

WORKING DRAFT

SENATE FILE NO. _____

Child support amendments.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to child support; amending the child
2 support guidelines; amending factors a court may employ to
3 deviate from guidelines; allowing a deduction from gross
4 income for additional dependents as specified; specifying
5 how social security or veterans' benefits shall be computed
6 to establish child support obligations; providing a
7 definition; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 20-2-303(a) by creating a new
12 paragraph (iii), by amending and renumbering (iii) as (iv)
13 and by renumbering (iv) as (v), 20-2-304(a), (b) and by
14 creating new subsections (e) and (f) and 20-2-307(b)(iii)
15 are amended to read:

1

2

20-2-303. Definitions.

3

4

(a) As used in this article:

5

6

(iii) "Legal dependents" means:

7

8

(A) Minor natural or adopted children who

9

live with the parent; and

10

11

(B) Natural or adopted adult children who

12

are totally incapacitated because of physical, mental or

13

emotional disabilities and for whom the parent owes a duty

14

of support;

15

16

~~(iii)~~ (iv) "Net income" means income as defined

17

in paragraph (ii) of this subsection less personal income

18

taxes, social security deductions, cost of dependent health

19

care coverage for all dependent children, actual payments

20

being made under preexisting support orders for current

21

support of other children, other court-ordered support

22

obligations currently being paid, ~~and~~ mandatory pension

23

deductions and any deduction authorized pursuant to W.S.

1 20-2-304(e). Payments towards child support arrearage shall
2 not be deducted to arrive at net income;

3

4 ~~(iv)~~ (v) "This article" means W.S. 20-2-301
5 through 20-2-315.

6

7 **20-2-304. Presumptive child support.**

8

9 (a) Child support shall be expressed in a specific
10 dollar amount. The following child support tables and other
11 adjustments, deductions or credits allowed by law shall be
12 used to determine the total child support obligation
13 considering the combined income of both parents. The
14 appropriate table is based upon the number of children for
15 whom the parents share joint legal responsibility and for
16 whom support is being sought. After the combined net income
17 of both parents is determined it shall be used in the first
18 column of the tables to find the appropriate line from
19 which the total child support obligation of both parents
20 can be computed from the third column. The child support
21 obligation computed from the third column of the tables
22 shall be divided between the parents in proportion to the
23 net income of each. The noncustodial parent's share of the

1 joint child support obligation shall be paid to the
2 custodial parent through the clerk of court.

3

4 (i) One (1) child:

5

6	Net Monthly	Percentage of	
7	Income of	Income	
8	Both	Allocated For	Base Support Plus
9	Parents	One Child	Marginal Percentage

10

11 ~~\$732.00 25.4 \$186.00 + 24.3% over \$732.00~~

12 ~~\$1,179.00 25.0 \$295.00 + 17.2% over \$1,179.00~~

13 ~~\$1,603.00 23.0 \$368.00 + 17.1% over \$1,603.00~~

14 ~~\$2,058.00 21.7 \$446.00 + 14.1% over \$2,058.00~~

15 ~~\$2,674.00 19.9 \$533.00 + 13.7% over \$2,674.00~~

16 ~~\$3,796.00 18.2 \$689.00 + 12.7% over \$3,796.00~~

17 ~~\$4,680.00 17.1 \$802.00 + 11.1% over \$4,680.00~~

18 ~~\$5,885.00 15.9 \$936.00 + 10.0% of anything~~

19 ~~over \$5,885.00~~

20 \$833 26.2 \$218.00 + 24.3% over \$833.00

21 \$2,083.00 25.1 \$522.00 + 23.3% over \$2,083.00

22 \$2,917.00 24.6 \$716.00 + 12.9% over \$2,917.00

23 \$3,750.00 22.0 \$824.00 + 10.7% over \$3,750.00

24 \$5,000.00 19.2 \$958.00 + 9.9% over \$5,000.00

1 \$6,667.00 16.8 \$1,122.00 + 9.4% over \$6,667.00

2 \$8,958.00 14.9 \$1,338.00 + 5.9% of anything

3 over \$8,958.00

4

5 (ii) Two (2) children:

6

7	Net Monthly	Percentage of	
8	Income of	Income	
9	Both	Allocated For	Base Support Plus
10	Parents	Two Children	Marginal Percentage

11

12 ~~\$732.00~~ 35.9 ~~\$263.00 + 33.1% over \$732.00~~

13 ~~\$1,179.00~~ 34.9 ~~\$411.00 + 24.0% over \$1,179.00~~

14 ~~\$1,603.00~~ 32.0 ~~\$513.00 + 21.9% over \$1,603.00~~

15 ~~\$2,058.00~~ 29.8 ~~\$613.00 + 20.4% over \$2,058.00~~

16 ~~\$2,674.00~~ 27.6 ~~\$739.00 + 19.7% over \$2,674.00~~

17 ~~\$3,796.00~~ 25.3 ~~\$961.00 + 18.3% over \$3,796.00~~

18 ~~\$4,680.00~~ 24.0 ~~\$1,123.00 + 15.6% over \$4,680.00~~

19 ~~\$5,885.00~~ 22.3 ~~\$1,311.00 + 15.0% of anything~~

20 ~~over \$5,885.00~~

21 \$833 36.8 \$307.00 + 33.8% over \$833.00

22 \$2,083.00 35.0 \$729.00 + 31.9% over \$2,083.00

23 \$2,917.00 34.1 \$995.00 + 16.4% over \$2,917.00

24 \$3,750.00 30.2 \$1,131.00 + 13.1% over \$3,750.00

1	<u>\$5,000.00</u>	25.9	<u>\$1,295.00 + 12.5% over \$5,000.00</u>
2	<u>\$6,667.00</u>	22.5	<u>\$1,503.00 + 12.5% over \$6,667.00</u>
3	<u>\$8,958.00</u>	20.0	<u>\$1,790.00 + 7.0% of anything</u>
4			<u>over \$8,958.00</u>

5

6 (iii) Three (3) children:

7

8	Net Monthly	Percentage of	
9	Income of	Income	
10	Both	Allocated For	Base Support Plus
11	Parents	Three Children	Marginal Percentage

12

13	\$732.00	40.8	\$299.00 + 38.7% over \$732.00
14	\$1,179.00	40.0	\$472.00 + 29.0% over \$1,179.00
15	\$1,603.00	37.1	\$595.00 + 25.0% over \$1,603.00
16	\$2,058.00	34.5	\$709.00 + 23.3% over \$2,058.00
17	\$2,674.00	31.9	\$853.00 + 22.9% over \$2,674.00
18	\$3,796.00	29.3	\$1,111.00 + 20.0% over \$3,796.00
19	\$4,680.00	27.5	\$1,288.00 + 16.6% over \$4,680.00
20	\$5,885.00	25.3	\$1,489.00 + 16.0% of anything
21			over \$5,885.00

22	<u>\$833</u>	42.7	<u>\$356.00 + 38.7% over \$833.00</u>
23	<u>\$2,083.00</u>	40.3	<u>\$840.00 + 36.4% over \$2,083.00</u>
24	<u>\$2,917.00</u>	39.2	<u>\$1,144.00 + 16.8% over \$2,917.00</u>

1	<u>\$3,750.00</u>	34.2	<u>\$1,284.00 + 13.3% over \$3,750.00</u>
2	<u>\$5,000.00</u>	29.0	<u>\$1,450.00 + 13.7% over \$5,000.00</u>
3	<u>\$6,667.00</u>	25.2	<u>\$1,677.00 + 12.2% over \$6,667.00</u>
4	<u>\$8,958.00</u>	21.9	<u>\$1,958.00 + 7.7% of anything</u>
5			<u>over \$8,958.00</u>

6

7 (iv) Four (4) children:

8

9	Net Monthly	Percentage of	
10	Income of	Income	
11	Both	Allocated For	Base Support Plus
12	Parents	Four Children	Marginal Percentage
13			
14	\$732.00	48.2	\$353.00 + 45.6% over \$732.00
15	\$1,179.00	47.2	\$557.00 + 34.1% over \$1,179.00
16	\$1,603.00	43.8	\$702.00 + 29.8% over \$1,603.00
17	\$2,058.00	40.7	\$838.00 + 28.0% over \$2,058.00
18	\$2,674.00	37.8	\$1,011.00 + 27.5% over \$2,674.00
19	\$3,796.00	34.8	\$1,320.00 + 22.5% over \$3,796.00
20	\$4,680.00	32.5	\$1,519.00 + 20.0% over \$4,680.00
21	\$5,885.00	29.9	\$1,761.00 + 19.3% of anything
22			over \$5,885.00
23	<u>\$833</u>	47.6	<u>\$397.00 + 43.2% over \$833.00</u>
24	<u>\$2,083.00</u>	45.0	<u>\$937.00 + 40.6% over \$2,083.00</u>

1	<u>\$2,917.00</u>	43.7	<u>\$1,275.00 + 18.7% over \$2,917.00</u>
2	<u>\$3,750.00</u>	38.2	<u>\$1,431.00 + 14.8% over \$3,750.00</u>
3	<u>\$5,000.00</u>	32.3	<u>\$1,616.00 + 15.2% over \$5,000.00</u>
4	<u>\$6,667.00</u>	28.1	<u>\$1,870.00 + 13.7% over \$6,667.00</u>
5	<u>\$8,958.00</u>	24.4	<u>\$2,183.00 + 8.6% of anything</u>
6			<u>over \$8,958.00</u>

7

8 (v) Five (5) or more children:

9

10	Net Monthly	Percentage of	
11	Income of	Income	
12	Both	Allocated For	Base Support Plus
13	Parents	Five Children	Marginal Percentage
14			
15	\$732.00	54.6	\$400.00 + 51.2% over \$732.00
16	\$1,179.00	53.4	\$629.00 + 39.6% over \$1,179.00
17	\$1,603.00	49.8	\$798.00 + 32.3% over \$1,603.00
18	\$2,058.00	45.9	\$945.00 + 32.7% over \$2,058.00
19	\$2,674.00	42.9	\$1,147.00 + 31.7% over \$2,674.00
20	\$3,796.00	39.6	\$1,503.00 + 23.7% over \$3,796.00
21	\$4,680.00	36.6	\$1,713.00 + 22.0% over \$4,680.00
22	\$5,885.00	33.6	\$1,979.00 + 21.3% of anything
23			over \$5,885.00
24	<u>\$833</u>	52.4	<u>\$436.00 + 47.5% over \$833.00</u>

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

8

9 (b) Where the combined income of the custodial parent

10 and the noncustodial parent is less than ~~seven hundred~~

11 ~~thirty-two dollars (\$732.00)~~ eight hundred thirty-three

12 dollars (\$833.00), the support obligation of the

13 noncustodial parent shall be twenty-five percent (25%) of

14 net income, but in no case shall the support obligation be

15 less than fifty dollars (\$50.00) per month for each family

16 unit in which there are children to whom the noncustodial

17 parent owes a duty of support.

18

19 (e) A deduction from gross income for additional

20 dependents may be allowed by the court if the parent has

21 legal dependents other than those for whom support is being

22 determined. An adjustment may be used in the establishment

23 of a child support order or in a review of a child support

24 order. However, in cases involving a petition for

1 modification of child support, the adjustment under this
2 subsection shall not be used to the extent that it results
3 in a support amount lower than the previously existing
4 order for any child who is a subject of the petition for
5 modification of child support. The court may use the
6 following adjustment formula if it allots equitable shares
7 of support to all of the support obligor's legal
8 dependents:

9
10 (i) Using the income of the support obligor
11 only, determine the basic child support obligation pursuant
12 to subsection (a) of this section for the number of legal
13 dependents living with the support obligor;

14
15 (ii) Multiply the amount calculated under
16 paragraph (i) of this subsection by seventy-five percent
17 (75%) and subtract the result from the support obligor's
18 gross income.

19
20 (f) If a proportion of a support obligor's social
21 security or veteran's benefit is paid directly to the
22 custodian of his dependents who are the subject of the
23 child support order, the total amount of the social
24 security or veteran's benefit which includes the amounts

1 paid to the obligor and obligee under the child support
2 order shall be counted as gross income to the obligor.
3 However, the amount of the social security or veteran's
4 benefit sent directly to the child's household shall be
5 subtracted from the child support order. If the child
6 support order would result in a negative dollar amount, the
7 amount shall be set at zero. The child support amount
8 shall be offset by the amount of the social security or
9 veteran's benefit beginning from the time the child's
10 household starts receiving the social security or veteran's
11 benefit. An obligor shall apply to the court to receive a
12 credit against arrears for any social security or veteran's
13 benefits that are paid retroactively to the child's
14 household. For purposes of this subsection, "child's
15 household" means the household of which a member is being
16 paid the obligor's child support obligation for the benefit
17 of the child.

18

19 **20-2-307. Presumptive child support to be followed;**
20 **deviations by court.**

21

22 (b) A court may deviate from the presumptive child
23 support established by W.S. 20-2-304 upon a specific
24 finding that the application of the presumptive child

1 support would be unjust or inappropriate in that particular
2 case. In any case where the court has deviated from the
3 presumptive child support, the reasons therefor shall be
4 specifically set forth fully in the order or decree. In
5 determining whether to deviate from the presumptive child
6 support established by W.S. 20-2-304, the court shall
7 consider the following factors:

8

9 (iii) Any special health care ~~and educational~~
10 needs of the child;

11

12 **Section 2.** W.S. 20-2-307(b)(i), (iv) through (vi),
13 (viii) and (ix) and (xii) are repealed.

14

15 **Section 3.** This act is effective July 1, 2005.

16

17

(END)