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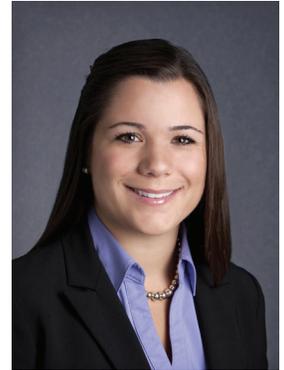
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## NEW CHILD SUPPORT LAW: HOW IT MAY AFFECT YOU

Natalie C. Lashway  
August 2010



A new bill signed by Governor Charlie Crist brings big child support changes for 2011. You may think that these changes will not apply to you if you are already paying or receiving child support, but you may be surprised.

Child support may be modified whenever there is a substantial change in circumstances. The child support guidelines themselves can be the basis for such a substantial change. The changes to the child support statute are, therefore, important to parents that are already paying or receiving child support because the amendments may provide a basis for modifying that child support.

Once a parent exercises a substantial amount of time-sharing, child support is calculated in a slightly different way (known as the "gross-up method"), which often reduces child support that the parent with less time-sharing must pay. The new bill reduces the number of overnights required for a parent to be deemed to have a substantial amount of time-sharing. A parent with only 20% of overnights per year will now be considered to have a substantial amount of time-sharing. Prior to this bill taking effect, a parent must have at least 40% of overnights per year in order to have a substantial amount of time-sharing. Now, parents with only 20% of overnights may be allowed to apply the gross-up method when calculating child support.

Child care costs are generally included in calculating child support. The new bill permits 100% of child care costs to be included in the child support calculation. Previously, only 75% of child care costs could be added into the basic child support obligation. Under the new bill, there will be a higher basic child support obligation for a child with a child care expense, even if the amount of that expense did not actually change. This is because the full amount of child care costs can now be included, rather than just 75%.



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The bill also changes when income may be imputed and how imputed income is calculated. When a parent is voluntarily unemployed or underemployed, a court may impute income to that parent. Courts were previously limited to imputing income based only on the parent's recent work history, occupational qualifications, and prevailing earnings level in the community. The new bill requires that income be imputed when information on a parent's income is unavailable, a parent fails to participate in the proceeding, or a parent fails to provide adequate financial information. There is now a rebuttable presumption that such a parent has income equivalent to the median income of year-round full-time workers based on reports from the U.S. Census Bureau.

These child support changes take effect on January 1, 2011. If you think any of these changes may allow for a modification of your child support, you should seek the advice of counsel.

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