



Child Support Rules For Shared Time Parents

By Daniel P. Bestul

2004 brought new rules for child support in Wisconsin, and the changes will have a big impact for some parents. The new rules apply to “shared-time” situation, where each parent has placement for a significant period of time. The new rules change the minimum amount of time needed to qualify for shared-time status, and change the way support is calculated.

The basic percentage guidelines used in all courts remain the same; a parent paying support for one child will pay 17% of gross income, 25% for two; 29% for three and 31% for four. However, if the parent has significant placement time, support is reduced using a formula that incorporates the amount of placement time.

Under the old rules, the shared time reduction began if the parent had placement more than 30% of the time, or a total of 110 nights a year. The new threshold for shared time-reduction is 25% of the time, or 91 overnights each year.

A second major change is the way shared-time support is calculated. Under the old formula, parents with equal placement often paid little or no support. The state Department of Workforce Development - the agency responsible for developing and implementing the rules for child support - concluded the old rules didn't provide adequate support; the new rates reflect this.

A few examples demonstrate the impact of the new rules. Let's say a couple has two children; one parent earns \$3,000 a month, the other parent earns \$2,000 a month. If the higher earning parent's placement does not exceed the threshold for a shared time adjustment (30% of the time under the old rules, 25% under the new), support would be \$750 a month. Under the new rules, if placement is divided 74%/26% (95 overnights a year), support drops to \$637.50 a month.

Under the old rules, if these parents divided placement equally, the guidelines calls for support of \$83.50 a month. Under the new rules, equal placement results in support of \$187.50 per month.

Because of the changes in the threshold for shared-time reduction, as well as changes in the formula itself, parents asking the court to modify support may be in for some surprises. A payor asking for a reduction in support, due to a decline in income, could in fact see support go up under a new formula and a support recipient may see a significant drop in support based on small changes in placement, if the new, lower threshold is crossed.

A third change to the rules pertains to the sharing of the costs of raising children, a facet of the shared-time rules. The shared-time rules require that the parents pay these costs - solely in proportion to the amount of placement time. Under the old rules, “variable costs” included food, clothing, school, extracurricular activities, recreation, and day care. The new rules requires the parties to divide “basic support costs” - food, shelter, clothing, transportation, personal care, and incidental recreational costs - entirely in proportion to placement and divide variable costs - now defined as the reasonable costs above basic support costs incurred by or on behalf of a child, including but not limited to,





the cost of child care, tuition, a child's special needs, and other activities that involve substantial cost - based on both the division of placement, and the parents' relative incomes.

The new rules apply to all orders entered after January 1, 2004. Under Wisconsin law, a change in the child support rules, standing alone, is not a sufficient basis to modify an existing order, and so not everyone will be affected by the new rules right away. However, a change in circumstance - such as a change in income, or a change in placement - can provide a sufficient basis for a court to modify support. In addition, if the current order has been in place for more than 33 months without review or modification, a court may decide to modify support. Thus, it is likely that every shared-time placement arrangement will be affected by the change at some point.



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