

IN THE SUPREME COURT FOR THE STATE OF ALASKA

ORDER NO. 833

Adding Civil Rule 90.3
concerning child support
guidelines

IT IS ORDERED:

1. A new Civil Rule 90.3 is added to provide:

Civil Rule 90.3. Child Support Awards

(a) Guidelines. A child support award in a case in which one parent is awarded sole or primary physical custody will be calculated as an amount equal to the adjusted annual income of the non-custodial parent multiplied by a percentage specified in subparagraph (a)(2).

(1) Adjusted annual income as used in this rule means the parent's total income from all sources minus:

(A) mandatory deductions such as federal income tax, social security tax, mandatory retirement deductions and mandatory union dues;

(B) child support and alimony payments required by other court and administrative proceedings; and

(C) work related child care expenses for the children who are the subject of the child support order.

(2) The percentage by which the non-custodial parent's adjusted income must be multiplied in order to calculate the child support award is:

(A) 20% (.20) for one child;

(B) 27% (.27) for two children;

(C) 33% (.33) for three children; and

(D) an extra 3% (.03) for each additional child.

(3) The court may allow the obligor parent to reduce child support payments for any period in which that parent has extended visitation of over 30 days. The order must specify the amount of the reduction which is allowable if the extended visitation is exercised.

(b) Shared or Joint Physical Custody. A child support award in a case in which the parents are awarded shared or joint physical custody will be calculated by:

(1) Calculating the annual amount each parent would pay to the other parent under paragraph (a) assuming the other parent had primary custody.

(2) Multiplying this amount for each parent by the percentage of time the other parent will have physical custody of the children. However, if the court finds that the percentage of time each parent will have physical custody will not accurately reflect the ratio of funds each parent will directly spend on supporting the children, the court shall vary this percentage to reflect its findings.

(3) The parent with the larger figure calculated in the preceding subparagraph is the parent with the payment obligation and the annual award is equal to the difference between the two figures.

(4) The child support award is to be paid in 12 equal monthly installments unless shared or joint custody is based on the obligor parent having physical custody for periods of 30 consecutive days or more. In that case, the total annual award will be paid in equal installments over those months in which the obligor parent does not have physical custody. The order must provide that if this physical custody is not exercised, the obligor parent must pay additional child support in an amount equal to what must be paid in months in which the obligor parent is not entitled to physical custody.

(c) Exceptions.

(1) The court may vary the child support award as calculated under paragraph (a) or (b) for good cause. The court must specify in writing the reasons for the variation. Good cause may include a finding:

(A) that unusual circumstances, such as especially large family size, significant income of a child, health or other extraordinary expenses, or unusually low expenses, exist which require variation of the award in order to award an amount of support which is just and proper for the parties to contribute toward the nurture and education of their children. The court shall consider the custodial parent's income in this determination; or

(B) a finding that the parent with the child support obligation has an adjusted income which is below the poverty level as set forth in the Federal Register. However, a parent who would be required to pay child support pursuant to paragraph (a) or (b) must be ordered to pay a minimum child support amount of no less than \$40.00 per month except as provided in subparagraphs (a)(3) and (b)(4).

(2) Paragraphs (a) and (b) do not apply to the extent that the parent has an adjusted annual income of over \$60,000. In such a case, the court may make an additional award only if it is just and proper, taking into account the needs of the children, the standard of living of the children and the extent to which that standard should be reflective of the supporting parent's ability to pay.

(d) Credits. In calculating a child support award, credit will be given for medical, dental, educational and insurance payments for the children required by the decree or agreement.

(e) Filing. Each parent in a court proceeding at which child support is at issue must file a pleading under oath which states the parent's adjusted annual income and the components of this income as provided in subparagraph (a)(1).

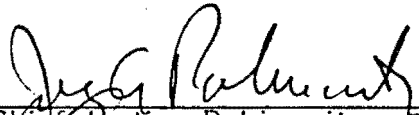
(f) Definitions. A parent has shared or joint physical custody of children for purposes of this rule if the children reside with that parent for a specified period of at least 25 percent of the year, regardless of the status of legal custody. A parent has sole or primary physical custody of children for purposes of this rule when the other parent has physical custody of the children less than 25 percent of the year.

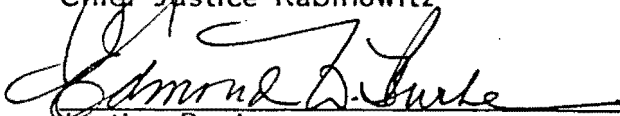
2. A "Note" is added following Civil Rule 90.3 to provide:

This rule is adopted under the supreme court's interpretive authority pursuant to article IV, §1 of the Alaska Constitution. Thus, it may be superseded by legislation even if the legislation does not meet the procedural requirements for changing rules promulgated under article IV, §15.

DATED: April 30, 1987

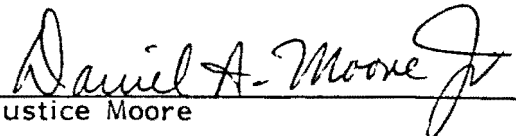
EFFECTIVE DATE: August 1, 1987


Chief Justice Rabinowitz


Justice Burke


Justice Matthews


Justice Compton


Justice Moore

CHILD SUPPORT GUIDELINES WORKSHEET*

	<u>MOTHER</u>	<u>FATHER</u>
1. Annual Gross Income	_____	_____
2. Monthly Allowable Deductions		
a. Federal Income Tax	_____	_____
b. FICA (Social Security) mandatory deductions	_____	_____
c. Other mandatory deductions (specify)	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
d. Child support or alimony in other cases	_____	_____
e. Work related child care	_____	_____
f. TOTAL	_____ X 12= _____	_____ X 12= _____
3. Adjusted Annual Income (line 1 minus line 2f)	_____	_____
4. Annual Income Available for Child Support (line 3 times: .20 for one child; .27 for two children; .33 for three children; and .03 for each additional child) [If sole or primary custody, divide line 4 for non-custodial parent by 12 and enter on line 9. No further computations are necessary.]	_____	_____
5. Percentage of time each parent will have physical custody	_____ %	_____ %
6. Reciprocal Child Support Payment (line 4 times line 5 for the other parent)	_____	_____
7. Annual Child Support (Subtract smaller figure on line 6 from larger and enter in column with larger line 6 figure)	_____	_____
8. Number of payments per year (usually 12, but see Civil Rule 90.3(b)(4))	_____	_____
9. Monthly Child Support Payment [for all months except _____] (line 7 divided by line 8)	_____	_____
	_____ to be paid by (mother/father)	

* This worksheet is not part of the rule.