

Establishing Parental Support Obligations Using Arizona's Child Support Guidelines

Part 1

By Scott David Stewart

Each state has adopted guidelines setting automatic rates of child support. The support is based on specific criteria relating to income and the number of children in the household. In this state, child support payments are based on the Arizona Child Support Guidelines, the current version of which became effective on January 1, 2005.

In every child custody case there will a determination of child support. Under our guidelines, support payments are in an amount calculated to meet the reasonable needs of the child for health, education, and maintenance. To learn what is involved in establishing a monthly support amount, we look directly to the guidelines.

What purposes do the child support guidelines serve?

The Arizona Child Support Guidelines serve four fundamental purposes, as follows:

- They “establish a standard of support for children consistent with reasonable needs of children and the ability of parents to pay.”
- They “make child support orders consistent for persons in similar circumstances.”
- They “give parents and courts guidance in establishing child support orders and to promote settlements.”
- They are designed to “comply with state... and federal law...”

What are the premises of the child support guidelines?

The guidelines include seven premises predicated their application to every child support case. These include the following:

- The guidelines apply to all children. Whether adopted or born out of wedlock, it makes no difference for child support purposes. Every child is covered under the guidelines.
- Child support is a priority financial obligation. A parent's other debts are not considered in determining his or her share of support.
- The duration and amount of spousal maintenance, if any is to be awarded, is determined by the judge before the parents' respective child support obligations are established.
- Every parent has a legal duty to support his or her natural or adopted child. Support of a step-child is not a legal duty, and so is purely voluntary.
- Under certain circumstances, the custodial parent will pay child support.
- Child support is calculated on a monthly income basis. Adjustments to the support are annualized to achieve a monthly figure. This allows for an equal monthly distribution of the cost item over the course of a year.
- The basic child support owed is capped when the parents' combined adjusted gross income reaches \$20,000 per month. Also, the basic child support obligation is capped with the sixth child.

What presumptions are made in the child support guidelines?

In any action involving child support, the amount calculated under the guidelines is presumed to be the amount the court shall order paid. The court can make an exception if the result using the guidelines

would be unjust or inappropriate under the circumstances. In that situation, the court may deviate from the guidelines by increasing or decreasing the amount of support.

How is the amount of child support determined?

The total support approximates what the parents would have spent on the child if they were living together as one family. Under the guidelines' shared income model, each parent contributes a proportionate share of his and her income. Typically, the noncustodial parent is ordered to pay a percentage of his or her gross monthly income to the custodial parent for child support.

The amount of support to be paid is calculated by considering many factors, including the parents' gross incomes, the child's necessary expenses, extraordinary medical expenses, work-related daycare expenses, and the number of children residing in the home, among other things.

Continued reading **Part 2, Establishing Parental Support Obligations Using Arizona's Child Support Guidelines.**

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