

CHILD SUPPORT AND ARREARAGE GUIDELINES REGULATIONS

Section 46b-215a-1. Definitions

As used in sections 46b-215a-1, 46b-215a-2a, 46b-215a-3, 46b-215a-4a and 46b-215a-5a:

- (1) “Allowable deductions” means average weekly amounts subtracted from gross income to arrive at net income, and are limited to the following:
 - (A) federal, state, and local income taxes, based upon all allowable exemptions, deductions and credits;
 - (B) social security taxes or, in lieu thereof, mandatory retirement plan deductions for an amount not to exceed the maximum amount permissible under social security;
 - (C) medicare tax;
 - (D) medical, hospital, dental, or health insurance premium payments for the parent and his or her legal dependents other than the child whose support is being determined, provided the parent provides the name of the insurer and the policy number;
 - (E) mandatory union dues or fees, including initiation;
 - (F) court-ordered alimony and child support awards for individuals not involved in the support determination, provided a deduction for such awards shall be allowed only to the extent of payment on any non-arrearage amounts; and
 - (G) an imputed support obligation for a qualified child, as determined in accordance with subsection (e) of section 46b-215a-2a of the Regulations of Connecticut State Agencies.
- (2) “Arrearage” is synonymous with “past-due support” and means any one or a combination of the following:
 - (A) court ordered current support or arrearage payments which have become due and payable and remain unpaid;
 - (B) unpaid child support award amounts which have been reduced to a judgment or otherwise found to be due by a court of competent jurisdiction, whether or not presently payable; and
 - (C) support due for periods prior to an action to establish a child support order, provided such amounts are based upon the obligor's ability to pay during the prior periods if known or, if not known, on the obligor's current ability to pay if known or, if not known, upon assistance rendered to the obligor's child.
- (3) “Child” means an unemancipated individual whose parents have a duty to provide support, and includes “children” where the context so requires.

- (4) "Child care costs" means amounts expended for the care and supervision of a child whose support is being determined.
- (5) "Child support and arrearage guidelines" means the rules, principles, schedule, and worksheet established under sections 46b-215a-1, 46b-215a-2a, 46b-215a-3, 46b-215a-4a, and 46b-215a-5a of the Regulations of Connecticut State Agencies for the determination of an appropriate child support award, to be used when initially establishing or modifying both temporary and permanent orders.
- (6) "Child support award" means the entire payment obligation of the noncustodial parent, as determined under the child support and arrearage guidelines, and includes current support payments, health care coverage, child care contribution, and periodic payments on arrearages.
- (7) "Current support" means an amount for the ongoing support of a child, exclusive of arrearage payments, health care coverage, and a child care contribution.
- (8) "Custodial parent" means the parent who provides the child's primary residence.
- (9) "Dependent" means a spouse or child for whom a parent is legally responsible under state law.
- (10) "Deviation criteria" means those facts or circumstances described in section 46b-215a-3 of the Regulations of Connecticut State Agencies which may justify an order different from the presumptive support amounts.
- (11) "Gross income" means the average weekly earned and unearned income from all sources before deductions, including but not limited to the items listed in subparagraph (A) of this subdivision, but excluding the items listed in subparagraph (B) of this subdivision.

(A) Inclusions

The gross income inclusions are:

- (i) salary;
- (ii) hourly wages for regular, overtime, and additional employment up to a maximum of 52 total paid hours per week;
- (iii) commissions, bonuses and tips;
- (iv) profit sharing, deferred compensation and severance pay;
- (v) employment perquisites and in-kind compensation (any basic maintenance or special need such as food, shelter, or transportation provided on a recurrent basis in lieu of or in addition to salary or wages);
- (vi) military personnel fringe benefit payments;
- (vii) benefits received in place of earned income including, but not limited to, workers' compensation benefits, unemployment insurance benefits, strike pay and disability insurance benefits;

- (viii) veterans' benefits;
- (ix) social security benefits (excluding Supplemental Security Income (SSI)), including dependency benefits on the earnings record of an insured parent that are paid on behalf of a child whose support is being determined;
- (x) net proceeds from contractual agreements;
- (xi) pension and retirement income;
- (xii) rental income after deduction of reasonable and necessary expenses;
- (xiii) estate or trust income;
- (xiv) royalties;
- (xv) interest, dividends and annuities;
- (xvi) self-employment earnings, after deduction of all reasonable and necessary business expenses;
- (xvii) alimony being paid by an individual who is not a party to the support determination;
- (xviii) regularly recurring gifts, prizes, and lottery and gambling winnings (except as provided in paragraph (B)(iv) of this subdivision); and
- (xix) education grants (including fellowships or subsidies that are available for personal living expenses).

(B) Exclusions

The gross income exclusions are:

- (i) support received on behalf of a child who is living in the home of the parent whose income is being determined;
- (ii) federal, state and local public assistance grants;
- (iii) earned income tax credit; and
- (iv) the income and regularly recurring contributions or gifts of a spouse or domestic partner.

(12) "Health care coverage" means any provision of the child support award that addresses the child's medical or dental needs, and includes an order for either parent to:

- (A) provide medical or dental insurance for such child, or
- (B) pay all or a part of such child's medical and dental expenses that are not covered by insurance or reimbursed in any other manner.

- (13) “Husky Plan” means the plan to provide health care for uninsured children established under sections 17b-289 to 17b-304, inclusive, of the Connecticut General Statutes and section 16 of Public Act 97-1 of the October 29 Special Session, and includes:
- (A) the Husky Plan, Part A (also known as Medicaid) for children receiving assistance under section 17b-261 of the Connecticut General Statutes; and
 - (B) the Husky Plan, Part B for children receiving assistance under sections 17b-289 to 17b-304, inclusive, of the Connecticut General Statutes.
- (14) “Imputed support obligation” means a theoretical current support obligation computed for given children in accordance with section 46b-215a-2a of the Regulations of Connecticut State Agencies, the amount of which obligation is used to determine the allowable deduction for a qualified child under subsection (e) of said section and to calculate arrearage payments under section 46b-215a-4a of the Regulations of Connecticut State Agencies.
- (15) “Low-income obligor” means an obligor whose current support obligation is generally determined without considering the other parent's income, using the darker shaded area of the schedule.
- (16) “Net disposable income” means:
- (A) with reference to the custodial parent, the sum of the parent’s net income and the current support order; and
 - (B) with reference to the noncustodial parent, the difference between the parent’s net income and the current support order.
- (17) “Net income” means gross income minus allowable deductions.
- (18) “Noncustodial parent” means a parent who does not provide the child's primary residence.
- (19) “Obligor” means a parent who is ordered to make payments under a child support award.
- (20) “Presumptive support amounts” means the child support award components calculated under sections 46b-215a-2a and 46b-215a-4a of the Regulations of Connecticut State Agencies, prior to consideration of the deviation criteria specified in section 46b-215a-3 of the Regulations of Connecticut State Agencies.
- (21) “Schedule” means the *Connecticut Child Support Guidelines Schedule of Basic Child Support Obligations* included in section 46b-215a-2a of the Regulations of Connecticut State Agencies.
- (22) “Shared physical custody” means a situation in which the noncustodial parent exercises visitation or physical care and control of the child for periods substantially in excess of a normal visitation schedule. An equal sharing of physical care and control of the child is not required for a finding of shared physical custody.

- (23) “Split custody” means a situation in which there is more than one child in common and each parent is the custodial parent of at least one of the children.
- (24) “Title IV-D” means the provisions of the federal Social Security Act, which require states to implement a child support enforcement program.
- (25) “Worksheet” means the *Worksheet for the Connecticut Child Support and Arrearage Guidelines*, which is intended for use with all applicable instructions in sections 46b-215a-2a and 46b-215a-4a of the Regulations of Connecticut State Agencies. The worksheet is included in section 46b-215a-5a of the Regulations of Connecticut State Agencies.

Section 46b-215a-2a. Child support guidelines

(a) Applicability

(1) Award components

This section shall be used to determine the current support, health care coverage and child care contribution components of all child support awards within the state, subject to section 46b-215a-3 of the Regulations of Connecticut State Agencies.

(2) Income scope

When the parents' combined net weekly income exceeds \$2,500, child support awards shall be determined on a case-by-case basis, and the current support prescribed at the \$2,500 net weekly income level shall be the minimum presumptive amount.

(b) Using the worksheet

The line references in subsections (c), (g) and (h) of this section are to the worksheet set forth in section 46b-215a-5a of the Regulations of Connecticut State Agencies. Use one worksheet in most cases. When there is a third party custodian and either parent is a low-income obligor (as determined in subparagraph (c)(2)(A) of this section), complete a separate worksheet for each parent.

(c) Determining the amount of current support

The procedures in this subsection shall be used, subject to subsections (d) and (e) of this section, to determine the current support component of the child support award.

(1) Determine the net weekly income of the noncustodial parent(s)

Follow the instructions in this subdivision to determine the net weekly income of the noncustodial parent. Enter all amounts on the worksheet in the column corresponding to the noncustodial parent.

(A) Enter the gross income on line 1.

- (B) Enter federal, state and local income taxes, based on all allowable exemptions, deductions and credits on lines 2 and 3.
- (C) Enter all other allowable deductions on lines 4-9. Calculate the line 9 amount using the procedures in subdivision (e)(2) of this section. Add the amounts entered on lines 2-9 and enter the result on line 10.
- (D) Subtract the line 10 amount from the line 1 amount and enter the result on line 11. This is the net weekly income of the noncustodial parent.

(2) Determine the basic child support obligation

Follow the instructions below in the order presented to determine the basic child support obligation using the *Schedule of Basic Child Support Obligations* found in subsection (f) of this section.

- (A) Find the block in the schedule that corresponds to the income level of the noncustodial parent (rounded to the nearest ten dollars (\$10.00)) and the number of children whose support is being determined.
 - (i) If this block is in the darker shaded area of the schedule and the amounts shown are not in white italics, the noncustodial parent is a low-income obligor. The dollar amount shown in the block is the noncustodial parent's basic child support obligation. Enter this amount on line 13, place a check mark on line 14, and proceed to subdivision (3) of this subsection.
 - (ii) If this block is in the darker shaded area of the schedule and the amounts shown are in white italics, the noncustodial parent is a low-income obligor. Proceed to subparagraph (B) of this subdivision to determine the basic child support obligation, unless the custodial parent has no income. In that case, follow step (i) above.
 - (iii) If this block is not in the darker shaded area of the schedule, the noncustodial parent is not a low-income obligor. Proceed to subparagraph (C) of this subdivision to determine the basic child support obligation.
- (B) Determine the net weekly income of the custodial parent, following the same instructions as used to determine the net weekly income of the noncustodial parent. Add this amount to the noncustodial parent's net weekly income, and round to the nearest ten dollars (\$10.00). The result is the combined net weekly income. Enter this amount on line 12. Find the block in the schedule that corresponds to the combined net weekly income and the number of children whose support is being determined. Compare the percentage shown in this block to the percentage shown in the block found in step (ii) of subparagraph (A).
 - (i) If the percentage shown in the darker shaded block is lower than the percentage in this block, the dollar amount shown in the darker shaded block is the noncustodial parent's basic support obligation. Enter this amount on line 13, place a check mark on line 14, and proceed to subdivision (3) of this subsection.

(ii) If the percentage shown in the darker shaded block is higher than the percentage in this block, proceed to subparagraph (C), immediately following.

(C) Determine the net weekly income of the custodial parent, following the same instructions as used to determine the net weekly income of the noncustodial parent. Add this amount to the noncustodial parent's net weekly income, and round to the nearest ten dollars (\$10.00). The result is the combined net weekly income. Enter this amount on line 12. Find the block in the schedule that corresponds to the combined net weekly income and the number of children whose support is being determined.

The dollar amount shown in this block is the basic child support obligation of both parents for the support of all children. Enter this amount on line 13 and proceed to subdivision (3), immediately following.

(3) Determine the total current support obligation

Follow the instructions in this subdivision to determine the amount of the total current support obligation. Except in the case of a low-income obligor, the total current support obligation is the basic child support obligation obtained from the schedule plus the cost of health insurance premiums for coverage of the children whose support is being determined. In the case of a low-income obligor, the obligor's total current support obligation is the basic child support obligation reduced by the amount paid by such obligor for health insurance premiums for the subject children.

(A) Determine health insurance premium amounts

Determine the amount of any medical, hospital, dental or health insurance premiums paid by either or both parents for coverage of the children whose support is being determined. Only amounts actually attributable to the subject children are considered. If any such amount is unknown or cannot be verified, the total cost of the premium is divided by the total number of persons covered by the policy and then multiplied by the number of subject children covered by the policy. The parent requesting an adjustment for health insurance premium costs shall submit proof that the children are enrolled in an insurance plan and proof of the cost of the premium. Enter the premium amounts in the appropriate columns on line 15.

(B) Add to basic obligation (parents other than low-income obligors)

Unless line 14 is checked, add the sum of the line 15 amounts to the line 13 amount and enter the result on line 16. This is the total current support obligation of both parents for all children whose support is being determined.

(C) Subtract from basic obligation (low-income obligors only)

If line 14 is checked, subtract the line 15 amount paid by the noncustodial parent (low-income obligor) from the line 13 amount and enter the result on line 16. This is the total current support obligation of the low-income obligor.

(4) Determine each parent's share of the total current support obligation

Each parent's share of the total current support obligation is determined by calculating each parent's share of the combined net weekly income, and multiplying the result for each parent by the total current support obligation.

(A) In the case of a low-income obligor, skip line 17, enter the line 16 amount in the noncustodial parent's column on line 18, and proceed to subdivision (6) of this subsection.

(B) Determine each parent's share of the combined net weekly income by dividing the line 11 amount for each parent by the line 12 amount. Enter the result (rounded to two decimal places) for each parent on line 17.

(C) Multiply the line 17 amount for each parent by the line 16 amount. Enter the result for each parent on line 18. These amounts are each parent's share of the total current support obligation.

(5) Adjust for payment of health insurance premiums

(A) Low-income obligors

In the case of low-income obligors, there is no adjustment for health insurance premiums since the cost was already deducted from the basic obligation in determining the total current support obligation in subdivision (3) of this subsection. In such cases, therefore, skip line 19 and proceed to subdivision (6).

(B) All other cases

In all other cases, enter on line 19 for each parent the same amount as was entered on line 15.

(6) Adjust for social security benefits

Enter on line 20 in the noncustodial parent's column the weekly amount of any social security dependency benefits on the earnings record of such parent that are paid on behalf of the child whose support is being determined.

(7) Determine the presumptive current support amount

The presumptive current support amount for each parent is determined by subtracting the adjustments for health insurance premiums and social security benefits from each parent's share of the total current support obligation.

(A) Add the line 19 and line 20 amounts for each parent and enter the sum on line 21. These are the total adjustments for each parent.

(B) Subtract the line 21 amounts from the line 18 amounts for each parent and enter the results on line 22. These are the presumptive current support amounts for each parent.

(8) Determine the recommended current support order

The recommended current support order shall equal the presumptive current support amount for the noncustodial parent unless a deviation criterion, as specified in section 46b-215a-3 of the Regulations of Connecticut State Agencies, applies.

(A) Enter the recommended weekly current support order on line 23 in the noncustodial parent's column. If the line 23 amount differs from the line 22 amount, explain the difference on line 47 in section VIII of the worksheet.

(B) The presumptive support amount for the custodial parent is not established as an order and is not entered on line 23. The line 22 amount for the custodial parent is retained by the custodial parent and is presumed spent on the children.

(d) Determining the amount of current support in split custody situations

In a split custody situation, as defined in section 46b-215a-1 of the Regulations of Connecticut State Agencies, a single support obligation is calculated by offsetting theoretical presumptive current support amounts for each parent as follows.

(1) Determine the presumptive current support amount that the father would owe to the mother for the children in her custody as if those children were the only children of the parties, following all applicable procedures in subsection (c) of this section.

(2) Determine the presumptive current support amount that the mother would owe to the father for the children in his custody as if those children were the only children of the parties, following all applicable procedures in subsection (c) of this section.

(3) Subtract the lesser amount from the greater, as determined in subdivisions (1) and (2) of this subsection.

(4) The recommended current support order shall equal the amount calculated in subdivision (3) of this subsection, and shall be payable by the parent whose presumptive current support amount is greater.

(e) Determining the amount of current support when another child resides with a parent

(1) Applicability

This subsection shall be used to determine the amount of current support only under the circumstances described in subparagraphs (A) and (B) of this subdivision.

(A) Qualified child

Either parent claims a qualified child. A qualified child is one:

(i) who is currently living in the same household with the parent, if such parent is the child's legal guardian, or, if such parent is not the child's legal guardian, has lived in the same household with such parent for at least the six months immediately preceding the support determination or six of the twelve months immediately preceding such determination;

- (ii) who is a dependent of the parent;
- (iii) who is not a subject of the support determination; and
- (iv) for whom the parent has not claimed a deduction under subparagraph (1)(F) of section 46b-215a-1 of the Regulations of Connecticut State Agencies.

(B) Initial award or defense to modification

An initial child support award is being established, or a parent is defending against a proposed modification of an existing child support award.

(2) Procedure

When this subsection applies, determine the amount of current support by following the procedures in this subdivision.

(A) Determine current support amount for all children

Follow the procedures in subsection (c) of this section to determine a single theoretical presumptive current support amount for the number of children consisting of the child whose support is being determined and the qualified child. For the purpose of this subparagraph, deem the gross income of the other parent of each such child to be zero.

(B) Determine imputed support obligation for qualified child

Divide the amount determined in the preceding subparagraph (A) by the number of children used in determining such amount. Multiply the result by the number of qualified children. The product is the imputed support obligation for the qualified child.

(C) Determine current support for subject child

Follow the procedures in subsection (c) of this section to determine the amount of current support for the subject child, using the imputed support obligation for the qualified child as a deduction from the gross income of the parent of the qualified child.

(f) **Schedule of basic child support obligations**

Following is the schedule to be used for determining the basic child support obligation in accordance with subsection (c) of this section. Note that all obligation money amounts have been rounded to the nearest dollar in this schedule.