


MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN
2005 (FIRST) Regular Session

Bill No. 128(FU)

Introduced by:

Ray Tenorio 

AN ACT TO APPROVE/DISAPPROVE THE NEW
CHILD SUPPORT GUIDELINES FILED BY THE
ATTORNEY GENERAL OF GUAM.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. The proposed child support guidelines filed with *I*
3 *Liheslaturan Guåhan* on March 31, 2005 by the Attorney General of Guam
4 and attached as appendix I to this Act are hereby approved/disapproved.

REVISED & UPDATED

EXHIBIT 1

GUAM CHILD SUPPORT GUIDELINES

(February, 2005; Administrative Adjudication Law Proposal)



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Office of the Attorney General**

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ORIGINAL

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4. Appendix C - Updated Schedule of Basic Child Support Obligations

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Section 1201. Introduction.

Section 1202. Background.

Section 1203. How to Use Guidelines.

Section 1204. Special Situations.

Section 1205. Modification of Award.

Section 1206. Court's Findings.

Section 1207. Effective Date.

Section 1201. Introduction. (a) Application. These Guam Child Support Guidelines ("Guidelines") shall only apply to sole custody cases, not joint and equal physical custody situations (each parent has the child 50% of the time) or equal split physical custody situations (each parent has custody of the same number of children). The Court may apply its discretion within the parameters as set forth in Section 1204(a) of this Article.

(b) Legal Authority. Guam law provides that, pursuant to the Administrative Adjudication Law, the Attorney General shall adopt Child Support Guidelines. The Guidelines shall include a schedule of standard calculations for child support based on the combined income of the parents. [5 G.C.A. § 34118].

(c) Administrative Procedure. An expedited judicial process agency was created by law within the Superior Court of Guam, designated as the Judicial Hearings Division [19 G.C.A. § 5501, *et seq.* and 7 G.C.A. Appendix C-1]. This administrative agency has concurrent jurisdiction with the Superior Court over child support matters. All references in the Guidelines to court hearings, include administrative hearings as may be held before the Judicial Hearings Division; all references to court orders include administrative orders coming from the Judicial Hearings Division; and all references to judges include administrative hearings officers or referees within the Judicial Hearings Division. [19 G.C.A. § 5501, *et seq.*]

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(d) Basis of Guidelines. Guam's Child Support Guidelines are based upon an Income Share Model developed by the Child Support Guidelines Project of the National Center for State Courts. The model is predicated upon the concept that a child should receive the same proportion of non-custodial parent income that he or she would have received had the parents lived together. The Office of the Attorney General acknowledges the need for a schedule which reflects the average cost of raising a child on Guam. The Office of the Attorney General enlisted the assistance of Policy Studies Inc. of Denver, Colorado, in updating the "Schedule of Basic Child Support Obligations" ("Schedule").

(e) Intent of 2005 Revisions. The principal substantive change in the revised Guidelines has been to update the schedule of standard calculations for child support based on the combined income of the parents. Further, the revised Guidelines is intended to make clear that the Guidelines do not apply to joint and equal physical custody situations or equal split physical custody situations. Child support is not intended to achieve income redistribution between the parents, nor is it a substitute for spousal maintenance (alimony). Guam law presumes that joint custody is the appropriate method of custodial arrangement, absent a showing for cause [19 G.C.A. § 8404(h)]. It is the intent of the Office of the Attorney General to encourage both parents to participate in the education and rearing of all of their children, and the Guidelines should not pose an obstacle to achieving this policy established by the Guam Legislature. The Guidelines revisions were intended to reduce the financial motive and costs for litigation by clarifying not only their applicability to sole custody situations, but that actual proof must be presented to exceed or go below the Guidelines.

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(f) Construction of Guidelines. These Guidelines shall be construed liberally so as to ensure the best interest and welfare of the child, while avoiding them from being used as an income redistribution tool. In the event that the Schedule is exceeded, a party may request additional support based upon actual need, which must be proven to the Court based upon a clear and convincing evidence standard.

(g) Explanation of Appendices A through C. A form of Worksheet for Child Support Amount is attached as Appendix A. The worksheet form contains blanks for filling in all the information required to calculate child support, and takes the user step-by-step through all the calculations necessary to get to the child support amount. The procedures for using the worksheet are contained in 19 G.A.R. § 1203. A simplified version of the instructions is found in Appendix B to these Guidelines.

Appendix C of the revised Guidelines is an "Updated Schedule of Basic Child Support Obligations" based on a study performed by Policy Studies Inc., Denver, Colorado. PSI considered four (4) factors in developing the updated schedule, namely: (1) Dr. David Betson's new measurements of child-rearing costs based on more recent data (1996-1999); (2) 2000 Census data used to recalibrate the U.S. measurements of child-rearing costs to Guam income; (3) 2004 price levels; and (4) 2004 federal personal income tax rates.

The PSI study found that although Guam families generally face lower incomes and more poverty than U.S. families, Guam housing costs are not lower. Similarly, costs of food and transportation is not lower on Guam than in the U.S. since Guam imports much of its food, gasoline

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and other transportation-related consumption items. These three (3) items, housing, food, and transportation consume a large share of total family expenditures. The study concluded that there is no evidence to suggest that the cost of living in Guam is significantly less than the U.S. average.

Section 1202. Background. (a) Purposes. The purposes of these Guidelines are:

(1) to establish a standard of support for children who live in sole custody situation households, consistent with the reasonable needs of children and the ability of parents to pay;

(2) to make child support awards consistent for people in similar circumstances;

(3) to encourage parents to jointly raise their children, consistent with 19 G.C.A. § 8404(h), and to eliminate the animosity associated with financial incentives to take sole custody of children;

(4) to prevent the Guidelines from being misconstrued as an income redistribution tool;

(5) to give parents and courts guidance in establishing child support orders and to promote settlements;

(4) to comply with Federal law [42 U.S.C. § 651, *et seq.*, 45 C.F.R. § 302.56];

and

(5) to comply with local law [5 G.C.A. § 34118].

(b) Premises. The following premises apply to these Guidelines:

(1) these Guidelines apply to all children in sole custody situations, whether born in or out of wedlock, and do not apply to joint and equal physical custody situations or equal

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split physical custody situations;

(2) the child support award should permit the children the standard of living which as closely as possible approximates the one they would have had if their parents had remained together, recognizing the cost of maintaining two (2) households, without being misconstrued to be an income redistribution tool or constituting spousal maintenance (alimony);

(3) the child support obligation has priority over all other financial obligations;

(4) the fact that a custodial parent receives child support does not mean that the parent may not also be entitled to spousal maintenance (alimony), which would have to be separately proven and awarded; and

(5) the obligation to support other children may be taken into account by the Court, but shall not necessarily entitle the paying parent to a reduction of support, proportionate or otherwise. See § 1203(b)(3) of Guidelines.

(c) Presumptions. The following presumptions apply to these Guidelines:

(1) In any action to establish or modify sole custody child support, not joint and equal physical custody situations or equal split physical custody situations, whether temporary or permanent, the Guidelines shall be used in the establishment or modification of the amount of child support. Courts may deviate from the Guidelines where its application would be inequitable; provided, the deviation is in the best interest of the child, and provided due consideration has been given to the arguments of the parties. [5 G.C.A. § 34118(b)]. In such cases, the Court shall enter appropriate written or specific findings on

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the record. The Court shall not apply these Guidelines to joint and equal physical custody situations or equal split physical custody situations.

(2) The Guidelines presume that the costs of providing for the average needs of children are as set out in the attached Schedule (Appendix C). Should a custodial parent request child support in excess of the presumed average needs for the child, direct evidence must be presented at the time of hearing to prove that the actual needs of the child are in excess of the presumed average needs of the child, as set forth in the Schedule, in order to overcome the presumption, and must be established by a clear and convincing standard of proof.

Section 1203. How to Use the Worksheet. (a) Determination of Gross Income.

The gross income of the parties shall be determined, as follows:

(1) "Gross income" includes income from any source, and may include, but is not limited to, income from salaries, wages, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, social security benefits, gifts, prizes, free housing rental (fair market value) and spousal maintenance received.

(2) Gross income does not include benefits received from means-tested public assistance programs including, but not limited to, Temporary Assistance to Needy Families ("TANF"), Supplemental Security Income, Food Stamps, General Assistance or sums received as child support.

(3) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely-held corporation, gross income means gross

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receipts, minus ordinary and necessary expenses required to produce income. "Ordinary and necessary expenses" do not include amounts determined by the court to be inappropriate for determining gross income for purposes of child support.

(4) Expense reimbursements or benefits received by a parent in the course of employment or self-employment or operation of a business shall be counted as income if the reimbursements or benefits are significant and reduce personal living expenses, whether or not they are taxable as income.

(5) If a parent is unemployed or under-employed, that is, working below full earning capacity, the Court may consider the reasons therefor. The Court shall take into consideration a parent's being under-employed in order to spend more quality time with their child, and shall therefore not hold such under-employment against that parent. If earnings are reduced as a matter of choice and not for reasonable cause, such as caring for or spending more time with their children, then the Court may attribute and impute income to the parent up to that person's earning capacity.

(6) The Court may take into account the benefits a parent derives from remarriage, expense sharing, or from other arrangements or sources, such as free rental.

(7) If the non-custodial parent's income is unknown, a temporary child support award may be set at One Hundred Fifty Dollars (\$150.00) per month per child and the Worksheet for Child Support Amount need not be filled out. When both parents' incomes become known, the temporary child support amount should be adjusted accordingly using the procedures described in the Guidelines.

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(b) Adjustment of Gross Income. The gross income of the parties shall be adjusted as follows, the result of which is the "adjusted gross income":

(1) Each parent shall be entitled to deduct Seven Hundred Seventy-five Dollars (\$775.00) from that parent's gross income for self-support reserve. The deduction is based upon the minimum of basic needs such as food, clothing, shelter and other essentials as compiled by the U.S. Department of Health and Human Services, Federal Register, Vol. 69, No. 30, February 13, 2004, pp. 7336-7338.

(2) Spousal maintenance (alimony) and court-ordered child support of other children, actually paid, shall be deducted from the gross income of the payor. "Other children" means children who are not the subject of this particular child support determination. As stated in § 1202(b)(5), support of other children, and children to whom the non-custodial parent owes a legal obligation of support may be considered.

(3) The Court has discretion to credit to the appropriate parent, a maximum of Fifty Dollars (\$50.00) per child for other natural children in the parent's home. The parent requesting the credit must justify the request.

(4) The cost of health insurance coverage for the children shall be deducted from the gross income of a parent paying the insurance premium. This amount shall be calculated on a per capita basis.

(c) Determination of Combined Adjusted Gross Income. Adjusted Gross

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Income is gross income minus the allowed adjustments. Once the Adjusted Gross Income for each parent is established, these amounts shall be added together and the result is the Combined Adjusted Gross Income.

(d) Determination of Basic Child Support Obligation. The "basic child support obligation" is determined by using the Updated Schedule of Basic Child Support Obligations in Appendix C. After locating in the vertical column to the far left the figure which most closely corresponds to the combined adjusted gross income, the appropriate multiplier is found by then moving across horizontally to the number of children involved. The combined adjusted gross income figure may have to be rounded up or down to the closest figure in the table. If the primary obligation of the non-custodial parent is less than Fifty Dollars (\$50.00) per child per month, then a minimum child support award of Fifty Dollars (\$50.00) per child per month shall be ordered.

(e) Determination of Total Child Support Obligation. The "total child support obligation" shall be determined as follows:

To the basic obligation, any of the following may be added by the Court:

(1) Child Care Costs: child care expenses which are appropriate to the parents' financial abilities and to the lifestyle of the child had the family remained intact. However, if the custodial parent is unable to work without incurring day care expenses (i.e. must incur daycare expenses in order to work), then such expenses may be considered necessary.

(2) Education Expenses: any reasonable and necessary expenses for

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attending private or special schools, or necessary expenses to meet particular educational needs of a child when such expenses are incurred by agreement of both parents or ordered by the Court.

(3) Older Child Adjustment: The average expenditures for children over the age of twelve (12) exceed the average expenditures for younger children by approximately ten percent (10%). Therefore, the Court may increase child support for each child over age twelve (12) by an amount up to ten percent (10%) of the support shown on the Schedule.

The net figure derived from adding any of these allowable sums to the Basic Child Support Obligation is the Total Child Support Obligation.

(f) Determination of Each Parent's Proportionate Share. Each parent's proportionate share of the total child support obligation shall be determined as follows:

(1) the Total Child Support Obligation shall be divided between the parents in proportion to their adjusted gross incomes;

(2) the obligation of each parent is computed by multiplying each parent's percentage of his/her Combined Adjusted Gross Income by the Total Child Support Obligation; *and*

(3) the two (2) results are the amounts of each parent's share of the total child support obligation.

(g) Child Support Award. The Court shall order the non-custodial parent to pay child support in an amount equal to that parent's proportionate share of the Total Child

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Support Obligation. The custodial parent shall be presumed to spend that parent's share on the child.

(Example: 1 child, age 15: Combined Adjusted Gross Income is \$1,000.00.

The mother's Adjusted Gross Income is \$600.00. Divide the mother's Adjusted Gross Income by the Combined Adjusted Gross Income. The result is the mother's share of the Combined Adjusted Gross Income. Thus: $\$600.00$ divided by $\$1,000.00 = 60\%$. The mother's share would be 60%. The father's share would be 40%. On the Schedule, the Basic Child Support Obligation for Combined Adjusted Gross Income of \$1,000.00 for 1 child is \$230.00. To this the judge adds \$23.00 because the child is over 12 (approximately 10% in this example). The Total Child Support Obligation is \$253.00.

The mother's share is 60% of \$253.00, or \$151.80. The father's share is 40% of \$253.00, or \$101.20. This example presumes the father has custody, and the mother has visitation or no custody.

The Child Support Award is that the mother pay the father \$151.80 per month.

The value of the father's contribution is \$101.20, and he is presumed to spend it directly on the child. This case does not apply to joint and equal physical custody situations or equal split physical custody situations.)

Section 1204. Special Situations.

(a) Joint and Equal Physical Custody Situations or Equal Split Physical

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Custody Situations. These Guidelines apply to sole custody situations (i.e. custodial parent has custody, non-custodial parent has visitation or no custody). Where the parties agree to joint and equal physical custody, or the Court determines that joint and equal physical custody is in the best interests of the children, consistent with the presumption in Guam law [19 G.C.A. § 8404(h)], these Guidelines are not applicable, nor is the Schedule. The Guidelines are also not meant to apply to cases in which there is equal split physical custody, i.e. each parent has physical custody of the same number of children (i.e. father has 1 child, mother has 1 child), but the Guidelines will apply if father has custody of 1 child and mother has custody of 2 children). (*Source: Massachusetts Child Support Guidelines*).

In joint and equal physical custody situations, or equal split physical custody situations, the Court may consider: (i) the best interests of the child; (ii) the special needs of the child; (iii) the incomes of the parents; (iv) the wishes of each parent to raise the child in a standard of living which is consistent with their desire to form their child's character and personality (i.e. not spoiling the child), taking into consideration the standard of living which as closely as possible approximates the one they would have had if the parents had remained together; (v) the number of children in each parent's household; and (vi) any public assistance that might be paid to a household;

(b) Visitation. The Court may consider the costs of visitation and may allocate such costs between the parents in proportion to their ability to pay if the non-custodial parent's visitation is one hundred twenty-seven (127) days or less per year. If the non-custodial parent's court-ordered visitation exceeds one hundred twenty-seven (127) days per

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year, the non-custodial parent shall receive a credit to the Guideline amount of child support in accordance with the following amounts:

<u>Days</u>	<u>Credit</u>
128-147	15%
148-166	20%
167 or more but less than equally shared physical care	25%

For the purpose of this credit, "days" means overnights spent caring for the child. The non-custodial parent will not receive credit for time the child spends with someone else while in his or her custody. Failure to exercise court-ordered visitation may be a basis for modification. The credit for extraordinary visitation shall not reduce a child support obligation below the minimum amount required by the Guidelines (\$50 per month for 1 child). (*Source: Iowa Child Support Guidelines*).

How to Calculate Visitation Credit

After determining the total number of visitation days, refer to the table above. The left column of the table sets forth numbers of visitation days. Adjacent to each range is an adjustment percentage or credit. The visitation adjustment is calculated as follows: Locate the number of visitation days per year in the left column and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 1203(d) by the appropriate adjustment percentage. The number resulting from this multiplication is then subtracted from the proportionate

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share of the Total Child Support Obligation of the parent who exercises visitation.

(c) Abatement. When the non-custodial parent is directly providing for the children's needs for an extended period of time, such as on a long visit, the Court may order a reduction of child support paid to the custodial parent.

(d) Non-equal Split Physical Custody. In the cases of court-ordered split physical custody where custody is not equal (i.e. father has sole custody of 1 child, mother has sole custody of 2 children), child support shall be calculated in the following manner: determine the amount of child support required by the Guidelines for each party based upon the number of children in the physical custody of the other party; offset the two (2) amounts as a method of payment; and the net difference shall be paid by the party with the higher child support obligation, unless variance is warranted under § 1202(c)(1).

(e) Gifts in Lieu of Money. Child support awards shall be paid in money. Gifts of clothing or supplies, like diapers or milk, in lieu of money may not be offset against the support award, except by Court order.

(f) Health Insurance. An order for child support shall assign responsibility for providing health insurance for the child who is the subject of the support award. The Court shall specify the percentage of uninsured health expenses for the child which each parent shall pay. If either parent incurs necessary uninsured health expenses, receipts may be presented to the Court so that a reimbursement plan may be considered, and the Court may order reimbursement of a proportionate amount of the sums expended. The apportionment shall reflect the parents' respective percentages of income according to these Guidelines and

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the worksheet.

(g) Third parties as custodial persons. In situations where third parties are custodial persons of a child, the incomes of the biological or adoptive mother and father of the child will be taken into consideration for purposes of setting a child support amount. A worksheet will be prepared showing the obligation of each parent. Once an amount is arrived at, a Court Order will be obtained ordering the biological or adoptive mother and father of the child to pay that amount to the custodial persons.

Section 1205. Modification of Award. The Office of the Attorney General may initiate a review and adjustment or modification of the child support award when:

- (a) the current order has no provision for health insurance;
- (b) the Attorney General believes good cause exists;
- (c) for TANF cases, thirty-six (36) months have passed since the last review or the establishment of the last order for support; *or*
- (d) for non-TANF cases, thirty-six (36) months have passed since the last review or the establishment of the last order for support, and when requested by either parent.

Section 1206. Court's Findings. The Court shall make findings in the record as to adjusted gross income, basic child support obligation, total child support obligation, the parent's proportionate share of the total child support obligation, the child support award, and health insurance.

Section 1207. Effective Date. Effective immediately, all child support orders, except in joint and equal physical custody and equal split physical custody situations, shall be made in

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accordance with these Guidelines. Prior support orders may be reevaluated upon motion by either party.

2. Expand guidelines to \$10,000 combined adjusted gross income. Maria Fitzpatrick recommended that we expand the schedule from the proposed \$7,500 to \$10,000 combined adjusted gross income since we are seeing more people with higher incomes. We prefer to leave it to the court's discretion to set child support amounts when people have high incomes.
3. Concerns about increased litigation. A concern was raised regarding about the possibility of more litigation being fueled as a result of excluding joint and equal physical custody situations from the guidelines. However, in Leon Guerrero v. Moylan, 2002 Guam 18, the Guam Supreme Court found that "While the court possesses the authority to use the Guidelines to calculate child support in joint custody cases, the AG cannot force the court to use the Guidelines in those instances. Thus, the provisions of the Guideline which seek to limit the court's discretion or bind the court to the Guidelines in shared custody cases are ultra vires in that they exceed the authority conferred to the AG in section 34118." The court went on to find that the guidelines can be used as a framework by the court but are not binding. We are merely following caselaw.
4. Possible loss of federal funds. Jeff Cook raised concerns regarding whether the fact that the child support guidelines will not apply in joint equal custody situations will affect federal funding. Again, we referred to the Guam Supreme Court case of Leon Guerrero v. Moylan, 2002 Guam 18, which held that the child support guidelines do not apply in joint custody situations and can be used as a framework by the court but are not binding.
5. Visitation credit. Dan Somerfleck recommended that we change the word "shall" to "may" when the Court grants visitation credit which exceeds 127 days per year. We feel that we should keep the visitation credit the way it is currently written. Where visitation is 127 days or less per year, the Court has discretion to allocate the costs. However, where visitation exceeds 127 days per year, we feel that the Court should not have discretion and should routinely grant such credit. This will encourage non-custodial parents to have more visitation time with their child.
6. Definition of "ordinary and necessary expenses" in self-employment cases. Jeff Cook recommended that we look at Washington D.C.'s guidelines on the issue of depreciation and student loans. We need to do further research on this.
7. Since we copied Massachusetts and Minnesota guidelines to say that the guidelines do not apply to joint and equal physical custody situations, Carol Butler recommended we look at those states to see how they define custody. We need to do further research on this.
8. Grandparents as custodial persons. Alec Raphael suggested that we include something in the guidelines about grandparents raising the children. We added a section (g) under Section 1204 Special Situations to provide for third parties as custodial persons.

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IN THE SUPERIOR COURT OF GUAM

[1])	CHILD SUPPORT CASE NO. _____ [3]
)	DOMESTIC CASE NO. _____
	Plaintiff,)	
)	
	vs.)	
)	
[2])	WORKSHEET FOR CHILD SUPPORT AMOUNT
	Defendant.)	

The following information is based upon the Guam Child Support Guidelines, and is submitted to the Court for consideration in determining the appropriate child support award and distribution.

<u>MONTHLY GROSS INCOME</u>	FATHER	MOTHER
Total Monthly Gross Income	_____	_____ [4]

<u>ADJUSTED MONTHLY GROSS INCOME</u>		
Deductions from Monthly Gross Income		
\$775 for Self Support	-\$775.00	-\$775.00 [5]
Spousal Maintenance Actually Paid	_____	_____ [6]
Child Support Actually Paid	_____	_____ [7]
Court Ordered Health Insurance Actually Paid	_____	_____ [8]
Cost of Supporting Other Children (see Notes below)	_____	_____ [9]
 Total Monthly Deductions (add lines 5 through 9)	 - _____	 - _____ [10]
 Adjusted Monthly Gross Income for Each Parent (subtract line 10 from line 4)	 = _____	 = _____ [11]

<u>COMBINED ADJUSTED MONTHLY GROSS INCOME</u> (add line 11 for Father and Mother)	_____ [12]
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<u>BASIC MONTHLY CHILD SUPPORT OBLIGATION</u>		
Number of Children Support Requested	_____	[13]
Basic Monthly Child Support Obligation		_____ [14]

<u>NECESSARY MONTHLY EXPENSES</u>		
Child Care Costs	_____	[15]
Extra Education Expenses	_____	[16]
Child Over 12 (see Notes below)	_____	[17]

Total Necessary Monthly Expenses (add lines 15 through 17) _____ [18]

TOTAL MONTHLY CHILD SUPPORT OBLIGATION

Total Monthly Child Support Obligation (add lines 14 and 18) _____ [19]

PARENT'S PERCENTAGE OF COMBINED INCOME

FATHER MOTHER

Indicate, then Calculate for Each Parent:

Adjusted Monthly Gross Income (from line 11) _____ [20]

Combined Adjusted Monthly Gross Income (from line 12) _____ [21]

Adjusted Monthly Gross Income DIVIDED BY Combined Adjusted Monthly Gross Income EQUALS Each Parent's Percentage _____% _____% [22]

PARENT'S PERCENTAGE OF TOTAL MONTHLY SUPPORT OBLIGATION

Indicate, then Calculate for Each Parent:

Total Monthly Child Support Obligation (from line 19) _____ [23]

Percentage of Combined Adjusted Monthly Gross Income (from line 22) _____% _____% [24]

Total Monthly Obligation TIMES Percentage EQUALS Amount of Each Parent's Monthly Support Obligation _____ [25]

ADJUSTMENT FOR EXTRA MONTHLY EXPENSES FROM SHARED OR JOINT CUSTODY (see Notes below)

_____ [26]

OTHER ALLOCATIONS

Visitation Expenses (see Notes below) _____ [27]

Health Expenses NOT Paid by Insurance _____ [28]

The foregoing information is provided to the best of my knowledge. DATED this _____ day of _____, 200____.

 Accounting Technician/Investigator/Paralegal [29]
 If parent or other preparer, please sign above and state:
 Capacity _____
 Contact number _____

NOTES

[9] Cost of Supporting Other Children - - You may ask the court to consider any financial obligation you have to support children for whom there is no court order for support. A maximum amount of \$50.00 per child may be credited to the appropriate parent. See §1203(b)(3) of the Child Support Guidelines and Instructions to Worksheet. Explain here and enter a total amount on line 9.

[17] Child over 12 - - Indicate how many children for whom support is requested are over the age of twelve. Enter the monthly dollar amount of the increase you are requesting up to 10% of the basic support amount for each child on line 17.

[26] Extra Expenses from Shared or Joint Custody - - Describe in a written attachment any extraordinary expenses that will affect only the paying parent in a shared or joint custody situation. Enter the monthly dollar amount of the additional expense on line 26.

[27] Visitation Expenses - - Describe in a written attachment the anticipated visitation plan and related costs. Tell how you think the costs should be divided between the parents. Enter the percentage that you think each parent should pay on line 27.

INSTRUCTIONS FOR COMPLETING CHILD SUPPORT WORKSHEET

INTRODUCTION:

The worksheet provides the information the court needs to determine child support amounts in accordance with the Child Support Guidelines found at 19 GAR §1201, *et seq.* You may request a copy of the Guidelines from the Office of the Attorney General, Child Support Enforcement Division, or visit our website at www.guamattorneygeneral.com.

COMPLETE THIS WORKSHEET IF:

- **You are a party to a court action that might establish a child support obligation.
- **You are a party to a court action to modify an existing order for child support.

HOW TO USE THESE INSTRUCTIONS:

The instructions are numbered to match the numbers on the worksheet. The numbers in brackets in these instructions correspond with the bracketed numbers on the worksheet. References to the corresponding section of the Guidelines are noted in these instructions.

IDENTIFYING INFORMATION IN CASE CAPTION:

- [1] If you are providing this information to establish a child support amount, fill in the name of the person shown as the plaintiff on the original petition filed in the case. There may be more than one.
- [2] Fill in the name of the person shown as the defendant on the original petition in the case.
- [3] If you do not yet have an order establishing a support obligation, leave this item blank. If you have an order establishing support, fill in the case number of that order.

MONTHLY GROSS INCOME:

- [4] Fill in the amount of your gross income each month. Also, fill in the total monthly gross income for the other parent, to the best of your knowledge. If a parent is unemployed or under-employed without a reasonable cause, then include an estimate of what you think that parent would be earning if he or she worked at full earning capacity. See 19 GAR §1203(a)(5).

Gross earnings means the amount before taxes and other deductions are taken out. For income from self-employment, rent, royalties, proprietorship of a business, etc., gross income means gross receipts minus ordinary and necessary expenses required to

produce that income. See 19 GAR §1203(a)(3).

Gross income INCLUDES the following. See 19 GAR §1203(a)(1):

spousal maintenance	bonuses
social security	gifts
worker's compensation	prizes and lottery winnings
severance pay	rental income
commissions	trust income
disability benefits	pensions
unemployment benefits	annuities
retirement plans	dividends
interest	capital gains
self-employment	living, dependent and housing allowances

Gross income DOES NOT INCLUDE the following. See 19 GAR §1203(a)(2):

TANF benefits	food stamps
child support	other public assistance benefits
Supplemental Security Income	

ADJUSTED MONTHLY GROSS INCOME:

- [5] A portion of what you earn may be deducted to cover your living expenses. Based upon studies done, an average adult with average living standards requires \$775.00 for self-support. You may not deduct more than the average standard deduction of \$775.00. See 19 GAR §1203(b)(1).
- [6] Fill in the total amount of spousal maintenance or spousal support you and/or the other parent actually pays every month to former spouses. See 19 GAR §1203(b)(2).
- [7] Fill in the total amount of court-ordered child support you and/or the other parent actually pays each month for other children from previous relationships. Only court-ordered payments are allowed to be deducted. Cash gifts, direct payments, or the cash equivalent of supplies are not deductible. See 19 GAR §1203(b)(2).
- [8] Fill in the amount of court-ordered health insurance premiums you or the other parent pays for the children who are the subject of this worksheet. See 19 GAR §1203(b)(4).
- [9] You or the other parent may have the court consider any other financial obligation to support other children where there is no court order requiring you to pay support. This category may cover, for example, your other children who reside with you. See 19 GAR §1203(b)(3).
- [10] Line 10 represents the total downward adjustments which may be made to the gross incomes of each parent. For each parent, add lines 5, 6, 7, 8 and 9, then put the total

amount for each parent on line 10.

- [11] For each parent, subtract the number on line 10 from their respective numbers on line 4 and write the results on line 11. This is the adjusted monthly gross income for each parent.

COMBINED ADJUSTED MONTHLY GROSS INCOME:

- [12] Add the two numbers on line 11 representing the father's and mother's adjusted monthly gross income. The total is the combined adjusted monthly gross income. See 19 GAR §1203(c).

BASIC MONTHLY CHILD SUPPORT OBLIGATION:

- [13] On line 13, enter the number of children who are the subject of this worksheet and for whom you are calculating child support.
- [14] To find the basic monthly child support obligation, go to the Schedule of Child Support which is attached to the Guidelines as Appendix C. In the far left column, find the number that is closest to the combined adjusted monthly gross income indicated on line 12 by rounding up or down to the closer number listed in the Schedule. Then move across the vertical columns of the Schedule until you find the number of children indicated on line 13. Under the "%" column for your number of children, you will find the child support "multiplier." Multiply the combined adjusted monthly gross income on line 13 by the child support multiplier. The resulting number is the basic child support obligation.

EXAMPLE: Number of children = 3
 Combined Adjusted Monthly Gross Income = \$4,628.00
 \$4,628.00 is closer to \$4,600 than to \$4,700
 Multiplier for \$4,600 and 3 children = .27

$$\$4,628.00 \times .27 = \$1,249.56$$

If the resulting number is less than \$50.00 per child per month on line 14, then enter the minimum amount of \$50.00 per child. See 19 GAR §1203(d).

NECESSARY MONTHLY EXPENSES:

- [15] The monthly cost of day care is considered a necessary expense ONLY if it affords the parent with primary custody the ability to work. Fill in the monthly cost of day care, only if the parent with primary custody is working and day care is a necessity to enable that parent to work. See 19 GAR §1203(e)(1).
- [16] Extra education expenses are considered a necessary expense ONLY if both parents agree to such expenses or if the court orders such expenses. If there is an agreement or

court order for special or private school tuition or other special education activities or supplies, fill in the total monthly amount on line 16. See 19 GAR §1203(e)(2).

- [17] The cost of raising children over age twelve are generally higher than for younger children. An amount no greater than 10% of the basic child support obligation may be entered for each child over twelve. You should be prepared to justify the additional costs. See 19 GAR §1203(e)(3).
- [18] Add the amounts on lines 15, 16, and 17 to arrive at the total necessary monthly expenses, and place the figure on line 18.

TOTAL MONTHLY CHILD SUPPORT OBLIGATION:

- [19] Add line 14 and line 18 and place the total on line 19. This is the total monthly child support obligation which will be apportioned between the two parents.

PARENT'S PERCENTAGE OF COMBINED INCOME:

- [20] Fill in line 20 with each parent's respective adjusted monthly gross income on line 11.
- [21] Fill in line 21 with the combined adjusted monthly gross income found on line 12.
- [22] To obtain each parent's percentage of combined income, divide each parent's adjusted monthly gross income on line 20 by the combined adjusted monthly gross income on line 21. The result is a percentage figure for each parent. See 19 GAR §1203(f).

EXAMPLE: Line 20 = \$ 600 for father
 \$ 400 for mother
Line 21 = \$1,000

\$600 divided by \$1,000 = .60 or 60% for father
\$400 divided by \$1,000 = .40 or 40% for mother

PARENT'S PERCENTAGE OF TOTAL MONTHLY SUPPORT OBLIGATION:

- [23] Fill in line 23 with the total monthly child support obligation found on line 19.
- [24] Fill in line 24 with the two percentages found on line 22.
- [25] To calculate each parent's portion of the total monthly support obligation, multiply the total monthly obligation on line 23 by each parent's percentage on line 24. The result is a dollar amount for each parent. See 19 GAR 1203(g).

EXAMPLE: Line 23 = \$860
Line 24 = 60% for father
 40% for mother

\$860 x .60 = \$516 for father
\$860 x .40 = \$344 for mother

ADJUSTMENT FOR EXTRA MONTHLY EXPENSES FROM SHARED OR JOINT CUSTODY:

[26] If the parents have or expect to have joint custody, and either parent believes the arrangement will result in additional expenses to the paying parent, the court may adjust the support amount accordingly. The parent requesting the adjustment must justify the extra expenses by describing and explaining the actual or anticipated additional costs to the court, and their financial impact. See 19 GAR §1204(a).

OTHER ALLOCATIONS:

[27] The court may consider the costs of visitation and may allocate such costs between the parents in proportion to their ability to pay if the non-custodial parent's visitation is one hundred twenty-seven (127) days or less per year. If the non-custodial parent's court-ordered visitation exceeds one hundred twenty-seven (127) days per year, the non-custodial parent shall receive a credit to the Guideline amount of child support in accordance with the following amounts:

<u>Days</u>	<u>Credit</u>
128-147	15%
148-166	20%
167 or more but less than equally shared physical care	25%

For the purpose of this credit, "days" means overnights spent caring for the child. The non-custodial parent will not receive credit for time the child spends with someone else while in his or her custody.

How to calculate visitation credit. After determining the total number of visitation days, refer to the table above. The left column of the table sets forth numbers of visitation days. Adjacent to each range is an adjustment percentage or credit. The visitation adjustment is calculated as follows: Locate the number of visitation days per year in the left column and select the adjustment percentage from the adjacent column. Multiply the Basic Child Support Obligation determined under Section 1203(d) by the appropriate adjustment percentage. The number resulting from this multiplication is then subtracted from the proportionate share of the Total Child Support Obligation of the parent who exercises visitation. See 19 GAR §1204(b) and §1204(c).

[28] The court must specify each parent's proportionate share of uninsured health expenses for the children, which the court may use to consider a reimbursement plan whenever one of the parents incurs uninsured health care expenses and presents receipts to the court. Based on each parent's ability to pay, indicate what you think this percentage should be for each parent. The court will make the final decision. See 19 GAR §1204(e).

COMPLETING THE WORKSHEET:

- [29] The person preparing the worksheet should sign line 29, affirming the correctness of the information to the best of their knowledge. If the person preparing the worksheet is not an employee of the Child Support Enforcement Division of the Office of the Attorney General, then please identify yourself and provide your address and phone number at which you may be reached. If both spouses complete the form together, then both should sign the form. An attorney must also identify the name of the person represented.

When you have completed the worksheet, make a copy of the form for your records, make a copy to send or deliver to the other party prior to the hearing and take the original to the court at the time of your hearing.

Guam Child Support Enforcement Division

Updated Schedule of Basic Child Support Obligations (One – Five Children)

Combined Adjusted Gross Income	ONE CHILD		TWO CHILDREN		THREE CHILDREN		FOUR CHILDREN		FIVE CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
0-499	0.24		0.34		0.40		0.44		0.49	
500.00	0.24	122	0.34	171	0.40	198	0.44	221	0.49	243
600.00	0.24	145	0.34	203	0.39	235	0.44	262	0.48	288
700.00	0.24	168	0.34	236	0.39	272	0.43	303	0.48	334
800.00	0.24	189	0.33	266	0.38	307	0.43	342	0.47	376
900.00	0.23	209	0.33	295	0.38	340	0.42	379	0.46	417
1000.00	0.23	230	0.32	323	0.37	373	0.42	416	0.46	457
1100.00	0.23	250	0.32	352	0.37	406	0.41	453	0.45	498
1200.00	0.23	271	0.32	381	0.37	439	0.41	489	0.45	538
1300.00	0.22	291	0.31	409	0.36	471	0.40	525	0.44	578
1400.00	0.22	310	0.31	436	0.36	502	0.40	559	0.44	615
1500.00	0.22	329	0.31	463	0.35	532	0.40	593	0.43	652
1600.00	0.22	348	0.31	489	0.35	562	0.39	627	0.43	689
1700.00	0.22	367	0.30	515	0.35	592	0.39	660	0.43	726
1800.00	0.21	386	0.30	542	0.35	623	0.39	695	0.42	765
1900.00	0.21	405	0.30	569	0.34	655	0.38	730	0.42	803
2000.00	0.21	425	0.30	596	0.34	686	0.38	765	0.42	841
2100.00	0.21	444	0.30	623	0.34	717	0.38	799	0.42	879
2200.00	0.21	463	0.30	649	0.34	748	0.38	834	0.42	917
2300.00	0.21	482	0.29	675	0.34	778	0.38	868	0.41	954
2400.00	0.21	500	0.29	700	0.34	807	0.37	900	0.41	990
2500.00	0.21	518	0.29	725	0.33	836	0.37	932	0.41	1025
2600.00	0.21	537	0.29	750	0.33	865	0.37	965	0.41	1061
2700.00	0.21	555	0.29	775	0.33	894	0.37	997	0.41	1097
2800.00	0.20	573	0.29	800	0.33	922	0.37	1028	0.40	1131
2900.00	0.20	589	0.28	821	0.33	945	0.36	1054	0.40	1159
3000.00	0.20	606	0.28	842	0.32	968	0.36	1079	0.40	1187
3100.00	0.20	622	0.28	863	0.32	990	0.36	1104	0.39	1215
3200.00	0.20	636	0.28	882	0.32	1010	0.35	1127	0.39	1239
3300.00	0.20	651	0.27	900	0.31	1030	0.35	1149	0.38	1264
3400.00	0.20	665	0.27	919	0.31	1050	0.34	1171	0.38	1288
3500.00	0.19	679	0.27	938	0.31	1070	0.34	1193	0.38	1313
3600.00	0.19	694	0.27	956	0.30	1090	0.34	1216	0.37	1337
3700.00	0.19	708	0.26	974	0.30	1109	0.33	1237	0.37	1360
3800.00	0.19	721	0.26	990	0.30	1126	0.33	1256	0.36	1381
3900.00	0.19	734	0.26	1007	0.29	1143	0.33	1275	0.36	1402
4000.00	0.19	746	0.26	1023	0.29	1161	0.32	1294	0.36	1423
4100.00	0.19	759	0.25	1040	0.29	1178	0.32	1313	0.35	1444
4200.00	0.18	772	0.25	1056	0.28	1195	0.32	1332	0.35	1465
4300.00	0.18	785	0.25	1073	0.28	1212	0.31	1351	0.35	1486
4400.00	0.18	798	0.25	1089	0.28	1229	0.31	1370	0.34	1507
4500.00	0.18	811	0.25	1106	0.28	1246	0.31	1389	0.34	1528
4600.00	0.18	824	0.24	1122	0.27	1263	0.31	1409	0.34	1549
4700.00	0.18	837	0.24	1139	0.27	1280	0.30	1428	0.33	1570
4800.00	0.18	850	0.24	1155	0.27	1297	0.30	1447	0.33	1591
4900.00	0.18	863	0.24	1172	0.27	1315	0.30	1466	0.33	1612

Guam Child Support Enforcement Division										
Updated Schedule of Basic Child Support Obligations (One – Five Children)										
Combined Adjusted Gross Income	ONE CHILD		TWO CHILDREN		THREE CHILDREN		FOUR CHILDREN		FIVE CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
5000.00	0.18	878	0.24	1192	0.27	1337	0.30	1490	0.33	1639
5250.00	0.17	917	0.24	1241	0.27	1392	0.30	1552	0.33	1707
5500.00	0.17	955	0.23	1291	0.26	1447	0.29	1613	0.32	1775
5750.00	0.17	993	0.23	1340	0.26	1502	0.29	1675	0.32	1842
6000.00	0.17	1032	0.23	1390	0.26	1557	0.29	1736	0.32	1910
6250.00	0.17	1068	0.23	1436	0.26	1608	0.29	1793	0.32	1972
6500.00	0.17	1099	0.23	1476	0.25	1651	0.28	1841	0.31	2025
6750.00	0.17	1131	0.22	1517	0.25	1694	0.28	1889	0.31	2077
7000.00	0.17	1162	0.22	1557	0.25	1737	0.28	1936	0.30	2130
7250.00	0.16	1194	0.22	1598	0.25	1780	0.27	1984	0.30	2183
7500.00	0.16	1227	0.22	1641	0.24	1826	0.27	2036	0.30	2239

Guam Child Support Enforcement Division										
Updated Schedule of Basic Child Support Obligations (Six – Ten Children)										
Combined Adjusted Gross Income	SIX CHILDREN		SEVEN CHILDREN		EIGHT CHILDREN		NINE CHILDREN		TEN CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
0-499	0.53		0.57		0.61		0.65		0.69	
500.00	0.53	264	0.57	285	0.61	305	0.65	324	0.69	343
600.00	0.52	314	0.56	338	0.60	362	0.64	385	0.68	407
700.00	0.52	363	0.56	391	0.60	419	0.64	445	0.67	471
800.00	0.51	409	0.55	441	0.59	472	0.63	502	0.66	531
900.00	0.50	453	0.54	489	0.58	523	0.62	556	0.65	589
1000.00	0.50	497	0.54	536	0.57	574	0.61	610	0.65	646
1100.00	0.49	542	0.53	584	0.57	625	0.60	664	0.64	703
1200.00	0.49	585	0.53	631	0.56	675	0.60	718	0.63	760
1300.00	0.48	628	0.52	677	0.56	725	0.59	770	0.63	816
1400.00	0.48	669	0.52	721	0.55	772	0.59	821	0.62	869
1500.00	0.47	710	0.51	765	0.55	818	0.58	870	0.61	921
1600.00	0.47	750	0.51	808	0.54	865	0.57	919	0.61	974
1700.00	0.46	790	0.50	852	0.54	911	0.57	969	0.60	1026
1800.00	0.46	832	0.50	897	0.53	959	0.57	1020	0.60	1080
1900.00	0.46	873	0.50	942	0.53	1007	0.56	1071	0.60	1134
2000.00	0.46	915	0.49	986	0.53	1055	0.56	1122	0.59	1188
2100.00	0.46	957	0.49	1031	0.53	1103	0.56	1173	0.59	1242
2200.00	0.45	998	0.49	1076	0.52	1151	0.56	1224	0.59	1296
2300.00	0.45	1038	0.49	1119	0.52	1198	0.55	1273	0.59	1348
2400.00	0.45	1077	0.48	1161	0.52	1242	0.55	1321	0.58	1398
2500.00	0.45	1116	0.48	1203	0.51	1287	0.55	1368	0.58	1449
2600.00	0.44	1155	0.48	1245	0.51	1332	0.54	1416	0.58	1499
2700.00	0.44	1193	0.48	1286	0.51	1376	0.54	1463	0.57	1549
2800.00	0.44	1231	0.47	1327	0.51	1419	0.54	1509	0.57	1598
2900.00	0.43	1261	0.47	1359	0.50	1455	0.53	1546	0.56	1638
3000.00	0.43	1292	0.46	1392	0.50	1490	0.53	1584	0.56	1677
3100.00	0.43	1322	0.46	1425	0.49	1524	0.52	1620	0.55	1716
3200.00	0.42	1348	0.45	1453	0.49	1555	0.52	1653	0.55	1751
3300.00	0.42	1375	0.45	1482	0.48	1586	0.51	1686	0.54	1785
3400.00	0.41	1402	0.44	1511	0.48	1617	0.51	1718	0.54	1820
3500.00	0.41	1428	0.44	1540	0.47	1647	0.50	1751	0.53	1854
3600.00	0.40	1455	0.44	1568	0.47	1678	0.50	1784	0.52	1889
3700.00	0.40	1480	0.43	1596	0.46	1707	0.49	1815	0.52	1922
3800.00	0.40	1503	0.43	1620	0.46	1734	0.48	1843	0.51	1951
3900.00	0.39	1526	0.42	1645	0.45	1760	0.48	1871	0.51	1981
4000.00	0.39	1549	0.42	1669	0.45	1786	0.47	1899	0.50	2011
4100.00	0.38	1571	0.41	1694	0.44	1813	0.47	1927	0.50	2041
4200.00	0.38	1594	0.41	1719	0.44	1839	0.47	1955	0.49	2070
4300.00	0.38	1617	0.41	1743	0.43	1865	0.46	1983	0.49	2100
4400.00	0.37	1640	0.40	1768	0.43	1892	0.46	2011	0.48	2130
4500.00	0.37	1663	0.40	1793	0.43	1918	0.45	2039	0.48	2159
4600.00	0.37	1686	0.40	1817	0.42	1944	0.45	2067	0.48	2189
4700.00	0.36	1709	0.39	1842	0.42	1971	0.45	2095	0.47	2219
4800.00	0.36	1731	0.39	1866	0.42	1997	0.44	2123	0.47	2248

Guam Child Support Enforcement Division										
Updated Schedule of Basic Child Support Obligations (Six – Ten Children)										
Combined Adjusted Gross Income	SIX CHILDREN		SEVEN CHILDREN		EIGHT CHILDREN		NINE CHILDREN		TEN CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
4900.00	0.36	1754	0.39	1891	0.41	2023	0.44	2151	0.46	2278
5000.00	0.36	1784	0.38	1923	0.41	2057	0.44	2187	0.46	2316
5250.00	0.35	1857	0.38	2002	0.41	2142	0.43	2277	0.46	2412
5500.00	0.35	1931	0.38	2081	0.40	2227	0.43	2367	0.46	2507
5750.00	0.35	2004	0.38	2161	0.40	2312	0.43	2458	0.45	2603
6000.00	0.35	2078	0.37	2240	0.40	2397	0.42	2548	0.45	2698
6250.00	0.34	2145	0.37	2313	0.40	2475	0.42	2631	0.45	2786
6500.00	0.34	2203	0.37	2375	0.39	2541	0.42	2701	0.44	2860
6750.00	0.33	2260	0.36	2436	0.39	2607	0.41	2771	0.43	2935
7000.00	0.33	2318	0.36	2498	0.38	2673	0.41	2842	0.43	3009
7250.00	0.33	2375	0.35	2560	0.38	2739	0.40	2912	0.43	3084
7500.00	0.32	2436	0.35	2626	0.37	2810	0.40	2987	0.42	3163

Guam Child Support Enforcement Division

Updated Schedule of Basic Child Support Obligations (Eleven – Fifteen Children)

Combined Adjusted Gross Income	ELEVEN CHILDREN		TWELVE CHILDREN		THIRTEEN CHILDREN		FOURTEEN CHILDREN		FIFTEEN CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
0-499	0.72		0.76		0.80		0.83		0.87	
500.00	0.72	361	0.76	379	0.79	397	0.83	415	0.86	432
600.00	0.72	429	0.75	450	0.79	471	0.82	493	0.85	513
700.00	0.71	497	0.74	521	0.78	546	0.81	570	0.85	594
800.00	0.70	560	0.73	587	0.77	615	0.80	643	0.84	669
900.00	0.69	620	0.72	651	0.76	681	0.79	712	0.82	741
1000.00	0.68	681	0.71	714	0.75	748	0.78	781	0.81	813
1100.00	0.67	741	0.71	778	0.74	814	0.77	851	0.81	886
1200.00	0.67	801	0.70	840	0.73	880	0.77	920	0.80	957
1300.00	0.66	860	0.69	902	0.73	944	0.76	987	0.79	1027
1400.00	0.65	916	0.69	961	0.72	1006	0.75	1051	0.78	1094
1500.00	0.65	971	0.68	1019	0.71	1067	0.74	1115	0.77	1160
1600.00	0.64	1026	0.67	1077	0.70	1127	0.74	1178	0.77	1226
1700.00	0.64	1081	0.67	1134	0.70	1188	0.73	1241	0.76	1292
1800.00	0.63	1138	0.66	1194	0.69	1250	0.73	1307	0.76	1360
1900.00	0.63	1195	0.66	1254	0.69	1313	0.72	1372	0.75	1428
2000.00	0.63	1252	0.66	1314	0.69	1375	0.72	1437	0.75	1496
2100.00	0.62	1309	0.65	1373	0.68	1438	0.72	1503	0.74	1564
2200.00	0.62	1366	0.65	1433	0.68	1500	0.71	1568	0.74	1632
2300.00	0.62	1421	0.65	1491	0.68	1561	0.71	1631	0.74	1698
2400.00	0.61	1474	0.64	1546	0.67	1619	0.70	1692	0.73	1761
2500.00	0.61	1527	0.64	1602	0.67	1677	0.70	1753	0.73	1824
2600.00	0.61	1580	0.64	1657	0.67	1735	0.70	1813	0.73	1888
2700.00	0.60	1633	0.63	1713	0.66	1794	0.69	1874	0.72	1951
2800.00	0.60	1684	0.63	1767	0.66	1850	0.69	1933	0.72	2012
2900.00	0.60	1726	0.62	1811	0.65	1896	0.68	1981	0.71	2062
3000.00	0.59	1768	0.62	1854	0.65	1942	0.68	2029	0.70	2112
3100.00	0.58	1809	0.61	1897	0.64	1987	0.67	2076	0.70	2161
3200.00	0.58	1845	0.60	1936	0.63	2027	0.66	2118	0.69	2205
3300.00	0.57	1882	0.60	1974	0.63	2067	0.65	2160	0.68	2248
3400.00	0.56	1918	0.59	2012	0.62	2107	0.65	2201	0.67	2292
3500.00	0.56	1955	0.59	2050	0.61	2147	0.64	2243	0.67	2335
3600.00	0.55	1991	0.58	2089	0.61	2187	0.63	2285	0.66	2379
3700.00	0.55	2026	0.57	2125	0.60	2225	0.63	2325	0.65	2420
3800.00	0.54	2057	0.57	2158	0.59	2259	0.62	2361	0.65	2458
3900.00	0.54	2088	0.56	2190	0.59	2293	0.61	2397	0.64	2495
4000.00	0.53	2119	0.56	2223	0.58	2328	0.61	2433	0.63	2532
4100.00	0.52	2151	0.55	2256	0.58	2362	0.60	2468	0.63	2570
4200.00	0.52	2182	0.54	2289	0.57	2396	0.60	2504	0.62	2607
4300.00	0.51	2213	0.54	2322	0.57	2431	0.59	2540	0.61	2644
4400.00	0.51	2245	0.54	2354	0.56	2465	0.59	2576	0.61	2682
4500.00	0.51	2276	0.53	2387	0.56	2499	0.58	2612	0.60	2719
4600.00	0.50	2307	0.53	2420	0.55	2534	0.58	2648	0.60	2756
4700.00	0.50	2338	0.52	2453	0.55	2568	0.57	2684	0.59	2794
4800.00	0.49	2370	0.52	2486	0.54	2603	0.57	2720	0.59	2831

Guam Child Support Enforcement Division

Updated Schedule of Basic Child Support Obligations (Eleven – Fifteen Children)

Combined Adjusted Gross Income	ELEVEN CHILDREN		TWELVE CHILDREN		THIRTEEN CHILDREN		FOURTEEN CHILDREN		FIFTEEN CHILDREN	
	%	\$	%	\$	%	\$	%	\$	%	\$
4900.00	0.49	2401	0.51	2519	0.54	2637	0.56	2756	0.59	2869
5000.00	0.49	2441	0.51	2561	0.54	2681	0.56	2802	0.58	2916
5250.00	0.48	2542	0.51	2666	0.53	2792	0.56	2917	0.58	3037
5500.00	0.48	2642	0.50	2772	0.53	2902	0.55	3033	0.57	3157
5750.00	0.48	2743	0.50	2878	0.52	3013	0.55	3148	0.57	3278
6000.00	0.47	2844	0.50	2983	0.52	3124	0.54	3264	0.57	3398
6250.00	0.47	2936	0.49	3080	0.52	3225	0.54	3370	0.56	3508
6500.00	0.46	3015	0.49	3162	0.51	3311	0.53	3460	0.55	3602
6750.00	0.46	3093	0.48	3245	0.50	3397	0.53	3550	0.55	3696
7000.00	0.45	3172	0.48	3327	0.50	3484	0.52	3640	0.54	3790
7250.00	0.45	3250	0.47	3410	0.49	3570	0.51	3731	0.54	3883
7500.00	0.44	3334	0.47	3498	0.49	3662	0.51	3827	0.53	3984

Douglas B. Moylan
Attorney General



Office of the Speaker

MARK FORBES

Date: March 31, 2005

Time: 4:00 pm

Rec'd by: Eusebio SANTOS

Print Name: Barbara P. Cepeda
Deputy & IV-D Director, 28-05-00
Child Support Enforcement
Division

Office of the Attorney General

March 28, 2005

Honorable Senator Edward J.B. Calvo
Secretary of the Legislature
155 Hesler Street
Hagatna, Guam 96910

Senator Edward J.B. Calvo
ACKNOWLEDGEMENT RECEIPT

Rec'd by: Nikole
Print Name & Initial

Time: 3:20

Date: 3-30-05

Honorable Senator Ray S. Tenorio
Chairman, Committee on Criminal Justice,
Public Safety, Youth and Foreign Affairs
167 East Marine Corps Drive
Dela Corte Building
Hagatna, Guam 96910
(671) 479-1329 (fax)

Senator Edward J.B. Calvo
SECRETARY OF THE LEGISLATURE
ACKNOWLEDGEMENT RECEIPT

Rec'd by: Nikole Myers
Print Name & Initial

Time: 4:20 Date: 3/31/05

Re: Proposed Update to the Guam Child Support Guidelines

Dear Senators Calvo and Tenorio:

Pursuant to 5 G.C.A. Section 9303(b), transmitted herewith is the original and one duplicate of the proposed update to the Guam Child Support Guidelines and a copy of the entire record of the public hearing held on March 8, 2005 from 4:00 p.m. to 6:00 p.m. at the child support offices in Hagatna. The public was informed that they could submit comments in writing up until the close of business on Friday, March 11, 2005. Also attached please find three written comments, which were submitted to our office.

Although we feel that these rules are exempt from an Economic Impact Statement required by 5 G.C.A. Section 9301(d), we have nonetheless included one so as not to delay adoption of these rules.

3/30/2005

The following are major highlights of the comments received:

1. Definition of Joint Physical Custody. A concern was raised whether the term joint physical custody will include cases where both parents have joint physical custody of a child but mom has the child on weekdays, while dad has the child on weekends. This issue was clarified by explaining that the guidelines will not apply in joint and equal physical custody situations where both parents have the child for an equal amount of time (50% of the time for each parent).
2. Expand guidelines to \$10,000 combined adjusted gross income. One attorney recommended that we expand the schedule from \$7,500 to \$10,000 combined adjusted gross incomes since we are seeing more people with higher incomes. The Office of the Attorney General would prefer to leave it to the court's discretion to set child support amounts when people have high incomes.
3. Concerns about increased litigation. A concern was raised regarding about the possibility of more litigation being fueled as a result of excluding joint and equal physical custody situations from the guidelines. However, in Leon Guerrero v. Moylan, 2002 Guam 18, the Guam Supreme Court found that "While the court possesses the authority to use the Guidelines to calculate child support in joint custody cases, the AG cannot force the court to use the Guidelines in those instances. Thus, the provisions of the Guideline which seek to limit the court's discretion or bind the court to the Guidelines in shared custody cases are ultra vires in that they exceed the authority conferred to the AG in section 34118." The court went on to find that the guidelines can be used as a framework by the court but are not binding.
4. Possible loss of federal funds. One attorney raised concerns regarding whether the fact that the child support guidelines will not apply in joint equal custody situations will affect federal funding. Again, we referred to the Guam Supreme Court case of Leon Guerrero v. Moylan, 2002 Guam 18, which held that the child support guidelines do not apply in joint custody situations and can be used as a framework by the court but are not binding. We are awaiting feedback from our regional office (San Francisco, California) and central office (Office of Child Support Enforcement, Washington, D.C.) on their comments to the proposed update.
5. Visitation credit. One attorney recommended that we change the word "shall" to "may" when the Court grants visitation credit that exceeds 127 days per year. The Office of the Attorney General believes that the visitation credit should remain the way it is currently written. Where visitation is 127 days or less per year, the Court will have discretion to allocate the costs. However, where visitation exceeds 127 days per year, the Office of the Attorney General feels that the Court should not have discretion and should routinely grant such credit. This will encourage non-custodial parents to have more visitation time with their child.

3/30/2005


6. Definition of "ordinary and necessary expenses" in self-employment cases. One attorney recommended that we look at Washington D.C.'s guidelines on the issue of depreciation and student loans. Our office needs to do further research on this.
7. Since we copied Massachusetts and Minnesota guidelines to say that the guidelines do not apply to joint and equal physical custody situations, one attorney recommended we look at those states to see how they define custody. Our office needs to do further research on this.
8. Grandparents as custodial persons. One attorney suggested that we include something in the guidelines about grandparents raising the children. Our office added a section (g) under Section 1204 Special Situations to provide for third parties as custodial persons.
9. Minimum child support amount of \$50. A concern was brought up whether Guam's minimum child support amount of \$50 is enough to raise a child. Our office has looked at other states' minimum child support amounts and find that Guam is consistent with the other states when it comes to setting a minimum child support amount (see attached State Comparison of Self Support Reserve Amounts and Low Income Adjustments).

In the absence of family violence indicators, it is the policy of the Office of the Attorney General to encourage joint custody pursuant to 19 G.C.A. Section 8404(h) and the federally sanctioned Access & Visitation program.

The overall impact of the updated guidelines is that child support amounts will increase where the parents are in the middle- and high-income brackets. The updated guidelines will have little effect on the low-income earners.

If you have any questions, please do not hesitate to contact me at (671) 475-3360 ext. 111.

Sincerely,


BARBARA P. CEPEDA
Deputy Attorney General

Attachments/