage	Vicinages Participating in Study	State	Sampled Vicinages as % of State
Population (2000)	423,394	465,396	793,633	1,682,423	8,414,350	20%
Orders Established by Hearing Officers[a]	743	747	1,833	3,321	11,668	28%
Orders Modified by Hearing Officers[a]	337	570	408	1,315	5,239	25%
Orders Reviewed						
• All	271	731	1,432	2,434	2,434	100%
• FD (non-dissolution)	178	676	1,365	2,219	2,219	100%
• FM (dissolution)	61	16	21	98	98	100%
• Other[b]	32	39	46	117	117	100%

[a]Orders established are the average annuals from FY2002 and 2003, which is also within the time period in which the reviewed case was filed or the order was issued. Modifications are from FY2003. Counts are not available for FM (dissolution cases).
[b]Other includes FV (Family Violence) dockets, other dockets and orders with missing docket numbers.

Case Selection and Data Limitations

A random sample from a "universe of cases" (statistical term for "all" cases) is typically used when collecting information on every case would be overly costly and time consuming. This was not an issue for this study because the data were pulled electronically. All recent case files that had automatic guidelines calculations available electronically were pulled for review. However, a few data limitations to this approach exist. First,

parents who agree to support may not have a guidelines calculation. Exclusion of these cases could understate actual deviation rates.[2] Secondly, we could not discern between newly established orders and modified orders; although based on docket numbers, it appears that both new and modified orders are represented. Finally, Hearing Officers tend to save automated guidelines worksheets more than Judges, so more non-dissolution cases (which tend to be IV-D cases) than dissolution cases (which tend to be non-IV-D cases) were reviewed.

The issue of the appropriate ratio between IV-D and non-IV-D case sampling is inherent to case file reviews. IV-D case files tend to outnumber non-IV-D case files in most state case files reviews. For example, the split between IV-D and non-IV-D cases in the OCSE child support guidelines study was 71%/29% overall and ranged from 100%/0% to 43%/57% in the 22 counties participating in the study. Unfortunately, the actual split between IV-D and non-IV-D is unknown. This information is necessary to develop an appropriate sample representative of IV-D and non-IV-D orders.[3]

As more information is recorded electronically, we are hopeful that future guidelines reviews will contain more and better information from non-IV-D orders. The Federal and State Case Registry will likely contribute to this. More and more jurisdictions are participating in the registries. As reporting improves, more reliable counts on the split between IV-D and non-IV-D orders will be available. In turn, that can be used to determine appropriate the sample size and sample strategy for subsequent case file reviews.

Data Analysis and Reporting of Findings

Averages are weighted based on the vicinage's share of orders established by Hearing Officers. Data are reported based on the weighted averages of all case file reviews, cases with FD (non-dissolution) docket numbers, and cases with FM (dissolution) docket numbers. Cases with FV (Family Violence) docket numbers, and other or missing docket numbers were not analyzed separately because they were few in number.

Order Amounts and Incomes

Exhibit 3 shows the number of children, order amounts, and the incomes of the parents among the cases reviewed compared to national statistics. Some of the key findings are highlighted below.

- *There are significant differences between FD (non-dissolution) and FM (dissolution) orders.* In general, FD (non-dissolution) orders involve fewer children, lower order amounts, and the incomes of the parents tend to be lower than those of FM (dissolution orders).

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[2] Whether this should be an actual issue of concern is arguable. Research indicates that child support guidelines help parents reach an agreement. Further, child support is more likely to paid in cases where the parents reach an agreement. For example, See Walter L. Ellis, *Applying Child Support Guidelines and Fathers' Subsequent Child Support Payment Compliance*, Report to the New Hampshire Department of Health and Human, Concord, NH (October 2001) and Laura Argys, et al., "Can the Family Support Act Put Some Life Back into Deadbeat Dads? An Analysis of Child Support Guidelines, Award Rates, and Levels," *Journal of Human Resources*, vol. 36, no. 2 (Spring 2001).

[3] Eventually, this statistic should be available from the Federal Case Registry as more states submit information for IV-D and non-IV-D cases. The most recent report from the Federal Case Registry shows a 92%/8% and 84%/16% split, respectively, among IV-D/non-IV-D cases nationally and New Jersey (Federal Office of Child Support Enforcement, *FY2002 Annual Statistical Report*, Washington, D.C., Table 74).

- *The characteristics of FM (dissolution) orders track more closely to national (Census) information than FD (non-dissolution orders).* For example, the percent of one-child orders is 56 among FM (dissolution cases) and 59 percent nationally (Census data). In contrast, the percent of one-child orders is 73 percent among FD (non-dissolution cases). Yet, the average order amount among FD (non-dissolution) orders ($84 per week) approximates the national average order amount ($91 per week); whereas, the average order amount among FM (dissolution) orders is higher ($137 per week). In large part, the difference may result from the New Jersey sample being recently established and modified orders. The national sample may include orders of any age, so is likely to include much older orders.
- *Many Parents Have Incomes below Poverty.* Poverty is measured with respect to net (after-tax) income. Over a quarter (28%) of the noncustodial parents among FD (non-dissolution) orders have net incomes below 105 percent of the 2003 poverty guidelines for one person ($181 per week). (As discussed later, the self support reserve is set at 105 percent of the poverty guidelines.) Over half (54%) of the custodial parents among FD (non-dissolution) orders have no income or incomes below poverty. The comparable percentages of parents with poverty income among FM (dissolution) orders is considerably less among noncustodial parents (8%), but still relatively large among custodial parents (39%).
- *In general, noncustodial parents have more income than custodial parents.* The majority (73%) of FD (non-dissolution) orders involve cases where the noncustodial parent's income is more than the custodial parent's income. The comparable percentage among FM (dissolution) orders is somewhat less. In two thirds (66%) of FM (dissolution) orders, the noncustodial parent's income is more than the custodial parent's income.

Exhibit 3
Number of Children, Order Amounts and Incomes of the Parents

	All Orders Reviewed (n = 2,434)	FD Non-Dissolution Orders (n = 2,219)	FM Dissolution Orders (n = 98)	U.S. Census[a]
Number of Children				
1 Child	73%	74%	56%	59%
2 Children	20%	19%	26%	29%
3 Children	5%	5%	12%	9%
4 or more Children	2%	2%	6%	4%
Average Number of Children	1.38	1.35	1.72	*not available*
Weekly Child Support Order				
$0	1%	1%	3%	
$1-$25	4%	4%	1%	
$26-$50	23%	24%	3%	
$51-$100	41%	42%	33%	*not available*
$101-$150	19%	19%	30%	
$151-$200	8%	6%	12%	
$201 or more	4%	3%	19%	
Average Weekly Order	$88	$84	$137	$91
Noncustodial Parent's Gross Weekly Income[b]				
$0 - $250	29%	30%	8%	
$251 - $500	40%	42%	38%	
$501 - $750	19%	18%	28%	
$751 - $1,000	6%	6%	11%	*not available*
$1,001 or more	6%	4%	15%	

Exhibit 3 Number of Children, Order Amounts and Incomes of the Parents				
	All Orders Reviewed (n = 2,434)	FD Non-Dissolution Orders (n = 2,219)	FM Dissolution Orders (n = 98)	U.S. Census[a]
Average Weekly Gross Income	$468	$425	$696	
Maximum Weekly Gross Income	$4,808[c]	$1,875	$3,788	
Custodial Parent's Gross Weekly Income[b]				
$0 - $250	59%	60%	45%	
$251 - $500	22%	23%	21%	
$501 - $750	11%	11%	17%	*not available*
$751 - $1,000	5%	4%	12%	
$1,001 or more	3%	2%	5%	
Average Weekly Gross Income	$255	$236	$388	$452
Maximum Weekly Gross Income	$3,654	$2,442	$3,654	
Noncustodial Parent's Net Weekly Income[b]				
Below $181 (105% of 2003 poverty)	27%	28%	8%	
$181 - $250	18%	19%	11%	
$251 - $500	40%	42%	48%	*not available*
$501 - $750	10%	9%	19%	
$751 or more	5%	2%	14%	
Average Weekly Net Income	$332	$306	$475	
Custodial Parent's Net Weekly Income[b]				
$0	48%	48%	29%	
$1- $181 (105% of 2003 poverty)	5%	6%	10%	
$181 - $250	12%	13%	13%	*not available*
$251 - $500	23%	24%	26%	
$501 - $750	9%	8%	15%	
$751 or more	3%	1%	7%	
Average Weekly Net Income	$195	$177	$301	
Noncustodial Parent's % of Combined Income[b]				
0-30%	4%	4%	7%	
31-45%	14%	13%	12%	
46-60%	21%	21%	22%	
61-75%	12%	11%	27%	*not available*
76-90%	2%	2%	3%	
91-100%	47%	48%	29%	
Average % of Combined Income	74%	75%	67%	
Noncustodial Parent Income Relative to Custodial Parent Income[b]				
• NCPs income is less than CP income	19%	19%	19%	*not available*
• NCP income and CP income are about equal[d]	8%	8%	15%	
• NCP income is more than CP income	73%	73%	66%	

[a]"Custodial Mothers and Fathers and Their Child Support: 1999" *Current Population Reports: Consumer Income*, P60-217, U.S. Census Bureau, Washington, D.C (October 2002).
[b]Noncustodial parents refers to noncustodial parents in sole custody cases and the parent of the alternate residence in shared parenting cases. Custodial parent refers to custodial parent in sole custody cases and the parent of the primary residence in shared parenting cases.
[c]The docket type for the maximum of all cases is unknown.
[d]Noncustodial parent's net income is 90 to 110% of custodial parent's net income

Although not shown in Exhibit 3, data were collected on the source of income. Most noncustodial and custodial parents (95 and 97%, respectively) have salary or wage income only. When a parent did have

income other than wage or salary income, it was typically from unemployment insurance. Other sources of income (albeit infrequent) included rents, taxable retirement income, disability income, and business income.

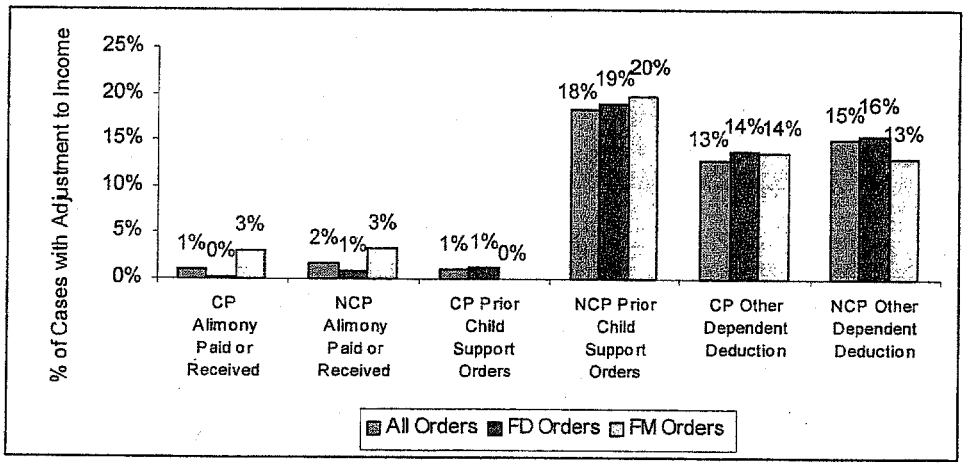
Adjustments for Special Factors

The Guidelines calculation provides adjustments for several special factors. Some of the factors result in subtractions from income prior to the calculation of support. Others are considered later in the calculation.

Adjustments to Income

Exhibit 4 shows the application of selected adjustments to income: alimony; prior child support orders; and theoretical support amounts for additional dependents.

Exhibit 4
Percent of Cases with Adjustments to Income for Selected Factors



Alimony

Alimony paid or received is to be subtracted or added from a parent's income. As evident in Exhibit 4, only a negligible percent of orders have an income adjustment for alimony. For example, 3 percent of custodial parents in FM (dissolution) orders receive alimony. The average amount of alimony received is $92 per week. The minimum and maximum amounts of alimony received or paid are $25 and $850 per week, respectively.

Prior Child Support Orders

The amount of a prior child support order is to be subtracted from the income of the parent paying it. (There is no addition to income if a parent receives child support on behalf of other children for whom the parent is the custodian.) As evident in Exhibit 4, few (1%) of the custodial parents have a prior child support order, yet 18 percent of the noncustodial parents have a prior child support order.[4] Prior support orders average $68 and $88 per week, respectively, among custodial and noncustodial parents. The maximum

[4]The percentages are higher among FD (non-dissolution) and FM (dissolution) orders because they have more noncustodial parents with prior orders than those orders that were missing docket numbers that were not analyzed separately but included in the total.

amounts subtracted for prior support orders were $232 and $369, respectively, among custodial and noncustodial parents.

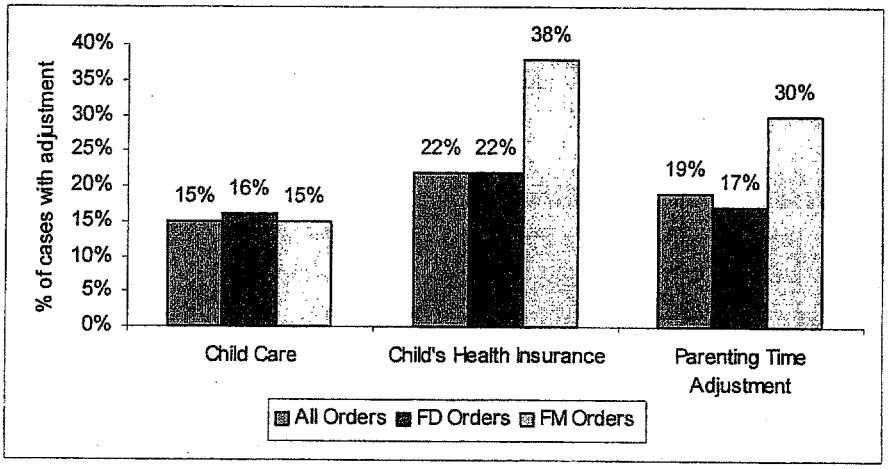
Adjustment for Additional Dependents

The theoretical support order amounts may be subtracted from the parent's income provided that income from the other parent to the additional dependent is disclosed. An adjustment for additional dependents was granted among few custodial and noncustodial parents (13 and 15 percent, respectively). The average adjustment to weekly income for additional dependents was $108 among custodial parents and $124 among noncustodial parents. The maximum amounts subtracted for additional dependents were $296 and $401, respectively, among custodial and noncustodial parents.

Other Adjustments

Exhibit 5 shows the percent of orders adjusted for other selected factors. Eligible child care expenses, the child's share of the health insurance premium, unreimbursed health care expense for the child, and additional extraordinary expenses (e.g., private school tuition) are prorated between the parents and added to base support. Unreimbursed health care expenses and additional expenses are not shown in Exhibit 5 because they were none or only in a few orders. There were no unreimbursed health care expenses in any of the orders. Only a few (14 orders) had additional expenses.

Exhibit 5
Adjustments to Basic Child Support Obligation



Child Care Expenses

Child care expenses were considered in 16 percent of FD (non-dissolution) orders and 15 percent of FM (dissolution) orders. Child care expenses averaged $54 per week in FD (non-dissolution) orders and $84 per week in FM (dissolution) orders. The maximum amounts of child care considered were $329 per week in FD (non-dissolution) orders and $202 per week in FM (dissolution) orders.

Child's Share of Health Insurance Premium

The child's share of the health insurance premium was considered in almost a quarter (22%) of FD (non-dissolution) orders and over a third (38%) of FM (dissolution) orders. The average health insurance premium for the child was $16 per week in FD (non-dissolution) orders and $22 per week in FM (dissolution) orders. The maximum amounts of health insurance premiums considered were $180 per week in FD (non-dissolution) orders and $186 per week in FM (dissolution) orders. The noncustodial parent carries the health insurance in 49 percent of the orders with an adjustment.

As an aside, the percentages of orders with an adjustment for health insurance premium do not reflect the percentages of orders with a provision for a parent or parents to carry health insurance for the children. These are separate issues. A parent may be ordered to carry health insurance, but if there is no additional costs of including the child on the insurance policy or the parent does not currently have health insurance, there would not be an adjustment to the order amount.

Shared-Parenting Time Adjustments

There are two types of shared-parenting time adjustments. At low levels of visitation, a noncustodial parent may be eligible for an adjustment to his/her obligation to cover direct expenditures on the child for food and other variable costs while the child is in the care of the noncustodial parent. When there is substantial timesharing and both parents incur duplicated child-rearing expenses (e.g., housing) another formula may apply. The second adjustment is applicable when the noncustodial parent or the parent of the alternate residence has the child more than 28 percent of the time (i.e., two overnights per week). The guidelines include several criteria for applying this adjustment (e.g., there must be a parenting time plan, timesharing must be exercised, the custodial parent's spendable income can not be less than 200% of the poverty guidelines).

As shown in Exhibit 5, 17 percent of the FD (non-dissolution) orders had an adjustment for shared-parenting time and 30 percent of the FM (dissolution) orders had an adjustment. Most (87%) of the adjustments were for ordinary visitation; that is, timesharing did not exceed the threshold for the second adjustment to apply.

As evident in Exhibit 6, the shared-parenting time adjustment averaged $12 per week in FD (non-dissolution) orders and $14 per week in (dissolution orders). Exhibit 6 also shows visitation time norm was in the range of 14 to 18 percent of the child's time being spent with the noncustodial parent. Somewhat more than a third of the cases (39%) fell into this range. This would be more than a visitation schedule of every other weekend but less than a visitation schedule of every other weekend, two weeks the summer, and every other holiday. The average adjustment for shared-parenting time for this amount of timesharing was $25 per week.

Exhibit 6 Application of Shared-Parenting Time Adjustment						
	All Orders Reviewed (n =395)		FD: Non-Dissolution Order (n = 326)		FM Dissolution orders (n =40)	
Percent of time spent with the noncustodial parent or parent with alternate residence						
ALL	100%	$13	100%	$12	100%	$14
13% or less (2 weekends/mo or less)	19%	$10	20%	$9	28%	$8
14-18% (2 weekends/mo, 2-week vacation & every other holiday is 18%)	39%	$25	37%	$21	42%	$16
19-28%	11%	$26	10%	$22	13%	$17
28% or more (additional adjustment may be applied when timesharing exceeds 28%)	31%	$61	33%	$58	16%	$31

Adjustment for Low-Income (Self Support Reserve)

A noncustodial parent is entitled to a self support reserve to ensure that his or her net income after child support is sufficient to maintain at least a subsistence level of living. New Jersey sets its self support reserve at 105 percent of the federal poverty guidelines for one person ($181 per week in 2003). If the noncustodial parent's net weekly income less his/child support order is less than the self support reserve, the order amount may be reduced only if the custodial parent's income is above the self support reserve.

Exhibit 7 shows:

- the percent of noncustodial parents in FD (non-dissolution cases) that met the first eligibility criterion for the low-income adjustment — that is, their net income minus child support is less than the self support reserve; and,
- the percent of noncustodial parents who met the second eligibility requirement— that is, the custodial parent has income above the self support reserve.

As evident in Exhibit 7, about half (49%) of the noncustodial parents in FD (non-dissolution cases) have incomes sufficiently low to met the first criterion for applying the self support reserve. Also, shown in Exhibit 7 is that the adjustment is applied in two thirds (66%) of these orders. In more than a quarter (27%) of these orders, the adjustment was not applied because the custodial parent had income below the self support reserve.

Exhibit 8 is analogous to Exhibit 7 except it considers FM (dissolution cases). It also shows that about a quarter (24%) of the noncustodial parents have incomes sufficiently low enough to meet the first criterion. Among those, about half (51%)actually receive the adjustment. The other noncustodial parents do not

receive it because the custodial parent's income is below the self support reserve (42% of the FM orders) or the court or hearing officer did not apply the adjustment (8% of the FM orders).

Exhibit 7
Eligibility and Application of Self Support Reserve
FD (Non-Dissolution orders)

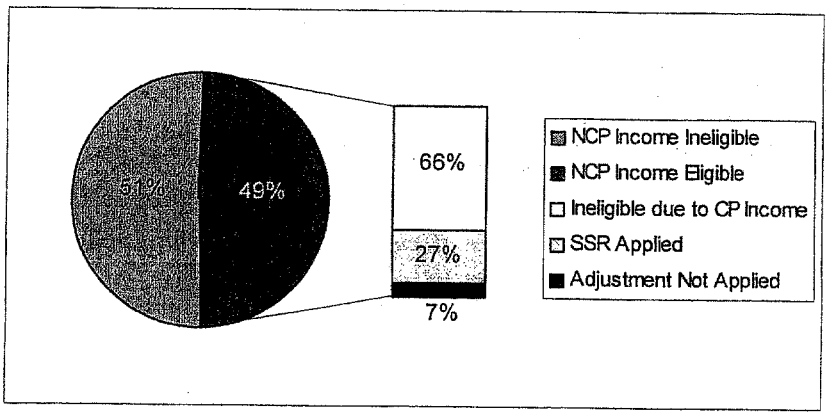
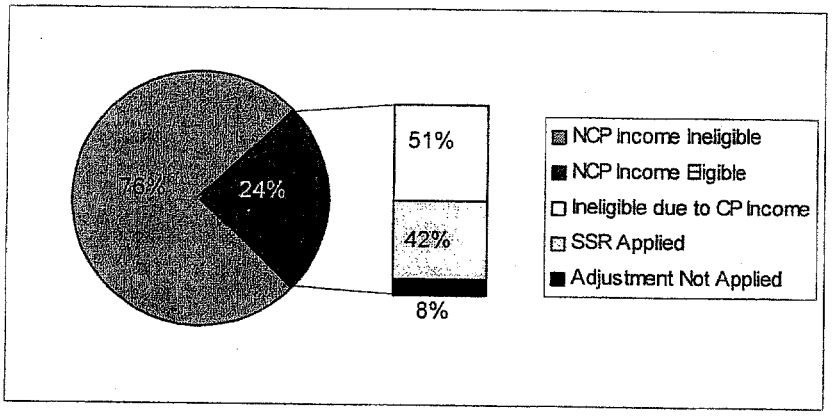


Exhibit 8
Eligibility and Application of Self Support Reserve
FM (Dissolution orders)



Guidelines Deviations

Exhibit 9 shows that the guidelines were applied in most (97%) of the orders reviewed and the guidelines were deviated from in only a small percentage (3%) of orders. Exhibit 9 shows that the guidelines application and deviation rate did not vary according to whether the order was issued by the FD (non-dissolution) or FM (dissolution) unit.

Exhibit 9
Application of the New Jersey Guidelines

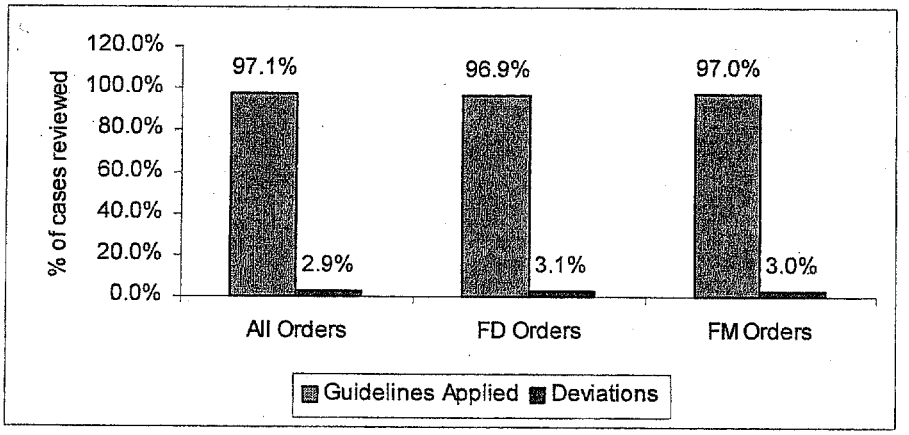
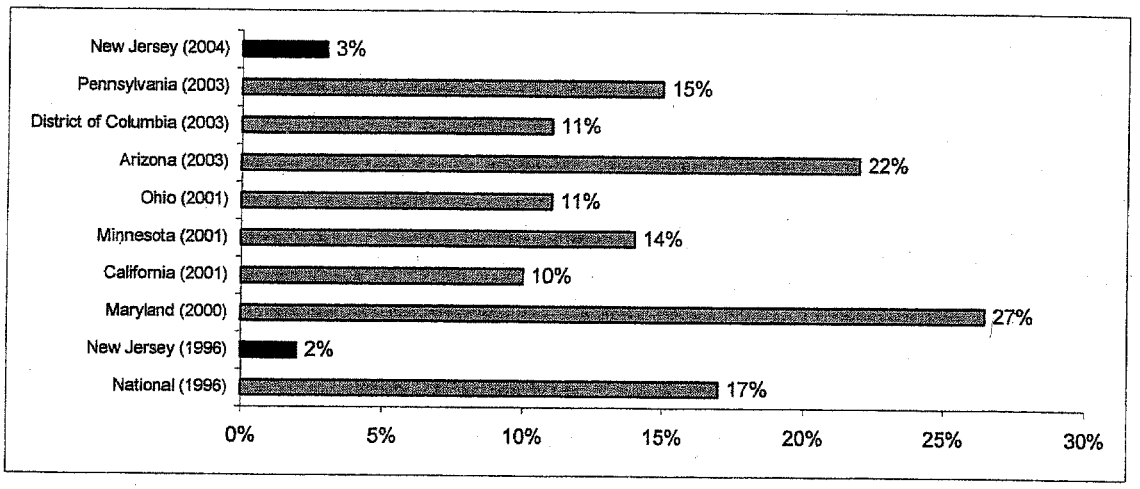


Exhibit 10 indicates that the current New Jersey guidelines deviation rate is comparable to its previous rate. In addition, Exhibit 10 shows that New Jersey has a guidelines deviation rate lower than most states. The general premise is that a lower guidelines deviation rate indicates that the guidelines must be working. If the guidelines were unjust, inappropriate or found not to be in the best interest of the child, judges and hearing officers would be deviating from the guidelines more.

Exhibit 10
Guidelines Deviation Rates in New Jersey and Other State Case File Reviews[5]



Direction, Amount and Reasons for Deviations

About half (52%) of the deviations were upward, and the other half (48%) were downward. The average dollar differences between the guidelines-determined amount and the deviated-order amount were $31 among orders with upward deviations and $48 among orders with downward deviations. Some of the more common reasons for upward deviations were:

- agreement between the parties;
- the custodial or noncustodial parent has multiple orders or other dependents; and
- low-income adjustment was not applied because parent had reduced living expenses (e.g., noncustodial parent lives with mother).

Some of the common reasons for downward deviations were:

- agreement between the parties;
- child receives Social Security Disability benefits; and
- the custodial or noncustodial parent has multiple orders or other dependents.

The specific deviation reasons for all orders with noted deviations are listed in Appendix II.

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[5]Ohio Department of Job and Family Services, *Report to the General Assembly, Ohio's Child Support Guidelines* (2001). Beld, Jo Michelle, *Child Support Enforcement Division, Child Support Guidelines Review: Case Data Analysis Final Report,* Prepared for the Minnesota Department of Human Services (2001). University of Maryland, School of Social Work, *Child Support Guidelines Review: Case-Level Report,* Prepared for the Maryland Department of Human Resources, Child Support Enforcement Administration (2000). Policy Studies Inc., *Preliminary Findings of a Case File Review,* Submitted to the District of Columbia Office of Corporation Counsel, Child Support Enforcement Division (2003). Judicial Council of California, *Review of Statewide Uniform Child Support Guideline* (2001). Policy Studies Inc., *Arizona Child Support Guidelines, Findings from a Case File Review,* Submitted to the Supreme Court of Arizona, Administrative Office of the Courts (2003). New Jersey 1996 figure is an average of the two counties participating in the study (see page 3 of this report).

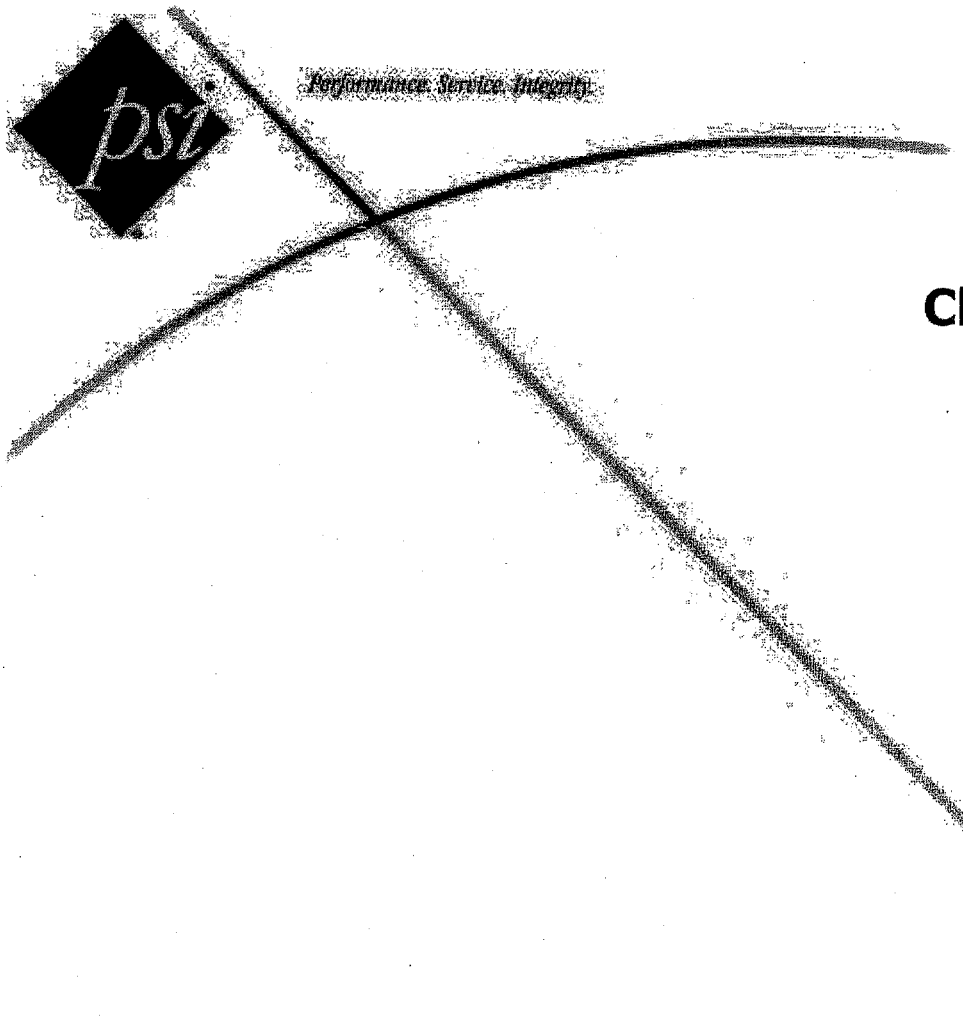
Characteristics of Cases with Deviations

Exhibit 11 compares selected characteristics of cases with guidelines deviations to those where the guidelines are applied. It indicates that the guidelines are more likely to be deviated from when the noncustodial parent has low income and the custodial parent has more income than the noncustodial parent income. It also indicates that the deviations occur more frequently among orders when the noncustodial parent has a prior support order or additional dependents.

Exhibit 11
Case Characteristics by Deviation/Guidelines Application

	Cases with Guidelines Deviations (n=76)	Cases where Guidelines were Applied (2,358)
Number of Children		
1 child	73%	73%
2 children	21%	20%
3 or more children	6%	7%
Average Weekly Net Income		
Noncustodial Parent	$205*	$335*
Custodial Parent	$245*	$193*
Noncustodial Parent's Relative to Custodial Parent's Income		
• NCP's income is less than CP's income	59%*	18%*
• NCP's income and CP's income are about equal[a]	4%	8%
• NCP's income is more than CP's income	36%*	74%*
Adjustments to Income		
• CP Prior Child Support	4%	1%
• NCP Prior Child Support	37%*	18%*
• CP Other Dependent Deduction	20%	13%
• NCP Other Dependent Deduction	31%*	15%*
Adjustments to Basic Child Support Obligation		
• Child Care	24%	15%
• Child's Health Insurance Premium	27%	22%
• Parenting Time Expenses	12%	19%

*Statistically different at a 95% level of significance.
[a]Noncustodial parent's net income is 90 to 110% of custodial parent's net income



Appendix I
Child Support Worksheets

CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET

Case Name:	County:
Plaintiff *vs.* *Defendant*	Docket No.:
Custodial Parent is the ☐ Plaintiff ☐ Defendant	Number of Children:

All amounts must be weekly.	CUSTODIAL	NON-CUSTODIAL	COMBINED
1. Gross Taxable Income	$	$	
1a. Mandatory Retirement Contributions (*non-taxable*)	-$	-$	
1b. Alimony Paid (*Current and/or Past Relationships*)	-$	-$	
1c. Alimony Received (*Current and/or Past Relationships*)	+$	+$	
2. Adjusted Gross Taxable Income ((L1-L1a-L1b)+L1c)	$	$	
2a. Federal, State and Local Income Tax Withholding	-$	-$	
2b. Prior Child Support Orders (*Past Relationships*)	-$	-$	
2c. Mandatory Union Dues	-$	-$	
2d. Other Dependent Deduction (from separate worksheet)	-$	-$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	$	$	
4. Non-Taxable Income (*source:*)	+$	+$	
5. Net Income (L3+L4)	$	$	$
6. Percentage Share of Income (L5 Each Parent ÷ L5 Combined)			100%
7. Basic Child Support Amount (from Appendix IX-F Schedules)			$
8. Net Work-Related Child Care (from Appendix IX-E Worksheet)			+$
9. Child's Share of Health Insurance Premium			+$
10. Unreimbursed Health Care Expenses over $250 per child per year			+$
11. Court-Approved Extraordinary Expenses			+$
12. Government Benefits for the Child			-$
13. Total Child Support Amount ((L7+L8+L9+L10+L11)-L12)			$
→ *IF LINE 13 TOTAL SUPPORT AMOUNT IS ZERO, STOP - BENEFIT APPORTIONMENT IS SUBSTITUTED FOR SUPPORT ORDER* ←			
14. Each Parent's Share of the Support Obligation (L6 × L13)	$	$	
15. Net Work-Related Child Care Paid		-$	
16. Health Insurance Premium for the Child Paid		-$	
17. Unreimbursed Health Care Expenses Paid (>$250/child/year)		-$	
18. Court-Approved Extraordinary Expenses Paid		-$	
19. Adjustment for Parenting Time Expenses (L7 × %time × 0.37). *Note: Not presumptive in some low income situations (see* App. IX-A., ¶13).		-$	
20. Net Child Support Obligation (L14-L15-L16-L17-L18-L19)		$	
→ *IF NEITHER PARENT IS REQUESTING THE OTHER-DEPENDENT ADJUSTMENT, GO TO LINE 24* ←			
21. Line 20 CS Obligation WITH Other-Dependent Deduction		$	
22. Line 20 CS Obligation WITHOUT Other-Dependent Deduction		$	
23. Adjusted Child Support Obligation ((L21+L22)÷2)		$	

☞ *Continued on Page 2* ☞

CHILD SUPPORT GUIDELINES - SOLE PARENTING WORKSHEET - Page 2

All amounts must be weekly	CUSTODIAL	NON-CUSTODIAL	COMBINED
24. Self-Support Reserve Test (L5 - L20 or L23 for NCP; L5 for CP). If NCP result is greater than 105% of the poverty guideline for one person (*pg*) or CP net income is less than the *pg*, enter L20 or L23 amount on L26. If NCP L24 income is less than the *pg* and CP income is greater than the *pg*, go to L25.	$	$	
25. Obligor Parent's Maximum Child Support Obligation (L5 NCP income - 105% of poverty guideline for one person). Enter result here and on Line 26.		$	
26. Child Support Order		$	

COMMENTS, REBUTTALS, AND JUSTIFICATION FOR DEVIATIONS

1. The child support order for this case ☐ was ☐ was not based on the child support guidelines award.

2. If different from the child support guidelines award (Line 26), enter amount ordered: $

3. The child support guidelines were not used or the guidelines award was adjusted because:

(☐ additional pages attached)

4. The following court-approved extraordinary expenses were added to the basic support obligation on Line 11:

5. Parenting Time: Custodial Parent _____% Non-Custodial Parent' _____%.

6. Custodial Taxes: App. IX-H Circ. E Other: _____ #Allowances: _____ Marital: S M H
Non-Custodial Taxes: App. IX-H Circ. E Other: _____ #Allowances: _____ Marital: S M H

PREPARED BY:	TITLE	DATE

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET

Case Name:	County:
Plaintiff *vs.* *Defendant*	Docket No.:
PPR is the ☐ Plaintiff ☐ Defendant	Number of Children:

All amounts must be weekly.	PARENT OF PRIMARY RESIDENCE (PPR)	PARENT OF ALTERNATE RESIDENCE (PAR)	COMBINED
1. Gross Taxable Income	$	$	
1a. Mandatory Retirement Contributions (*non-taxable*)	-$	-$	
1b. Alimony Paid (*Current and/or Past Relationships*)	-$	-$	
1c. Alimony Received (*Current and/or Past Relationships*)	+$	+$	
2. Adjusted Gross Taxable Income ((L1 - L1a-L1b)+L1c)	$	$	
2a. Federal, State and Local Income Tax Withholding	-$	-$	
2b. Prior Child Support Orders (*Past Relationships*)	-$	-$	
2c. Mandatory Union Dues	-$	-$	
2d. Other Dependent Deduction (from separate worksheet)	-$	-$	
3. Net Taxable Income (L2-L2a-L2b-L2c-L2d)	$	$	
4. Non-Taxable Income (*source:*)	+$	+$	
5. Net Income (L3+L4)	$	$	$
6. Percent Share of Income (L5 Each Parent ÷ L5 Combined)			1.00
7. Number of Overnights With Each Parent			
8. Percent of Overnights With Parent (L7 Parent ÷ L7 Combined)			1.00
→ *If PAR time sharing is less than the equivalent of two overnights per week (28%), use Sole Custody Worksheet* ←			
9. Basic Child Support Amount (from Appendix IX-F Schedules)			$
10. PAR Shared Parenting Fixed Expenses (PAR L8×L9×0.38 ×2)		$	
11. Government Benefits for the Child			$
12. Shared Parenting Basic Child Support Amount ((L9 + L10) - L11)			$
13. PAR Share of SP Basic Child Support Amount (PAR L6 × L12)		$	
14 PAR Shared Parenting Variable Expenses (PAR L8 × L9 × 0.37)		$	
15. PAR Adjusted SP Basic Child Support Amount (L13 - L10 - L14)		$	
16. Net Work-Related Child Care (from Appendix IX-E Worksheet)			$
17. Child's Share of Health Insurance Premium			+$
18. Unreimbursed Health Care Expenses over $250 per child per year			+$
19. Court-Approved Extraordinary Expenses			+$
20. Total Supplemental Expenses (L16+L17+L18+L19)			$

☞ *Continued on Page 2* ☞

CHILD SUPPORT GUIDELINES - SHARED PARENTING WORKSHEET - PAGE 2

All amounts must be weekly.	PPR	PAR	COMBINED
20. Total Supplemental Expenses (from reverse side)			$
21. PAR's Share of Total Supplemental Expenses (PAR L6 × L20)		$	
22. PAR Net Work-Related Child Care PAID		$	
23. PAR Health Insurance Premium for the Child PAID		+$	
24. PAR Unreimbursed Health Care Expenses (>$250/child /year) PAID		+$	
25. PAR Court-Approved Extraordinary Expenses PAID		+$	
26. PAR Total Payments/Supplemental Expenses (L22+L23+L24+L25)		$	
27. PAR Net Supplemental Expenses (L21 - L26)		$	
28. PAR Net Child Support Obligation (L15 + L27)		$	
29. Line 28 PAR CS Oblig WITH Other-Dependent Deduction		$	
30. Line 28 PAR CS Oblig WITHOUT Other-Dependent Deduction		$	
31. Adjusted PAR CS Obligation ((L29+L30)÷2)		$	
32. Self-Support Reserve Test (PAR L5 - PAR L28 or L31 if any). If PAR amount is greater than 105% of the poverty guideline for one person (*pg*) *or* the PPR L32 income is less than the *pg*, enter the L28 or L31 amount on the PAR L34. If PAR L32 amount is less than the *pg* and the PPR's L32 income is greater than the *pg*, go to Line 33. If L28 or L31 is negative, see App. IX-B (shared-parenting worksheet) for instructions.	$	$	
33. Maximum CS Obligation (Obligor Parent's L5 net income - 105% of the poverty guideline for one person). Enter result here and on L34.	$	$	
34. Child Support Order (negative L28 or L31 denotes PPR obligation) to	$	$	

*** If the PAR is the Obligor, Continue to Line 35*

35. PPR Household Income Test - (L5 PPR net income from all sources + net income of other household members +L34 order) If less than the PPR household income threshold (see App. IX-A, ¶14(c)), the SOLE-CUSTODY WORKSHEET must be used.	$

Comments, Rebuttals, and Justification for Deviations

1. The child support order for this case ☐ was ☐ was not based on the child support guidelines award.

2. If different from the child support guidelines award (Line 34), enter amount ordered: $

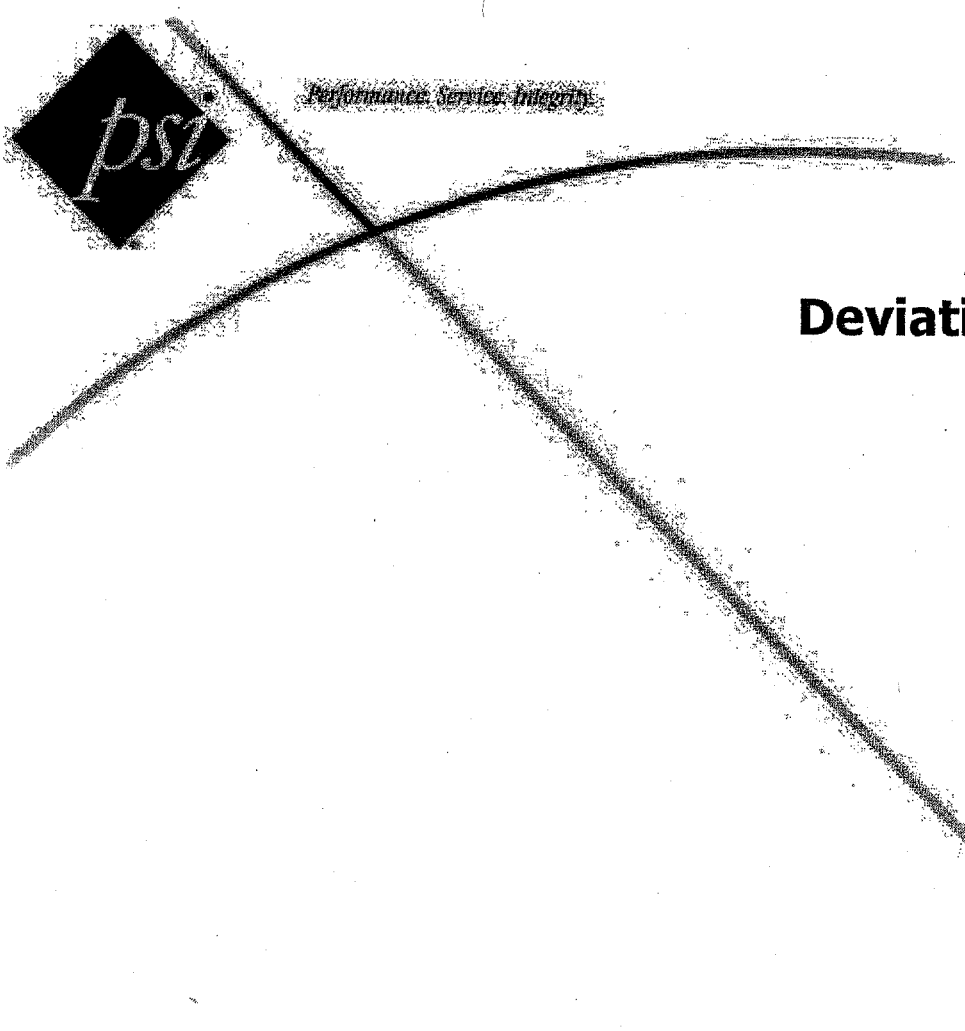
3. The child support guidelines were not used or the guidelines award was adjusted because:

(☐ additional pages attached)

4. The following extraordinary expenses were added to the basic support obligation on Line 19:

5. Custodial Taxes: App. IX-H Circ. E Other: _____ #Allowances:_____ Marital: S M H
Non-Cust Taxes: App. IX-H Circ. E Other: _____ #Allowances:_____ Marital: S M H

Prepared by:	Title	Date



Appendix II
Deviation Reasons

Appendix II

Deviation Reasons
Based on fact defendant is a junior in high school.
Based upon defendant consent as to his willingness and ability to pay.
By consent – the plaintiff agrees to accept $45 per week.
Child is in DYFS placement. NCP in halfway house – permitted to work only part-time and also contribute to house and pay fines.
Consent notwithstanding guidelines and without prejudice on the condition that Defendant be responsible for 100% of the non-covered medical and dental expenses for this child. This order is without prejudice to plaintiff without the necessity to prove "Lepis" change in circumstances in order to qualify for an increase.
Consent notwithstanding guidelines and without prejudice to Plaintiff. No "Lepis" Change in circumstances will be needed for increase to $111 per week.
Consent of the parties notwithstanding guidelines and without prejudice to either party. Plaintiff may request child care credit when she returns to work.
Consent of the parties, notwithstanding guidelines and without prejudice to plaintiff. No "Lepis" change in circumstances will be necessary to increase the order to $77 per week.
CP income = $360 per week. NCP income from UIB = $524 biweekly.
CP receives UIB = $656 biweekly. NCP income from UIB = $622 biweekly.
Defendant has 5 other minor children at home with her to support.
Defendant is not working and pending Social Security. This is based on imputed income.
Defendant is receiving full credit for a child who lives at home with him and his fiancée. She is claiming that she is disabled and is suffering from depression. Her disability income ($692 every 2 weeks) will run out on May 15, 2002 and therefore full credit was given for this child. However, the self support reserve test will not overcome defendant's obligation to the child on this order under these circumstances.
Defendant is receiving social security disability.
Defendant is underemployed.
Defendant mother has custody of 2 other children and qualifies for the self support reserve test. However, Plaintiff, father also has 1 other child living with him and has a court order for support for another child and pays voluntary support for one child living in North Carolina.
Defendant sold lottery winnings for $400,000. Child is 10 years old. Divide 400,000/13 years = $30,769.
Defendant has exceptional medical costs of $400 every three months necessary to treat disability.
Defendant lives with parents who provide housing and household costs. Self support reserve therefore not applicable.
Defendant shares living expenses – self support reserve not applied.
Defendant has three cases that were considered. County counsel deviated from the guidelines, requested support at $48 per week.
Defendant consents to $80.00 per week notwithstanding Guidelines. This order is without prejudice to Defendant. No "Lepis" change in circumstances will be required for defendant to request a reduction to the $76.00 per week.
Discretionary amount.
Discretionary amount of child support based on income of the parties.
Discretionary amount recommended per guidelines and with the consent of the defendant.
Discretionary amount recommended should be between $5-$44 per week.

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Deviation Reasons
Discretionary amount recommended.
Discretionary amount recommended.
Discretionary amount recommended.
Discretionary amount recommended should be between $5-$44 per week.
Discretionary amount recommended should be between $5-$44 per week.
Discretionary amount recommended with the consent of ECBSS.
Discretionary amount recommended with the consent of the parties.
Discretionary order of child support based on income of the parties.
ECDW agrees to amount outside guidelines - based on defendant payment history
Income imputed. Defendant did not appear. Support based on the net support obligation (see line 20).
Minimal obligation to establish support.
No self support to defendant as plaintiff's share of child support would put her below poverty level. Therefore, court entered minimum wage order.
One of these 3 children is living with defendant. Therefore, she is responsible for 2/3 or 66% of the $108 in this calculation.
One of these children is living with another natural mother of this child. One of the children is living with Defendant's mother (this Plaintiff). If the mother of the child or the Cumberland County Welfare Agency files a complaint against defendant for the other child, the support order for him should also be $31 per week.
Order was entered in default. Therefore no evidence presented as to applicability of the self support reserve. Petitioner does however attest that defendant has two additional dependents. The ODD credit for defendant not calculated as requisite proof not submitted. However, in the discretionary range of support calculation this obligation was considered. Note – no proof of plaintiff's income provided other than testimony.
Parties agree to $25 per week / waive guidelines.
Plaintiff indicates she can not care for two children on 23/wk. She also believes defendant has additional income. Guidelines amount doubled - defendant does not object to higher amount. Plaintiff still appeals.
Plaintiff, obligor, has custody of one of the parties 2 children and Defendant, Obligee has the other child. The support order, per capita will be 1/2 of the calculated amount.
Recommend $40 per week (equal to per child amount on other case).
Self support reserve not applied. Defendant resides with his wife with whom he shares his living expenses.
Self support reserve not fully applied as this order was entered in default and defendant failed to testify as to self support and in consideration of the needs of the child.
SSD benefits received by child exceed child support amount. Order through the court is vacated effective 4/4/03.
Temporary order entered at nominal amount as defendant receives municipal welfare and attends methadone program.
The child will receive $215.00 per week from social security administration due to Obligor's disability. Pursuant to the Guidelines the benefit given to the child per week should be deducted form the total support amount (See line #13) after deducting the child's benefit from the $226.00 per week total support amount, there is a residual amount remaining since the benefit is less than the total support amount. Therefore, the residual support amount of $11.00 per week shall be paid to the Defendant by the Plaintiff. The Plaintiff's weekly obligation shall therefore be $11.00 per week.
The defendant testified that he has a chronic health issue that he must pay $80 per month for medication and doctors visits. He was given credit of $18 per week on this support obligation.
The parties have reconciled and by consent of the plaintiff, she has agreed to accept $5 per week as support for the two children. The guidelines recommended child support award would have placed the defendant below the

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Deviation Reasons
self support reserve.
This $124 per week represents the separate support obligation of $60 & $64 per week when the cases were separate and when defendant was paying a total of $124 per week ($60 per week on one case and $64 per week on the other case). This was not listed for an increase but for defendant's application for decrease, which is being denied due to no involuntary change in his circumstances since he was fired from his job.
This is a default order based on imputed minimum wage for obligor. Obligee income = $740 biweekly salary.
This is a default order – CP income = $8.40 per hour X 40. NCP income imputed at minimum wage as actual income is unknown. Self support reserve not applied as actual income is unknown for obligor.
This is a default order – CP income = $21,840 per year salary. NCP income imputed minimum wage as actual income is unknown. No self support reserve test applied here.
This is by consent of the Plaintiff without Prejudice
This order is for 2 children and defendant has 2 other orders.
To avoid an unjust result, recommend $65 per week.
To avoid an unjust result, recommend that this order be equal to defendant's order in his other case.
Under threshold.

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Attachment C

NOTICE TO THE BAR

Quadrennial Review - Child Support Guidelines

Pursuant to the Family Support Act of 1988 (42 U.S.C.A. § 667(a)) and 45 C.F.R. 302.56(e), each state must review its child support guidelines every four years ("Quadrennial Review") to "ensure that ... application [of the guidelines] results in the determination of appropriate child support award amounts." 42 U.S.C.A. §667(a). The New Jersey Administrative Office of the Courts sponsored two reports to satisfy this Quadrennial Review requirement: (1) "New Jersey Economic Basis for Updated Child Support Schedule Report" (hereinafter "Economic Basis Report"), dated March 30, 2004; and (2) "Findings from Child Support Order Case File Reviews" (hereinafter "File Reviews Report"), dated January 12, 2005. Those two reports are posted in full-text form on the Judiciary's Internet website at www.njcourtsonline.com.

The Economic Basis Report reviews current economic data, and applies more recent Consumer Expenditures Survey (CES) data than reflected in the existing child support guidelines. Using the more recent CES data, 2004 price levels, and income/spending factors specific to New Jersey, that report recommends adoption of an updated Child Support Schedule and suggests that an anomaly exists in the self-support reserve. The File Reviews Report sets out an analysis of actual New Jersey child support cases to determine the application of and deviation from the child support guidelines. That case file review attempts to verify that any deviation from the child support guidelines is the exception rather than the norm.

The Supreme Court Family Practice Committee, after having considered these reports and the findings therein, has adopted the reports as required by 42 U.S.C.A. § 667(a) and 45 C.F.R. 302.56(e). The Practice Committee thus proposes that the "Schedule of Child Support Awards," included in the Rules of Court as Appendix IX-F, be amended as set forth in the Economic Basis Report. Prior to making its recommendation to the Supreme Court in that regard, the Practice Committee is here requesting public comment as to this recommendation. Any such comments should be submitted in writing by October 31, 2005 to the following address:

Hon. Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Administrative Office of the Courts
Hughes Justice Complex, Box 037
Trenton, New Jersey 08625-0037
Comments also may be submitted via Internet e-mail to the following address:
Comments.Mailbox@judiciary.state.nj.us .

The Supreme Court will not consider comments submitted anonymously. Thus, those submitting comments should include their name and address and, if submitting comments by e-mail, their e-mail address as well. Comments submitted in response to this notice will be maintained in confidence only if the author specifically requests confidentiality. In the absence of such a request, the author's identity and his or her comments may be subject to public disclosure after the Court has acted on any recommendations by the Committee.

The Family Practice Committee also is considering making recommendations as to other issues addressed in the two reports. One such issue is the previously noted suggestion in the reports that an anomaly exists in applying the self-support reserve. See §20 of Appendix IX-A ("Considerations in the Use of Child Support Guidelines"), New Jersey Rules of Court. To resolve that issue, the Practice

Committee is considering recommending amendments to Appendix IX-A as well as to Appendix IX-B ("Use of the Child Support Guidelines"). The Committee also has under consideration a possible recommendation to apply the child support guidelines to children age 18 or older who are enrolled in college and who commute to school from a parental home. Should the Practice Committee make any such further recommendations, those recommendations would similarly be published for comment before submission to the Supreme Court for action.

Philip S. Carchman, J.A.D.
Acting Administrative Director of the Courts
Dated: September 6, 2005

Attachment D

New Jersey
Basic Child Support Schedule

Combined Net Weeky Income	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
170	44	62	72	81	89	97
180	47	66	77	85	94	102
190	49	70	81	90	99	108
200	52	73	85	95	104	113
210	54	77	89	99	109	119
220	57	81	93	104	115	125
230	60	84	98	109	120	130
240	62	88	102	113	125	136
250	65	91	106	118	130	141
260	67	95	110	123	135	147
270	70	99	114	127	140	153
280	72	102	118	132	145	158
290	75	106	123	137	150	164
300	77	109	127	141	156	169
310	80	113	131	146	161	175
320	83	117	135	151	166	180
330	85	120	139	155	171	186
340	88	124	144	160	176	192
350	90	127	148	165	181	197
360	93	131	152	169	186	203
370	95	135	156	174	192	208
380	98	138	160	179	197	214
390	100	142	164	183	202	219
400	103	145	168	187	206	224
410	105	148	172	191	211	229
420	107	151	175	195	215	234
430	110	155	179	199	219	239
440	112	158	183	204	224	244
450	115	161	186	208	228	248
460	117	164	190	212	233	253
470	119	167	193	216	237	258
480	122	171	197	220	242	263
490	124	174	201	224	246	268
500	126	177	204	228	250	272
510	129	180	208	232	255	277
520	131	183	211	236	259	282
530	134	186	215	240	264	287
540	136	190	219	244	268	292
550	138	193	222	248	273	297
560	140	196	226	252	277	302
570	143	199	230	256	282	306
580	145	202	233	260	286	311
590	147	206	237	264	291	316
600	150	209	241	268	295	321
610	152	212	244	272	300	326

620	154	215	248	276	304	331
630	157	218	252	281	309	336
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
820	198	274	313	349	384	418
830	200	277	317	353	388	422
840	203	280	320	357	393	427
850	205	283	324	361	397	432
860	207	287	328	365	402	437
870	210	290	331	369	406	442
880	212	293	335	374	411	447
890	215	296	339	378	415	452
900	217	300	342	382	420	457
910	219	303	346	386	425	462
920	222	306	350	390	429	467
930	223	308	352	392	431	469
940	224	309	353	394	433	471
950	225	310	354	395	435	473
960	227	312	356	397	436	475
970	228	313	357	398	438	477
980	229	315	359	400	440	479
990	230	316	360	401	442	480
1,000	232	317	361	403	443	482
1,010	233	319	363	405	445	484
1,020	234	320	364	406	447	486
1,030	235	322	366	408	448	488
1,040	236	323	367	409	450	490
1,050	238	324	368	411	452	492
1,060	239	326	370	412	454	494
1,070	240	327	371	414	455	495
1,080	241	328	372	415	456	496
1,090	242	329	373	416	457	498
1,100	243	330	374	417	458	499
1,110	244	331	375	418	460	500
1,120	245	332	376	419	461	501
1,130	246	333	376	420	462	502
1,140	246	334	377	421	463	504
1,150	247	335	378	422	464	505
1,160	248	336	379	423	465	506

1,170	249	337	380	424	466	507
1,180	250	338	381	425	467	508
1,190	251	339	382	426	468	510
1,200	252	340	383	427	470	511
1,210	253	341	384	428	471	512
1,220	254	342	385	429	472	513
1,230	255	343	386	430	473	514
1,240	256	344	386	431	474	516
1,250	256	345	387	432	475	517
1,260	257	346	388	433	476	518
1,270	258	347	389	434	477	519
1,280	259	348	390	435	478	520
1,290	260	349	391	436	479	522
1,300	261	350	392	437	481	523
1,310	262	351	393	438	482	524
1,320	263	352	394	439	483	526
1,330	263	353	395	440	484	527
1,340	264	354	396	441	486	528
1,350	265	355	397	443	487	530
1,360	266	356	398	444	488	531
1,370	267	357	399	445	490	533
1,380	267	358	400	446	491	534
1,390	268	359	401	447	492	535
1,400	269	361	402	449	493	537
1,410	270	362	403	450	495	538
1,420	271	363	404	451	496	540
1,430	271	364	406	452	497	541
1,440	272	365	407	453	499	543
1,450	273	366	408	455	500	544
1,460	274	367	409	456	501	545
1,470	275	368	410	457	503	547
1,480	275	369	411	458	504	548
1,490	276	370	412	459	505	550
1,500	277	371	413	461	507	551
1,510	278	372	414	462	508	553
1,520	279	373	415	463	509	554
1,530	279	374	416	464	511	555
1,540	280	375	417	465	512	557
1,550	281	376	418	466	513	558
1,560	282	377	419	468	514	560
1,570	283	378	420	469	516	561
1,580	283	379	422	470	517	563
1,590	284	380	423	471	518	564
1,600	285	381	424	472	520	565
1,610	286	382	425	474	521	567
1,620	287	383	426	475	522	568
1,630	287	384	427	476	524	570
1,640	288	385	428	477	525	571
1,650	289	386	429	478	526	573
1,660	290	387	430	480	528	574
1,670	291	388	431	481	529	575
1,680	291	389	432	482	530	577
1,690	292	390	433	483	531	578
1,700	293	391	434	484	533	580
1,710	294	393	436	486	535	582

1,720	295	394	437	488	536	584
1,730	296	395	439	489	538	585
1,740	297	397	440	491	540	587
1,750	298	398	442	492	542	589
1,760	299	399	443	494	543	591
1,770	300	401	444	495	545	593
1,780	302	402	446	497	547	595
1,790	303	403	447	499	548	597
1,800	304	405	449	500	550	599
1,810	305	406	450	502	552	600
1,820	306	407	451	503	554	602
1,830	307	409	453	505	555	604
1,840	308	410	454	506	557	606
1,850	309	411	456	508	559	608
1,860	310	413	457	510	561	610
1,870	311	414	458	511	562	612
1,880	312	415	460	513	564	614
1,890	313	417	461	514	566	616
1,900	314	418	463	516	568	617
1,910	315	419	464	517	569	619
1,920	316	421	466	519	571	621
1,930	317	422	467	521	573	623
1,940	318	423	468	522	574	625
1,950	319	425	470	524	576	627
1,960	321	426	471	525	578	629
1,970	322	427	473	527	580	631
1,980	323	429	474	529	581	633
1,990	324	430	475	530	583	634
2,000	325	431	477	532	585	636
2,010	326	433	478	533	587	638
2,020	327	434	480	535	588	640
2,030	328	435	481	536	590	642
2,040	329	437	482	538	592	644
2,050	330	438	484	540	593	646
2,060	331	439	485	541	595	648
2,070	332	441	487	543	597	649
2,080	333	442	488	544	599	651
2,090	334	443	490	546	600	653
2,100	335	445	491	547	602	655
2,110	336	446	492	549	604	657
2,120	337	447	494	551	606	659
2,130	338	449	495	552	607	661
2,140	339	450	497	554	609	663
2,150	341	451	498	555	611	665
2,160	342	453	499	557	613	666
2,170	343	454	501	558	614	668
2,180	344	455	502	560	616	670
2,190	345	456	503	561	617	672
2,200	345	458	505	563	619	673
2,210	346	459	506	564	620	675
2,220	347	460	507	565	622	676
2,230	348	461	508	566	623	678
2,240	349	462	509	568	624	679
2,250	350	463	510	569	626	681
2,260	351	464	511	570	627	682

2,270	352	465	513	571	629	684
2,280	352	466	514	573	630	685
2,290	353	467	515	574	631	687
2,300	354	468	516	575	633	688
2,310	355	469	517	577	634	690
2,320	356	471	518	578	636	692
2,330	357	472	519	579	637	693
2,340	358	473	520	580	638	695
2,350	358	474	522	582	640	696
2,360	359	475	523	583	641	698
2,370	360	476	524	584	643	699
2,380	361	477	525	585	644	701
2,390	362	478	526	587	645	702
2,400	363	479	527	588	647	704
2,410	364	480	528	589	648	705
2,420	365	481	530	590	650	707
2,430	365	482	531	592	651	708
2,440	366	483	532	593	652	710
2,450	367	485	533	594	654	711
2,460	368	486	534	596	655	713
2,470	369	487	535	597	656	714
2,480	370	488	536	598	658	716
2,490	371	489	538	599	659	717
2,500	371	490	539	601	661	719
2,510	372	491	540	602	662	720
2,520	373	492	541	603	663	722
2,530	374	493	542	604	665	723
2,540	375	494	543	606	666	725
2,550	376	495	544	607	668	726
2,560	377	496	545	608	669	728
2,570	377	497	547	609	670	729
2,580	378	499	548	611	672	731
2,590	379	500	549	612	673	732
2,600	380	501	550	613	675	734
2,610	381	502	551	615	676	735
2,620	382	503	552	616	677	737
2,630	383	504	553	617	679	739
2,640	384	505	555	618	680	740
2,650	384	506	556	620	682	742
2,660	385	507	557	621	683	743
2,670	386	508	558	622	684	745
2,680	387	509	559	623	686	746
2,690	388	510	560	625	687	747
2,700	388	511	561	626	688	749
2,710	389	512	562	627	690	750
2,720	390	514	563	628	691	752
2,730	390	515	564	629	692	753
2,740	391	516	565	630	694	755
2,750	392	517	567	632	695	756
2,760	393	518	568	633	696	757
2,770	393	519	569	634	697	759
2,780	394	520	570	635	699	760
2,790	395	521	571	636	700	762
2,800	395	522	572	638	701	763
2,810	396	523	573	639	703	765

2,820	397	524	574	640	704	766
2,830	398	525	575	641	705	767
2,840	398	526	576	642	707	769
2,850	399	527	577	644	708	770
2,860	400	528	578	645	709	772
2,870	400	529	579	646	711	773
2,880	401	530	580	647	712	775
2,890	402	531	582	648	713	776
2,900	403	532	583	650	715	777
2,910	403	533	584	651	716	779
2,920	404	534	585	652	717	780
2,930	405	536	586	653	718	782
2,940	406	537	587	654	720	783
2,950	406	538	588	656	721	785
2,960	407	539	589	657	722	786
2,970	408	540	590	658	724	787
2,980	408	541	591	659	725	789
2,990	409	542	592	660	726	790
3,000	410	543	593	662	728	792
3,010	411	544	594	663	729	793
3,020	411	545	595	664	730	795
3,030	412	546	596	665	732	796
3,040	413	547	598	666	733	797
3,050	413	548	599	667	734	799
3,060	414	549	600	669	736	800
3,070	415	550	601	670	737	802
3,080	416	551	602	671	738	803
3,090	416	552	603	672	739	805
3,100	417	553	604	673	741	806
3,110	418	554	605	675	742	807
3,120	419	555	606	676	743	809
3,130	419	556	607	677	745	810
3,140	420	558	608	678	746	812
3,150	421	559	609	679	747	813
3,160	421	560	610	681	749	815
3,170	422	561	611	682	750	816
3,180	423	562	613	683	751	817
3,190	424	563	614	684	753	819
3,200	424	564	615	685	754	820
3,210	425	565	616	687	755	822
3,220	426	566	617	688	757	823
3,230	426	567	618	689	758	825
3,240	427	568	619	690	759	826
3,250	428	569	620	691	760	827
3,260	429	570	621	693	762	829
3,270	429	571	622	694	763	830
3,280	430	572	623	695	764	832
3,290	431	573	624	696	766	833
3,300	431	574	625	697	767	835
3,310	432	575	626	699	768	836
3,320	433	576	628	700	770	837
3,330	434	577	629	701	771	839
3,340	434	579	630	702	772	840
3,350	435	580	631	703	774	842
3,360	436	581	632	704	775	843

3,370	437	582	633	706	776	845
3,420	440	587	638	712	783	852
3,470	444	592	644	718	789	859
3,520	447	597	649	724	796	866
3,570	451	603	654	730	802	873
3,620	455	608	660	736	809	880
3,670	458	613	665	741	816	887
3,720	462	618	670	747	822	895
3,770	465	624	676	753	829	902
3,820	469	629	681	759	835	909
3,870	473	634	686	765	842	916
3,920	476	639	692	771	848	923
3,970	480	645	697	777	855	930
4,020	483	650	702	783	862	937
4,070	487	655	708	789	868	945
4,120	491	660	713	795	875	952
4,170	494	666	719	801	881	959
4,220	498	671	724	807	888	966
4,270	501	676	729	813	894	973
4,320	505	681	735	819	901	980
4,370	509	687	740	825	908	987
4,420	512	692	745	831	914	995

Attachment E

PLAINTIFF VS DEFENDANT	SUPERIOR COURT OF NEW JERSEY Chancery Division-Family Part
☐ Obligor ☐ Obligee ☐ Obligor ☐ Obligee	COUNTY OF _____ / CIVIL ACTION ORDER Page 1 of 2
HEARING DATE ___/___/___ / WELFARE / U.R.E.S.A.#	PROBATION ACCT# CS / DOCKET #
Attorney for Plaintiff:	Attorney for Defendant:

This matter having been opened to the court by: ☐ Plaintiff ☐ Defendant ☐ County Welfare Agency ☐ Probation Division Family Division for an **ORDER**:

IS HEREBY ORDERED THAT: The obligor shall pay support for the spouse named above and/or unallocated support for the child(ren) named below:

CHILD'S NAME	BIRTH DATE	CHILD'S NAME	BIRTH DATE
1.		4.	
2.		5.	
3.		6.	

☐ **PATERNITY** of child(ren) (# above) _____ is acknowledged by defendant, and an **ORDER** of paternity is entered.

	+		+		=				
						payable		effective	
Child Support		Spousal Support		Arrears Payment	Total		Frequency		Date

☐ **ARREARS:** are to be calculated by the Probation Division based upon amounts and effective date noted above.

☐ **ARREARS:** indicated in the records of the Probation Division, are $_____ as of ___/___/___.

GROSS WEEKLY INCOMES of the parties, as defined by the Child Support Guidelines, upon which this **ORDER** is based:

PLAINTIFF = $_____ **DEFENDANT** = $_____

☐ **INCOME WITHHOLDING** is hereby **ORDERED** on current and future income sources, including:
Name of income source: _____ Address of income source: _____

OBLIGOR SHALL, however, make payments **AT ANY TIME** the full amount of support and/ or arrears are not withheld.

☐ **MEDICAL INSURANCE** coverage for the child(ren) and/or spouse as available at reasonable cost shall be provided by the
Obligor ☐ **Obligee** ☐ **Both** ☐
The parties shall divide extraordinary medical expenses of the child(ren) that are unreimbursed by insurance, as follows:

_____% Obligor _____% Obligee
Proof of Medical Insurance availability shall be provided to the Probation Division by ___/___/___.
If coverage is available, duplicate Medical Insurance I.D. card(s) as proof of coverage for the child(ren)/spouse shall be provided by the
☐ **obligor** ☐ **obligee** immediately upon availability, via the Probation Division.

☐ Health insurance benefits are to be paid directly to the health care provider by the insurer.

☐ BLOOD/GENETIC TESTING to assist the court in determining paternity of the child(ren) (#_____) is hereby ORDERED.
The county welfare agency in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to ___/___/___.

☐ This matter is hereby **RELISTED** for hearing on ___/___/___ before _____. A copy of this **ORDER** shall serve as the summons for the hearings. No further notice for appearance shall be given. Failure to appear may result in a default order, bench warrant, or dismissal.

☐ **AN EMPLOYMENT SEARCH** MUST BE CONDUCTED BY THE obligor. Written records of at least #_____employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.

☐ **THIS ORDER IS ENTERED BY DEFAULT.** The obligor was properly served for court appearance on ___/___/___ and failed to appear. (Service noted below).

☐ A **BENCH WARRANT** for the arrest of the obligor is hereby **ORDERED**. The obligor was properly served with notice for court appearance on ___/___/___, failed to appear, and is in violation of litigant's rights for failure to comply with the support **ORDER** (Service noted below). A payment of $_____ shall be required to purge the warrant. Said payment shall be applied to the arrears.

☐ SERVICE upon which this order is based:

☐ **Personal Service** ☐ **Certified Mail:** ☐ **Refused** ☐ **Regular Mail (not returned)**

Date: __/__/___ ☐ **Signed by:** _____ ☐ **Returned Unclaimed** ☐ **Other:**

☐ **FUTURE MISSED PAYMENT(S)** numbering_____or more may result in the issuance of a warrant, without further notice or hearing, for the arrest of the obligor.

☐ A **LUMP SUM PAYMENT OF $**_____ must be made by the obligor by ____/____/____, or a bench warrant for the arrest of the obligor shall issue.

☐ This complaint is hereby **INACTIVATED**, pending _____.

☐ This complaint/motion is hereby **DISMISSED**, without prejudice, as _____.

☐ Order of Support is hereby **VACATED** effective ____/____/____, as _____. Arrears, if any, as calculated by the Probation Division, prior to the effective date, shall be paid at the rate and frequency noted on page number one of this **ORDER**.

☐ It is further ORDERED: _____

☐ Additional Page (s) attached: #_____, #_____.

TAKE NOTICE that all provisions stated on the reverse of page (1) are to be considered part of this **ORDER**.

I hereby declare that I understand all provisions of this ORDER and do not wish to appeal this day, to the Superior Court::

PLAINTIFF _____ ATTORNEY_____

DEFENDANT_____**ATTORNEY**_____

☐ Copies provided to above at hearing. ☐ Copies to be mailed to the parties.

So **Recommended** to the Court by the Hearing Officer:

Date ____/____/____ **H.O.** _____ **Signature** _____

So **Ordered** by the Court:

Date ___/___/___ **Judge**_____ **Signature**_____ **J.S.C.**

PLAINTIFF	VS	DEFENDANT	SUPERIOR COURT OF NEW JERSEY Chancery Division-Family Part **ORDER**
☐ Obligor ☐ Obligee		☐ Obligor ☐ Obligee	COUNTY: _____
HEARING DATE / /	WELFARE / U.I.F.S.A. #		DOCKET # _____ CS# _____

With appearance by: ☐ PL ☐ Atty for PL _____ ☐ DEF ☐ Atty for DEF _____

☐ IV-D Atty _____ ☐ County Probation Division _____

This matter having been opened to the court by: ☐ Plaintiff ☐ Defendant ☐ County Welfare Agency ☐ Probation Division ☐ Family Division

for an **ORDER** for: ☐ **Paternity** ☐ **Support** ☐ **Visitation** ☐ **Custody** ☐ **Enforcement** ☐ **Modification / Increase / Decrease**

1. State with **Continuing Exclusive Jurisdiction:**

CHILD'S NAME	BIRTH DATE	CHILD'S NAME	BIRTH DATE
2A.		2D.	
2B.		2E.	
2C.		2F.	

3. ☐ **PATERNITY** of child(ren) (# above) _____ is hereby established and an **ORDER** of paternity is hereby entered.

4. ☐ A Certificate of Parentage has been filed for child(ren) #_____ above.

5. ☐ IT IS HEREBY ORDERED THAT: The obligor shall pay support to the New Jersey Family Support Payment Center in the amount of:

	+		+		payable	effective
Child Support		*Spousal Support*	*Arrears Payment*	*Total*	*Frequency*	___/___/___ *Date*

NOTE: Child support is subject to a biennial cost-of-living adjustment in accordance with R. 5:6B

6. ☐ Child Support Guidelines Order ☐ Deviation reason: _____

6A. ☐ Worksheet attached.

7. ☐ Support order shall be administered and enforced by the Probation Division in the county of Venue, _____ County.

8. ☐ **ARREARS** calculated at establishment hearing are based upon amounts and effective date noted above and total $_____.

9. ☐ **ARREARS** indicated in the records of the Probation Division, are $_____ as of ____/____/____.

10. ☐ **GROSS WEEKLY INCOMES** of the parties, as defined by the Child Support Guidelines, upon which this **ORDER** is based:

OBLIGEE $_____ **OBLIGOR** $_____

11. ☐ **INCOME WITHHOLDING** is hereby **ORDERED** on current and future income sources, including:

Name of income source: _____ Address of income source: _____

_____ _____

OBLIGOR SHALL, however, make payments **AT ANY TIME** that the full amount of support and arrears is not withheld.

12. ☐ **Medical Support** coverage as available at reasonable cost shall be provided for the ☐ **child(ren)** ☐ **spouse,**

by **Obligor** ☐ **Obligee** ☐ **Both** ☐

The parties shall pay unreimbursable health care expenses of the child(ren) which exceed $250.00 per child per year as follows:

_____**% Obligor** _____**% Obligee**

Pursuant to R 5:6A the obligee shall be responsible for the first $250.00 per child per year.

If coverage is available, Medical Insurance I.D. card(s) as proof of coverage for the child(ren)/spouse shall be provided immediately upon availability to the Probation Division by the:

☐ **Obligee** ☐ **Obligor**

12A. ☐ Insurance currently provided by a non-party:_____.

12B. ☐ Health insurance benefits are to be paid directly to the health care provider by the insurer.

13. ☐ **GENETIC TESTING** to assist the court in determining paternity of the child(ren) (#_____) is hereby **ORDERED.** The county welfare agency or the foreign jurisdiction in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to ___/___/___.

13A. ☐ Issues of reimbursement reserved. 13B. ☐ Issue of retroactive order reserved.

14. ☐ This matter is hereby **RELISTED** for a hearing on ___/___/___ before _____. A copy of this **ORDER** shall serve as the summons for the hearings. **No further notice for appearance shall be given.** Failure to appear may result in a default order, bench warrant, or dismissal. Reason for relist:

15. ☐ **AN EMPLOYMENT SEARCH MUST BE CONDUCTED BY THE OBLIGOR.** Written records of at least #_____ employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division.

16. ☐ **SERVICE** upon which this order is based:

Personal Service ☐**Certified Mail:** ☐**Refused** ☐**Regular Mail (not returned)**
Date: ___/___/___ ☐**Signed by:** _____ ☐**Returned Unclaimed** ☐**Other:**

17. ☐ **A BENCH WARRANT** for the arrest of the obligor is hereby **ORDERED.** The obligor was properly served with notice for court appearance on ___/___/___, and failed to appear. (Service noted above). An amount of $ _____ shall be required for release.

18. ☐ **EFFECTIVE** ___/___/___ **FUTURE MISSED PAYMENT(S)** numbering _____ or more may result in the issuance of a warrant, without further notice.

19. ☐ **A LUMP SUM PAYMENT OF** $_____ must be made by the obligor by ___/___/___, or a bench warrant may be issued without further notice.

20. ☐ This complaint / motion is hereby **DISMISSED:** (reason) _____

21. ☐ Order of Support is hereby **TERMINATED** effective ___/___/___, as _____. Arrears accrued prior to effective date, if any, shall be paid at the rate and frequency noted on page number one of this **ORDER.**

22. ☐ **THIS ORDER IS ENTERED BY DEFAULT.** The ☐obligor ☐obligee was properly served to appear for a hearing on ___/___/___ and failed to appear. **22A.** ☐ Affidavit of Non-Military Service is filed.

23. ☐ It is further **ORDERED:** _____

EXCEPT AS PROVIDED HEREIN, ALL PRIOR ORDERS OF THE COURT REMAIN IN FULL FORCE AND EFFECT.

I hereby declare that I understand all provisions of this **ORDER** recommended by a Hearing Officer and I waive my right to an immediate appeal to a Superior Court Judge:

PLAINTIFF _____ **DEFENDANT** _____

ATTORNEY FOR PLAINTIFF _____ **ATTORNEY FOR DEFENDANT** _____

24. ☐ **INTAKE CONFERENCE BY AUTHORIZED COURT STAFF:**

25. ☐ The parties request the termination of all Title IV-D services and consent to direct payment of support. They are advised that all monitoring, collection, enforcement and location services available under Title IV-D of the Social Security Act are no longer in effect. I understand I may reapply for Title IV-D services.

_____ obligee _____ obligor

26. ☐ Copies provided at hearing to ☐obligee ☐obligor **26A.** ☐Copies to be mailed to ☐obligee ☐obligor

TAKE NOTICE THAT THE NEW JERSEY UNIFORM SUPPORT NOTICES WHICH ARE PROVIDED IN APPENDIX XVI OF THE RULES OF COURT, AND WHICH FOLLOW, ARE INCORPORATED INTO THIS ORDER BY REFERENCE AND ARE BINDING ON ALL PARTIES.

So **Recommended** to the Court by the Hearing Officer:

Date / / **H.O.** **Signature**

So **Ordered** by the Court:

Date / / **Judge** **Signature** **J.S.C.**

Attachment F

TAKE NOTICE:

1. **You must continue to make all payments until the Court order is changed.**
2. If your child's status changes (turns 18, moves in with a different relative, marries, gets a full-time job or other changes), **you must continue to make the same payments until the Court changes the amount you must pay.**
3. If your income goes down for reasons you do not control, **YOU WILL BE RESPONSIBLE TO PAY THE AMOUNT ORDERED UNTIL THE COURT CHANGES THE AMOUNT.**
4. **In order for the Court to change the amount that must be paid, YOU must make a WRITTEN request for the order to change. Contact the Probation Division where payments are made to find out how to do this.**
5. The amount you owe (arrears) can be changed **only** as of the date of your **WRITTEN** request. If you delay making your request, you will have to pay the original amount of support until that date. **IT IS IMPORTANT** that you request a change as soon as possible after your income or your child's status changes (N.J.S.A. 2A:17-56.9).
6. **Changes in employment status and address must** be reported **in writing** to the Probation Division within 10 days of the change. Not providing this information is a violation of this **ORDER**. The last address you give to Probation will be used to send you notices of future hearings/proceedings. If you fail to appear, an order may be entered against you (default order) or a warrant may be issued for your arrest (R. 5:7-4) (R. 1:5-2) (R. 1:4-1[b]).
7. Payments **must** be made through the Probation Division, unless the court order says to pay someone else. Gifts, other purchases or in-kind payments made directly to the **obligee or child(ren)** will **not** fulfill your obligation. Credit for payments made directly to the obligee or child(ren) **may not** be given.
8. Payments are due even when your child is visiting you **unless** the court orders credit. If both parents agree to credits, it must be approved by the Court. Failure to have visitation is **not** an excuse for not paying.
9. **THIS ORDER** takes priority over payments of debts and other obligations. Payments may not be excused because a party marries or accepts other obligations.
10. Payments are based on annual income. It is the responsibility of a person with seasonal employment to budget income so the payments are made regularly throughout the year.
11. Any payment or installment for child support is a "judgment by operation of law" on the date it is due (N.J.S.A. 2A:17-56,23a). Any non-payment of child support has the effect of a lien against the obligor's real or personal property. This child support lien may affect you ability to obtain credit or sell real property.
12. Judgments that result from failure to comply with the **ORDERS** of this Court are subject to an interest charge at the rate prescribed by Rule 4:42-11(a).
13. If immediate income withholding is **not** required when an order is entered or modified or the order was entered before October1, 1990, the child support may be required to be paid by income withholding when the amount due becomes equal to the amount of support due for 14 days. Child support orders entered or modified after October 1, 1990 **shall** include a provision for immediate income withholding without regard to the amount of the arrearage **unless** the obligor and obligee agree, in writing, to an alternative arrangement **or** either party demonstrates, **and** the Court finds, good cause for an alternative arrangement (N.J.S.A. 2A:17-56.9).
14. The amount of a Title IV-D child support order is subject to review, by the state IV-D Agency or its designee, and adjustment may be made, as necessary, by the Court at least once every three years (N.J.S.A. 2A:17-56.9a).
15. Child support arrearage of $1,000 or more **shall** be reported to consumer credit reporting agencies as a debt owed by the obligor (N.J.S.A. 2a:17-56.21).
16. Child support arrearage **may** be reported to the Internal Revenue Service and the State Division of Taxation. Tax refunds/homestead rebates due the obligor may be taken to pay arrears (N.J.S.A. 2A:17-56.16).
17. Any person who willfully and with the intent to deceive, uses a Social Security number obtained on the basis of false information provided to Social Security Administration **or** provides a false or inaccurate Social Security number is subject to a fine or imprisonment (42 U.S.C. 408(7)). Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 U.S.C. 405). Disclosure of the individual's Social Security number is mandatory. Social Security numbers are used to obtain income, employment and benefit information on individuals through computer matching programs with federal and State agencies. This information is used to establish and enforce child support under Title IV-D of the Social Security Act, and to record child support judgments.
18. The Custodial parent may choose to have medical insurance benefits paid by the insurance carrier of the non-custodial parent remitted directly to the health care provider. If direct payment to the health care provider is chosen, the custodial parent must provide the insurer with a copy of the relevant section this order (N.J.S.A. 2A:34-23b).
19. **IF** this order contains any provision concerning custody and/or visitation, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2c:13-4, **Interference with Custody**. Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.

    Si usted deja de cumplir con las clausulas de custodia de esta ordem del tribunal, puede estar sujeto (sujeta) a castigos criminals conforme a N.J.S.A. 2C:13-4, **Interference with Custody**, (Obstruccion de la Custodia). Dichos castigos criminals incluyen pero no se limitan a encarcelamento, libertad, multas o una combinacion de los tres.

NEW JERSEY RULES OF COURT
APPENDIX XVI. UNIFORM SUMMARY SUPPORT ORDER (R. 5:7-4)

NEW JERSEY UNIFORM SUPPORT NOTICES

TAKE NOTICE THAT THE FOLLOWING PROVISIONS ARE TO BE CONSIDERED PART OF THIS ORDER AND ARE BINDING ON ALL PARTIES:

1. You must continue to make all payments until the court order is changed by another court order.

2. You must file a **WRITTEN** request to the Family Division in the county in which the order was entered in order for the court to consider a change in the support order. Contact the Family or Probation Division to find out how to do this. It is important that you request a change as soon as possible after your income or the child[ren]'s status changes. In most cases, if you delay making your request, and you are the obligor, you will have to pay the original amount of support until the date of your written request.

3. Payments must be made directly to the New Jersey Family Support Payment Center, P.O. Box 4880, Trenton, NJ 08650, unless the court directs otherwise. Payments may be made by money order, check, direct debit from your checking account, or credit card. Gifts, other purchases, or in-kind payments made directly to the obligee or child(ren) will not fulfill the support obligation. Credit for payments made directly to the obligee or child(ren) may not be given without a court order.

4. No payment or installment of an order for child support, or those portions of an order that are allocated for child support, shall be retroactively modified by the court except for the period during which the party seeking relief has pending an application for modification as provided in N.J.S.A. 2A:17-56.23a. (R. 5:7-4[e]).

5. The amount of child support and/or the addition of a health care coverage provision in Title IV-D cases shall be subject to review at least once every three years, on written request by either party to the Division of Family Development, P.O. Box 716, Trenton, NJ 08625-0716, as appropriate, or upon application to the court. (N.J.S.A. 2A: 17-56.9a; R. 5:7-4[e]).

6. In accordance with N.J.S.A. 2A:34-23b, the custodial parent may require the non-custodial parent's health care coverage provider to make payments directly to the health care provider by submitting a copy of the relevant sections of the order to the insurer. (R. 5:7-4[e]).

7. Social Security numbers are collected and used in accordance with section 205 of the Social Security Act (42 U.S.C. 405). Disclosure of an individual's Social Security number for Title IV-D purposes is mandatory. Social Security numbers are used to obtain income, employment, and benefit information on individuals through computer matching programs with federal and state agencies, and such information is used to establish and enforce child support under Title IV-D of the Social Security Act (42 U.S.C. 651 et seq.). Any person who willfully and with the intent to deceive, uses a Social Security number obtained on the basis of false information provided to Social Security Administration **or** provides a false or inaccurate Social Security number is subject to a fine or imprisonment. (42 U.S.C. 408(7); R. 5:7-4[e]).

8. The United States Secretary of State is required to refuse to issue or renew a passport to any person certified as owing a child support arrearage exceeding the statutory amount. In addition, the U.S. Secretary of State may take action to revoke, restrict or limit a passport previously issued to an individual owing such a child support arrearage. [42 U.S.C. 652(k)].

9. Failure to appear for a hearing to establish or to enforce an order, or failure to comply with the support provisions of this order may result in incarceration. The obligee and obligor shall notify the appropriate Probation Division of any changes in address, employment status, health care coverage, or a change in the address or status of the child[ren]. Changes must be reported in writing to the Probation Division within 10 days of the change. Not providing this information is a violation of this Order. The last address you give to Probation will be used to send you notices. If you fail to appear, a default order may be entered against you or a warrant may be issued for your arrest (R. 5:7-4[e]).

10. Any payment or installment for child support shall be fully enforceable and entitled to full faith and credit and shall be a judgment by operation of law on or after the date it is due (N.J.S.A. 2A:17-56.23a). Any non-payment of child support you owe has the effect of a lien against your property. This child support lien may affect your ability to obtain credit or to sell your property. Judgments also accrue interest at the rate prescribed by Rule 4:42- 11(a). (R. 5:7-4[e]).

11. All child support obligations are payable by income withholding unless otherwise ordered. If immediate income withholding is not required when an order is entered or modified, the child support provisions of the order may be subject to income withholding when the amount due becomes equal to, or in excess of the amount of support due for 14 days. The withholding is effective against the obligor's current and future income from all sources authorized by law. (R. 5:7-4[e], R. 5:7-5).

12. The occupational, recreational, and professional licenses, including a license to practice law, held or applied for by the obligor may be denied, suspended or revoked if: 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court, or 3) a warrant for the obligor's arrest has been issued by the court for obligor's failure to pay child support as ordered, or for obligor's failure to appear at a hearing to establish paternity or child support, or for obligor's failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4[e]).

13. The driver's license held or applied for by the obligor may be denied, suspended, or revoked if 1) a child support arrearage accumulates that is equal to or exceeds the amount set by statute, or 2) the obligor fails to provide health care coverage for the child as ordered by the court. The driver's license held or applied for by the obligor shall be denied, suspended, or revoked if the court issues a warrant for the obligor's arrest for failure to pay child support as ordered, or for failure to appear at a hearing to establish paternity or child support, or for failure to appear at a child support hearing to enforce a child support order and said warrant remains outstanding. (R. 5:7-4[e]).

14. The name of any delinquent obligor and the amount of overdue child support owed will be reported to consumer credit reporting agencies as a debt owed by the obligor, subject to all procedural due process required under State law. (N.J.S.A. 2A: 17-56.21).

15. Child support arrears may be reported to the Internal Revenue Service and the State Division of Taxation. Tax refunds/homestead rebates due the obligor may be taken to pay arrears (N.J.S.A. 2A:17-56.16).

16. Child support arrears shall be paid from the net proceeds of any lawsuit, settlement, civil judgment, civil arbitration award, inheritance or workers' compensation award to a prevailing party or beneficiary before any monies are disbursed. (N.J.S.A. 2A:17-56.23b).

17. Periodic or lump sum payments from State or local agencies, including lotteries, unemployment compensation, workers' compensation or other benefits, may be seized or intercepted to satisfy child support arrearages. (N.J.S.A. 2A:17-56.53).

18. If you owe past due child support, your public or private retirement benefits, and assets held in financial institutions may be attached to satisfy child support arrearages. (N.J.S.A. 2A:17-56.53).

19. A person under a child support obligation, who willfully fails to provide support, may be subject to criminal penalties under State and Federal law. Such criminal penalties may include imprisonment and/or fines. (N.J.S.A. 2C:24-5; N.J.S.A. 2C:62-1; 18 U.S.C.A. 22).

20. If this order contains any provision concerning custody and/or parenting time, both parties are advised: Failure to comply with the custody provisions of this court order may subject you to criminal penalties under N.J.S.A. 2C:13-4, **Interference with Custody**. Such criminal penalties include, but are not limited to, imprisonment, probation, and/or fines.
Si usted deja de cumplir con las clausulas de custodia de esta ordern del tribunal, puede estar sujeto (sujeta) a castigos criminales conforme a N.J.S.A. 2C:13-4, **Interference with Custody, (Obstruccion de la Custodia)**. Dichos castigos criminales incluyen pero no se limitan a encarcelamiento, libertad, multas o una combinacion de los tres.

Attachment G

Changes to Uniform Summary Support Order

Page 1

1. Deleted "CIVIL ACTION ORDER - Page 1 of 2" and its box.
2. Added "ORDER" under "Chancery Division-Family Part " at top of page 1.
3. Deleted "Probation Acct #"
4. Added "#" after "CS"
5. Deleted "U.R.E.S.A." and replaced with "U.I.F.S.A."
6. Each substantive provision was numbered pursuant to N.J.S.A. 1:4-2.
7. Deleted "Attorney for Plaintiff" and "Attorney for Defendant" and replaced with "With appearance by: ☐**PL** ☐**Atty for PL** _____
   ☐**DEF** ☐**Atty for DEF** _____
   ☐**IV-D Atty** _____
   ☐**County Probation Division** _____"
8. Added "for: ☐**Paternity** ☐**Support** ☐**Visitation** ☐**Custody**
   ☐**Enforcement** ☐**Modification / Increase / Decrease**"
9. Added "1. State with Continuing Exclusive Jurisdiction: _____"
10. Deleted "IS HEREBY ORDERED THAT: The obligor shall pay support for the spouse named above and/or unallocated support for the child(ren) named below:"
11. Added "5. ☐ IT IS HEREBY ORDERED THAT: The obligor shall pay support to the New Jersey Family Support Payment Center in the amount of:"
12. Added "4. ☐ A Certificate of Parentage has been filed for child(ren) #_____ above."
13. Added "NOTE: Child support is subject to a biennial cost-of-living adjustment in accordance with R. 5:6B"
14. Added "6. ☐ Child Support Guidelines Order ☐ Deviation reason: _____
    6A. ☐ Worksheet attached."
15. Added "7. ☐ Support order shall be administered and enforced by the Probation Division in the county of Venue, _____ County."
16. Deleted "☐ **ARREARS:** are to be calculated by the Probation Division based upon amounts and effective date noted above" and replaced with "8. ☐ **ARREARS** calculated at establishment hearing are based upon amounts and effective date noted above and total $_____."
17. In section beginning with "GROSS WEEKLY INCOMES":
    a. Deleted "Plaintiff" and replaced with "Obligee"
    b. Deleted "Defendant" and replaced with "Obligor"
18. In section beginning with "INCOME WITHHOLDING":
    a. Added "that" after "AT ANY TIME"
    b. Deleted "/or" after "full amount of support"
    c. Deleted "are" and replaced with "is"
19. In the section beginning with "MEDICAL":
    a. Deleted "INSURANCE coverage for the child(ren) and/or spouse as available at reasonable cost shall be provided by the Obligor☐ Obligee☐ Both☐" and replaced with "Support coverage as available at reasonable cost shall be provided for the ☐child(ren)
    ☐spouse, by Obligor☐ Obligee☐ Both☐"
    b. Deleted "divide extraordinary medical" and replaced with "pay reimbursable health care"
    c. Deleted "that are unreimbursed by insurance" and replaced with "which exceed $250 per child per year"

d. Added "Pursuant to R 5:6A the obligee shall be responsible for the first $250.00 per child per year."
e. Deleted "duplicate" after "If coverage is available,"
f. Deleted "immediately upon availability, via the Probation Division." after "☐Obligee"
g. Inserted "immediately upon availability to the Probation Division" after "If coverage is available, Medical Insurance I.D. card(s) as proof of coverage for the child(ren)/spouse shall be provided"
h. Added "12A. ☐ Insurance currently provided by a non-party:_____."

20. Deleted "☐ BLOOD/GENETIC TESTING to assist the court in determining paternity of the child(ren) (#_____) is hereby ORDERED. The county welfare agency in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to _____/_____/_____." from page 1.
21. Added "13. ☐ GENETIC TESTING to assist the court in determining paternity of the child(ren) (#_____) is hereby ORDERED. The county welfare agency or the foreign jurisdiction in the county of residence of the child shall bear the cost of said testing, without prejudice to final allocation of said costs. If defendant is later adjudicated the father of said child(ren), defendant shall reimburse the welfare agency for the costs of said tests, and pay child support retroactive to ____/____/____.
13A. ☐Issues of reimbursement reserved. 13B. ☐Issue of retroactive order reserved. " to page 2.
22. Deleted "☐ This matter is hereby RELISTED for hearing on ____/____/____ before _____. A copy of this ORDER shall serve as the summons for the hearings. No further notice for appearance shall be given. Failure to appear may result in a default order, bench warrant, or dismissal." from page 1.
23. Added "14. ☐ This matter is hereby RELISTED for a hearing on _____/_____/_____ before _____. A copy of this ORDER shall serve as the summons for the hearings. No further notice for appearance shall be given. Failure to appear may result in a default order, bench warrant, or dismissal. Reason for relist: _____" to page 2.
24. Moved "☐ AN EMPLOYMENT SEARCH MUST BE CONDUCTED BY THE OBLIGOR. Written records of at least #_____ employment contacts per week must be presented to the Probation Division. If employed, proof of income and the full name and address of employer must be provided immediately to the Probation Division." from page 1 to page 2 and renumbered this paragraph "15."

Page 2

1. Deleted "Plaintiff vs. Defendant" from the top row.
2. Added "CS# _____" to the top row.
3. Deleted "☐ THIS ORDER IS ENTERED BY DEFAULT. The obligor was properly served for court appearance on ____/____/____ and failed to appear. (Service noted below)."
4. Added "22. ☐ THIS ORDER IS ENTERED BY DEFAULT. The ☐obligor ☐obligee was properly served to appear for a hearing on _____/_____/_____ and failed to appear."
5. Added "22A. ☐ Affidavit of Non-Military Service is filed."
6. The Bench Warrant section was moved to after the Service section, renumbered "17" and the following changes were made:
   a. Added "and" after "___/___/____".
   b. Deleted "and is in violation of litigant's rights for failure to comply with the support ORDER"

c. Deleted "below" and replaced with "above"
d. Deleted "A payment" and replaced with "An amount"
e. Deleted "to purge the warrant" and replaced with "for release"
f. Deleted "Said payment shall be applied to the arrears."

7. In the Future Missed Payments section:
   a. Added "Effective ___/___/____" before "Future missed payments"
   b. Deleted "or hearing, for the arrest of the obligor"
8. In the section beginning with "A Lump Sum Payment": Deleted "or hearing, for the arrest of the obligor" and replaced with "may be issued without further notice"
9. Deleted "☐ This complaint is hereby INACTIVATED, pending _____."
10. Deleted ", without prejudice, as" and replaced with ": (reason)" after "This complaint / motion is hereby DISMISSED"
11. In the section that begins "Order of Support is hereby"
    a. Deleted "VACATED" and replaced with "TERMINATED"
    b. Deleted ", if any, as calculated by the Probation Division," and replaced with "accrued" after "Arrears"
    c. Added "if any," after "effective date,"
12. In the "It is further ORDERED" section:
    a. Deleted "☐ Additional Page (s) attached: #_____, #_____."
    b. Added "EXCEPT AS PROVIDED HEREIN, ALL PRIOR ORDERS OF THE COURT REMAIN IN FULL FORCE AND EFFECT."
13. Deleted "TAKE NOTICE that all provisions stated on the reverse of page (1) are to be considered part of this ORDER."
14. In the section that begins "I hereby declare":
    a. Added "recommended by a Hearing Officer" after "all provisions of this ORDER"
    b. Deleted "do not wish to" and replaced with "I waive my right to an immediate"
    c. Deleted "this day" after "appeal"
    d. Deleted "the Superior Court" and replaced with "a Superior Court judge"
    e. Deleted "ATTORNEY" to the right of "PLAINTIFF" and replaced with "DEFENDANT"
    f. Deleted "DEFENDANT" and replaced with "ATTORNEY FOR PLAINTIFF"
    g. Added " FOR DEFENDANT" after "ATTORNEY" on the second line
    h. Added "24. ☐ INTAKE CONFERENCE BY AUTHORIZED COURT STAFF:"
15. Added
    "25. ☐ The parties request the termination of all Title IV-D services and consent to direct payment of support. They are advised that all monitoring, collection, enforcement and location services available under Title IV-D of the Social Security Act are no longer in effect. I understand I may reapply for Title IV-D services.

_____ _____
obligee obligor"

16. In the section that begins "Copies provided":
    a. This section was numbered "26".
    b. Deleted "to above" after "Copies provided"
    c. Added "to ☐obligor ☐obligee" after "at hearing"
    d. Provision that begins with "Copies to be mailed" was numbered "26A"
    e. Deleted "the parties." and replaced with "☐obligor ☐obligee" after "Copies to be mailed to"
17. Added "TAKE NOTICE THAT THE NEW JERSEY UNIFORM SUPPORT NOTICES WHICH ARE PROVIDED IN APPENDIX XVI OF THE RULES OF COURT, AND WHICH FOLLOW, ARE INCORPORATED INTO THIS ORDER BY REFERENCE AND ARE BINDING ON ALL PARTIES."

Attachment H

ADMINISTRATIVE OFFICE OF THE COURTS
STATE OF NEW JERSEY

PHILIP S. CARCHMAN, J.A.D.
ACTING ADMINISTRATIVE DIRECTOR OF THE COURTS

RICHARD J. HUGHES JUSTICE COMPLEX
PO BOX 037
TRENTON, NEW JERSEY 08625-0037
(609) 984-0275
FAX: (609) 292-3320

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TO: **Hon. Eugene D. Serpentelli, Chair,**
Supreme Court Family Practice Committee

FROM: **Philip S. Carchman**

SUBJ: **Child Support Enforcement – Calculation of Arrearages at Hearing**

DATE: **July 5, 2005**

The Report on Child Support Standardization and Best Practices, as approved by the Judicial Council in March (and as promulgated by my memorandum of May 5), included the following recommendation regarding the establishment of child support arrearages at hearings:

> Child support hearing officers, judges or appropriate staff will calculate the child support obligation, payment on arrears, and total arrears so that these amounts will be known to the parties before they leave court on any new FM, FD or FV case. This includes a determination of any direct payments made prior to the hearing by the obligor to the obligee. It is recommended [that] the child support guidelines software be enhanced to simplify this calculation as part of the court hearing. *It is further recommended that the Family Practice Committee [recommend revisions to] existing Court Rules governing the establishment of support to require the setting of arrears at the hearing in order to further promote this practice.*" [Report at page 3 (Item 2 in Executive Summary of Standards and Recommendations)] [See also Appendix D, pages 5-9.]

This memorandum is to formally request the Practice Committee to undertake the review as recommended in that report and to make any appropriate rule recommendations.

cc: Theodore J. Fetter, Deputy Admin. Director
John P. McCarthy, Jr., Director
Harry T. Cassidy, Assistant Director
Robert Sebastian, Assistant Director
Richard Narcini, Chief, Child Support Enforcement
Elidema Mireles, Chief, CSHO Program
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

Attachment I

PREPARED BY THE COURT

_____ **Plaintiff,**	**SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-FAMILY PART COUNTY OF _____ DOCKET NO. FM -**
v.	**CIVIL ACTION**
_____ **Defendant.**	**FINAL JUDGMENT OF DIVORCE**

THIS MATTER having come before the Honorable _____, in the presence of _____, attorney for the Plaintiff, and _____, attorney for the Defendant; and Plaintiff and Defendant having pleaded and proved a cause of action for divorce under the laws of the State of New Jersey, N.J.S.A. 2A:34-2; and it appearing that Plaintiff and Defendant were married, and jurisdiction having been acquired over the parties pursuant to N.J.S.A. 2A:34-10, 11 and/or 12, and findings of fact and conclusions of law having been placed on the record as of this date and incorporated herein by reference;

IT IS on this _____ day of _____, 20____

1. **ORDERED** that pursuant to the proofs in such case made and provided, the marriage between the parties be, and the same hereby is dissolved, and the parties are divorced from the bonds of matrimony; and

2. **IT IS FURTHER ORDERED** that the parties' Settlement Agreement, orally set forth on the record on this date, is incorporated into this Final Judgment of Divorce and the parties are directed to comply with the terms of the Agreement, with the understanding that the Court took no testimony as to the merits of the settlement and makes no judgment with respect to it, except that the parties entered into it freely and voluntarily, and that it is therefore binding and enforceable; and

3. **IT IS FURTHER ORDERED** that the parties shall submit an Amended Judgment of Divorce with the terms of the Settlement Agreement attached or incorporated therein within ten days hereof; upon the failure to do so, the parties and their attorneys shall appear before this Court on _____ at _____, A.M./ P.M. with the proposed Form of Amended Judgment(s) of Divorce for entry by the Court.

4. **IT IS FURTHER ORDERED** that counsel of record are not released from representation of the parties until such time as the Amended Judgment incorporating the terms of the settlement has been filed with the Court.

5. **IT IS FURTHER ORDERED** that _____ be and hereby is permitted to resume the use of her prior name of _____, date of birth _____, Social Security Number _____.

_____

J.S.C.

Attachment J

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-0499-04T5

DONNA L. RYLICK,

Plaintiff-Respondent,

v.

JOSEPH M. RYLICK,

Defendant-Appellant.

Argued October 11, 2005 - Decided November 1, 2005

Before Judges Collester and S.L. Reisner.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Bergen County, FM-02-1116-99.

Stephen E. Samnick argued the cause for appellant.

Gale Weinberg argued the cause for respondent (Weinberg & Ustas, attorneys; Deborah L. Ustas, Ashley Tate Cooper and Melissa E. Cohen, on the brief).

PER CURIAM

Defendant Joseph Rylick appeals from orders of the Family Part entered on August 16, 2004, with respect to child support and from the appointment by the Family Court of a "therapeutic monitor" to assist in resolving issues of parenting time and other parenting matters. We affirm in part and reverse in part.

Defendant and plaintiff, Donna L. Rylick, were married on September 19, 1997. One child was born of the marriage, Christian J. Rylick, on June 1, 1998. Plaintiff filed her complaint for divorce on November 6, 1998. Over the course of the next three years there were numerous pendente lite applications to the court regarding custody and parenting time. It was not until October 30, 2001, that an agreement was placed upon the record granting each party joint legal custody of their son and in effect an equal parenting time schedule. However, this cooperation between the parties was transitory, and their inability to achieve common understanding is witnessed by the fact that although a judgment dissolving the marriage was entered by the court on December 5, 2001, a form of judgment incorporating the terms of their settlement has still not been agreed upon by the parties or entered by the court.

A series of post-judgment motions and cross-motions on parenting issues culminated in a five-day plenary hearing following which an order was entered on August 4, 2003, awarding primary residential custody of Christian, modifying the prior parenting time schedule, and fixing defendant's child support obligation at $98 per week payable through the Bergen County Probation Department. In addition the Family Court judge appointed Susan Garfield, LCSW as a therapeutic monitor with each party to pay one half of her retainer and subsequent fees.

By separate order the court specified the duties of the therapeutic monitor as follows:

> (a) [T]o assist the parties in resolving parenting disputes and creating a workable parenting plan. The parties shall return to the monitor for a minimum of two joint sessions before seeking legal action.
>
> (b) [T]o speak with other professionals (i.e., children's (sic) therapists; school counselors; Guardian [a]d Litem; clergy; attorneys for the parties; etc.) in order to fully address any dispute.
>
> (c) Any information that the therapeutic monitor may acquire shall not be confidential and the therapeutic monitor may communicate with the [c]ourt.
>
> Upon request of the court and on notice to both parties, the therapeutic monitor shall report to the [c]ourt and all parties any needs for the children's (sic) therapy or plaintiff's/defendant's therapy, the recalcitrance of either party and a suggested parenting plan.

The parties participated in parenting time counseling with Ms. Garfield until June 17, 2004, when defendant filed a motion requesting further definition of the therapeutic monitor as well as modification of his support obligation, vacating the wage garnishment and awarding a credit for support that was paid. Plaintiff filed a cross-motion to enforce recommendations of the therapeutic monitor in addition to denial of defendant's motion. The motion judge declined oral argument and entered an order on August 16, 2004, stating that (1) credit for a child support

payment in excess of $2,640 already credited to defendant's probation account by the probation department is denied; (2) child support is reduced to $50 per week until depletion of the credit; (3) a recalculation of child support to correct the August 4, 2003, figure of $98 per week is denied; (4) defendant's request to vacate the wage garnishment order is denied. On the same date the Family Court judge granted plaintiff's cross-motion for enforcement of recommendations of Ms. Garfield on parenting time and related matters as well as directing plaintiff to continue to attend therapeutic mediation sessions. Defendant has appealed both orders.

He argues that the orders must be reversed and the matters remanded due to the failure of the motion judge to make proper findings of fact and conclusions of law. We agree and remand for oral argument before the motion judge. Findings of fact and conclusions of law mandated by R. 1:7-4 are of critical importance to the appellate process. See e.g., Ronan v. Adely, 182 N.J. 103, 110-11 (2004). Failure to fully comply with this requirement in this instance is aggravated by the judge's decision to deny oral argument, which in our view was required by R. 5:5-4. See Filippone v. Lee, 304 N.J. Super. 301, 306 (App. Div. 1997) (holding that when a motion involves a substantive issue, the motion judge should grant oral argument absent a special circumstance to dispense with the requirement).

Here, the motion judge simply adopted the credit given to defendant by the Bergen County Probation Department which defendant contends was approximately $300 less than his entitlement. Plaintiff is entitled to reasons, factual, legal or both, for the rejection of his proposed credit amount.

Next we address defendant's argument that his weekly child support obligation set forth in the August 4, 2003, order was improperly calculated and the motion judge did not address the issue in his August 16, 2004, order. Defendant asserts that the miscalculation resulted from an error in computing the amount of defendant's parenting time. Under the Child Support Guidelines a child support order will be adjusted to reflect actual time spent by the child with the parent of alternate residence (PAR). See Appendix IX-A(14) to R. 5:6A. The PAR must have the child for approximately twenty-eight percent of overnights during the year exclusive of vacations and holidays, in which case child support may be adjusted to accommodate each parent's time-adjusted fixed and variable expenses. Defendant argues that there was a clerical mistake in calculating his PAR time, which resulted in an erroneous child support figure under the Guidelines. In relying upon this aspect of defendant's motion, the judge wrote on the August 16, 2004, order as follows: "Denied. Child support was established at the rate of $98 per week on August 4, 2003 at which time defendant had the same

amount of parenting time." Defendant agrees that his parenting time was the same but says that the 2004 order misses the point because it fails to address his claim of error in calculating the amount of child support. On the other hand, plaintiff asserts that defendant's argument is flawed because he seeks to include vacation time as overnights contrary to the Child Support Guidelines. Appendix IX-A(13)(b)(2).

R. 1:13-1 provides that "[c]lerical mistakes in judgments, orders or other parts of the record and errors therein arising from oversight and omission may at any time be corrected by the court on its own initiative or on the motion of any party, and on such notice and terms as the court directs, notwithstanding the pendency of an appeal." See also McNair v. McNair, 332 N.J. Super. 195, 199 (App. Div. 2000). The record on appeal is insufficient for us to make a determination as to whether or not there was a clerical error by the court, and we must therefore remand to the Family Part for clarification and, if necessary, further hearing to recalculate child support in accordance with the guidelines and the current income status of the parties.

The remaining issues raised by defendant are without sufficient merit to warrant comment. We add only that defendant is over a year beyond the time limitation for appeal of the August 4, 2003 order appointing a therapeutic monitor so that we need not reach the issue. Moreover, the appointment of a

monitor to assist in resolving parental disputes and creating a workable parenting plan was entirely appropriate and in the best interest of the child in light of the obvious inability of the parties to reach agreement on a myriad of issues involving their son, including not only parenting time, but also the appropriate T-Ball league for the child. Unlike Maragliano v. Maragliano, 321 N.J. Super. 78 (App. Div. 1999), cited by defendant, the order appointing the therapeutic monitor sub judice explicitly provided that either party could seek court intervention for appeal of any determinations by the monitor with which they disagreed.

Affirmed in part. Remanded in part.

I hereby certify that the foregoing is a true copy of the original on file in my office.
ACTING CLERK OF THE APPELLATE DIVISION

Attachment K

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-1280-04T1

JEAN ANN JERGENSEN,

Plaintiff-Appellant,

v.

EDWIN MICHAEL JERGENSEN,

Defendant-Respondent.

Argued November 2, 2005 - Decided November 15, 2005

Before Judges Parker and Grall.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Sussex County, Docket No. FM-19-490-00.

Richard J. Kaplow argued the cause for appellant.

Natalie L. Thompson argued the cause for respondent (Gruber, Colabella, Liuzza, Kutlya & Ullman, attorneys; Ms. Thompson, on the brief).

PER CURIAM

In this post-judgment matrimonial matter, plaintiff Jean Ann Jergensen appeals from two orders entered on October 1, 2004, the first finding plaintiff in violation of litigant's rights; directing her to comply with the terms of an order entered on May 21, 2004, reimburse defendant for unreimbursed,

medical, dental and counseling expenses in the amount of $2,950.77; and to comply with Dr. Edwin Rosenberg's directive that she participate in family counseling with th e children within thirty days of the order. The second order entered on October 1 directs the parties to follow the parenting, visitation and custodial recommenda tions of Dr. Rosenberg; orders defendant to utilize all available means to prevent erosion of plaintiff's parenting time; and denies plaintiff's application for sanctions against defendant.

The parties were married in 1987 and divorced on July 7, 2003. They have three children, Mikaela, age 15, Dannae, 13 and Tanner, 9. The judgment of divorce granted primary residential custody of the children to defendant and alternate weekend visitation to plaintiff . The judgment specifically provided that defendant encourage the children to visit their mother and for the parties to agree on an alternat e third-party to serve as the "transition person for purposes of parenting drop -off and pick-up." The judgment further stated that the children's expressed preferences would not be a basis to eliminate or substantially modify plaintiff's visitation.

There has been significant post -judgment litigation arising out of the children's reluctance to visit with their mother. In May 2004, Judge James Farber appointed Dr. Rosenberg as a "parenting coordinator." Dr. Rosenberg issued a report dated

June 26, 2004 recommending that plaintiff and the three children begin family therapy before the end of the summer. Dr. Rosenberg "offered three specific possible low-cost facilities, all of them close to her home in Cranford."

Rather than comply with Dr. Rosenberg's recommendation that she undertake counseling by the end of the summer, plaintiff filed a motion seeking to impose "substantial penal, economic and a non-economic sanctions" against defendant for loss of parenting time. In her certification submitted in support of the motion, plaintiff detailed her numerous grievances regarding visitation issues, and stated that she had been denied all visitation in June, July and August 2004. Plaintiff claimed that "defendant's ability to influence the decisions, preferences and behaviors of the children has been proven to this court over the past several years" and that the "children have begun to exhibit the unmistakable signs of clinical alienation from me (Parental Alienation Syndrome), brought on by the defendant's behavior in 'empowering' [the children] to resist my ceaseless efforts to reinforce my parental role and rights as their mother."

On October 1, 2004, plaintiff's motion was heard and Dr. Rosenberg testified telephonically. Asked how important plaintiff's involvement in therapy with the children was on a

scale of one to ten, Dr. Rosenberg responded " Eight." He indicated that the problem was that every time the children said something, plaintiff believed they were parroting defendant. "It's as if the children don't have a voice anymore in this situation. And the children need to have voices." Dr. Rosenberg stated that the children needed the neutral environment of therapy to "find their voices" and for plaintiff to "understand just what the children's needs are, not the children's needs as expressed or transmitted by the other parent, but the children's needs as transmitted by the children with the help of a therapist to understand that these are valid needs." In Dr. Rosenberg's opinion, "that's a major, maj or issue here." He noted that plaintiff had difficulty getting the children to respond to her authority and that therapy is needed to help plaintiff "work at that relationship with those children so that they have a better response to her authority and to her as a caregiver."

At the conclusion of the hearing, Judge Farber found that defendant did not violate Rosenberg's recommendations . Rather, he found that

> the Plaintiff really has fallen short in following through on recommendations. . . . [T]here we re issues with her going to counseling with the children, that she didn't really truly act upon and it sounds somewhat . . . as if she's dragging her feet

> or has dragged her feet over the course of the summer."

The judge further stated that defendant "should use all means of preventing the children from avoiding parenting" and declined to impose sanctions on defendant. In this appeal, plaintiff argues that (1) the trial court abused its discretion in failing to impose sanctions on defendant; and (2) the trial court abused its discretion in ordering plaintiff to allow Tanner to play hockey during her alternate weekend visitation.

We have carefully considered the record in light of plaintiff's arguments and the applicable law and we are satisfied that Judge Farber's decision in entering the two orders on October 1, 2004 was more than adequately supported by the evidence. R. 2:11-3(e)(1)(A). We affirm substantially for the reasons stated by Judge Farber in his decision rendered on the record on October 1, 2004. Nevertheless we add the following comments.

Plaintiff's objection to Tanner's playing hockey during his visits with her sadly demonstrates her lack of appreciation for the child's interests and activities. We suspect that if plaintiff viewed Tanner's hockey games enthusiastically, the child might have a different response to visiting with her. We are sympathetic to plaintiff's desire to spend more time with her children and to have a better relationship with them, but

the record indicates that s he has contributed to the children's resistance. Unfortunately, we see far too many cases in which the parties' antipathy toward each other has precipitated the children's resistance to one parent or the other. As we stated in Tahan v. Duquette, 259 N.J. Super. 328 (App. Div. 1992):

> Both [parents] must come to understand that security, peace of mind and stability are every child's right. [The parents'] inability to deal constructively with each other deprives their child [ren] of [their] due, which is wit hin [the parents'] power to give. Professed love is no substitute where it results in turmoil and uncertainty for the child who is pulled in opposite directions by his parents. [The children] will receive what [they] desperately need [] in this regard onl y if both parties are genuinely prepared to subordinate their individual needs to the best interest [s] of the child[ren] and begin to communicate with each other solely for the benefit of the child[ren]. We urge the parties to make an effort to resolve th is matter between themselves with professional assistance. Otherwise, there is a substantial risk that they will doom their [children] to a future of conflict, sadness and certain psychological harm.
>
> [Id. at 336 (emphasis added).]

Affirmed.

I hereby certify that the foregoing is a true copy of the original on file in my office.
ACTING CLERK OF THE APPELLATE DIVISION

Attachment L

NOT FOR PUBLICATION WITHOUT THE
APPROVAL OF THE APPELLATE DIVISION

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3828-04T5

GLADIS RODRIGUEZ,

Plaintiff-Respondent,

v.

MICHAEL CRANE,

Defendant-Appellant.

Argued November 16, 2005 - Decided January 12, 2006

Before Judges Wefing and Graves.

On appeal from Superior Court of New Jersey, Chancery Division, Family Part, Bergen County, No. FM-2-1378-99.

Phyllis Klein O'Brien argued the cause for appellant (Donahue, Hagan, Klein, Newsome & O'Donnell, attorneys; Ms. O'Brien, of counsel and on the brief; David R. Tawil, on the brief).

Respondent submitted a pro se brief but did not argue.

PER CURIAM

Defendant appeals to this court from the terms of a post-judgment order entered by the trial court on February 18, 2005. After reviewing the record in light of the contentions advanced on appeal, we reverse and remand for further proceedings.

The parties were married on February 13, 1996. The marriage produced one child, Daniel, born on August 2, 1996. The parties separated in November 1998 and were divorced pursuant to a judgment of divorce entered on June 2, 1999. Annexed to the judgment of divorce was a property settlement agreement the parties had executed the previous month. Within that agreement, the parties agreed they would share joint legal custody of Daniel and that plaintiff would have primary residential custody. This agreement spelled out their understanding that Daniel would be reared in the Jewish faith, and it included detailed provisions on visitation. It also provided that defendant was to pay $155 per week in child support.

Unfortunately, the acrimony between the parties did not end with their divorce. Within the year, each filed various complaints against the other. Defendant became unhappy with the nature of the care plaintiff was providing for Daniel, and he filed an application for primary residential custody of Daniel. This led to a contested plenary hearing. After days of hearings, but before completion, plaintiff, who had by then remarried, acceded to defendant's request and decided to relocate to Florida with her new husband and their child, a daughter. A consent order was entered in July 2004 that

continued the status of joint legal custody but declared defendant the parent of primary residence and plaintiff the parent of alternate residence. The order also provided for the appointment of a parenting coordinator.

Two subsequent orders were entered in connection with this change in physical custody, both entered on August 9, 2004. The first appointed Mary Ann Stokes, Esq., as the Parent Coordinator, to "serve in a directive role to resolve conflicts related to parenting issues." This order provided that the Parent Coordinator was "permitted and encouraged to facilitate communication and agreement by the parties whenever possible." It also authorized the Parent Coordinator to make recommendations on a variety of parenting issues.

The second order dealt with plaintiff's having vacation time with Daniel in August 2004, terminated defendant's obligation to pay child support and provided that plaintiff pay child support of $29 per week. It also provided that the parties would exchange copies of their 2003 income tax returns after plaintiff relocated to Florida and obtained three pay stubs for three pay periods. In addition, it provided for the recalculation of plaintiff's child support obligation.

Again, unfortunately, the acrimony between the parties did not end. In January 2005, only five months after entry of the

prior order, defendant filed a motion seeking sole legal custody of Daniel. He also sought a variety of other relief, including permission to relocate to Toronto with the boy, directing plaintiff to produce her pay stubs and exchange copies of income tax returns so as to permit recalculation of her child support obligation, compelling her to pay fifty percent of the cost of Hebrew school, directing that Daniel spend twelve specific Jewish holidays with him, and removing the Parent Coordinator. Defendant submitted a detailed certification in support of his motion and requested oral argument.

Plaintiff filed a detailed pro se certification in opposition to defendant's motion. She explained that, for financial reasons, she was unable to appear or to retain an attorney to represent her.

Ms. Stokes, the attorney previously appointed as Parent Coordinator, also filed a certification. She disputed defendant's assertion that she was biased in plaintiff's favor. She stated in her certification:

> There is no question that this case is one with high conflict parents. Under the statute and case law it probably should be a sole custody case.

The trial court did not grant defendant's request for oral argument. Although it had received sharply divergent certifications, it did not hold a hearing to resolve the

disputed questions of fact. Rather, it entered an order that continued the status of joint legal custody, with defendant having residential custody. It named a new Parent Coordinator and authorized that person "in cases where issues cannot be resolved via this negotiation process . . . to make definitive decisions over these irreconcilable issues." The order provided defendant would be responsible for one hundred percent of the cost of Daniel's Hebrew school but that Daniel would alternate the Jewish holidays with both parents. The order also stated that Daniel would attend summer camp in Florida; it specified that he would leave for Florida one day after the last day of school and return to his father two weeks before school resumed in the fall. The order also appointed two psychologists, at defendant's expense, to serve as joint experts, "with the hope that [they] can come to a joint recommendation as to which parent should have sole custody . . . . If conference . . . does not resolve the issue, a trial date will be set and plaintiff will participate via phone conference and defendant will pay for plaintiff's attorney." It is from that order that defendant has appealed.

We do not address the merits of the various provisions of that order. Indeed, we are unable to do so because the trial court made no findings of fact or conclusions of law and

provided no statement of reasons why it reached the particular determinations that it did.

The court's failure in this regard breached the requirements of R. 1:7-4(a). According to R. 1:7-4(a), "[t]he court shall, by an opinion or memorandum decision, either written or oral, find the facts and state its conclusions of law thereon . . . on every motion decided by a written order that is appealable as of right . . . ." A failure to comply with this requirement constitutes a disservice by the trial court to the litigants and to this court. Italiano v. Rudkin, 294 N.J. Super. 502, 505 (App. Div. 1996).

The trial court also failed to observe R. 5:5-4(a), which provides that a court hearing motions in family actions "shall ordinarily grant requests for oral argument on substantive and non-routine discovery motions . . . ." Defendant's motion seeking sole custody was a substantive motion, and defendant, absent special or unusual circumstances, was entitled to oral argument. Filippone v. Lee, 304 N.J. Super. 301, 306 (App. Div. 1997). The trial court here gave no reasons why, in its judgment, defendant was not entitled to oral argument.

We recognize the burdens under which trial judges labor. We also recognize those burdens may be particularly heavy in the

Family Division. Compliance with the rules, however, is essential.

There are instances in which, in order to avoid the necessity of a remand, an appellate court may make the necessary findings of fact "pursuant to the constitutional grant of necessary original jurisdiction and R. 2:10-5." Current N.J. Court Rules, comment 1 on R. 1:7-4 (2006). In light of the sharply divergent certifications presented to the trial court, however, we are unable to do so.

Because we are remanding this matter, we are not addressing the substantive merits of this order, as we have noted. We are, however, concerned about the apparent delegation of ultimate decision-making authority to the Parent Coordinator, as well as the award of counsel fees in advance to plaintiff. If the trial court deems such provisions to be warranted, they should be carefully supported by reasons and authority.

Within his reply brief, defendant has sought to suppress plaintiff's brief and appendix as not in compliance with the rules of appellate practice. We do not address the question in light of our disposition of this matter.

Reversed and remanded for further proceedings. We do not retain jurisdiction.

I hereby certify that the foregoing is a
true copy of the original on file in my office.
ACTING CLERK OF THE APPELLATE DIVISION

Attachment M

Attorneys for

_____ **Plaintiff,** **v.** _____ **Defendant.**	**SUPERIOR COURT OF NEW JERSEY CHANCERY DIVISION-FAMILY PART COUNTY OF _____ DOCKET NO. FM -** **CIVIL ACTION** **ORDER APPOINTING PARENTING COORDINATOR**

THIS MATTER having been opened by the Court by Finnerty & Sherwood, P.C., attorneys for the Plaintiff, _____, and _____, Defendant, and the Court having found that it is in the best interests of the children that a Parenting Coordinator be appointed to assist the parties in resolving their conflicts; and for good cause having been shown;

IT IS ON THIS ___ DAY OF _____, 2005, ORDERED AS FOLLOWS:

1. APPOINTMENT: _____, located at _____ is appointed as Parenting Coordinator.

2. ROLE OF PARENTING COORDINATOR: The parent coordinator shall serve to attempt to assist the parties to resolve conflicts related to _____. The Parenting Coordinator shall not have the authority to change existing Orders of the Court unless the parties consent and enter into a Consent Order.

3. NO CONFIDENTIALITY: All communications from the parties and/or their lawyers to the Parent Coordinator and/or from the Parent Coordinator to the parties and/or their lawyers shall

not be deemed confidential, but rather shall be admissible in evidence, under New Jersey Rules of Evidence and Rules of Court.

4. RECOMMENDATIONS: The Parent Coordinator will make recommendations to the parties (and their respective attorneys) directly. If either party objects to the recommendation, and refuses to be bound by the same, either party may apply to the Court pursuant to the Rules for determination of the issues. In connection with any such application, either party may submit the Parenting Coordinator's recommendation and any additional relevant evidence, in accordance with the Rules of Court. The Court may assess counsel fees pursuant to the Rules in connection with said application.

5. SOURCES OF INFORMATION: Each party is ordered to provide the Parent Coordinator with all requested information including the signing of all releases requested for collateral contacts. The Parent Coordinator may have contact with any professional or other individual he/she deems necessary to perform the duties as Parent Coordinator (e.g. the children, therapists, physicians, childcare providers, teachers, family members, etc.).

6. SCOPE: The Parent Coordinator shall make recommendations to the parties about issues identified in the Order of Appointment.

7. PROTOCOL: Consistent with this Rule, the Parent Coordinator may determine the protocol of all communications, interviews, and sessions including who shall or may attend the meetings. However, if a Domestic Violence Order is in effect, temporary or permanent, the parenting coordinator may not schedule sessions with the parties together and may see them only separately.

8. COMMUNICATION: The parties and their attorneys shall have the right to initiate or receive oral one-sided communication with the Parent Coordinator but the fact of such

communication shall be made known to the other party reasonably contemporaneously with its occurring through confirmatory written memorialization. Any party or counsel may communicate in writing with the Parent Coordinator provided that copies are provided to the other party and counsel simultaneously. Copies of any documents, tape recordings or other electronic material that one party gives to the Parent Coordinator must also be given to the other party or his/her attorney.

9. ALLOCATION OF FEES: The parties will equally share the fees of the Parent Coordinator, subject to a reallocation by application to the Court. In the event of a request for allocation of fees and costs, the Parent Coordinator may submit findings and recommendations concerning this issue.

10. RETAINER: The parties will pay to the Parent Coordinator a joint retainer in the percentages referred to above in an amount to be determined by the Parent Coordinator.

11. TESTIMONY: All testimony by the Parent Coordinator in connection with these proceedings of other proceedings involving any or all of the participants in this proceeding shall be deemed expert testimony if qualified and paid accordingly.

12. TERMINATION: The Parent Coordinator may withdraw from service at any time, upon ten days notice to the parties and the Court, if she/he determines resignation to be in the best interests of the children or she/he is unable to serve out the term. If any party believes that there exists a grievance with the Parent Coordinator which cannot be resolved, that party may bring a motion to have the Parent Coordinator relived, provided that the party has first met and conferred with the Parent Coordinator in an effort to resolve the grievance.

13. COOPERATION OF THE PARTIES: In the event the Parenting Coordinator believes either party has been recalcitrant and/or non-cooperative and thereby interfered with the parenting

coordinating process, that view shall be communicated in writing to the parties and their counsel, who may then petition the Court for appropriate relief, including but not limited to, sanctions, counsel fees, and the remedies set forth in Rule 5:3-7.

_____

J.S.C.

Revised: [Month Year], Catalog Number: [number]-english