

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

In Re: Amendment of Rules 1910.11, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.17, 1910.27 and the Note to Rule 1910.10 and Adoption of Rule 1910.16-3.1 of the Pennsylvania Rules of Civil Procedure; No. 519; Civil Procedural Rules

Order

Per Curiam:

And Now, this 12th day of January, 2010, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, Volume 38, Number 27 (July 5, 2008), and the *Pennsylvania Reporter*, 949 A.2d No. 2 (July 18, 2008), and republished for additional public comment in the *Pennsylvania Bulletin*, Volume 38, Number 50 (December 13, 2008) and the *Pennsylvania Reporter*, 959 A.2d No. 2 (December 19, 2008):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.11, 1910.16-1, 1910.16-2, 1910.16-3, 1910.16-4, 1910.16-5, 1910.16-6, 1910.16-7, 1910.17, 1910.27 and the Note to Rule 1910.10 of the Pennsylvania Rules of Civil Procedure are amended and Rule 1910.16-3.1 of the Pennsylvania Rules of Civil Procedure is adopted as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 120 days on May 12, 2010.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Hearing Procedures.

* * * * *

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Rule 1910.11 or Rule 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Rule _____.

(PRESIDENT JUDGE) (ADMINISTRATIVE JUDGE)

Official Note: Pursuant to Rule 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

* * * * *

Tioga [1910.12] 1910.11

* * * * *

Rule 1910.11. Office Conference. Subsequent Proceedings. Order.

* * * * *

(c) At the conference, the parties shall furnish to the officer true copies of their most recent federal income tax returns, their pay stubs for the preceding six months, verification of child care expenses and proof of medical coverage which they may have or have available to them. In addition, they shall provide copies of their Income and Expense Statements in the forms required by Rule 1910.27(c), completed as set forth below.

* * * * *

(2) For cases which are decided according to [*Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984)] Rule 1910.16-3.1, the Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) must be [**completed**] submitted.

* * * * *

Explanatory Comment—2010

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony pendente lite shall be pursuant to Rule 1910.16-3.1. Rule 1910.16-2(e) has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), in high income child support cases.

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(2) In actions in which the plaintiff is a public body or private agency pursuant to Rule 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's net monthly income as defined in Rule 1910.16-2, with the public or private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and a parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example 1. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and net income of \$[1,500] 2,000 per month. Father's net monthly income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule at Rule 1910.16-3, the basic child support amount for the two children with Mother is \$[1,216] 1,350. As Father's income is [67] 60% of the parties' combined monthly net income, his basic support obligation to Mother is \$[815] 810 per month. The guidelines assume that Mother will provide \$[401] 540 per

month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$[2,185] 2,190 for purposes of this calculation (\$3,000 net less \$[815] 810 in support for the children with Mother). Because the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$[2,185] 2,190 income level, or \$[545] 528 per month. Mother/obligor's income will be \$[1,099] 1,460 for purposes of this calculation (\$[1,500] 2,000 net less \$[401] 540 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$[284] 354 per month.

Example 2. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as above, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$[853] 866 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$[544] 698 for the children in placement (100% of the schedule amount for two children at the \$[1,500] 2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and that amount shall be deducted from the parents' net monthly incomes for purposes of calculating support for the child(ren) in placement.

Example 3. Mother and Father have four children, two of whom are in placement. Mother's net monthly income is \$4,000 and Father's is \$2,000. The basic support amount for the two children in the home is \$[1,359] 1,483, according to the schedule at Rule 1910.16-3. As Mother's income is 67% of the parties' combined net monthly incomes, her share would be \$[911] 994, and Father's 33% share would be \$[448] 489. Mother's income for purposes of calculating support for the two children in placement would be \$[3,089] 3,006 (\$4,000 less \$[911] 994). She would pay 100% of the basic child support at that income level, or \$[1,029] 1,033, for the children in placement. Father's income would be \$[1,552] 1,511 (\$2,000 less \$[448] 489) and his obligation to the children in placement would be \$[560] 531.

* * * * *

(c) *Spousal Support and Alimony Pendente Lite.*

(1) Orders for spousal support and alimony *pendente lite* shall not be in effect simultaneously.

(2) **In determining the duration of an award for spousal support or alimony *pendente lite*, the trier of fact shall consider the duration of the marriage from the date of marriage to the date of final separation.**

* * * * *

Explanatory Comment—[2005] 2010

Introduction. Pennsylvania law requires that child and spousal support be awarded pursuant to a statewide guideline. 23 Pa.C.S. § 4322(a). That statute further provides that the guideline shall be "established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly." *Id.*

Pursuant to federal law, The Family Support Act of 1988 (P. L. 100-485, 102 Stat. 2343 (1988), [42 U.S.C. § 667(a), statewide support guidelines must "be reviewed at least once every four years to ensure that their application results in the determination of appropriate child support award amounts."] all states are required to have statewide child support guidelines. Federal regulations, 45 CFR 302.56, further require that the guidelines be reviewed at least once every four years and that such reviews include an assessment of the most recent economic data on child-rearing costs and a review of data from case files to assure that deviations from the guidelines are limited. The Pennsylvania statute also requires a review of the support guidelines every four years. 23 Pa.C.S.A. § 4322(a).

The Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania began the mandated review process in [early 2003] 2007. The committee was assisted in its work by Jane Venohr, Ph.D., an economist with [Policy Studies, Inc.] the Center for Policy Research, under contract [with] between the Pennsylvania Department of Public Welfare and Policy Studies, Inc. As a result of the review, the committee recommended to the Supreme Court several amendments to the statewide guidelines.

A. Income Shares Model. Pennsylvania's child support guidelines are based upon the Income Shares Model. That model was developed under the Child Support Guidelines Project funded by the U.S. Office of Child Support Enforcement and administered by the National Center for State Courts. The Guidelines Project Advisory Group recommended the Income Shares Model for state guidelines. At present, [33] 37 states use the Income Shares Model as a basis for their child support guidelines.

The Income Shares Model is based upon the concept that the child of separated, divorced or never-married parents should receive the same proportion of parental income that she or he would have received if the parents lived together. A number of authoritative economic studies provide estimates of the average amount of household expenditures for children in intact households. These studies show that the proportion of household spending devoted to children is directly related to the level of household income and to the number of the children. The basic support amounts reflected in the schedule in Rule 1910.16-3 represent average marginal expenditures on children for food, housing, transportation, clothing and other miscellaneous items that are needed by children and provided by their parents, including the first \$250 of unreimbursed medical expenses incurred annually per child.

1. *Economic Measures.* The support schedule in Rule 1910.16-3 is based upon child-rearing expenditures measured by David M. Betson, Ph.D., Professor of Economics, University of Notre Dame. Dr. Betson's measurements were developed for the U.S. Department of Health and Human Services for the explicit purpose of assisting

states with the development and revision of child support guidelines. Dr. Betson's research [was] also was used in developing the prior schedule, effective in [April 1999] January 2006. [In 2001,] Dr. Betson [updated] updates his estimates using data from the [1996-98] Consumer Expenditure Survey conducted by the U.S. Bureau of Labor Statistics. In the current schedule, those figures were converted to [2003] 2008 price levels using the Consumer Price Index.

2. *Source of Data.* The estimates used to develop the schedule are based upon national data. The specific sources of the data are the periodic Consumer Expenditure Surveys. Those national surveys are used because they are the most detailed available source of data on household expenditures. The depth and quality of this information is simply not available at the state level and would be prohibitively costly to gather. [However, according to the 2000 Census conducted by the U.S. Census Bureau, the median Pennsylvania family income in 1999 was \$49,184, while the national median family income was \$50,046. Thus, using national data continues to be appropriate.]

The U.S. Department of Agriculture's Center for Nutrition Policy and Promotion ("CNPP") also develops economic estimates for the major categories of child-rearing expenditures. Although the committee reviewed these estimates, it is [not] aware of [any] only one state that relies upon the CNPP estimates as a basis for its child support schedule, and even that state makes certain adjustments.

B. *Statutory Considerations.* The Pennsylvania statute, 23 Pa.C.S.A. § 4322(a), provides:

Child and spousal support shall be awarded pursuant to a Statewide guideline as established by general rule by the Supreme Court, so that persons similarly situated shall be treated similarly. The guideline shall be based upon the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support. In determining the reasonable needs of the child or spouse seeking support and the ability of the obligor to provide support, the guideline shall place primary emphasis on the net incomes and earning capacities of the parties, with allowable deviations for unusual needs, extraordinary expenses and other factors, such as the parties' assets, as warrant special attention. The guideline so developed shall be reviewed at least once every four years.

1. *Reasonable Needs and Reasonable Ability to Provide Support.* The guidelines make financial support of a child a primary obligation and assume that parties with similar net incomes will have similar reasonable and necessary expenses. After the basic needs of the parents have been met, the child's needs shall receive priority. The guidelines assume that if the obligor's net income is at the poverty level, he or she is barely able to provide for his or her own basic needs. In those cases, therefore, the entry of a minimal order may be appropriate after considering the party's living expenses. In some cases, it may not be appropriate to enter a support order at all. In most cases, however, a party's living expenses are not relevant in determining his or her support obligation. Rather, as the statute requires, the obligation is based upon the reasonable needs of a dependent spouse or child and the reasonable ability of the obligor to pay.

2. *Net Income.* The guidelines use the net incomes of the parties [and are based on the assumption that a child's reasonable needs increase as the combined net income of the child's parents increases]. Each parent is required to contribute to a share of the child's reasonable needs in proportion to that parent's share of the combined net income. The custodial parent makes these contributions through direct expenditures for food, shelter, clothing, transportation and other reasonable needs. The non-custodial parent makes contributions through periodic support payments to the custodial parent. Rule 1910.16-2(d) has been amended to clarify the provisions relating to [fluctuating] income and earning capacity.

3. *Allowable Deviations.* The guidelines are designed to treat similarly situated parents, spouses and children in the same manner. However, when there are unavoidable differences, deviations must be made from the guidelines. Failure to deviate from these guidelines by considering a party's actual expenditures where there are special needs and special circumstances constitutes a misapplication of the guidelines.

C. *Child Support Schedule.* The child support schedule in Rule 1910.16-3 has been amended to reflect updated economic data, as required by federal and state law, to ensure that children continue to receive adequate levels of support. [At some income levels the presumptive amount of support has increased from the previous schedule, and at some income levels it has decreased. The economic data support the revised schedule.] The support amounts in the schedule have been expanded to apply to a combined net monthly income of \$[20,000] 30,000 and remain statistically valid. The economic data support the revised schedule.

D. *Self-Support Reserve ("SSR").* The amended schedule also incorporates an increase in the "Self-Support Reserve" or "SSR" from \$[550] 748 per month to \$[748] 867 per month, the [2003] 2008 federal poverty level for one person. Formerly designated as the "Computed Allowance Minimum" or "CAM," the Self-Support Reserve, as it is termed in most other states' guidelines, is intended to assure that low-income obligors retain sufficient income to meet their own basic needs, as well as to maintain the incentive to continue employment. The SSR is built into the schedule in Rule 1910.16-3 and adjusts the basic support obligation to prevent the obligor's net income from falling below \$[748] 867 per month. Because the schedule in Rule 1910.16-3 applies to child support only, Rule 1910.16-2(e)(1)(B) provides for a similar adjustment in spousal support and alimony *pendente lite* cases to assure that the obligor retains a minimum of \$[748] 867 per month.

E. *Shared Custody.* [Prior to the amendments effective in April of 1999, there was no formula or procedure for deviating from the basic support guidelines when custody was shared equally or the non-custodial parent has substantial partial custody. Prior to 1999, the guidelines provided that the obligor's support obligation should be reduced only if he or she spent "an unusual amount of time with the children."]

As part of the review process that resulted in the 1999 amendments, the committee considered the practices of several other jurisdictions and ultimately selected a method which gave some recogni-

tion to the shift in child-related expenditures that occurs when the obligor spends a substantial amount of time with the children. While recognizing that it was not a perfect solution to the problem of establishing support obligations in the context of substantial or shared custody, it was preferable to the diverse offset methods which had been developed by local courts. Its chief advantage was that it provided statewide uniformity and avoided a sharp reduction in the obligation at certain thresholds. These amendments do not change that rule.]

In creating the new schedule, the amounts of basic child support were first increased to reflect updated economic data, including 2008 price levels. Next, the amounts of basic child support were adjusted to incorporate into the schedule the assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. That does not mean that the entire schedule was reduced by 30%. Only those variable expenditures, such as food and entertainment that fluctuate based upon parenting time were adjusted.

The calculation in Rule 1910.16-4(c) reduces an obligor's support obligation further if the obligor spends significantly more time with the children. The revised schedule assumes that the obligor has 30% parenting time. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method may still result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties' combined income than the obligor.

F. *Child Care Expenses.* Rule 1910.16-6(a) [has been] was amended in 2006 to provide that child care expenses incurred by both parties shall be apportioned between the parties in recognition of the fact that a non-custodial parent also may [also] incur such expenses during his or her custodial periods with the children.

G. *Spousal Support and Alimony Pendente Lite.* Subdivision (c) has been amended to require the court to consider the duration of the marriage in determining the duration of a spousal support or alimony *pendente lite* award. The language was moved from Rule 1910.16-5 which deals with deviation. The primary purpose of this provision is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

H. *Other Amendments.* All of the examples in the guidelines have been updated to reflect the changes to the basic child support schedule. Prior explanatory comments have been deleted or revised and incorporated into new comments.

Rule 1910.16-2. Support Guidelines. Calculation of Net Income.

Generally, the amount of support to be awarded is based upon the parties' monthly net income.

* * * * *

(b) *Treatment of Public Assistance, SSI Benefits, [and] Social Security Payments to a Child Due to a Parent's Death, Disability or Retirement and Foster Care Payments.*

* * * * *

(3) If either party to a support action is a foster parent and/or is receiving payments from a public or private agency for the care of a child who is not his or her biological or adoptive child, those payments shall not be included in the income of the foster parent or other caretaker for purposes of calculating child support for the foster parent's or other caretaker's biological or adoptive child.

Example 1. If the obligor has net income of \$1,200 per month; the obligee has net monthly income of \$800; and the child receives Social Security derivative benefits of \$300 per month as a result of either the obligor's or obligee's retirement or disability, then the total combined monthly net income is \$2,300. Using the schedule at Rule 1910.16-3 for one child, the amount of support is \$[568] 551 per month. From that amount, subtract the amount the child is receiving in Social Security derivative benefits (\$[568] 551 minus \$300 equals \$[268] 251). Then, apply the formula at Rule 1910.16-4 to apportion the remaining child support amount of \$[268] 251 between the obligor and the obligee in proportion to their respective incomes. The obligor's \$1,200 net income per month is 60% of the total of the obligor's and the obligee's combined net monthly income. Thus, the obligor's support obligation would be 60% of \$[268] 251, or \$[161] 151, per month.

Example 2. Two children live with Grandmother who receives \$400 per month in Social Security death benefits for the children as a result of their father's death. Grandmother also receives \$500 per month from a trust established by Father for the benefit of the children. Grandmother is employed and earns \$2,000 net per month. Grandmother seeks support from the children's mother, who earns \$1,500 net per month. For purposes of calculating Mother's support obligation, Grandmother's income will be \$500, the amount she receives on behalf of the children from the trust. Therefore, the obligee's and the obligor's combined net monthly incomes total \$2,000. Add to that the \$400 in Social Security benefits Grandmother receives for the children to find the basic child support amount in Rule 1910.16-3. The basic support amount at the \$2,400 income level for two children is \$[820] 831. Subtracting from that amount the \$400 in Social Security derivative benefits Grandmother receives for the children, results in a basic support amount of \$[420] 431 [to be apportioned between the parties]. As Mother's income is 75% of the parties' combined income of \$2,000, her support obligation to Grandmother is \$[315] 323 per month.

* * * * *

(d) *Reduced or Fluctuating Income.*

(1) *Voluntary Reduction of Income.* When either party voluntarily assumes a lower paying job, quits a job, leaves employment, changes occupations or changes employment status to pursue an education, or is fired for cause, there generally will be no effect on the support obligation.

(2) *Involuntary Reduction of, and Fluctuations in, Income.* No adjustments in support payments will be made for normal fluctuations in earnings. However, appropriate adjustments will be made for substantial continuing involuntary decreases in income, including but not limited to the result of illness, lay-off, termination, job elimination or some other employment situation over which the party has no control **unless the trier of fact finds that such a reduction in income was willfully undertaken in an attempt to avoid or reduce the support obligation.**

(3) *Seasonal Employees.* Support orders for seasonal employees, such as construction workers, shall ordinarily be based upon a yearly average.

(4) *Earning Capacity.* [**Ordinarily, either**] **If the trier of fact determines that a party to a support action [who] has willfully [fails] failed to obtain or maintain appropriate employment, [will be considered to have] the trier of fact may impute to that party an income equal to the party's earning capacity.** Age, education, training, health, work experience, earnings history and child care responsibilities are factors which shall be considered in determining earning capacity. **For an earning capacity to be assessed, the trier of fact must state the reasons for the assessment in writing or on the record. Generally, the trier of fact should not impute an earning capacity that is greater than the amount the party would earn from one full-time position. Determination of what constitutes a reasonable work regimen depends upon all relevant circumstances including the choice of jobs available within a particular occupation, working hours, working conditions and whether a party has exerted substantial good faith efforts to find employment.**

(e) *Net Income Affecting Application of the [Child] Support Guidelines.*

(1) *Low Income Cases.*

(A) When the obligor's monthly net income and corresponding number of children fall into the shaded area of the schedule set forth in Rule 1910.16-3, the basic child support obligation shall be calculated using the obligor's income only. For example, where the obligor has monthly net income of \$[**850**] **950**, the presumptive amount of support for three children is \$[**94**] **77** per month. This amount is determined directly from the schedule in Rule 1910.16-3.

(B) In computing a basic spousal support or alimony *pendente lite* obligation, the presumptive amount of support shall not reduce the obligor's net income below [**\$748**] **the Self-Support Reserve of \$867** per month. For example, if the obligor earns \$[**800**] **1,000** per month and the obligee earns \$300 per month, the formula in Part IV of Rule 1910.16-4 would result in a support obligation of \$[**200**] **280** per month. Since this amount leaves the obligor with only \$[**600**] **720** per month, it must be adjusted so that the obligor retains at least \$[**748**] **867** per month. The presumptive minimum amount of spousal support, therefore, is \$[**52**] **133** per month in this case.

(C) When the obligor's monthly net income is \$[**748**] **867** or less, the court may award support only after consideration of the obligor's actual living expenses.

(2) *High Income [Child Support] Cases.* [**When the parties' combined net income exceeds \$20,000 per**

month, child support shall be calculated pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). The presumptive minimum amount of child support shall be the obligor's percentage share of the highest amount of support which can be derived from the schedule for the appropriate number of children and using the parties' actual combined income to determine the obligor's percentage share of this amount. The court may award an additional amount of child support based on the parties' combined income and the factors set forth in *Melzer*. The *Melzer* analysis in high income child support cases shall be applied to all of the parties' income, not just to the amount of income exceeding \$20,000 per month. In a *Melzer* analysis case, the presumptive minimum remains applicable.

For example, where the obligor and the obligee have monthly net incomes of \$17,000 and \$4,000 respectively, the presumptive minimum amount of child support for three children is calculated as follows: using the formula in Rule 1910.16-4, determine the parties' percentage shares of income based on their actual combined income—81% and 19% respectively of \$21,000. Using the schedule in Rule 1910.16-3, find the highest possible combined child support obligation for three children—\$3,018. The obligor's percentage share of the combined obligation is 81% of \$3,018, or \$2,445. This is the presumptive minimum amount of child support that he or she must pay for three children. Since this amount is derived from the schedule in Rule 1910.16-3, which is limited to combined household income of \$20,000, the court may award an additional amount of support based on the factors set forth in *Melzer*.]

When the parties' combined net income exceeds \$30,000 per month, calculation of child support, spousal support and alimony *pendente lite* shall be pursuant to Rule 1910.16-3.1.

* * * * *

Explanatory Comment—[2005] 2010

Subdivision (a) addresses gross income for purposes of calculating the support obligation by reference to the statutory definition at 23 Pa.C.S.A. § 4322. Subdivision (b) provides for the treatment of public assistance, SSI benefits, [**and**] Social Security derivative benefits **and foster care payments.**

Subdivision (c) sets forth the exclusive list of the deductions that may be taken from gross income in arriving at a party's net income. When the cost of health insurance premiums is treated as an additional expense subject to allocation between the parties under Rule 1910.16-6, it is not deductible from gross income. However, part or all of the cost of health insurance premiums may be deducted from the obligor's gross income pursuant to Rule 1910.16-6(b) in cases in which the obligor is paying the premiums and the obligee has no income or minimal income. Subdivision (c) relates to awards of spousal support or alimony *pendente lite* when there are multiple families. In these cases, a party's net income must be reduced to account for his or her child support obligations, as well as any pre-existing spousal support, alimony *pendente lite* or alimony obligations being paid to former spouses who are not the subject of the support action.

Subdivision (d) has been amended to clarify the distinction between voluntary and involuntary changes in income **and the imputing of earning capacity**. [**Since the payment of support is a priority, subsection (1) reflects current case law which, for example, holds that a party's decision to forego current employment in order to further his or her education should be treated no differently than a decision to change jobs or occupations which results in a lower income. *Kersey v. Jefferson*, 791 A.2d 419 (Pa. Super. Ct. 2002); *Grimes v. Grimes*, 596 A.2d 240 (Pa. Super. Ct. 1991)] Statutory provisions at 23 Pa.C.S.A. § 4322, as well as case law, are clear that a support obligation is based upon the ability of a party to pay, and that the concept of an earning capacity is intended to reflect a realistic, rather than a theoretical, ability to pay support. Amendments to subdivision (d) are intended to clarify when imposition of an earning capacity is appropriate.**

Subdivision (e) has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve ("SSR") [, formerly referred to as the Computed Allowance Minimum ("CAM")]. The schedule now applies to all cases in which the parties' combined net monthly income is \$[20,000] 30,000 or less. The upper income limit of the prior schedule was only \$[15,000] 20,000. The amount of support at each income level of the schedule also has changed, so the examples in Rule 1910.16-2 were revised to be consistent with the new support amounts.

The SSR is intended to assure that obligors with low incomes retain sufficient income to meet their basic needs and to maintain the incentive to continue employment. When the obligor's net monthly income or earning capacity falls into the shaded area of the schedule, the basic child support obligation can be derived directly from the schedule in Rule 1910.16-3. There is no need to use the formula in Rule 1910.16-4 to calculate the obligor's support obligation because the SSR keeps the amount of the obligation the same regardless of the obligee's income. The obligee's income may be a relevant factor, however, in determining whether to deviate from the basic guideline obligation pursuant to Rule 1910.16-5 and in considering whether to require the obligor to contribute to any additional expenses under Rule 1910.16-6.

Since the schedule in Rule 1910.16-3 sets forth basic child support only, subdivision (e)(1)(B) is necessary to reflect the operation of the SSR in spousal support and alimony *pendente lite* cases. It adjusts the basic guideline obligation, which would otherwise be calculated under the formula in Rule 1910.16-4, so that the obligor's income does not fall below the SSR amount in these cases.

Previously, the [CAM] SSR required that the obligor retain at least \$[550] 748 per month. The SSR now requires that the obligor retain income of at least \$[748] 867 per month, an amount equal to the [2003] 2008 federal poverty level for one person. When the obligor's monthly net income is less than \$[748] 867, subsection (e)(1)(C) provides that the court must consider the parties' actual living expenses before awarding support. The guidelines assume that at this income level the obligor is barely able to meet basic personal needs. In these cases,

therefore, entry of a minimal order may be appropriate. In some cases, it may not be appropriate to order support at all.

The schedule at Rule 1910.16-3 sets forth the presumptive amount of basic child support to be awarded. If the circumstances warrant, the court may deviate from that amount under Rule 1910.16-5 and may also consider a party's contribution to additional expenses, which are typically added to the basic amount of support under Rule 1910.16-6. If, for example, the obligor earns only \$[800] 900 per month but is living with his or her parents, or has remarried and is living with a fully-employed spouse, the court may consider an upward deviation under Rule 1910.16-5(b)(3) and/or may order the party to contribute to the additional expenses under Rule 1910.16-6. Consistent with the goals of the SSR, however, the court should ensure that the overall support obligation leaves the obligor with sufficient income to meet basic personal needs and to maintain the incentive to continue working so that support can be paid.

Subdivision (e) also [reflects the limited] has been amended to eliminate the application of *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), [to cases in which the guidelines cannot be used to establish the child support obligation because the parties' combined income exceeds \$20,000 per month] in high income child support cases. [The court must establish a presumptive minimum amount of child support using the guidelines to arrive at that amount. The formula for calculating the presumptive minimum amount provides that the parties' percentage shares should be calculated using their actual combined income rather than the theoretical combined income of only \$20,000. In considering whether to award an additional amount of child support, the court must apply the factors set forth in *Melzer* to all of the parties' combined income, not just the amount over \$20,000 per month. It would be improper to apply the formula in Rule 1910.16-4 to the amount of the parties' combined income which exceeds \$20,000 per month and award the obligor's percentage share as additional support. Additional support, if any, may be more or less than the percentage share and must be determined, therefore, in accordance with the factors set forth in *Melzer*. The presumptive minimum shall apply even if the *Melzer* analysis results in a lower amount] In cases in which the parties' combined net monthly income exceeds \$30,000, child support will be calculated in accordance with the three-step process in new Rule 1910.16-3.1(a).

Rule 1910.16-3. Support Guidelines. Basic Child Support Schedule.

The following schedule sets forth the amounts spent on children in intact families by combined income and number of children. Combined income is on the vertical axis of the schedule and number of children is on the horizontal axis of the schedule. This schedule is used to find the basic child support obligation. Unless otherwise provided in these rules, the obligor's share of the basic support obligation shall be computed using the formula set forth in Part I of Rule 1910.16-4.

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
0-800	50	50	50	50	50	50
850	92	93	94	95	96	97
900	137	138	140	141	143	144
950	182	184	186	188	190	192
1000	227	229	232	234	237	239
1050	271	275	278	281	284	287
1100	284	320	324	327	331	334
1150	296	366	370	374	378	382
1200	309	411	416	420	425	429
1250	322	455	462	467	472	477
1300	335	472	508	513	519	524
1350	348	490	554	560	566	572
1400	360	508	589	606	613	619
1450	373	526	610	653	660	667
1500	386	544	630	699	707	714
1550	397	560	648	723	754	762
1600	409	575	666	743	801	809
1650	421	591	684	763	839	857
1700	432	607	702	783	861	904
1750	444	623	720	803	883	952
1800	455	638	738	822	905	984
1850	467	654	756	842	927	1008
1900	479	670	773	862	949	1032
1950	490	685	790	881	969	1055
2000	501	700	807	900	990	1077
2050	512	715	824	918	1010	1099
2100	523	729	840	937	1031	1121
2150	534	744	857	955	1051	1143
2200	545	759	873	974	1071	1166
2250	557	774	890	992	1092	1188
2300	568	789	907	1011	1112	1210
2350	579	804	924	1030	1133	1233
2400	591	820	942	1051	1156	1257
2450	603	837	961	1071	1179	1282
2500	615	853	979	1092	1201	1307
2550	626	869	998	1113	1224	1332
2600	638	886	1017	1134	1247	1357
2650	650	902	1035	1154	1270	1381
2700	662	918	1054	1175	1292	1406
2750	674	935	1072	1196	1315	1431
2800	684	949	1088	1213	1335	1452
2850	694	962	1103	1230	1353	1472
2900	704	976	1118	1246	1371	1492
2950	714	989	1133	1263	1389	1511
3000	724	1003	1147	1279	1407	1531

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3050	734	1016	1162	1296	1425	1551
3100	744	1029	1177	1312	1443	1570
3150	754	1043	1192	1329	1461	1590
3200	763	1054	1204	1342	1477	1607
3250	767	1059	1207	1346	1481	1611
3300	772	1063	1211	1350	1485	1616
3350	776	1068	1214	1354	1489	1620
3400	781	1072	1218	1358	1494	1625
3450	785	1077	1221	1362	1498	1630
3500	790	1081	1225	1365	1502	1634
3550	794	1086	1228	1369	1506	1639
3600	798	1090	1231	1373	1510	1643
3650	804	1096	1237	1380	1518	1651
3700	809	1103	1245	1388	1526	1661
3750	815	1110	1252	1396	1535	1670
3800	820	1117	1259	1403	1544	1680
3850	826	1123	1266	1411	1552	1689
3900	831	1130	1273	1419	1561	1699
3950	837	1137	1280	1427	1570	1708
4000	843	1144	1287	1435	1579	1717
4050	848	1151	1294	1443	1587	1727
4100	854	1158	1302	1452	1597	1738
4150	860	1165	1310	1461	1607	1748
4200	866	1173	1318	1469	1616	1759
4250	872	1180	1326	1478	1626	1769
4300	878	1187	1334	1487	1636	1780
4350	884	1194	1341	1496	1645	1790
4400	890	1202	1349	1504	1655	1800
4450	896	1209	1357	1513	1665	1811
4500	902	1216	1365	1522	1674	1821
4550	908	1224	1373	1531	1684	1832
4600	914	1231	1381	1539	1693	1842
4650	920	1238	1389	1548	1703	1853
4700	924	1243	1394	1554	1709	1860
4750	925	1245	1395	1555	1711	1861
4800	927	1246	1396	1557	1713	1863
4850	928	1248	1398	1558	1714	1865
4900	930	1249	1399	1560	1716	1867
4950	931	1251	1400	1561	1717	1869
5000	933	1253	1402	1563	1719	1870
5050	934	1254	1403	1564	1721	1872
5100	936	1256	1404	1566	1722	1874
5150	937	1257	1406	1567	1724	1876
5200	939	1259	1407	1569	1726	1877
5250	940	1261	1408	1570	1727	1879

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
5300	942	1262	1410	1572	1729	1881
5350	943	1264	1411	1573	1731	1883
5400	945	1265	1412	1575	1732	1885
5450	946	1267	1414	1576	1734	1886
5500	948	1268	1415	1578	1735	1888
5550	952	1273	1420	1583	1742	1895
5600	959	1283	1431	1595	1755	1909
5650	966	1292	1441	1607	1768	1923
5700	973	1302	1452	1619	1780	1937
5750	980	1312	1462	1630	1793	1951
5800	988	1321	1473	1642	1806	1965
5850	995	1331	1483	1654	1819	1979
5900	1002	1340	1494	1666	1832	1993
5950	1009	1350	1504	1677	1845	2007
6000	1016	1359	1515	1689	1858	2021
6050	1023	1369	1525	1701	1871	2035
6100	1030	1379	1536	1712	1884	2049
6150	1038	1388	1546	1724	1897	2063
6200	1045	1398	1557	1736	1909	2077
6250	1052	1407	1567	1748	1922	2092
6300	1059	1417	1578	1759	1935	2106
6350	1066	1426	1588	1771	1948	2120
6400	1072	1435	1597	1781	1959	2132
6450	1077	1441	1604	1788	1967	2140
6500	1082	1447	1610	1796	1975	2149
6550	1087	1454	1617	1803	1983	2158
6600	1092	1460	1624	1810	1991	2167
6650	1097	1466	1630	1818	1999	2175
6700	1102	1473	1637	1825	2008	2184
6750	1107	1479	1643	1832	2016	2193
6800	1112	1485	1650	1840	2024	2202
6850	1117	1491	1657	1847	2032	2211
6900	1122	1498	1663	1854	2040	2219
6950	1127	1504	1670	1862	2048	2228
7000	1132	1510	1676	1869	2056	2237
7050	1137	1517	1683	1876	2064	2246
7100	1142	1523	1690	1884	2072	2255
7150	1147	1529	1696	1891	2080	2263
7200	1152	1536	1703	1898	2088	2272
7250	1157	1542	1709	1906	2096	2281
7300	1162	1548	1716	1913	2104	2290
7350	1167	1555	1722	1921	2113	2298
7400	1172	1561	1729	1928	2121	2307
7450	1177	1567	1736	1935	2129	2316
7500	1182	1573	1742	1943	2137	2325

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
7550	1187	1580	1749	1950	2145	2334
7600	1192	1586	1755	1957	2153	2342
7650	1197	1592	1762	1965	2161	2351
7700	1202	1598	1768	1971	2169	2359
7750	1206	1604	1774	1978	2176	2367
7800	1210	1609	1780	1985	2183	2375
7850	1214	1615	1786	1992	2191	2384
7900	1219	1620	1792	1998	2198	2392
7950	1223	1626	1798	2005	2206	2400
8000	1227	1631	1804	2012	2213	2408
8050	1231	1637	1810	2019	2220	2416
8100	1235	1642	1816	2025	2228	2424
8150	1240	1648	1822	2032	2235	2432
8200	1244	1653	1828	2039	2243	2440
8250	1248	1659	1835	2045	2250	2448
8300	1252	1664	1841	2052	2257	2456
8350	1257	1670	1847	2059	2265	2464
8400	1261	1675	1853	2066	2272	2472
8450	1265	1681	1859	2072	2280	2480
8500	1269	1686	1865	2079	2287	2488
8550	1273	1692	1871	2086	2295	2496
8600	1278	1697	1877	2093	2302	2504
8650	1282	1703	1883	2099	2309	2513
8700	1286	1708	1889	2106	2317	2521
8750	1290	1714	1895	2113	2324	2529
8800	1295	1719	1901	2120	2332	2537
8850	1299	1725	1907	2126	2339	2545
8900	1303	1730	1913	2133	2346	2553
8950	1307	1736	1919	2140	2354	2561
9000	1311	1741	1925	2147	2361	2569
9050	1316	1747	1931	2153	2369	2577
9100	1320	1752	1937	2160	2376	2585
9150	1324	1758	1943	2167	2383	2593
9200	1328	1763	1949	2173	2391	2601
9250	1333	1769	1955	2180	2398	2609
9300	1337	1775	1961	2187	2406	2617
9350	1341	1780	1967	2194	2413	2625
9400	1345	1786	1973	2200	2420	2633
9450	1349	1791	1980	2207	2428	2642
9500	1354	1797	1986	2214	2435	2650
9550	1358	1802	1992	2221	2443	2658
9600	1362	1807	1996	2226	2449	2664
9650	1365	1811	2001	2231	2454	2670
9700	1369	1815	2005	2235	2459	2675
9750	1372	1819	2009	2240	2464	2681

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
9800	1376	1823	2013	2244	2469	2686
9850	1379	1827	2017	2249	2474	2692
9900	1383	1832	2021	2253	2479	2697
9950	1386	1836	2025	2258	2484	2702
10000	1390	1840	2029	2263	2489	2708
10050	1393	1844	2033	2267	2494	2713
10100	1397	1848	2037	2272	2499	2719
10150	1400	1852	2042	2276	2504	2724
10200	1404	1856	2046	2281	2509	2730
10250	1407	1860	2050	2285	2514	2735
10300	1411	1865	2054	2290	2519	2741
10350	1414	1869	2058	2295	2524	2746
10400	1418	1873	2062	2299	2529	2752
10450	1421	1877	2066	2304	2534	2757
10500	1425	1881	2070	2308	2539	2763
10550	1428	1885	2074	2313	2544	2768
10600	1432	1889	2078	2317	2549	2774
10650	1435	1894	2083	2322	2554	2779
10700	1439	1898	2087	2327	2559	2784
10750	1442	1902	2091	2331	2564	2790
10800	1446	1906	2095	2336	2569	2795
10850	1449	1910	2099	2340	2574	2801
10900	1453	1914	2103	2345	2579	2806
10950	1456	1918	2107	2349	2584	2812
11000	1460	1922	2111	2354	2589	2817
11050	1464	1927	2115	2359	2594	2823
11100	1467	1931	2119	2363	2599	2828
11150	1471	1935	2124	2368	2604	2834
11200	1474	1939	2128	2372	2610	2839
11250	1478	1943	2132	2377	2615	2845
11300	1481	1947	2136	2381	2620	2850
11350	1485	1951	2140	2386	2625	2856
11400	1488	1956	2144	2391	2630	2861
11450	1492	1960	2148	2395	2635	2866
11500	1495	1964	2152	2400	2640	2872
11550	1499	1968	2156	2404	2645	2877
11600	1502	1972	2160	2409	2650	2883
11650	1506	1976	2164	2413	2655	2888
11700	1509	1980	2169	2418	2660	2894
11750	1513	1984	2173	2423	2665	2899
11800	1516	1989	2177	2427	2670	2905
11850	1520	1993	2181	2432	2675	2910
11900	1523	1997	2185	2436	2680	2916
11950	1527	2001	2189	2441	2685	2921
12000	1530	2005	2193	2445	2690	2927

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
12050	1534	2009	2197	2450	2695	2932
12100	1537	2013	2201	2455	2700	2938
12150	1541	2018	2205	2459	2705	2943
12200	1544	2022	2210	2464	2710	2948
12250	1548	2026	2214	2468	2715	2954
12300	1551	2030	2218	2473	2720	2959
12350	1555	2034	2222	2477	2725	2965
12400	1558	2038	2226	2482	2730	2970
12450	1562	2042	2230	2486	2735	2976
12500	1565	2046	2234	2491	2740	2981
12550	1569	2051	2238	2496	2745	2987
12600	1572	2055	2242	2500	2750	2992
12650	1576	2059	2246	2505	2755	2998
12700	1579	2063	2251	2509	2760	3003
12750	1583	2067	2255	2514	2765	3009
12800	1586	2071	2259	2518	2770	3014
12850	1590	2075	2263	2523	2775	3020
12900	1593	2080	2267	2528	2780	3025
12950	1597	2084	2271	2532	2785	3030
13000	1600	2088	2275	2537	2790	3036
13050	1604	2092	2279	2541	2795	3041
13100	1607	2096	2283	2546	2800	3047
13150	1611	2100	2287	2550	2805	3052
13200	1614	2104	2291	2555	2811	3058
13250	1618	2108	2296	2560	2816	3063
13300	1622	2113	2300	2564	2821	3069
13350	1625	2117	2304	2569	2826	3074
13400	1629	2121	2308	2573	2831	3080
13450	1632	2125	2312	2578	2836	3085
13500	1636	2129	2316	2582	2841	3091
13550	1639	2133	2320	2587	2846	3096
13600	1643	2137	2324	2592	2851	3102
13650	1646	2142	2328	2596	2856	3107
13700	1650	2146	2332	2601	2861	3113
13750	1653	2150	2337	2605	2866	3118
13800	1657	2154	2341	2610	2871	3123
13850	1660	2158	2345	2614	2876	3129
13900	1664	2162	2349	2619	2881	3134
13950	1667	2166	2353	2624	2886	3140
14000	1671	2170	2357	2628	2891	3145
14050	1674	2175	2361	2633	2896	3151
14100	1678	2179	2365	2637	2901	3156
14150	1681	2183	2369	2642	2906	3162
14200	1685	2187	2373	2646	2911	3167
14250	1688	2191	2378	2651	2916	3173

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
14300	1692	2195	2382	2656	2921	3178
14350	1695	2199	2386	2660	2926	3184
14400	1699	2203	2390	2665	2931	3189
14450	1702	2208	2394	2669	2936	3195
14500	1706	2212	2398	2674	2941	3200
14550	1709	2216	2402	2678	2946	3205
14600	1713	2220	2406	2683	2951	3211
14650	1716	2224	2410	2687	2956	3216
14700	1720	2228	2414	2692	2961	3222
14750	1723	2232	2418	2697	2966	3227
14800	1727	2237	2423	2701	2971	3233
14850	1730	2241	2427	2706	2976	3238
14900	1734	2245	2431	2710	2981	3244
14950	1737	2249	2435	2715	2986	3249
15000	1741	2253	2439	2719	2991	3255
15050	1806	2319	2493	2780	3058	3327
15100	1811	2325	2498	2785	3064	3334
15150	1816	2330	2503	2791	3071	3341
15200	1821	2336	2509	2797	3077	3348
15250	1826	2342	2514	2803	3084	3355
15300	1831	2347	2519	2809	3090	3362
15350	1836	2353	2525	2815	3097	3369
15400	1841	2359	2530	2821	3103	3376
15450	1846	2364	2535	2827	3110	3383
15500	1851	2370	2541	2833	3116	3390
15550	1856	2375	2546	2839	3123	3397
15600	1861	2381	2551	2845	3129	3404
15650	1866	2387	2557	2851	3136	3411
15700	1871	2392	2562	2856	3142	3419
15750	1876	2398	2567	2862	3149	3426
15800	1881	2404	2572	2868	3155	3433
15850	1886	2409	2578	2874	3162	3440
15900	1891	2415	2583	2880	3168	3447
15950	1896	2420	2588	2886	3175	3454
16000	1901	2426	2594	2892	3181	3461
16050	1906	2432	2599	2898	3188	3468
16100	1911	2437	2604	2904	3194	3475
16150	1916	2443	2610	2910	3201	3482
16200	1921	2449	2615	2916	3207	3489
16250	1926	2454	2620	2921	3214	3496
16300	1931	2460	2625	2927	3220	3503
16350	1936	2466	2631	2933	3227	3511
16400	1941	2471	2636	2939	3233	3518
16450	1946	2477	2641	2945	3240	3525
16500	1951	2482	2647	2951	3246	3532

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
16550	1956	2488	2652	2957	3253	3539
16600	1961	2494	2657	2963	3259	3546
16650	1966	2499	2663	2969	3266	3553
16700	1971	2505	2668	2975	3272	3560
16750	1976	2511	2673	2981	3279	3567
16800	1981	2516	2678	2986	3285	3574
16850	1986	2522	2684	2992	3292	3581
16900	1991	2527	2689	2998	3298	3588
16950	1996	2533	2694	3004	3305	3595
17000	2001	2539	2700	3010	3311	3603
17050	2006	2544	2705	3016	3318	3610
17100	2011	2550	2710	3022	3324	3617
17150	2016	2556	2716	3028	3331	3624
17200	2021	2561	2721	3034	3337	3631
17250	2026	2567	2726	3040	3344	3638
17300	2031	2572	2731	3046	3350	3645
17350	2036	2578	2737	3052	3357	3652
17400	2041	2584	2742	3057	3363	3659
17450	2046	2589	2747	3063	3370	3666
17500	2051	2595	2753	3069	3376	3673
17550	2056	2601	2758	3075	3383	3680
17600	2061	2606	2763	3081	3389	3687
17650	2066	2612	2769	3087	3396	3694
17700	2071	2618	2774	3093	3402	3702
17750	2076	2623	2779	3099	3409	3709
17800	2081	2629	2784	3105	3415	3716
17850	2086	2634	2790	3111	3422	3723
17900	2091	2640	2795	3117	3428	3730
17950	2096	2646	2800	3122	3435	3737
18000	2101	2651	2806	3128	3441	3744
18050	2106	2657	2811	3134	3448	3751
18100	2111	2663	2816	3140	3454	3758
18150	2116	2668	2822	3146	3461	3765
18200	2121	2674	2827	3152	3467	3772
18250	2126	2679	2832	3158	3474	3779
18300	2131	2685	2838	3164	3480	3786
18350	2136	2691	2843	3170	3487	3794
18400	2141	2696	2848	3176	3493	3801
18450	2146	2702	2853	3182	3500	3808
18500	2151	2708	2859	3187	3506	3815
18550	2156	2713	2864	3193	3513	3822
18600	2161	2719	2869	3199	3519	3829
18650	2166	2725	2875	3205	3526	3836
18700	2171	2730	2880	3211	3532	3843
18750	2176	2736	2885	3217	3539	3850

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
18800	2181	2741	2891	3223	3545	3857
18850	2186	2747	2896	3229	3552	3864
18900	2191	2753	2901	3235	3558	3871
18950	2196	2758	2906	3241	3565	3878
19000	2201	2764	2912	3247	3571	3886
19050	2206	2770	2917	3253	3578	3893
19100	2211	2775	2922	3258	3584	3900
19150	2216	2781	2928	3264	3591	3907
19200	2221	2786	2933	3270	3597	3914
19250	2226	2792	2938	3276	3604	3921
19300	2231	2798	2944	3282	3610	3928
19350	2236	2803	2949	3288	3617	3935
19400	2241	2809	2954	3294	3623	3942
19450	2246	2815	2959	3300	3630	3949
19500	2251	2820	2965	3306	3636	3956
19550	2256	2826	2970	3312	3643	3963
19600	2261	2831	2975	3318	3649	3970
19650	2266	2837	2981	3323	3656	3977
19700	2271	2843	2986	3329	3662	3985
19750	2276	2848	2991	3335	3669	3992
19800	2281	2854	2997	3341	3675	3999
19850	2286	2860	3002	3347	3682	4006
19900	2291	2865	3007	3353	3688	4013
19950	2296	2871	3012	3359	3695	4020
20000	2301	2877	3018	3365	3701	4027]

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
0-900	50	55	60	65	70	75
950	75	76	77	78	78	79
1000	120	121	123	124	125	127
1050	165	167	169	171	172	174
1100	210	212	215	217	219	222
1150	255	258	261	264	266	269
1200	294	303	307	310	313	317
1250	306	349	353	357	360	364
1300	318	394	399	403	407	412
1350	330	440	445	450	454	459
1400	342	485	491	496	501	507
1450	354	514	537	543	548	554
1500	365	531	583	589	595	602
1550	377	548	629	636	642	649
1600	389	565	665	682	689	697

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
1650	401	582	684	729	736	744
1700	412	598	704	775	783	792
1750	424	615	723	808	830	839
1800	436	631	742	829	877	887
1850	447	648	762	851	924	934
1900	459	664	781	872	960	982
1950	470	681	800	894	983	1029
2000	482	698	820	915	1007	1077
2050	493	714	839	937	1031	1120
2100	505	731	858	959	1054	1146
2150	517	747	877	980	1078	1172
2200	528	764	897	1002	1102	1198
2250	540	781	916	1023	1126	1223
2300	551	797	936	1045	1150	1250
2350	563	814	956	1068	1174	1277
2400	575	831	976	1090	1199	1304
2450	587	849	996	1113	1224	1330
2500	598	866	1016	1135	1249	1357
2550	610	883	1036	1158	1273	1384
2600	622	900	1057	1180	1298	1411
2650	634	917	1077	1203	1323	1438
2700	646	934	1097	1225	1348	1465
2750	657	951	1117	1248	1373	1492
2800	669	968	1137	1270	1397	1519
2850	681	985	1157	1293	1422	1546
2900	693	1002	1178	1315	1447	1573
2950	704	1019	1198	1338	1472	1600
3000	714	1033	1213	1354	1490	1619
3050	723	1045	1226	1370	1507	1638
3100	732	1057	1240	1385	1523	1656
3150	741	1070	1253	1400	1540	1674
3200	750	1082	1267	1415	1557	1692
3250	759	1094	1281	1431	1574	1711
3300	768	1107	1294	1446	1590	1729
3350	777	1119	1308	1461	1607	1747
3400	786	1131	1322	1476	1624	1765
3450	793	1141	1333	1489	1637	1780
3500	798	1149	1342	1500	1650	1793
3550	804	1157	1352	1511	1662	1806
3600	809	1165	1362	1522	1674	1819
3650	815	1173	1372	1533	1686	1832
3700	820	1182	1382	1543	1698	1846
3750	826	1190	1392	1554	1710	1859
3800	831	1198	1401	1565	1722	1872
3850	837	1206	1411	1576	1734	1885

THE COURTS

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
3900	842	1214	1421	1587	1746	1898
3950	848	1222	1430	1597	1757	1910
4000	854	1231	1439	1608	1769	1922
4050	860	1239	1449	1618	1780	1935
4100	866	1247	1458	1629	1791	1947
4150	872	1255	1467	1639	1803	1960
4200	878	1264	1477	1649	1814	1972
4250	884	1272	1486	1660	1826	1984
4300	890	1280	1495	1670	1837	1997
4350	895	1286	1502	1677	1845	2006
4400	898	1291	1506	1682	1850	2011
4450	902	1295	1510	1686	1855	2016
4500	905	1299	1513	1691	1860	2021
4550	909	1303	1517	1695	1864	2027
4600	912	1307	1521	1699	1869	2032
4650	916	1312	1525	1704	1874	2037
4700	919	1316	1529	1708	1879	2042
4750	923	1320	1533	1712	1884	2047
4800	926	1325	1538	1718	1890	2054
4850	931	1331	1545	1726	1898	2064
4900	935	1337	1552	1734	1907	2073
4950	940	1343	1559	1742	1916	2082
5000	944	1350	1566	1749	1924	2092
5050	949	1356	1573	1757	1933	2101
5100	953	1362	1580	1765	1942	2111
5150	957	1368	1587	1773	1950	2120
5200	962	1374	1594	1781	1959	2129
5250	966	1380	1601	1789	1968	2139
5300	971	1387	1608	1797	1976	2148
5350	975	1393	1615	1804	1985	2157
5400	980	1399	1622	1812	1993	2167
5450	984	1405	1629	1820	2002	2176
5500	989	1412	1637	1829	2011	2186
5550	994	1419	1645	1837	2021	2197
5600	1000	1426	1653	1846	2031	2207
5650	1005	1433	1660	1855	2040	2218
5700	1010	1440	1668	1864	2050	2228
5750	1015	1447	1676	1872	2059	2239
5800	1020	1454	1684	1881	2069	2249
5850	1025	1461	1692	1890	2079	2260
5900	1031	1469	1700	1899	2088	2270
5950	1036	1476	1707	1907	2098	2281
6000	1041	1483	1715	1916	2108	2291
6050	1046	1490	1723	1925	2117	2301
6100	1051	1497	1731	1933	2127	2312

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
6150	1056	1504	1739	1942	2136	2322
6200	1061	1511	1747	1951	2147	2333
6250	1066	1518	1755	1961	2157	2344
6300	1071	1525	1763	1970	2167	2355
6350	1076	1532	1772	1979	2177	2366
6400	1081	1539	1780	1988	2187	2377
6450	1086	1546	1788	1997	2197	2388
6500	1091	1553	1796	2006	2207	2399
6550	1096	1560	1804	2015	2217	2410
6600	1101	1567	1812	2024	2227	2421
6650	1106	1574	1821	2034	2237	2432
6700	1111	1581	1829	2043	2247	2442
6750	1116	1588	1837	2052	2257	2453
6800	1121	1595	1845	2061	2267	2464
6850	1126	1602	1853	2070	2277	2475
6900	1131	1609	1861	2078	2286	2485
6950	1135	1616	1868	2087	2295	2495
7000	1140	1622	1876	2095	2304	2505
7050	1145	1629	1883	2103	2314	2515
7100	1150	1636	1891	2112	2323	2525
7150	1155	1643	1898	2120	2332	2535
7200	1160	1649	1906	2128	2341	2545
7250	1165	1656	1913	2137	2351	2555
7300	1170	1663	1921	2145	2360	2565
7350	1174	1670	1928	2154	2369	2575
7400	1179	1676	1936	2162	2378	2585
7450	1184	1683	1943	2170	2387	2595
7500	1189	1690	1951	2179	2397	2605
7550	1194	1696	1958	2187	2406	2615
7600	1199	1703	1966	2196	2415	2625
7650	1204	1710	1973	2204	2424	2635
7700	1209	1717	1981	2212	2434	2645
7750	1214	1723	1988	2221	2443	2656
7800	1218	1731	1997	2230	2453	2667
7850	1223	1738	2005	2240	2464	2678
7900	1228	1745	2014	2249	2474	2689
7950	1233	1752	2022	2259	2485	2701
8000	1238	1759	2031	2268	2495	2712
8050	1243	1766	2039	2278	2505	2723
8100	1248	1774	2048	2287	2516	2735
8150	1253	1781	2056	2297	2526	2746
8200	1258	1788	2064	2306	2537	2757
8250	1263	1795	2073	2316	2547	2769
8300	1268	1802	2081	2325	2557	2780
8350	1273	1809	2090	2334	2568	2791

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
8400	1278	1816	2098	2344	2578	2803
8450	1283	1824	2107	2353	2589	2814
8500	1288	1831	2115	2363	2599	2825
8550	1293	1838	2124	2372	2609	2837
8600	1297	1845	2132	2382	2620	2848
8650	1302	1852	2141	2391	2630	2859
8700	1305	1856	2145	2396	2635	2864
8750	1307	1859	2149	2400	2640	2870
8800	1310	1863	2153	2404	2645	2875
8850	1313	1866	2156	2409	2650	2880
8900	1315	1870	2160	2413	2654	2885
8950	1318	1873	2164	2417	2659	2890
9000	1320	1877	2168	2422	2664	2896
9050	1323	1880	2172	2426	2669	2901
9100	1325	1884	2176	2430	2673	2906
9150	1328	1887	2180	2435	2678	2911
9200	1330	1891	2184	2439	2683	2916
9250	1333	1894	2188	2443	2688	2922
9300	1335	1898	2191	2448	2693	2927
9350	1338	1901	2195	2452	2697	2932
9400	1340	1905	2199	2457	2702	2937
9450	1343	1908	2203	2461	2707	2942
9500	1345	1912	2207	2465	2712	2948
9550	1348	1915	2211	2470	2716	2953
9600	1351	1920	2217	2476	2723	2960
9650	1356	1926	2223	2483	2731	2969
9700	1360	1932	2229	2490	2739	2977
9750	1364	1937	2235	2497	2746	2985
9800	1368	1943	2241	2504	2754	2994
9850	1372	1948	2248	2511	2762	3002
9900	1376	1954	2254	2518	2769	3010
9950	1381	1960	2260	2525	2777	3019
10000	1385	1965	2266	2532	2785	3027
10050	1389	1971	2273	2538	2792	3035
10100	1393	1977	2279	2545	2800	3044
10150	1397	1982	2285	2552	2808	3052
10200	1402	1988	2291	2559	2815	3060
10250	1406	1994	2297	2566	2823	3069
10300	1410	1999	2304	2573	2831	3077
10350	1414	2005	2310	2580	2838	3085
10400	1418	2010	2316	2587	2846	3093
10450	1422	2016	2322	2594	2854	3102
10500	1427	2022	2329	2601	2861	3110
10550	1431	2027	2335	2608	2869	3118
10600	1435	2033	2341	2615	2876	3127

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
10650	1439	2039	2347	2622	2884	3135
10700	1443	2044	2354	2629	2892	3143
10750	1448	2051	2361	2637	2901	3153
10800	1452	2057	2369	2646	2910	3164
10850	1457	2064	2376	2654	2920	3174
10900	1462	2070	2384	2663	2929	3184
10950	1466	2077	2391	2671	2938	3194
11000	1471	2083	2399	2679	2947	3204
11050	1475	2090	2406	2688	2957	3214
11100	1480	2097	2414	2696	2966	3224
11150	1485	2103	2421	2705	2975	3234
11200	1489	2110	2429	2713	2985	3244
11250	1494	2116	2437	2722	2994	3254
11300	1499	2123	2444	2730	3003	3264
11350	1503	2129	2452	2739	3012	3274
11400	1508	2136	2459	2747	3022	3285
11450	1512	2142	2467	2755	3031	3295
11500	1517	2149	2474	2764	3040	3305
11550	1522	2156	2482	2772	3049	3315
11600	1526	2162	2489	2781	3059	3325
11650	1531	2169	2497	2789	3068	3335
11700	1535	2175	2504	2798	3077	3345
11750	1540	2182	2512	2806	3087	3355
11800	1545	2188	2520	2814	3096	3365
11850	1549	2195	2527	2823	3105	3375
11900	1554	2201	2535	2831	3114	3385
11950	1558	2208	2542	2840	3124	3395
12000	1563	2214	2550	2848	3133	3405
12050	1568	2221	2557	2857	3142	3416
12100	1572	2228	2565	2865	3151	3426
12150	1577	2234	2572	2873	3161	3436
12200	1581	2241	2580	2882	3170	3446
12250	1586	2247	2588	2890	3179	3456
12300	1591	2254	2595	2899	3189	3466
12350	1595	2260	2603	2907	3198	3476
12400	1600	2267	2610	2916	3207	3486
12450	1605	2273	2618	2924	3216	3496
12500	1609	2280	2625	2932	3226	3506
12550	1613	2285	2632	2939	3233	3515
12600	1617	2290	2637	2945	3240	3522
12650	1620	2295	2642	2951	3246	3529
12700	1623	2300	2648	2957	3253	3536
12750	1627	2305	2653	2963	3260	3543
12800	1630	2309	2658	2969	3266	3550
12850	1634	2314	2664	2975	3273	3557

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
12900	1637	2319	2669	2981	3279	3565
12950	1641	2324	2674	2987	3286	3572
13000	1644	2328	2680	2993	3292	3579
13050	1648	2333	2685	2999	3299	3586
13100	1651	2338	2690	3005	3305	3593
13150	1654	2343	2695	3011	3312	3600
13200	1658	2347	2701	3017	3319	3607
13250	1661	2352	2706	3023	3325	3614
13300	1665	2357	2711	3029	3332	3621
13350	1668	2362	2717	3035	3338	3629
13400	1672	2366	2722	3041	3345	3636
13450	1675	2371	2727	3047	3351	3643
13500	1679	2376	2733	3053	3358	3650
13550	1682	2381	2738	3059	3364	3657
13600	1686	2385	2743	3064	3371	3664
13650	1689	2390	2749	3070	3377	3671
13700	1692	2395	2754	3076	3384	3678
13750	1696	2400	2759	3082	3391	3686
13800	1699	2404	2765	3088	3397	3693
13850	1703	2409	2770	3094	3404	3700
13900	1706	2414	2775	3100	3410	3707
13950	1710	2419	2781	3106	3417	3714
14000	1713	2423	2786	3112	3423	3721
14050	1717	2428	2791	3118	3430	3728
14100	1720	2433	2797	3124	3436	3735
14150	1723	2438	2802	3130	3443	3742
14200	1727	2442	2807	3136	3449	3750
14250	1730	2447	2813	3142	3456	3757
14300	1734	2452	2818	3148	3463	3764
14350	1737	2457	2823	3154	3469	3771
14400	1741	2461	2829	3160	3476	3778
14450	1744	2466	2834	3166	3482	3785
14500	1748	2471	2839	3172	3489	3792
14550	1751	2476	2845	3178	3495	3799
14600	1754	2481	2850	3184	3502	3807
14650	1758	2485	2855	3189	3508	3814
14700	1761	2490	2861	3195	3515	3821
14750	1765	2495	2866	3201	3522	3828
14800	1768	2500	2871	3207	3528	3835
14850	1772	2504	2877	3213	3535	3842
14900	1775	2509	2882	3219	3541	3849
14950	1779	2514	2887	3225	3548	3856
15000	1782	2519	2893	3231	3554	3863
15050	1786	2523	2898	3237	3561	3871
15100	1789	2528	2903	3243	3567	3878

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
15150	1792	2533	2909	3249	3574	3885
15200	1796	2538	2914	3255	3580	3892
15250	1799	2542	2919	3261	3587	3899
15300	1803	2547	2925	3267	3594	3906
15350	1806	2552	2930	3273	3600	3913
15400	1810	2557	2935	3279	3607	3920
15450	1813	2561	2941	3285	3613	3928
15500	1817	2566	2946	3291	3620	3935
15550	1820	2571	2951	3297	3626	3942
15600	1823	2576	2957	3303	3633	3949
15650	1827	2580	2962	3309	3639	3956
15700	1830	2585	2967	3315	3646	3963
15750	1834	2590	2973	3320	3653	3970
15800	1837	2595	2978	3326	3659	3977
15850	1841	2599	2983	3332	3666	3985
15900	1844	2604	2989	3338	3672	3992
15950	1848	2609	2994	3344	3679	3999
16000	1851	2614	2999	3350	3685	4006
16050	1854	2618	3005	3356	3692	4013
16100	1858	2623	3010	3362	3698	4020
16150	1861	2628	3015	3368	3705	4027
16200	1865	2633	3021	3374	3711	4034
16250	1868	2638	3026	3380	3718	4041
16300	1872	2642	3031	3386	3725	4049
16350	1875	2647	3037	3392	3731	4056
16400	1879	2652	3042	3398	3738	4063
16450	1882	2657	3047	3404	3744	4070
16500	1886	2661	3053	3410	3751	4077
16550	1889	2666	3058	3416	3757	4084
16600	1892	2671	3063	3422	3764	4091
16650	1896	2676	3069	3428	3770	4098
16700	1899	2680	3074	3434	3777	4106
16750	1903	2685	3079	3440	3783	4113
16800	1906	2690	3085	3445	3790	4120
16850	1910	2695	3090	3451	3797	4127
16900	1913	2699	3095	3457	3803	4134
16950	1917	2704	3101	3463	3810	4141
17000	1920	2709	3106	3469	3816	4148
17050	1923	2714	3111	3475	3823	4155
17100	1927	2718	3117	3481	3829	4162
17150	1930	2723	3122	3487	3836	4170
17200	1934	2728	3127	3493	3842	4177
17250	1937	2733	3133	3499	3849	4184
17300	1941	2737	3138	3505	3856	4191
17350	1944	2742	3143	3511	3862	4198

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
17400	1948	2747	3149	3517	3869	4205
17450	1951	2752	3154	3523	3875	4212
17500	1954	2756	3159	3529	3882	4219
17550	1958	2761	3165	3535	3888	4227
17600	1961	2766	3170	3541	3895	4234
17650	1965	2771	3175	3547	3901	4241
17700	1968	2775	3181	3553	3908	4248
17750	1972	2780	3186	3559	3914	4255
17800	1975	2785	3191	3565	3921	4262
17850	1979	2790	3197	3571	3928	4269
17900	1982	2794	3202	3576	3934	4276
17950	1986	2799	3207	3582	3941	4284
18000	1989	2804	3213	3588	3947	4291
18050	1992	2809	3218	3594	3954	4298
18100	1996	2814	3223	3600	3960	4305
18150	1999	2818	3229	3606	3967	4312
18200	2003	2823	3234	3612	3973	4319
18250	2006	2828	3239	3618	3980	4326
18300	2010	2833	3245	3624	3987	4333
18350	2013	2837	3250	3630	3993	4340
18400	2017	2842	3255	3636	4000	4348
18450	2020	2847	3260	3642	4006	4355
18500	2023	2852	3266	3648	4013	4362
18550	2027	2856	3271	3654	4019	4369
18600	2030	2861	3276	3660	4026	4376
18650	2034	2866	3282	3666	4032	4383
18700	2037	2871	3287	3672	4039	4390
18750	2041	2875	3292	3678	4045	4397
18800	2044	2880	3298	3684	4052	4405
18850	2048	2885	3303	3690	4059	4412
18900	2051	2890	3308	3696	4065	4419
18950	2055	2894	3314	3702	4072	4426
19000	2058	2899	3319	3707	4078	4433
19050	2061	2904	3324	3713	4085	4440
19100	2065	2909	3330	3719	4091	4447
19150	2068	2913	3335	3725	4098	4454
19200	2072	2918	3340	3731	4104	4461
19250	2075	2923	3346	3737	4111	4469
19300	2079	2928	3351	3743	4118	4476
19350	2082	2932	3356	3749	4124	4483
19400	2086	2937	3362	3755	4131	4490
19450	2089	2942	3367	3761	4137	4497
19500	2092	2947	3372	3767	4144	4504
19550	2096	2951	3378	3773	4150	4511
19600	2099	2956	3383	3779	4157	4518

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
19650	2103	2961	3388	3785	4163	4526
19700	2106	2966	3394	3791	4170	4533
19750	2110	2970	3399	3797	4176	4540
19800	2113	2975	3404	3803	4183	4547
19850	2117	2980	3410	3809	4190	4554
19900	2120	2985	3415	3815	4196	4561
19950	2123	2990	3420	3821	4203	4568
20000	2127	2994	3426	3827	4209	4575
20050	2130	2999	3431	3832	4216	4583
20100	2134	3004	3436	3838	4222	4590
20150	2137	3009	3442	3844	4229	4597
20200	2141	3013	3447	3850	4235	4604
20250	2144	3018	3452	3856	4242	4611
20300	2148	3023	3458	3862	4248	4618
20350	2151	3028	3463	3868	4255	4625
20400	2154	3031	3467	3873	4260	4630
20450	2157	3035	3471	3877	4265	4636
20500	2160	3039	3475	3881	4269	4641
20550	2164	3043	3479	3886	4274	4646
20600	2167	3047	3482	3890	4279	4651
20650	2170	3051	3486	3894	4284	4656
20700	2173	3055	3490	3899	4288	4661
20750	2176	3059	3494	3903	4293	4667
20800	2179	3063	3498	3907	4298	4672
20850	2182	3066	3502	3912	4303	4677
20900	2186	3070	3506	3916	4307	4682
20950	2189	3074	3510	3920	4312	4687
21000	2192	3078	3513	3924	4317	4692
21050	2195	3082	3517	3929	4322	4698
21100	2198	3086	3521	3933	4326	4703
21150	2201	3090	3525	3937	4331	4708
21200	2204	3094	3529	3942	4336	4713
21250	2207	3097	3533	3946	4341	4718
21300	2211	3101	3537	3950	4345	4724
21350	2214	3105	3541	3955	4350	4729
21400	2217	3109	3544	3959	4355	4734
21450	2220	3113	3548	3963	4360	4739
21500	2223	3117	3552	3968	4364	4744
21550	2226	3121	3556	3972	4369	4749
21600	2229	3125	3560	3976	4374	4755
21650	2233	3129	3564	3981	4379	4760
21700	2236	3132	3568	3985	4384	4765
21750	2239	3136	3571	3989	4388	4770
21800	2242	3140	3575	3994	4393	4775
21850	2245	3144	3579	3998	4398	4780

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
21900	2248	3148	3583	4002	4403	4786
21950	2251	3152	3587	4007	4407	4791
22000	2255	3156	3591	4011	4412	4796
22050	2258	3160	3595	4015	4417	4801
22100	2261	3163	3599	4020	4422	4806
22150	2264	3167	3602	4024	4426	4811
22200	2267	3171	3606	4028	4431	4817
22250	2270	3175	3610	4033	4436	4822
22300	2273	3179	3614	4037	4441	4827
22350	2276	3183	3618	4041	4445	4832
22400	2280	3187	3622	4046	4450	4837
22450	2283	3191	3626	4050	4455	4842
22500	2286	3195	3630	4054	4460	4848
22550	2289	3198	3633	4059	4464	4853
22600	2292	3202	3637	4063	4469	4858
22650	2295	3206	3641	4067	4474	4863
22700	2298	3210	3645	4071	4479	4868
22750	2302	3214	3649	4076	4483	4873
22800	2305	3218	3653	4080	4488	4879
22850	2308	3222	3657	4084	4493	4884
22900	2311	3226	3661	4089	4498	4889
22950	2314	3230	3664	4093	4502	4894
23000	2317	3233	3668	4097	4507	4899
23050	2320	3237	3672	4102	4512	4904
23100	2323	3241	3676	4106	4517	4910
23150	2327	3245	3680	4110	4521	4915
23200	2330	3249	3684	4115	4526	4920
23250	2333	3253	3688	4119	4531	4925
23300	2336	3257	3691	4123	4536	4930
23350	2339	3261	3695	4128	4540	4935
23400	2342	3264	3699	4132	4545	4941
23450	2345	3268	3703	4136	4550	4946
23500	2349	3272	3707	4141	4555	4951
23550	2352	3276	3711	4145	4559	4956
23600	2355	3280	3715	4149	4564	4961
23650	2358	3284	3719	4154	4569	4967
23700	2361	3288	3722	4158	4574	4972
23750	2364	3292	3726	4162	4579	4977
23800	2367	3296	3730	4167	4583	4982
23850	2370	3299	3734	4171	4588	4987
23900	2374	3303	3738	4175	4593	4992
23950	2377	3307	3742	4180	4598	4998
24000	2380	3311	3746	4184	4602	5003
24050	2383	3315	3750	4188	4607	5008
24100	2386	3319	3753	4193	4612	5013

Monthly Basic Child Support Schedule

<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
24150	2389	3323	3757	4197	4617	5018
24200	2392	3327	3761	4201	4621	5023
24250	2396	3330	3765	4206	4626	5029
24300	2399	3334	3769	4210	4631	5034
24350	2402	3338	3773	4214	4636	5039
24400	2405	3342	3777	4219	4640	5044
24450	2408	3346	3781	4223	4645	5049
24500	2411	3350	3784	4227	4650	5054
24550	2414	3354	3788	4231	4655	5060
24600	2417	3358	3792	4236	4659	5065
24650	2421	3362	3796	4240	4664	5070
24700	2424	3365	3800	4244	4669	5075
24750	2427	3369	3804	4249	4674	5080
24800	2430	3373	3808	4253	4678	5085
24850	2433	3377	3811	4257	4683	5091
24900	2436	3381	3815	4262	4688	5096
24950	2439	3385	3819	4266	4693	5101
25000	2443	3389	3823	4270	4697	5106
25050	2446	3393	3827	4275	4702	5111
25100	2449	3396	3831	4279	4707	5116
25150	2452	3400	3835	4283	4712	5122
25200	2455	3404	3839	4288	4716	5127
25250	2458	3408	3842	4292	4721	5132
25300	2461	3412	3846	4296	4726	5137
25350	2465	3416	3850	4301	4731	5142
25400	2468	3420	3854	4305	4735	5147
25450	2471	3424	3858	4309	4740	5153
25500	2474	3428	3862	4314	4745	5158
25550	2477	3431	3866	4318	4750	5163
25600	2480	3435	3870	4322	4755	5168
25650	2483	3439	3873	4327	4759	5173
25700	2486	3443	3877	4331	4764	5178
25750	2490	3447	3881	4335	4769	5184
25800	2493	3451	3885	4340	4774	5189
25850	2496	3455	3889	4344	4778	5194
25900	2499	3459	3893	4348	4783	5199
25950	2502	3462	3897	4353	4788	5204
26000	2505	3466	3901	4357	4793	5210
26050	2508	3470	3904	4361	4797	5215
26100	2512	3474	3908	4366	4802	5220
26150	2515	3478	3912	4370	4807	5225
26200	2518	3482	3916	4374	4812	5230
26250	2521	3486	3920	4378	4816	5235
26300	2524	3490	3924	4383	4821	5241
26350	2527	3494	3928	4387	4826	5246

<i>Monthly Basic Child Support Schedule</i>						
<i>COMBINED ADJUSTED NET INCOME</i>	<i>ONE CHILD</i>	<i>TWO CHILDREN</i>	<i>THREE CHILDREN</i>	<i>FOUR CHILDREN</i>	<i>FIVE CHILDREN</i>	<i>SIX CHILDREN</i>
26400	2530	3497	3931	4391	4831	5251
26450	2533	3501	3935	4396	4835	5256
26500	2537	3505	3939	4400	4840	5261
26550	2540	3509	3943	4404	4845	5266
26600	2543	3513	3947	4409	4850	5272
26650	2546	3517	3951	4413	4854	5277
26700	2549	3521	3955	4417	4859	5282
26750	2552	3525	3959	4422	4864	5287
26800	2555	3529	3962	4426	4869	5292
26850	2559	3532	3966	4430	4873	5297
26900	2562	3536	3970	4435	4878	5303
26950	2565	3540	3974	4439	4883	5308
27000	2568	3544	3978	4443	4888	5313
27050	2571	3548	3982	4448	4892	5318
27100	2574	3552	3986	4452	4897	5323
27150	2577	3556	3990	4456	4902	5328
27200	2580	3560	3993	4461	4907	5334
27250	2584	3563	3997	4465	4911	5339
27300	2587	3567	4001	4469	4916	5344
27350	2590	3571	4005	4474	4921	5349
27400	2593	3575	4009	4478	4926	5354
27450	2596	3579	4013	4482	4930	5359
27500	2599	3583	4017	4487	4935	5365
27550	2602	3587	4021	4491	4940	5370
27600	2606	3591	4024	4495	4945	5375
27650	2609	3595	4028	4500	4950	5380
27700	2612	3598	4032	4504	4954	5385
27750	2615	3602	4036	4508	4959	5390
27800	2618	3606	4040	4513	4964	5396
27850	2621	3610	4044	4517	4969	5401
27900	2624	3614	4048	4521	4973	5406
27950	2627	3618	4051	4526	4978	5411
28000	2631	3622	4055	4530	4983	5416
28050	2634	3626	4059	4534	4988	5421
28100	2637	3629	4063	4538	4992	5427
28150	2640	3633	4067	4543	4997	5432
28200	2643	3637	4071	4547	5002	5437
28250	2646	3641	4075	4551	5007	5442
28300	2649	3645	4079	4556	5011	5447
28350	2653	3649	4082	4560	5016	5453
28400	2656	3653	4086	4564	5021	5458
28450	2659	3657	4090	4569	5026	5463
28500	2662	3661	4094	4573	5030	5468
28550	2665	3664	4098	4577	5035	5473
28600	2668	3668	4102	4582	5040	5478

Monthly Basic Child Support Schedule						
COMBINED ADJUSTED NET INCOME	ONE CHILD	TWO CHILDREN	THREE CHILDREN	FOUR CHILDREN	FIVE CHILDREN	SIX CHILDREN
28650	2671	3672	4106	4586	5045	5484
28700	2675	3676	4110	4590	5049	5489
28750	2678	3680	4113	4595	5054	5494
28800	2681	3684	4117	4599	5059	5499
28850	2684	3688	4121	4603	5064	5504
28900	2687	3692	4125	4608	5068	5509
28950	2690	3695	4129	4612	5073	5515
29000	2693	3699	4133	4616	5078	5520
29050	2696	3703	4137	4621	5083	5525
29100	2700	3707	4141	4625	5087	5530
29150	2703	3711	4144	4629	5092	5535
29200	2706	3715	4148	4634	5097	5540
29250	2709	3719	4152	4638	5102	5546
29300	2712	3723	4156	4642	5106	5551
29350	2715	3727	4160	4647	5111	5556
29400	2718	3730	4164	4651	5116	5561
29450	2722	3734	4168	4655	5121	5566
29500	2725	3738	4171	4660	5126	5571
29550	2728	3742	4175	4664	5130	5577
29600	2731	3746	4179	4668	5135	5582
29650	2734	3750	4183	4673	5140	5587
29700	2737	3754	4187	4677	5145	5592
29750	2740	3758	4191	4681	5149	5597
29800	2743	3762	4195	4685	5154	5602
29850	2747	3765	4199	4690	5159	5608
29900	2750	3769	4202	4694	5164	5613
29950	2753	3773	4206	4698	5168	5618
30000	2756	3777	4210	4703	5173	5623

[Explanatory Comment—2005

The schedule has been amended to reflect updated economic data. See Explanatory Comment—2005 following Rule 1910.16-1.]

Explanatory Comment—2010

The basic child support schedule has been amended to reflect updated economic data. The schedule has been expanded to include all cases in which the parties' combined net monthly income is \$30,000 or less. It also reflects an increase in the Self-Support Reserve to \$867, the 2008 poverty level for one person. The schedule was further adjusted to incorporate an assumption that the children spend 30% of the time with the obligor.

(Editor's Note: The following rule is new and has been printed in regular print to enhance readability.)

Rule 1910.16-3.1. Support Guidelines. High Income Cases.

(a) *Child Support Formula.* When the parties' combined monthly net income is above \$30,000, the following

three-step process shall be applied to calculate the parties' respective child support obligations. The amount of support calculated pursuant to this three-step process shall in no event be less than the amount of support that would have been awarded if the parties' combined net monthly income were \$30,000. That amount shall be a presumptive minimum.

(1) First, the following formula shall be applied as a preliminary analysis in calculating the amount of basic child support to be apportioned between the parties according to their respective incomes:

One child: \$2,756 + 6.5 % of combined net income above \$30,000 per month.

Two children: \$3,777 + 8.0% of combined net income above \$30,000 per month.

Three children: \$4,210 + 9.2% of combined net income above \$30,000 per month.

Four children: \$4,703 + 10.3% of combined net income above \$30,000 per month.

Five children: \$5,173 + 11.3% of combined net income above \$30,000 per month.

Six children: \$5,623 + 12.3% of combined net income above \$30,000 per month;

(2) And second, the trier of fact shall make any applicable allocations of additional expenses pursuant to Rule 1910.16-6;

(3) Then, third, the trier of fact shall consider the factors in Rule 1910.16-5 in making a final child support award and shall make findings of fact on the record or in writing. After considering all of the factors in Rule 1910.16-5, the trier of fact may adjust the amount calculated pursuant to subdivisions (1) and (2) above upward or downward, subject to the presumptive minimum.

(b) *Spousal Support and Alimony Pendente Lite*. In cases in which the parties' combined monthly net income exceeds \$30,000, the trier of fact shall apply the formula in Part IV of Rule 1910.16-4(a) as a preliminary analysis in calculating spousal support or alimony *pendente lite*. In determining the amount and duration of the final spousal support or alimony *pendente lite* award, the trier of fact shall consider the factors in Rule 1910.16-5 and shall make findings of fact on the record or in writing.

Explanatory Comment—2010

New Rule 1910.16-3.1 is intended to bring all child support cases under the guidelines and treat similarly situated parties similarly. Thus, high income child support cases no longer will be decided pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984). Economic data supports the amounts in the basic child support schedule up to combined net incomes of \$30,000 per month. Above that amount, economic data is not readily available. Thus, for cases in which the parties' combined net monthly income is above \$30,000, the formula first applies a fixed percentage to calculate the amount of support. The formula is an extrapolation of the available economic data to higher income cases. Spousal support and alimony *pendente lite* awards in high income cases are preliminarily calculated pursuant to the formula in Part IV of Rule 1910.16-4(a). However, in both high income child support and spousal support/alimony *pendente lite* cases, the trier of fact is required to consider the factors in Rule 1910.16-5 before entering a final order and to make findings of fact on the record or in writing. Pursuant to Rule 1910.11(c)(2), in all high income cases, the parties must submit an Income Statement and the Expense Statement at Rule 1910.27(c)(2)(B) to enable the trier of fact to consider the factors in Rule 1910.16-5.

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation. Formula.

(a) The following formula shall be used to calculate the obligor's share of [the] basic [guideline] child support, **either from the schedule in Rule 1910.16-3 or the formula in Rule 1910.16-3.1(a), as well as spousal support and alimony *pendente lite* obligations. In high income cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support [and/] or alimony *pendente lite* [obligation] obligations:**

* * * * *

(c) *Substantial or Shared Physical Custody*.

(1) When the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in

the basic support obligation to reflect this time. Except as provided in subsections (2) and (3) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.

Example. Where the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300 respectively, their combined child support obligation is \$[1,548] 1,663 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or \$[1,053] 1,131. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$[898] 965. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$[820] 881. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$[743] 798.

(2) Without regard to which parent initiated the support action, when the children spend equal time with both parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. In no event shall an order be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, nothing in this subdivision shall prevent the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Rule 1910.16-6. Pursuant to either party's initiating a support action, the trier of fact may enter an order against either party based upon the evidence presented without regard to which party initiated the action. If application of the formula in Part II results in the obligee receiving a larger share of the parties' combined income in cases in which the parties share custody equally, then the court shall adjust the support obligation so that the combined income is allocated equally between the two households. **In those cases, no spousal support or alimony *pendente lite* shall be awarded.**

Example 1. Mother and Father have monthly net incomes of \$3,000 and \$2,700 respectively. Mother has filed for support for the parties' two children with whom they share time equally. Pursuant to the Basic Child Support Schedule at Rule 1910.16-3, the support amount for two children at their parents' combined net income level is \$[1,302] 1,440 per month. Mother's share is 53% of that amount, or \$[690] 763. Father's share is 47%, or \$[612] 677. Application of subdivisions a. and b. of the Part II formula results in a 20% reduction in support when each parent spends 50% of the time with the children. Because the parties share custody equally, Mother cannot be the obligee for purposes of the Part II calculation because she has the higher income of the two parents. In these circumstances, although Mother initiated the support action, she would become the obligor even if Father has not filed for support. Father cannot be an obligor in the Part II calculations nor can the amount of support Mother is obligated to pay to Father be offset by calculating Father's adjusted amount of support under Part II because a support order cannot be entered against the parent with the lesser income. Using Mother as the obligor, her adjusted percentage share of the

basic support amount is 33% (53%–20%=33%). Her adjusted share of the basic support amount is \$[430] 475 (33% of \$[1,302] 1,440). However, instead of \$[430] 475 per month, Mother’s support obligation would be adjusted to \$150 per month to allocate the parties’ combined income equally between the two households. This is the presumptive amount of basic support payable to Father under these circumstances.

Example 2. Where the obligor and the obligee have monthly net incomes of \$3,000 and \$2,500 respectively, their combined child support obligation for two children is \$[1,268] 1,412. The obligor’s share of this obligation is 55%, or \$[697] 777. If the children spend equal time with both parents, the formula in Part II results in a support obligation of \$[444] 494 payable to the obligee. Since this amount gives the obligee \$[2,944] 2,994 of the combined income, and leaves the obligor with only \$[2,556] 2,506 of the combined income, the obligor’s support obligation must be adjusted to \$250 to equalize the combined income between the parties’ households. This is the presumptive amount of basic support payable to the obligee under these circumstances.

(3) This subdivision shall not apply when the obligor’s income falls within the shaded area of the schedule in Rule 1910.16-3 or when the obligee’s income is 10% or less of the parties’ combined income.

(d) *Divided or Split Physical Custody*

(1) When calculating a child support obligation, and one or more of the children reside with each party, the court shall offset the parties’ respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$[1,500] 2,500 and \$[800] 1,250 respectively, Father’s child support obligation is calculated as follows. Using the [formula with the] schedule in Rule 1910.16-3 for two children at the parties’ combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,190. As Father’s income is 67% of the parties’ combined net monthly income, Father’s support obligation for the two children living with Mother is \$[513] 797. Using [the formula with] the schedule in Rule 1910.16-3 for one child, Mother’s support obligation for the child living with Father is \$[199] 273. Subtracting \$[199] 273 from \$[513] 797 produces a net basic support amount of \$[314] 524 payable to Mother as child support.

* * * * *

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony *pendente lite* (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony *pendente lite* shall be determined by offsetting the non-custodial parent’s obligation for support of the children and the custodial parent’s obligation of spousal support or alimony *pendente lite*, and awarding the net difference either to the non-custodial parent as spousal support/alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant.

The following example uses the formula to show the steps followed to determine the amount of the non-custodial parent’s support obligation to the children and the effect of that obligation upon the custodial parent’s spousal support obligation. The example assumes that the parties have two children and the non-custodial parent’s net monthly income is \$1,000 and the custodial parent’s net monthly income is \$2,600. First, determine the spousal support obligation of the custodial parent to the non-custodial parent based upon their net incomes from the formula for spousal support without dependent children, i.e., \$640. Second, recompute the net income of the parties assuming the payment of the spousal support so that \$640 is deducted from the custodial parent’s net income, now \$1,960, and added to the non-custodial parent’s net income, now \$1,640. Third, determine the child support obligation of the non-custodial parent for two children, i.e., \$[501] 536. Fourth, determine the recomputed support obligation of the custodial parent to the non-custodial parent by subtracting the non-custodial parent’s child support obligation from Step 3 (\$[501] 536) from the original support obligation determined in Step 1 (\$640). The recomputed spousal support is \$[139] 104.

* * * * *

Explanatory Comment—2010

The basic support schedule incorporates an assumption that the children spend 30% of the time with the obligor and that the obligor makes direct expenditures on their behalf during that time. Variable expenditures, such as food and entertainment that fluctuate based upon parenting time, were adjusted in the schedule to build in the assumption of 30% parenting time. Upward deviation should be considered in cases in which the obligor has little or no contact with the children. However, upward deviation may not be appropriate where an obligor has infrequent overnight contact with the child, but provides meals and entertainment during daytime contact. Fluctuating expenditures should be considered rather than the extent of overnight time. Downward deviation may be appropriate when the obligor incurs substantial fluctuating expenditures during parenting time, but has infrequent overnights with the children.

The calculation in Rule 1910.16-4(c) reduces an obligor’s support obligation further if the obligor spends significantly more time with the children. The obligor will receive an additional 10% reduction in the amount of support owed at 40% parenting time, increasing incrementally to a 20% reduction at 50% parenting time. This method still may result in a support obligation even if custody of the children is equally shared. In those cases, the rule provides for a maximum obligation which may reduce the obligation so that the obligee does not receive a larger portion of the parties’ combined income than the obligor.

Rule 1910.16-5. Support Guidelines. Deviation.

(a) *Deviation.* If the amount of support deviates from the amount of support determined by the guidelines, the trier of fact shall specify, in writing or on the record, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation.

Official Note: The deviation applies to the amount of the support obligation and not to the amount of income.

(b) *Factors.* In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (1) unusual needs and unusual fixed obligations;
- (2) other support obligations of the parties;
- (3) other income in the household;
- (4) ages of the children;
- (5) **the relative assets and liabilities** of the parties;
- (6) medical expenses not covered by insurance;
- (7) standard of living of the parties and their children;
- (8) in a spousal support or alimony *pendente lite* case, the [**period of time during which the parties lived together**] **duration of the marriage** from the date of marriage to the date of final separation; and
- (9) other relevant and appropriate factors, including the best interests of the child or children.

[(c) *Duration.* In determining the duration of an award for spousal support or alimony *pendente lite*, the trier of fact shall consider the period of time during which the parties lived together from the date of marriage to the date of final separation.]

Explanatory Comment—2005

Rule 1910.16-5 sets forth the factors for deviation from the presumptive amount of support. Subdivision (c) and subsection (b)(8) permit the court to consider the length of the marriage in determining the amount and duration of a spousal support or alimony *pendente lite* award. The primary purpose of these provisions is to prevent the unfairness that arises in a short-term marriage when the obligor is required to pay support over a substantially longer period of time than the parties were married and there is little or no opportunity for credit for these payments at the time of equitable distribution.

Explanatory Comment—2010

The provisions of subdivision (c), which provided that the court must consider the duration of the parties' marriage in determining the duration of an award of spousal support or alimony *pendente lite*, were moved to new Rule 1910.16-1(c)(2). The duration of the marriage, from the date of marriage to the date of final separation, remains a factor to consider in determining whether or not deviation from the amount of the award is warranted.

Rule 1910.16-6. Support Guidelines. Adjustments to the Basic Support Obligation. Allocation of Additional Expenses.

Additional expenses permitted pursuant to this Rule 1910.16-6 may be allocated between the parties even if the parties' incomes do not justify an order of basic support.

(a) *Child care expenses.* Reasonable child care expenses paid by either parent, if necessary to maintain employment or appropriate education in pursuit of income, shall be allocated between the parties in proportion to their net incomes and added to his and her basic support obligation. When a parent is receiving a child care subsidy through the Department of Public Welfare, the expenses to be allocated between the parties shall be the full unsubsidized cost of the child care, not just the amount actually paid by the parent receiving the subsidy. However, if allocation of the unsubsidized amount would

result in a support order that is overly burdensome to the obligor, deviation pursuant to Rule 1910.16-5 [**may be**] **is** warranted.

Example. Mother has primary custody of the parties' two children and Father has partial custody. Mother's monthly net income is \$2,000 and Father's is \$3,500. At their combined income level of \$5,500, the basic monthly child support from the schedule in Rule 1910.16-3 is \$[**1,268**] **1,412** for two children. As Father's income is 64% of the parties' combined income, his share is \$[**812**] **904**. Mother incurs child care expenses of \$400 per month and Father incurs \$100 of such expenses each month. The total amount of child care expenses, \$500, will be apportioned between the parties, with Father paying 64%, or \$320. As he is already paying \$100 for child care while the children are in his partial custody, he would pay the remaining \$220 to Mother for a total child support obligation of \$[**1,032**] **1,124** (\$[**812**] **904** + \$220 = \$[**1,032**] **1,124**).

* * * * *

(2) The federal child care tax credit shall not be used to reduce the child care expenses subject to allocation between the parties if the eligible parent is not qualified to receive the credit.

Official Note: A child care subsidy provided by the Department of Public Welfare should not be used to reduce the child care expenses subject to allocation between the parties to the extent that the obligor has the financial resources to contribute to the actual costs of child care. Nor is it appropriate to order the obligee to seek a child care subsidy in order to reduce the obligor's share of child care expenses if the obligor has the financial ability to contribute to those expenses. While public policy requires that parents, rather than taxpayers, pay for their children's child care when they are able to do so, allocation of the full unsubsidized cost of child care may result in a support order that is overly burdensome to the obligor. In those circumstances, in addition to considering deviation to relieve the burden on the obligor, the trier of fact also has the discretion to determine whether or not to include in the order other adjustments under Rule 1910.16-6, such as a mortgage contribution, which are not mandatory. No adjustment to the basic support amount shall be permitted if such would cause the obligor's remaining net monthly income to fall below the Self-Support Reserve of [**\$748**] **867**. Implicit in the rule requiring apportionment of the unsubsidized cost of child care is recognition of the duty of the subsidy recipient to report any additional income pursuant to Department of Public Welfare regulations so that adjustments can be made to entitlements accordingly.

* * * * *

(e) *Mortgage Payment.* The guidelines assume that the spouse occupying the marital residence will be solely responsible for the mortgage payment, real estate taxes, and homeowners' insurance. Similarly, the court will assume that the party occupying the marital residence will be paying the items listed unless the recommendation specifically provides otherwise. If the obligee is living in the marital residence and the mortgage payment exceeds 25% of the obligee's net income (including amounts of spousal support, alimony *pendente lite* and child support), the court may direct the obligor to assume up to 50% of the excess amount as part of the total support award. If the obligor is occupying the marital

residence and the mortgage payment exceeds 25% of the obligor's monthly net income (less any amount of spousal support, alimony *pendente lite* or child support the obligor is paying), the court may make an appropriate downward adjustment in the obligor's support obligation. **This rule shall not be applied after a final resolution of all outstanding economic claims.** For purposes of this subdivision, the term "mortgage" shall include first mortgages, real estate taxes and homeowners' insurance and may include any subsequent mortgages, home equity loans and any other obligations incurred during the marriage which are secured by the marital residence.

* * * * *

Explanatory Comment—2010

Subdivision (e), relating to mortgages on the marital residence, has been amended to clarify that the rule cannot be applied after a final order of equitable distribution has been entered. To the extent that *Isralsky v. Isralsky*, 824 A.2d 1178 (Pa. Super. 2003), holds otherwise, it is superseded. At the time of resolution of the parties' economic claims, the former marital residence will either have been awarded to one of the parties or otherwise addressed.

Rule 1910.16-7. Support Guidelines. Awards of Child Support When There are Multiple Families.

(a) When the total of the obligor's basic child support obligations equals fifty percent or less of his or her monthly net income, there will generally be no deviation from the guideline amount of support on the ground of the existence of a new family. For example, where the obligor requests a reduction of support for one child of the first marriage on the basis that there is a new child of the second intact marriage, and the relevant monthly net incomes are \$2,500 for the obligor, \$500 for the former spouse and \$1,300 for the current spouse, the request for a reduction will be denied because the total support obligation of \$[1,142] 1,141 (\$[601] 593 for the first child and \$[541] 548 for the second child) is less than half of the obligor's monthly net income.

(b) When the total of the obligor's basic support obligations exceeds fifty percent of his or her monthly net income, the court may consider a proportional reduction of these obligations. Since, however, the goal of the guidelines is to treat each child equitably, in no event should either a first or later family receive preference. Nor shall the court divide the guideline amount for all of the obligor's children among the households in which those children live.

Example 1. The obligor is sued for support of an out of wedlock child. The obligor is already paying support for two children of the first marriage, and has an intact second marriage with one child. The relevant monthly net incomes are \$[1,500] 3,800 for the obligor, \$1,100 for the former spouse, \$0 for the current spouse and \$1,500 for the parent of the new child. The [guideline amounts for] obligor's basic support obligations to each family are \$[514] 1,043 for the two children of the first marriage, \$[386] 831 for the one child of the second marriage, and \$[362] 699 for the one child out of wedlock for a total support obligation of \$[1,262] 2,573. Since the total of these obligations exceeds fifty percent of the obligor's net monthly income of \$[1,500] 3,800 per month, the court may consider a proportional reduction of all of the orders.

Example 2. The obligor is sued for support of three children of a second marriage. There is already an order in effect for two children of the first marriage. The relevant monthly net incomes are \$[1,000] 1,500 for the obligor, \$0 for the first spouse and \$500 for the second spouse. The [guideline amounts for] obligor's basic support obligations to each family [are] is \$[229] 531 for the two children of the first marriage and \$[422] 615 for the three children of the second marriage for a total support obligation of \$[651] 1,146. Since this total obligation leaves the obligor with only \$[349] 354 on which to live, the order for the three children of the second family is too high. However, reducing the order for three children while leaving the existing order intact would give preference to the first family, contrary to the rule. Therefore, both orders must be reduced proportionally.

Example 3. The obligor is sued to establish orders for three children born out of wedlock. The net monthly incomes for the obligor and for each obligee is \$1,500. The court would determine that the [guideline figure] obligor's basic support obligation for each child is \$[362] 357 for a total obligation of \$[1,086] 1,071 for three children. It would be incorrect to determine the guideline amount for three children, in this case \$[724] 1,213, and then divide that amount among the three children.

(c) For purposes of this rule, the presumptive amount of the obligor's basic support obligation is calculated using only the basic guideline amounts of support, as determined from the formula in Rule 1910.16-4, and does not include any additional expenses that may be added to these amounts pursuant to Rule 1910.16-6. In calculating the presumptive amount of the obligor's basic support obligation, the court should ensure that obligor retains at least \$[748] 867 per month consistent with Rule 1910.16-2(e).

Example 1. Assume that the obligor is paying \$[591] 575 per month support for one child of the first marriage, plus an additional \$200 per month for child care expenses. The obligor requests a reduction in this support obligation on the basis that there is one new child of the second intact marriage. The relevant incomes are \$2,400 for the obligor and \$0 for both the former and current spouses. The obligor's request for a reduction should be denied because the total of the basic guideline obligations for both children is only \$[1,182] 1,150 (\$[591] 575 for each child) and this amount does not exceed 50% of the obligor's net monthly income. No reduction should be given on the basis that the obligor's contribution to child care expenses for the first child results in an overall support obligation of \$[1,382] 1,350 which exceeds 50% of the obligor's net monthly income. Thus, the presumptive amount of basic support for the two children is still \$[1,182] 1,150 (\$[591] 575 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

Example 2. Assume that the obligor is paying \$[227] 365 per month support for one child of the first marriage. The obligor has one new child of the

second intact marriage. The relevant incomes are \$[1,000] 1,500 for the obligor and \$0 for both the former and current spouses. No reduction should be given on the basis of the obligor's new child because the total of the basic guideline obligations for both children is only \$[454] 730 (\$[227] 365 for each child) and this amount does not exceed 50% of the obligor's net monthly income. Since, however, this amount leaves the obligor with only \$[546] 770 per month, the court should proportionally reduce the support obligations so that the obligor retains \$[748] 867 per month. Thus, the presumptive amount of basic support for the two children is \$[252] 633 (\$[126] 316.50 for each child). The court must then consider the deviation factors under Rule 1910.16-5 and the parties' respective contributions to additional expenses under Rule 1910.16-6 in arriving at an appropriate amount of total support for each child.

[(d) When an obligor is subject to more than one order for child support, spousal support and/or alimony *pendente lite*, the priority for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows unless the court specifically orders a different distribution priority:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) child support arrears.
- (4) current spousal support or alimony *pendente lite*.
- (5) spousal support or alimony *pendente lite* arrears.
- (6) court costs and fees.]

Explanatory Comment—2005

* * * * *

[Subdivision (d) addresses the priority of the distribution of payments and collections. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h).

Explanatory Comment—2008

The order of priority of the distribution of payments is revised to reflect changes in federal law which presume that cash and medical-related child support are established and paid in that sequence, and that obligations to children take priority over spousal-only obligations. An unallocated order for child and spousal support has the same priority as a child support order.]

Explanatory Comment—2010

Rule 1910.16-7 has been amended to reflect the updated schedule in Rule 1910.16-3 and the increase in the Self-Support Reserve to \$867 per month, the 2008 federal poverty level for one person. The distribution priorities formerly in subdivision (d) have been moved to Rule 1910.17(d) to clarify that these priorities apply to all support orders, not just those involving multiple families.

Rule 1910.17. Support Order. Effective Date. Change of Circumstances. Copies of Order. **Priority of Distribution of Payments.**

* * * * *

(d) The priorities for distribution of payments and/or collections from the obligor, without regard to the source of the funds or method of collection, are as follows:

- (1) current child support.
- (2) medical, child care or other court-ordered child support-related expenses.
- (3) monthly ordered amount toward child support arrears.
- (4) current spousal support or alimony *pendente lite*.
- (5) remaining child support arrears.
- (6) monthly ordered amount toward spousal support or alimony *pendente lite* arrears.
- (7) remaining spousal support or alimony *pendente lite* arrears.
- (8) court costs and fees.

Explanatory Comment—2010

Subdivision (d) has been moved from Rule 1910.16-7 and expanded for clarification. It addresses the priority of the distribution of payments and collections in all cases, not just those involving multiple families. However, collections realized through the interception of federal tax returns by the Internal Revenue Service are subject to federal distribution priorities. See 45 CFR 303.72(h). An unallocated order for child and spousal support has the same priority as a child support order.

Rule 1910.27. Form of Complaint. Order. Income Statements and Expense Statements. Health Insurance Coverage Information Form. Form of Support Order. Form Petition for Modification.

* * * * *

(c) The Income and Expense Statements to be attached to the order shall be in substantially the following form:

* * * * *

(2) *Expense Statements.* An Expense Statement is not required in cases which can be determined pursuant to the guidelines unless a party avers unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. (See Rule 1910.11(c)(1)). Child support is calculated under the guidelines based upon the net incomes of the parties, with additional amounts ordered as necessary to provide for child care expenses, health insurance premiums, unreimbursed medical expenses, mortgage payments and other needs, contingent upon the obligor's ability to pay. The Expense Statement in subparagraph (A) below shall be utilized if a party is claiming that he or she has unusual needs and unusual fixed expenses that may warrant deviation or adjustment in a case determined under the guidelines. In [cases which must be determined pursuant to *Melzer v. Witsberger*, 505 Pa. 462, 480 A.2d 991 (1984), because the parties' combined net monthly income exceeds \$20,000 per month] child support, spousal support and alimony *pendente lite* cases calculated pursuant to Rule

1910.16-3.1 and in divorce cases involving claims for alimony or counsel fees, costs and expenses pursuant to Rule 1920.31(a), the parties must complete the Expense Statement in subparagraph (B) below.

(A) *Guidelines Expense Statement.* If the combined monthly net income of the parties is \$[**20,000**] **30,000** or less, it is not necessary to complete this form unless a party is claiming unusual needs and expenses that may warrant a deviation from the guideline amount of support pursuant to Rule 1910.16-5 or seeks an apportionment of expenses pursuant to Rule 1910.16-6. At the conference, each party must provide receipts or other verification of expenses claimed on this statement. The Guidelines Expense Statement shall be substantially in the following form.

* * * * *

(B) [*Melzer*] *Expense Statement for Cases Pursuant to Rule 1910.16-3.1 and Rule 1920.31.* No later than five business days prior to the conference, the parties shall exchange this form, along with receipts or other verification of the expenses set forth on this form. Failure to comply with this provision may result in an appropriate order for sanctions and/or the entry of an interim order based upon the information provided.

* * * * *

Explanatory Comment—2010

When the combined net monthly income of the parties exceeds \$30,000, the case will be decided pursuant to Rule 1910.16-3.1 and the Income Statement and the Expense Statement at Rule 1910.27 (c)(2)(B) must be submitted.

[Pa.B. Doc. No. 10-181. Filed for public inspection January 29, 2010, 9:00 a.m.]