

Serial Parenting – Calculating Child Support

A Preliminary Proposal

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States differ on how to calculate child support in situations where one parent has multiple children from different relationships. Most do not address it at all.

Wisconsin, whose statutory scheme was the original basis for Nevada, treats them as if they were separate relationships of different people: e.g. 18% of GMI for each child. This results in significantly greater amounts of income taken for support of multiple children (36% for two, 54% for three, etc.), decreasing the likelihood of payment.

We propose the following:

- A. The Serial Parenting Calculation only arises when there are two or more child support orders effective at the same time;
- B. Parents' obligations are based upon all of their children subject to a child support order as a function of their GMI, which are then divided into a per-child amount.
- C. A second or subsequent order alone is not grounds to review a prior order prior to the expiration of the 3-year review period, though application of the adjustments would be made at that time or at the time of a substantial (20%) change.
- D. Children of a current cohabitative relationship are not included in the calculation.

For Example:

- John, who has GMI of \$6,000, has a child with Mary, who has primary physical custody. John is ordered to pay \$960 per month in child support.
- John also has a child with Jane, who has no other children and earns \$3,000 GMI, is now seeking custody and child support.
 - If Jane is awarded primary physical custody, John would pay as follows:
 - John has 2 children, so his total child support obligation is 22% of his \$6,000 GMI, or \$1,320 per month, which equates to \$660 per month per child. Jane would receive \$660 per month.
 - If John and Jane are awarded Joint Physical custody:
 - John's obligation is calculated as above, resulting in \$660 per month per child. Jane's obligation is 16% of \$3,000, or \$480. This results in John paying Jane \$180 in support.
 - John's Order for his child with Mary is adjusted at the time of the next proper review (due to substantial change or expiration of the 3-year period) is then adjusted to reflect the \$660 per month per child (or whatever the new calculation would provide).

- John and Mary each begin a new relationship and have a new child, but both relationships are intact and they cohabit with the parent of the new child. No adjustment is made.
 - Each time a child is born to John, Mary, or Jane, and a child support order is sought, the support calculation will reflect the total number of children for that parent, and the amount would be adjusted at the time of the next appropriate review.

This scheme balances the various interests:

- The first child is given a consistent amount for a time, but change is always a possibility. Waiting for the expiration of the 3-year period or a substantial change balances the child's need for consistent support and the parent's need to maintain their ability to cover their living costs.
- Subsequent parents assume the risk together that their child support will be reduced by the existence of an existing support order, but their obligations are calculated consistently according to the rule and the prior order is eventually adjusted to meet the new reality.
- Children of a current cohabitative relationship are treated as they are now – supported by the balance of the obligor parent's remaining income.