

ORIGINAL SENATE
FILE NO. 0059

ENROLLED ACT NO. 17, SENATE

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to child support; amending the child support guidelines; conforming a provision; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 20-2-304(a), (b) and by creating a new subsection (e) is amended to read:

20-2-304. Presumptive child support.

(a) Child support shall be expressed in a specific dollar amount. The following child support tables shall be used to determine the total child support obligation considering the combined income of both parents. The appropriate table is based upon the number of children for whom the parents share joint legal responsibility and for whom support is being sought. After the combined net income of both parents is determined it shall be used in the first column of the tables to find the appropriate line from which the total child support obligation of both parents can be computed from the third column. The child support obligation computed from the third column of the tables shall be divided between the parents in proportion to the net income of each. The noncustodial parent's share of the joint child support obligation shall be paid to the custodial parent through the clerk of court.

(i) One (1) child:

Net Monthly Income of Both Parents	Percentage of Income Allocated For One Child	Base Support Plus Marginal Percentage
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\$732.00	25.4	\$186.00 + 24.3% over \$ 732.00
\$1,179.00	25.0	\$295.00 + 17.2% over \$1,179.00
\$1,603.00	23.0	\$368.00 + 17.1% over \$1,603.00
\$2,058.00	21.7	\$446.00 + 14.1% over \$2,058.00
\$2,674.00	19.9	\$533.00 + 13.7% over \$2,674.00
\$3,796.00	18.2	\$689.00 + 12.7% over \$3,796.00
\$4,680.00	17.1	\$802.00 + 11.1% over \$4,680.00
\$5,885.00	15.9	\$936.00 + 10.0% of anything over \$5,885.00
<u>\$833.00</u>	<u>26.2</u>	<u>\$218.00 + 24.3% over \$ 833.00</u>
<u>\$2,083.00</u>	<u>25.1</u>	<u>\$522.00 + 23.3% over \$2,083.00</u>
<u>\$2,917.00</u>	<u>24.6</u>	<u>\$716.00 + 12.9% over \$2,917.00</u>
<u>\$3,750.00</u>	<u>22.0</u>	<u>\$824.00 + 10.7% over \$3,750.00</u>
<u>\$5,000.00</u>	<u>19.2</u>	<u>\$958.00 + 9.9% over \$5,000.00</u>
<u>\$6,667.00</u>	<u>16.8</u>	<u>\$1,122.00 + 9.4% over \$6,667.00</u>
<u>\$8,958.00</u>	<u>14.9</u>	<u>\$1,338.00 + 5.9% of anything over \$8,958.00</u>

(ii) Two (2) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Two Children	Base Support Plus Marginal Percentage
\$732.00	35.9	\$263.00 + 33.1% over \$ 732.00
\$1,179.00	34.9	\$411.00 + 24.0% over \$1,179.00
\$1,603.00	32.0	\$513.00 + 21.9% over \$1,603.00
\$2,058.00	29.8	\$613.00 + 20.4% over \$2,058.00
\$2,674.00	27.6	\$739.00 + 19.7% over \$2,674.00
\$3,796.00	25.3	\$961.00 + 18.3% over \$3,796.00
\$4,680.00	24.0	\$1,123.00 + 15.6% over \$4,680.00
\$5,885.00	22.3	\$1,311.00 + 15.0% of anything over \$5,885.00
<u>\$833.00</u>	<u>36.8</u>	<u>\$307.00 + 33.8% over \$ 833.00</u>
<u>\$2,083.00</u>	<u>35.0</u>	<u>\$729.00 + 31.9% over \$2,083.00</u>

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<u>\$2,917.00</u>	<u>34.1</u>	<u>\$995.00 + 16.4% over \$2,917.00</u>
<u>\$3,750.00</u>	<u>30.2</u>	<u>\$1,131.00 + 13.1% over \$3,750.00</u>
<u>\$5,000.00</u>	<u>25.9</u>	<u>\$1,295.00 + 12.5% over \$5,000.00</u>
<u>\$6,667.00</u>	<u>22.5</u>	<u>\$1,503.00 + 12.5% over \$6,667.00</u>
<u>\$8,958.00</u>	<u>20.0</u>	<u>\$1,790.00 + 7.0% of anything</u> <u>over \$8,958.00</u>

(iii) Three (3) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Three Children	Base Support Plus Marginal Percentage
\$732.00	40.8	\$299.00 + 38.7% over \$ 732.00
\$1,179.00	40.0	\$472.00 + 29.0% over \$1,179.00
\$1,603.00	37.1	\$595.00 + 25.0% over \$1,603.00
\$2,058.00	34.5	\$709.00 + 23.3% over \$2,058.00
\$2,674.00	31.9	\$853.00 + 22.9% over \$2,674.00
\$3,796.00	29.3	\$1,111.00 + 20.0% over \$3,796.00
\$4,680.00	27.5	\$1,288.00 + 16.6% over \$4,680.00
\$5,885.00	25.3	\$1,489.00 + 16.0% of anything over \$5,885.00
<u>\$833.00</u>	<u>42.7</u>	<u>\$356.00 + 38.7% over \$ 833.00</u>
<u>\$2,083.00</u>	<u>40.3</u>	<u>\$840.00 + 36.4% over \$2,083.00</u>
<u>\$2,917.00</u>	<u>39.2</u>	<u>\$1,144.00 + 16.8% over \$2,917.00</u>
<u>\$3,750.00</u>	<u>34.2</u>	<u>\$1,284.00 + 13.3% over \$3,750.00</u>
<u>\$5,000.00</u>	<u>29.0</u>	<u>\$1,450.00 + 13.7% over \$5,000.00</u>
<u>\$6,667.00</u>	<u>25.2</u>	<u>\$1,677.00 + 12.2% over \$6,667.00</u>
<u>\$8,958.00</u>	<u>21.9</u>	<u>\$1,958.00 + 7.7% of anything</u> <u>over \$8,958.00</u>

(iv) Four (4) children:

Net Monthly Income of	Percentage of Income
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Both Parents	Allocated For Four Children	Base Support Plus Marginal Percentage
\$732.00	48.2	\$353.00 + 45.6% over \$ 732.00
\$1,179.00	47.2	\$557.00 + 34.1% over \$1,179.00
\$1,603.00	43.8	\$702.00 + 29.8% over \$1,603.00
\$2,058.00	40.7	\$838.00 + 28.0% over \$2,058.00
\$2,674.00	37.8	\$1,011.00 + 27.5% over \$2,674.00
\$3,796.00	34.8	\$1,320.00 + 22.5% over \$3,796.00
\$4,680.00	32.5	\$1,519.00 + 20.0% over \$4,680.00
\$5,885.00	29.9	\$1,761.00 + 19.3% of anything over \$5,885.00
<u>\$833.00</u>	<u>47.6</u>	<u>\$ 397.00 + 43.2% over \$ 833.00</u>
<u>\$2,083.00</u>	<u>45.0</u>	<u>\$ 937.00 + 40.6% over \$2,083.00</u>
<u>\$2,917.00</u>	<u>43.7</u>	<u>\$1,275.00 + 18.7% over \$2,917.00</u>
<u>\$3,750.00</u>	<u>38.2</u>	<u>\$1,431.00 + 14.8% over \$3,750.00</u>
<u>\$5,000.00</u>	<u>32.3</u>	<u>\$1,616.00 + 15.2% over \$5,000.00</u>
<u>\$6,667.00</u>	<u>28.1</u>	<u>\$1,870.00 + 13.7% over \$6,667.00</u>
<u>\$8,958.00</u>	<u>24.4</u>	<u>\$2,183.00 + 8.6% of anything over \$8,958.00</u>

(v) Five (5) or more children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Five Children	Base Support Plus Marginal Percentage
\$732.00	54.6	\$400.00 + 51.2% over \$ 732.00
\$1,179.00	53.4	\$629.00 + 39.6% over \$1,179.00
\$1,603.00	49.8	\$798.00 + 32.3% over \$1,603.00
\$2,058.00	45.9	\$945.00 + 32.7% over \$2,058.00
\$2,674.00	42.9	\$1,147.00 + 31.7% over \$2,674.00
\$3,796.00	39.6	\$1,503.00 + 23.7% over \$3,796.00
\$4,680.00	36.6	\$1,713.00 + 22.0% over \$4,680.00

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\$5,885.00	33.6	\$1,979.00 + 21.3% of anything over \$5,885.00
<u>\$833.00</u>	<u>52.4</u>	<u>\$ 436.00 + 47.5% over \$ 833.00</u>
<u>\$2,083.00</u>	<u>49.5</u>	<u>\$1,030.00 + 44.7% over \$2,083.00</u>
<u>\$2,917.00</u>	<u>48.1</u>	<u>\$1,403.00 + 20.6% over \$2,917.00</u>
<u>\$3,750.00</u>	<u>42.0</u>	<u>\$1,575.00 + 16.3% over \$3,750.00</u>
<u>\$5,000.00</u>	<u>35.6</u>	<u>\$1,778.00 + 16.8% over \$5,000.00</u>
<u>\$6,667.00</u>	<u>30.9</u>	<u>\$2,057.00 + 15.0% over \$6,667.00</u>
<u>\$8,958.00</u>	<u>26.8</u>	<u>\$2,402.00 + 9.4% of anything over <u>\$8,958.00</u></u>

(b) Where the combined income of the custodial parent and the noncustodial parent is less than ~~seven hundred thirty-two dollars (\$732.00)~~ eight hundred thirty-three dollars (\$833.00), the support obligation of the noncustodial parent shall be twenty-five percent (25%) of net income, but in no case shall the support obligation be less than fifty dollars (\$50.00) per month for each family unit in which there are children to whom the noncustodial parent owes a duty of support.

(e) If a proportion of a support obligor's social security or veteran's benefit is paid directly to the custodian of the obligor's dependents who are the subject of the child support order, the total amount of the social security or veteran's benefit, including the amounts paid to the obligor and custodian under the child support order, shall be counted as gross income to the obligor. However, in determining the support amount, the amount of the social security or veteran's benefit sent directly to the custodian shall be subtracted from the obligor's share of presumptive support. If the subtraction of the social security or veteran's benefit sent directly to the custodian results in a negative dollar amount, the support amount shall be set at zero. The child support obligation shall be offset by the amount of the social security or

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veteran's benefit sent directly to the custodian, beginning from the time the custodian began receiving the social security or veteran's benefit. The obligor or the department of family services may apply to the court to receive a credit against arrears for any social security or veteran's benefits that are paid retroactively to the custodian. For purposes of this subsection, "custodian" means the custodian of dependent children under a child support order and the physical custodian of dependent children who are the subject of a child support order.

Section 2. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk