

Frequently Asked Questions On Georgia's Child Support Guidelines

Updated: July 2018

1. When did Georgia's income shares guidelines take effect? Where can I access a copy of the Child Support Guidelines statute?

Georgia's Child Support Guidelines found at O.C.G.A. § 19-6-15 were revised to an income shares model that took effect January 1, 2007. The guidelines are applied to all temporary and final child support orders. You can access the Child Support Guidelines through the Child Support Commission website: <http://csc.georgiacourts.gov/>. Scroll down the page and click the button labeled "Georgia Online Child Support Calculator." From the calculator home page, select the "Help" tab dropdown on the menu bar and click "View Child Support Statute" to download the statute.

2. Where do I get the Worksheet and Schedules?

The Online Child Support calculator is available on the Child Support Commission home page, <http://csc.georgiacourts.gov/>, or directly at <https://csconlinecalc.georgiacourts.gov/frontend/web/index.php>. Once on the home page of the online calculator, begin by selecting "Signup" to create a user account. After your account has been established, select "Login" from the menu bar and login. To begin a worksheet, click the "Worksheet" tab on the menu bar, and select "Create Folder-Worksheet."

The Excel calculators, the Standard Worksheet and the Data Entry Form, which Georgia once used, have been retired as of September 30, 2018. The last version in use was version 9.5. It is no longer possible for anyone to download these calculators. Please discontinue use of the Excel calculators immediately.

3. Where can I go to see the basic child support obligation table?

The Basic Child Support Obligation (BCSO) Table is part of the child support guidelines statute at O.C.G.A. § 19-6-15(o). The online calculator will automatically insert the correct BCSO amount from the table into your Worksheet, after you provide income information for the parents and add the children for whom child support is being calculated. You can access the Child Support Obligation Table through the Child Support Commission website: <http://csc.georgiacourts.gov/>. Scroll down the page and click the button labeled "Georgia Online Child Support Calculator." From the

calculator home page, select the "Help" tab dropdown on the menu bar and click "View Child Support Basic Obligation Table."

4. I'm not very good at math. Will it be hard for me to fill out the Worksheet and Schedules?

No. You will fill in information, such as income and child related expenses such as health insurance and child care, and the online calculator will do the math and calculations for you. The format of the online calculator is designed to walk you through the process through numbered questions. Answer the questions that apply to your action. As you are answering questions and entering information, the calculator is completing the forms for you.

5. What happens if I start to fill out a worksheet and do not have all of the information I need to finish it at all at once?

You should save your worksheet so you may continue another time, using the buttons at the bottom of the child support calculator.

Information entered on the Child Support Worksheet page

6. What is a nonparent custodian and when is that person included in a worksheet?

A nonparent custodian is an individual who is not the biological or adoptive parent of a child but has a legal right to seek, modify, or enforce a child support order. An example of a nonparent custodian is a grandmother or other relative who has temporary guardianship or custody of the child.

7. Why is it important for me to enter the civil action case number exactly as it was issued by the Clerk?

The Clerk of Court will issue a unique civil action case number for the county in which you file your legal pleadings. The judge will use the civil action file number to pull your case file for your hearing.

8. Why do I need to include the names of the children in my court action on the worksheet?

The names and year of birth of each child in your court action must be entered in the worksheet as well as in the child support order. The judge needs to see this information to ensure the correct minor children are included.

Information Entered on Schedule A – Gross Income

9. What if I don't know the other parent's income, will I still get a calculation?

The online calculator will calculate with only one salary and number of children entered. However, if you do not have any financial information regarding the other party, the calculations will not be accurate or ready for the judge to review.

Fill out the information you have available and save the worksheet. After an exchange of information between the parties through discovery or other means, or by imputing the other parent's income or earning potential (see #10 below), you should have enough information to fill in the other parent's income to reach a calculation.

10. When a noncustodial parent receives a disability or retirement check from the Social Security Administration (SSA), and a child in the current case receives a monthly payment from the SSA based on that parent's disability or retirement, where should this income and the child's payment be entered on the worksheet?

The noncustodial parent's SSA income is entered on Line 31 of Schedule A to be included as income, and the amount of the child's check is entered on Line 13 of the worksheet under the column for the disabled or retired noncustodial parent. Do not enter amounts that represent Supplemental Security Income (SSI) for a needs-based (low income) disabled noncustodial parent.

11. What is "imputed" income?

If a parent fails to produce reliable evidence of income, such as tax returns for prior years, pay stubs, or other information for determining current ability to pay child support or ability to pay child support in prior years, and the court or the jury has no other reliable evidence of the parent's income or income potential, gross income for the current year may be imputed.

When imputing income, the court shall take into account the specific circumstances of the parent to the extent known, including such factors as the parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the parent, prevailing earnings level in the local community, and other relevant background factors in the case. Also see (f)(4)(d)(i)(ii).

If a parent is incarcerated, the court shall not assume an ability for earning capacity based upon pre-incarceration wages or other employment related income, but income may be imputed based upon the actual income and assets available to such incarcerated parent.

Information Entered on Schedule B – Adjusted Income

12. I have another child for whom I pay child support. Do I get an adjustment for that?

A preexisting child support order is the basis for an adjustment to a parent's Gross Income. For a parent to be eligible to deduct preexisting child support order amounts from his or her Gross Income, an order from another case must show that the parent has a duty to make current child support payments for another child and the parent is actually paying that current support. (See O.C.G.A. § 19-6-15(a)(18); and (f)(5)(B).) Payments made by the parent on any arrearages cannot be included.

For a preexisting child support order to qualify, the date and time of filing of the initial order in such other case must precede the date and time of filing of the initial order in the current case before the court. If either case has been modified, the court must determine that the date and time of the initial order was prior to the initial date and time of the order in the current case.

The maximum credit allowed for a preexisting child support order is an average of the amount of current child support actually paid under the preexisting order over the past 12 months, or such period that an order has been in effect if less than 12 months. Proof must be presented to the court which shows that the preexisting child support order is actually being paid.

Example of Initial Date and Time of Filing:

The Smiths have three children and divorced in 2004; a child support order was entered on May 1, 2004. That order was modified in 2008, when the noncustodial parent filed a petition after losing his job. A second modification order was entered in 2014, when the custodial parent learned that the noncustodial parent was earning big bucks. If the expenses of the children have gone up and the custodial parent files another modification in 2018, the only order that will be considered as a pre-existing order is the 2004 order. This is because the 2004 order is the only order with an initial date and time of filing of the order that pre-exists all the other orders. The 2014 order does not pre-exist the 2008 order. The court rendering the decision in a modification must make a specific finding in the new modified order of the date of the initial order. (The time will identify a preexisting

order when two or more orders for the same noncustodial parent were filed with the court on the same date; this usually only happens in cases that are filed by the Division of Child Support Services.)

13. I am supporting another child in my home. Am I entitled to an adjustment since I am supporting that child as well as the children in this case?

The court has discretion to consider an adjustment to income for qualified children for the purpose of reducing a parent's gross income, if failure to consider an adjustment would cause substantial hardship to the parent. In addition to the substantial hardship test, the parent seeking the adjustment of his or her Gross Income for other children in the home must also show why this adjustment is in the best interest of the child in the current case for whom support is being determined. This adjustment is at the court's discretion. (See O.C.G.A. § 19-6-15(a)(20) and (22); and (f)(5)(C).) Basically, the parent must prove that it would pose a substantial hardship to the parent not to consider the other children in the home as a means for reducing that parent's income.

The party must show to the court that (a) The parent is legally responsible for the qualified child (step children do not qualify); (b) The qualified child lives in the parent's home; (c) The parent is actually supporting the qualified child; (d) The qualified child is not subject to a preexisting child support order; and (e) The qualified child is not currently before the court to set, modify or enforce child support.

To calculate the adjustment, a "Theoretical Support Order" is created, (the child support calculator will perform this complicated calculation for you), and as if a child support order existed for the other Qualified Child in the parent's home.

Information Entered on Schedule D – Additional Expenses

14. If we have a family health insurance policy, how can we figure out the cost that covers just the children in the case before the court considering child support?

The Child Support Obligation Table does not include the cost of Health Insurance premiums. Therefore, the additional expense for the child's Health Insurance premium is to be included in the calculations. The amount that is, or will be paid by either parent or the nonparent custodian, for Health Insurance premiums for the child in the case before the court shall be included in the worksheet.

If not being paid at the time of the hearing, proof of what those actual costs will be must be presented to the court before the court includes such payment in its determination. Health Insurance premium costs paid by a nonparent custodian are to be considered when determining the amount of this expense. (While the nonparent custodian's expenses are figured in on Schedule D, the nonparent custodian is neither responsible nor will be ordered to pay child support.) Health care coverage through Medicaid, the PeachCare for Kids Program, or other public health care program will satisfy the requirement for health care coverage. If there is a premium associated with these programs, include that premium on Schedule D. Health care coverage through Medicaid, the PeachCare for Kids Program, or other public health care program will not prevent a court from ordering either or both parents to obtain other or additional Health Insurance.

When a child for whom support is being determined is covered by a family policy, only the health insurance premium actually attributable to that child is to be included.

Here is an example:

The cost for just the father is \$150/month and the cost for three children is \$150/month, totaling \$300/month. The \$150/month "family" portion of the premium covers just the three children, one of which is a qualified child and not a child of the case before the court. Divide the sum of \$150/month, which does not include father, by three total children, and then multiply that sum by the two children in the case before the court. The calculations will look like this: \$150/month divided by three = \$50/month per child, and then multiplied by two children = \$100/Month. The sum of \$100 will be entered on Schedule D under father's column.

If information regarding the premium amount attributable to the child is not available, then a simple calculation can be made to determine the amount. Divide the total amount of the insurance premium by the total number of persons covered by the insurance policy. Multiply the resulting amount by the number of children covered by the insurance policy that are included in the case before the court. Enter that sum on Schedule D under the column of the parent or nonparent custodian who pays the premium.

Payments made by a parent's employer for Health Insurance that are not deducted from the parent's wages cannot be included in this calculation.

Information Entered on Schedule E - Deviations

15. Who can request a deviation?

A deviation may be requested by a party in the case, to include the mother, father or nonparent custodian, and also by an attorney representing a party. The court may also identify and include a deviation in a child support worksheet. All deviations included are subject to judicial discretion to approve, change or disapprove, to ensure that the deviation from the presumptive amount of child support is in the best interest of child in the case before the court. All deviations must be supported by the required findings of fact and application of the best interest of the child standard.

16. What is a low income deviation? Am I entitled to ask for it?

In considering a request for a low-income deviation, the court or the jury will weigh the income, assets, and benefits and all reasonable expenses actually paid by each parent (including a nonparent custodian's expenses for the children), the relative hardship that a reduction in the amount of child support paid to the custodial parent would have on the custodial parent's household, the needs of each parent, the needs of the child for whom child support is being determined, and the ability of the noncustodial parent to pay child support. The court will also take into account each parent's basic child support obligation adjusted by health insurance and work related child care costs and the relative hardships on the parents and the child.

If the noncustodial parent can provide evidence sufficient to demonstrate no earning capacity or that his or her pro rata share of the presumptive amount of child support would create an extreme economic hardship for such parent, the court may consider a low-income deviation. All deviations included are subject to judicial discretion to approve, change or disapprove to ensure that the deviation from the presumptive amount of child support is in the best interest of child in the case before the court. All deviations must be supported by the required findings of fact and application of the best interest of the child standard.

Who can request?

The court or the jury, upon request by either party (includes the nonparent custodian) or upon the court's initiative, may consider a downward deviation to attain an appropriate award of child support which is consistent with the best interest of the child.

For the purpose of calculating a low-income deviation, the noncustodial parent's minimum child support for one child shall be not less than \$100.00 per month, and such amount shall be increased by at least \$50.00 for each additional child for the same case for which child support is being ordered.

If a low-income deviation is granted, this does not prohibit the court or jury from granting an increase or decrease to the presumptive amount of child support by the use of any other specific or nonspecific deviation.

17. I want to enter a specific or nonspecific deviation for an expense that I pay for the child. Under which parent's column do I enter this expense?

Follow these rules: Enter the deviation amount (not necessarily the full cost of the expense) in the column of the parent who is the noncustodial parent in the case; **never** enter the deviation in the column of the custodial parent or nonparent custodian. Enter a downward (negative) amount, if the noncustodial parent pays the expense, and enter an upward (positive) amount, if the custodial or nonparent custodian pays the expense. A downward (negative) amount entered will decrease the noncustodial parent's final child support amount, while an upward (positive) amount entered will increase the noncustodial parent's final child support amount.

18. How does the parenting time deviation work? Is there a formula?

A Parenting Time deviation means a deviation from the presumptive amount of child support allowed for the noncustodial parent based upon the noncustodial parent's court ordered visitation with the child, and allowed at the court's or the jury's discretion. A Parenting Time deviation may be an upward or downward amount that must be supported by the required findings of fact and application of the best interest of the child standard.

The child support obligation table is based upon expenditures for a child in intact households, and therefore, there is no consideration for costs associated with court ordered visitation. Costs associated with visitation, *exceeding the standard visitation period*, may make the Presumptive Amount of Child Support excessive or inadequate. The court may order or the jury may find by special interrogatory for a deviation from the presumptive amount of child support when special circumstances make the presumptive amount of child support excessive or inadequate due to extended parenting time as set forth in the order of visitation, when the child resides with both parents equally, or visitation rights are not utilized by the noncustodial parent.

There is no formula provided in the statute for the calculation of a parenting time deviation, but the amount you will specify for this deviation must be based on an order of visitation. The amount of the noncustodial parent's parenting time deviation is entered or displays on Schedule E, Line 13 and may be entered as a decrease or increase from the presumptive amount of child support.

19. I don't have any extraordinary medical or educational expenses for my children, but I sure do pay a lot for music and sports. Can I get any credit for that on the worksheet?

Special expenses incurred for child rearing may be a basis for a deviation from the presumptive amount of child support. Such expenses include, but are not limited to, summer camp; music or art lessons; travel; school sponsored extracurricular activities such as band, clubs, and athletics; and other activities intended to enhance the athletic, social, or cultural development of a child. Also, special expenses may include food, clothing and hygiene of children which could vary due to different age levels. Examples would be diaper costs for the very young child and clothing costs for the teenager.

A portion of the basic child support obligation already covers the *average* amounts of special expenses incurred in the rearing of a child. Special Expenses included as a deviation are in excess of this *average*. In order to determine if a deviation for special expenses is warranted, a formula is used. The court or the jury will consider the full amount of the special expenses and when the special expenses exceed 7 percent of the basic child support obligation, the additional amount of special expenses will be considered as a deviation to cover the full amount of the special expenses. The court or jury will apply discretion when considering this deviation.

To calculate the deviation, multiply .07 (7%) times the Basic Child Support Obligation in your worksheet. When those special expenses exceeds 7% of the Basic Child Support Obligation amount, then the amount exceeding the 7% will be considered as the Deviation amount, and prorated between the parents. All deviations included are subject to judicial discretion to approve, change or disapprove to ensure that the deviation from the presumptive amount of child support is in the best interest of child in the case before the court. All deviations must be supported by the required findings of fact and application of the best interest of the child standard.

Example of Special Expenses Deviation:

The Basic Child Support Obligation for one child, based on the Combined Adjusted Income of the child's parents (\$7200) is \$1083. The child has been singing with her school choirs since elementary school. She has tried out for her high school "Show Choir" and has been accepted. This group travels in-state to various competitions, and stages two scheduled concerts per school year. The cost is averaged over the school year to equal \$175 per month. The custodial parent seeks a Deviation for special expenses. To calculate, take the Basic Child Support Obligation amount of \$1083 x 7%

(.07), which equals \$75.81, the minimum amount needed to consider special expenses. Since the actual expense exceeds \$75.81, the court may consider the additional amount as a special expenses Deviation. In this case, the court may subtract \$75.81 from \$175, which equals \$99.19. That amount, if granted as special expense Deviation, is prorated between the parties based on their percentage of income.

20. Do I need to file Schedule E with the clerk of superior court even if I do not include any deviation in my worksheet?

You must file the final Worksheet with the clerk of superior court, and any schedules that include calculations. The Online Child Support Calculator will present for print the worksheet and only those schedules and sections of the schedules that contain calculations.

General Information

21. What is the difference between an adjustment, an additional expense, and a deviation?

An adjustment to each parent's gross income may be made when calculating the support award as "deductions" from their respective gross income. Adjustments included in the guidelines statute are found at O.C.G.A. § 19-6-15(f)(5) and include self-employment taxes, preexisting child support orders, and qualified children in theoretical orders. Adjustments to gross income are entered on Schedule B of the child support worksheet and reduce the amount of gross income for each parent.

Additional expenses include health insurance and work related child care that are prorated between the parents. That means the prorated amounts of these expenses are added to each parent's share of the Basic Child Support Obligation (BCSO). The amounts actually paid by each parent are then deducted from their individual share of the BCSO. Additional expenses in the guidelines statute are found at O.C.G.A. § 19-6-15(h) and are entered on Schedule D of the child support worksheet.

A deviation represents an expense related to the children in the case that is subtracted from or added to the presumptive amount of child support. All deviations are entered on Schedule E of the Worksheet, display as a total on line 14 of Schedule E, and display on Line 10 of the Child Support Worksheet. All deviations are subject to judicial discretion and, if applied, must be supported by required findings of fact and by the application of the best interest of the child standard. A nonparent custodian's expenses may be the basis for a deviation. No deviation can be made which seriously

impairs the ability of the custodial parent to maintain minimally adequate housing, food, and clothing for the children being supported in the order and to provide other basic necessities, as determined by the court or the jury.

22. What is split custody and how does it differ from shared custody?

In a split custody arrangement, one parent has primary physical custody of at least one child of the parties to the case, and the other parent has primary physical custody of one or more children. Split custody is anticipated by the statute, and there is a definition and a specific subsection devoted to it. For the definition, please review O.C.G.A. Section § 19-6-15 (a)(21). To submit worksheets in a case involving split parenting, see subsection (l), which states that “[i]n cases of split parenting, a worksheet shall be prepared separately for the child for whom the father is the custodial parent and for the child for whom the mother is the custodial parent, and those worksheets shall be filed with the clerk of court.”

There is not a definition or a subsection devoted to “shared custody” in the statute. A shared custodial arrangement is usually referred to in a situation in which the parents share physical custody of their children, i.e., each parent would have custody of all of the children approximately fifty percent (50%) of the time. The only reference to a shared custody or shared parenting arrangement in the statute is under the definitions of “custodial parent” and “noncustodial parent.” You will find those definitions in the Child Support Guidelines (O.C.G.A. § 19-6-15) under subsection (a), paragraphs (9) and (14) respectively. Under each of those definitions, it states that “[w]here a custodial parent has not been designated or where a child resides with both parents an equal amount of time, the court shall designate the custodial parent as the parent with the lesser support obligation and the other parent as the noncustodial parent.” However, in a situation in which each parent has equal income and expenses, and the court cannot determine which parent would have the greater support obligation, the court will make the determination which parent to appoint as the noncustodial parent for the purpose of paying child support.

Shared parenting is also mentioned under the deviation subsection found in the Child Support Guidelines. The specific provision, found in subsection (i)(2)(K) of the Child Support Guidelines, says that the court may order a deviation of the presumptive amount of child support when the child resides an equal amount of time with each parent. The noncustodial parent’s child support obligation would be reduced in that instance by a deviation known as a parenting time deviation. If the court orders any deviation from the presumptive amount of child support, findings justifying this deviation must

be included both on the child support worksheets (entered on Schedule E) and in the court order.

If you have a question you want the Commission staff to consider adding to the FAQ, please contact the Georgia Commission on Child Support by email at childsupport@georgiacourts.gov. Please indicate that your question is for the FAQ.