

## **PROPOSED LEGISLATION for MIXED CUSTODY CHILD SUPPORT CASES**

Add following paragraphs as new §20-108.2(G) (4), (5) and (6) after the shared custody section (G) (3) as follows:

“4. Multiple shared custody support. In cases with different shared custody arrangements for two or more minor children of the parties, the procedures in subdivision G 3 as well as the definitions in §20-108.2 shall apply except that one shared guideline calculation shall be used to determine the amount of child support owed by one parent to the other by:

- (a) Adding the total number of days for each child of the parties for each parent and dividing that total number of days by the number of children.
- (b) Using the average number of shared custody days determined in subsection (a) above for each parent to determine the child support paid in accordance with the provisions of subdivision G 3 using the total number of children.

5. Sole and shared custody support. In cases where one parent has sole custody of one or more minor children of the parties and the parties share custody of one or more other minor children of the parties, the procedures in subdivisions G 1 and G 3 as well as the definitions in §20-108.2 shall apply—except that one sole guideline calculation and one shared guideline calculation shall be used to determine the amount of child support owed by one parent to the other by:

- (a) Calculating the sole custody child support obligation by:
  - i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.
  - ii. Calculating the sole custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation determined in subsection (i) above by the number of children subject to the sole custody support obligation.
  - iii. Applying the sole custody pro rata monthly basic child support obligation to the procedures in G 1.
- (b) Calculating the shared custody child support obligation by:
  - i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.
  - ii. Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation as

determined in subsection (i) above by the number of children subject to the shared custody support obligation.

iii. Applying the shared custody pro rata monthly basic child support obligation to the procedures in subdivision G 3, which includes using the shared custody multiplier.

(c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the sole and shared obligations to the other parent, total both obligations calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and the other parent owes the other calculation to the other parent, the parent owing the greater calculation to the other parent shall pay the difference between the calculations to the other parent.

6. Split and shared custody support. In cases where the parents have split custody of two or more children and there is a shared custody arrangement with one or more other minor children of the parties, the procedures as set forth in subdivisions G 2 and G 3 as well as the definitions in §20-108.2 shall apply to this subdivision—except that one split guideline calculation and one shared guideline calculation shall be used to calculate the amount of child support owed by one parent to the other by:

(a) Calculating the split custody child support obligation by:

i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

ii. Calculating the split custody pro rata monthly basic child support obligation for each parent as the noncustodial parent by multiplying the per child monthly basic child support obligation as determined in subsection (i) above by the number of children subject to the split custody support obligation for whom physical custody is with the other parent.

iii. Applying the split custody pro rata monthly basic child support obligation for each parent to the procedures in subdivision G 2.

(b) Calculating the shared custody child support obligation by:

i. Calculating the per child monthly basic child custody support obligation by determining for the number of children the scheduled monthly basic child support obligation and dividing that amount by the number of children.

- ii. Calculating the shared custody pro rata monthly basic child support obligation by multiplying the per child monthly basic child support obligation as determined in subsection (i) above by the number of children subject to the shared custody support obligation.
  
  - iii. Applying the shared custody pro rata monthly basic child support obligation to the procedures in subdivision G 3, which includes using the shared custody multiplier.
- (c) Determining the total amount of child support owed by one parent to the other. Where one parent owes both the split and shared obligations to the other parent, total both obligations calculated in subsections (a) and (b) above. Where one parent owes one of the calculations and the other parent owes the other calculation to the other parent, the parent owing the greater calculation to the other parent shall pay the difference between the calculations to the other parent.