

Delta Child Support Definitions and Concepts

Please review the **Delta Guide to Child Custody Definitions and Concepts** in **Step 1 – Child Custody** to help understand terms discussed below.

Income Shares Formula: A formula that Pennsylvania uses to calculate child support. This formula is fairly complicated because it accounts for so many different scenarios. There is a basic Child Support Calculator [Pennsylvania Child Support Program \(state.pa.us\)](https://www.state.pa.us) that you can use to perform a rough estimate. However, in order for you to have a basic understanding of the factors involved in calculating support, we provide a list of the most important factors/definitions below. **NOTE: This list is not exhaustive and there are many other potential factors that must be reviewed.**

Monthly Gross Income: This includes money from all sources except Supplemental Security Insurance (SSI) or Public Assistance. Monthly gross income is ordinarily based on at least a six-month average of a party's income from wages; net income from business or dealings in property; interest, rents, royalties, and dividends; pensions and all forms of retirement; income from an interest in an estate or trust; Social Security disability benefits, Social Security retirement benefits, temporary and permanent disability benefits, workers' compensation, and unemployment compensation; alimony if, in the trier-of-fact's discretion, inclusion of part or all of it is appropriate; and other entitlements to money or lump sum awards, without regard to source.

Earning Capacity: This is usually the net monthly income of each parent/adult with custody. However, when a parent is not working or under earning, the court will review the age, education, training, health, work experience, earnings history and child care responsibilities to determine earning capacity.

Net Income Percentage: This is the percentage of income that each party earns with the respect to the total amount earned by the parties. This percentage determines the part of the child care expenses and costs that each party is responsible for. For example, if you earn 40% of the total amount earned by you and the other party, then usually you are responsible for 40% of the child care expenses and other costs.

Overnights: This term refers to the location where the child sleeps during the year. The number of overnights usually determines who pays and who receives child support such that the party with the majority of overnights of custody will receive support. In addition, a party with more than 40% but less than 50% of the custody time can receive a deduction in child support.

NOTE: Due to the effect of the custody arrangement on child support, it is very important to ensure that you understand how the amount of support is based upon the amount of overnights each party has.

Obligor: Party that owes child support and usually has less than 50% of custody time.

Obligee: Party that receives child support and usually has more than 50% of custody time.

Number of Children: The Income Shares Formula requires that the number of children between the parties be input into the calculations. The more children the more support.

Basic Child Support Obligation: This is a preliminary calculation using the **Income Shares Formula** to determine child support based upon earning capacity and the number of children that need support.

Child Care Expenses. Reasonable child care expenses paid by the parties, if necessary, to maintain employment or appropriate education in pursuit of income (e.g., day care costs).

Unreimbursed Medical Expenses: Costs such as co-pays and other medical expenses not covered by medical insurance.

Total Child Support Obligation: This is the **Basic Child Support Obligation** plus adjustments upwards or downwards for various reasons based usually upon substantial or shared custody (i.e., when a party has 40% to less than 50% custody time) or additional child care expenses (i.e., day care) and medical costs (i.e., health insurance, dental insurance and unreimbursed medical expenses) and other costs (e.g., high school tuition) and mortgage adjustment (i.e., a part of the mortgage for the party living in the marital residence).

Deviations: The Total Support Obligation can be modified either up or down if there are unusual circumstances that demand a modification.

The Child Support Process:

-Many people cannot agree on a child support amount and as a result use the local county court system to reach a child support amount.

-The first step in the process is to file a support complaint with the county Domestic Relations Office. Each office has forms for this purpose. The support complaint is filed by the party requesting child support and this party is called the Plaintiff. The person that will pay support is known as the Defendant.

-Next, the Domestic Relations Office will schedule a support conference and mail a notice to both parties identifying the date, time and location of the conference.

-On the date of the conference, the parties will bring their earnings and selected expense information. Some counties require the Defendant to bring a partial payment of support. During the conference, the Domestic Relations Officer (DRO) or Conference Officer (CO) depending on the county, will take the information and run it through a computer program that calculates child support using the **Income Shares Formula**. The parties can agree on a different child support amount or accept the amount calculated.

-The child support amount is then entered into a Support Order (i.e., a detailed document in which the court orders the **Obligor** to pay an amount of child support).

-If one party does not agree with the child support amount calculated in the Support Order, then there is an appeal process which involves having a trial on the support amount. At this trial, both parties have an opportunity to provide evidence in support of their positions about what the child support amount should be.

NOTE: Support must be paid within 30 days of the order being entered even if you appeal the support order.

- After the Support Order is entered, a Wage Attachment order is sent to the Obligor's employer requiring the employer to deduct the child support and send it to Pennsylvania State Collection and Disbursement Unit (PA PASCDU) in Harrisburg, Pennsylvania. PA SCDU then sends the payment to the **Obligee** via bank deposit or debit card. If the Obligor is self employed then they must send payments directly to PA SCDU.

-Failure of the **Obligor** to pay child support can result in wage garnishment, suspension of driver's license, bank account seizure, liens on real estate and judgments as well as other remedies.

Income Shares Model:

-Pennsylvania uses a theory of child support based upon an economic model known as the **Income Shares Model**. 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.

-The **Income Shares Model** uses a formula that was developed based upon the conclusion 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 **Income Shares Formula** is used to calculate child support based upon 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.

NOTE: For most cases, the child support amount is not related to how much you actually spend on the child for these items. It depends mostly on an estimate using the Formula. So, if you spend more than calculated by the Formula, you are usually going to have to pay the difference. However, certain expenses are covered by the Formula as discussed herein.