

MAKING CENTS OF CHILD SUPPORT CALCULATIONS: A GUIDE FOR THE MIDWEST

Kenzie R. Mooty*

INTRODUCTION

About half of all custodial parents have some type of child support agreement with their former spouse.¹ This means that almost seven million parents are supposed to receive child support each month.² However, only sixty percent of the \$33.7 billion of child support due in 2015 was received by the custodial parent.³ Since so many people nationwide are affected by child support, the method for calculating one's monthly child support payment is critical.⁴ Unfortunately, child support systems are complicated and vary throughout the United States.⁵ Similarly, the enforcement of child support obligations is complicated and has become a major problem across the country.⁶

Child support obligations must be unique and individualized enough to satisfy the needs of the state and the individual families, but the methods used to determine the obligations must also satisfy the broad requirements set by the federal government.⁷ According to the state plan for child and spousal support, state child support calculations must “provide for financial participation by the State”;⁸ provide paternity services; use all available records and the Federal Parent Locator Service when determining child support obligations; and cooperate with any other State when needed.⁹ While

* J.D. Candidate, Southern Illinois University School of Law, Class of 2023; Graduated summa cum laude and with honors from Southern Illinois University with a bachelor's degree in Political Science (Pre-Law). This note is dedicated to all of those who have supported me throughout my education and career in law, namely, my Mom and Stepdad—Stacy and Michael Burns, and Siblings—Kellsie Ealey, Klaudia Krei, and Ethan Krei. Lastly, a special thanks to my loving Husband—Sean Mooty, my in-laws—Kimberley Ford, Brian Mooty, Matthew Mooty, and Zak Burmood, and my sweet puppies—Ruth and Hazelnut. Your support and encouragement have made all the difference.

¹ Frances Alonzo, *44 Percent of Custodial Parents Receive the Full Amount of Child Support*, U.S. CENSUS BUREAU (Jan. 30, 2018), <https://www.census.gov/newsroom/press-releases/2018/cb18-tps03.html>.

² *Id.*

³ *Id.*

⁴ *See id.*

⁵ Jo Michelle Beld & Len Biernat, *Federal Intent for State Child Support Guidelines: Income Shares, Cost Shares, and the Realities of Shared Parenting*, 37 FAM. L.Q. 165, 165 (2003).

⁶ 37 AM. JUR. TRIALS 639 (Originally published in 1988).

⁷ 42 U.S.C. § 654(2).

⁸ 42 U.S.C. § 654(9).

⁹ 42 U.S.C. § 654.

this is not an exhaustive list, the federal requirements are quite vague.¹⁰ This vagueness leaves a large amount of room for the states to create their own systems and modify the systems as needed.¹¹ Therefore, the systems used throughout the Midwest and across the United States can vary greatly.¹²

This note will detail the different systems commonly used throughout the Midwest, placing emphasis on the systems currently and previously used by Illinois. Section I of this note further discusses the broad guidance and various requirements given by the federal government concerning state child support calculations. Section II discusses one common method, the straight percentage system.¹³ This system, formerly used by Illinois, requires courts to calculate a parent's child support obligations by simply taking a percentage of their net income.¹⁴

Section III of this note discusses the income shares system. This system, currently used by Illinois, is much more complex.¹⁵ The goal of this system is to determine a "family income" and base child support obligations on how much money a "family" would typically spend on the child.¹⁶ This system also considers the number of overnights each parent has with their child.¹⁷ If parents reach a certain threshold of overnights, then child support obligations can drastically decrease.¹⁸ In Illinois, the threshold is 146 overnights.¹⁹ While this income shares method aims to require parents to only pay their "fair share," it leads to tainted motives of parents by putting a greater emphasis on the fight for time solely to pay less child support.²⁰ For example, in *In re Marriage of Ford*, the three children of a divorced couple seemingly spent over 146 evenings with their father but, because they did not spend at least 146 overnights with their father, the court did not apply the shared parenting adjustment.²¹ Evenings differ from overnights in that overnights require the

¹⁰ Beld & Biernat, *supra* note 5, at 166.

¹¹ *See id.*

¹² *Child Support Guideline Models*, NAT'L CONF. OF STATE LEGIS. (July 10, 2020), <https://www.ncsl.org/research/human-services/guideline-models-by-state.aspx>.

¹³ Because child support systems vary so greatly, this is not an official name for the system. This is simply a term of art used by attorneys in Illinois.

¹⁴ Net income is the total income from all income sources minus any deductions, exemptions, or reductions. *Net Income*, BLACK'S LAW DICTIONARY (11th ed. 2019); Matthew Hector, *New Income Shares Child Support Calculation Method takes Effect July 1*, 105 ILL. B.J. 12 (2017).

¹⁵ Gunnar Gitlin, *Illinois July 1, 2017 Income Sharing Amendments and the Sea Change in the Law Regarding Imputed Income and Child Care*, 29 DCBA BRIEF 8 (2017).

¹⁶ *Id.* at 9.

¹⁷ *Recent Developments in Family Law The Relationship Between Child Support and Parenting Time*, 54 FAM. L.Q. 141, 146 (2020); Stephanie Capps, *New Income Shares Guidelines: Benefit or Detriment to Your Client*, Family Law (Ill. State Bar Ass'n), July 2017, at 1, 2.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *See Capps, supra* note 17.

²¹ The shared parenting adjustment will be discussed further throughout the note.; *In re Marriage of Ford*, 2018 IL App (2d) 180106-U, ¶¶ 34.

child to spend the night with the parent.²² This leads to the father paying a higher monthly child support payment.²³ This case is a good example of parents fighting to decrease their child support payments instead of trying to increase the amount of time they get to spend with their children.²⁴

Section IV of this note compares the different systems of the remaining Midwest states as well as two outlier states.²⁵ Both North Dakota and Wisconsin use a variation of the straight percentage system.²⁶ The remaining Midwest states—namely, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota—use a variation of the income shares method.²⁷ Delaware is credited for developing the Melson Formula²⁸ in 1989 and still uses the method today.²⁹ The Melson Formula will also be discussed in further detail in section IV of this note.³⁰ Further, Washington, D.C. uses a hybrid model combining the straight percentages system and the income shares system.³¹ All of these differences among these commonly used systems will be discussed in some detail. Knowing and understanding these differences is crucial in determining which systems are, objectively, the best overall.

Lastly, in section V, this note argues that a hybrid model, like that of Washington, D.C., is the best overall system when considering the intent of Congress, policy considerations, and the best interest of a child. While the term “best interest of a child” is vague, it is a standard that family courts use to determine which living arrangements would be the most beneficial for each individual child.³² Courts may consider factors such as a parent’s ability to care for the child, previously established living arrangements, and the relationship between the parent and the child.³³

While child support calculations vary between states, a blanket regulation is not the solution. States should be wary of their chosen method and the effects it has on parents and children. Implementing a hybrid model could help protect kids and generate the child support needed to successfully raise a child in any state. Hybrid models also give courts more discretion in

²² See *Ford*, 2018 IL App (2d) 180106-U.

²³ *Id.* at ¶ 34.

²⁴ See *id.*

²⁵ The outlier jurisdictions to be discussed are Delaware and Washington, D.C.

²⁶ Beld & Biernat, *supra* note 5, at 167; *Child Support Guideline Models*, *supra* note 12.

²⁷ *Id.*

²⁸ The Melson Formula was named after Judge Elwood F. Melson Jr., who originally created the formula. Beld & Biernat, *supra* note 5, at 175.

²⁹ Beld & Biernat, *supra* note 5, at 175-76.

³⁰ See discussion *infra* Section V.C.

³¹ *Child Support Guideline Models*, *supra* note 12.

³² *Best interests of the child*, BLACK’S LAW DICTIONARY (11th ed. 2019).

³³ *Id.*

providing a remedy for the financial difficulties that come with raising a child.³⁴

I. GUIDANCE BY THE FEDERAL GOVERNMENT

Historically, family law has predominantly been left up to the states.³⁵ However, Congress will intervene when necessary, such as for matters concerning the welfare of children.³⁶ While Congress does not specify a certain child support calculation method that states must use, it has laid out various requirements that a state's chosen guidelines must follow.³⁷ First, the states must complete a review of their guidelines at least once every four years.³⁸ Also, it is required that child support guidelines must "consider economic data on the cost of raising children," "analyze case data . . . on the application of and deviations from the child support guidelines," and "[p]rovide a meaningful opportunity for public input."³⁹ This is no small task, as determining the cost of raising children varies by family and location within a state.⁴⁰

A 2015 study by the U.S. Department of Agriculture ("USDA") found that, on average, families in rural areas spend about 27% less on child-rearing expenses than families in urban areas.⁴¹ Typically, housing and education are cheaper in rural areas leading to fewer expenses overall.⁴² In addition to location, a family's total number of children also plays a role in the overall expenses of child-rearing.⁴³ Known as the "cheaper by the dozen" effect, the expenses associated with raising a child decrease as a family has more children.⁴⁴ These two factors alone, the total number of children and location, make creating an effective state-wide child support calculation with limited deviations a difficult task.⁴⁵

While Congress gives the states some guidance on developing such a child support system, the given parameters are broad and left up to the

³⁴ Beld & Biernat, *supra* note 5, at 193.

³⁵ Linda D. Elrod, *The Federalization of Family Law*, AM. BAR ASS'N (2009), https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol36_2009/summer2009/the_federalization_of_family_law/.

³⁶ *Id.*

³⁷ 45 C.F.R. § 302.56.

³⁸ 45 C.F.R. § 302.56(a).

³⁹ 45 C.F.R. § 302.56(h)(1)-(3).

⁴⁰ Beld & Biernat, *supra* note 5, at 169-70.

⁴¹ Mark Lino, *The Cost of Raising a Child*, U.S. DEP'T OF AGRIC. (Feb. 18, 2020), <https://www.usda.gov/media/blog/2017/01/13/cost-raising-child>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Beld & Biernat, *supra* note 5, at 169-70.

interpretation of the states.⁴⁶ As a result, no two states have the same system for calculating child support obligations.⁴⁷ Similarly, states frequently change and update their guidelines.⁴⁸

II. ILLINOIS'S FORMER PERCENTAGE SYSTEM

Beginning in 1984, Illinois used a straight percentage formula to calculate child support obligations.⁴⁹ Under this formula, the payor's net income is multiplied by a percentage set by statute.⁵⁰ At the time of its repeal in 2016, the standard percentage for a monthly child support payment for one child was 20% of the payor's net income.⁵¹ This means that a noncustodial parent of one child with a net income of \$65,000⁵² would pay about \$13,000 in child support per year, or \$1,080 per month.⁵³ As the number of children between parents increased, the percentage increased as well.⁵⁴ For example, if the parents together had three children, the noncustodial parent's obligation would be 32% of their net income.⁵⁵ If this noncustodial parent of three children had a net income of \$65,000, they would have a child support obligation of about \$20,800 per year, or \$1,730 per month.⁵⁶ The percentage increase for additional children stops at six children.⁵⁷ Noncustodial parents with six or more children would have been required to pay 50%—or half—of their net income in child support.⁵⁸

This straight percentages system could vary depending on a variety of circumstances. For example, the court may have ordered more child support than the corresponding percentage where a child has extraordinary medical expenses.⁵⁹ Conversely, courts may have ordered less child support than the

⁴⁶ *Id.* at 166.

⁴⁷ *Id.*

⁴⁸ *See* Hector, *supra* note 14.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ Jonathan Merel, *Calculating Illinois Child Support Payments*, L. OFF. OF JONATHAN MEREL (Oct. 3, 2014), <https://www.merelfamilylaw.com/blog/2014/october/calculating-illinois-child-support-payments/>.

⁵² \$65,000 is approximately the median individual income for Illinois residents in 2021. This number was rounded for purposes of this note for easier understanding. *Census Bureau Median Family Income by Family Size*, U.S. DEP'T OF JUST. (March 21, 2021), https://www.justice.gov/ust/ea/bapcpa/20201101/bci_data/median_income_table.htm. This income amount will continue to be used as an example throughout the note.

⁵³ This was calculated by first taking 20% of \$65,000. Then, to find the weekly amount, \$12,600 was divided by 52. *Child Support Guideline Models*, *supra* note 12.

See Merel, *supra* note 51.

⁵⁴ *Id.*

⁵⁵ Calculated formula above. *See Child Support Guideline Models*, *supra* note 12.

⁵⁶ *See* Merel, *supra* note 51.

⁵⁷ Nancy Thoennes et al., *The Impact of Child Support Guidelines on Award Adequacy, Award Variability, and Case Processing Efficiency*, 25 FAM. L.Q. 325, 329 (1991).

⁵⁸ *In re Marriage of Booth*, 255 Ill. App. 3d 707, 709 (1993).

appropriate percentage in cases where the noncustodial parent makes significantly less than the custodial parent.⁶⁰ Similarly, the court could deviate from the appropriate percentage where the noncustodial parent is paying for significantly more of the child's expenses—such as the child's school, insurance, and car payments.⁶¹ Other exceptions to this model were available, but the court had to justify any deviations in writing.⁶² Absent a reason for deviation, this model was fairly standard in application.⁶³

Many disfavored this model as a straight percentage did not accurately account for the actual costs of raising a child or the costs between the parents.⁶⁴ The straight percentage model only considered the income of the noncustodial parent and, generally, did not take the overall family's situation into account.⁶⁵ For example, the corresponding percentage was taken from the noncustodial parent's income regardless of if they had children with other partners.⁶⁶ Without factoring in the overall number of children that the noncustodial had, including their children with other partners, the results of the calculation would lead to unfair or uneven child support obligations.⁶⁷ In other words, many parents found this method to be unfair.⁶⁸

Fairness, or even perceived fairness, is crucial in getting parents to voluntarily and regularly pay their child support obligations.⁶⁹ Perceived fairness is thought to be even more important than the ultimate outcome.⁷⁰ Whereas the straight percentage model may seem fairer to noncustodial parents with only one partner, the model is not perceived as fair for larger or more complex families.⁷¹ Because of this perceived lack of fairness with the former percentages model, Illinois began to use an income shares system in 2016 instead.⁷²

⁶⁰ In re Marriage of Phillips, 244 Ill. App. 3d 577, 595 (1993); In re Marriage of Minear, 181 Ill. App. 2d 552, 565 (1998).

⁶¹ In re Marriage of Eddy, 210 Ill. App. 3d 450, 461 (1991).

⁶² Nancy Thoennes et al., *supra* note 58.

⁶³ *Id.*

⁶⁴ Hector, *supra* note 14.

⁶⁵ *Is the Illinois Child Support Model Unjust and Unfair to Children From Multi-Partner Families?*, NAVARRO FAM. L. (Jan. 19, 2015), <https://www.familylegalrights.com/divorce-and-custody-law/illinois-child-support-unfair-to-multi-partner-family-children/>.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ See Hector, *supra* note 14.

⁶⁹ Diane Potts, *Procedural Justice in Child Support*, CHILD SUPPORT DIR. ASS'N OF CAL., (July 3, 2018), <https://csdaca.org/procedural-justice-in-child-support/>.

⁷⁰ *Id.*

⁷¹ Complex families may include multi-partnered families and families with children from different spouses. *Is the Illinois Child Support Model Unjust and Unfair to Children From Multi-Partner Families?*, *supra* note 65.

⁷² *2016/2017 Family Law Changes*, ILL. LEGAL AID ONLINE, <https://www.illinoislegalaid.org/legal-information/20162017-family-law-changes> (last visited Nov. 8, 2022).

III. ILLINOIS'S NEW INCOME SHARES SYSTEM

A. Generally

In 2016, Illinois moved away from the straight percentage system and began using what is known as “income shares” to calculate child support obligations.⁷³ This system attempts to better reflect the actual childcare expenses shared by separated parents instead of using a standard percentage,⁷⁴ however, this method makes the child support calculation much more difficult.⁷⁵

First, the individual net monthly incomes of both parents must be determined.⁷⁶ The parties can determine their net incomes using either “a simplified standardized tax amount formula or an individualized tax amount formula.”⁷⁷ The individualized formula considers each parent’s individual filing status, dependency allocations, and other tax credits when determining their overall net income.⁷⁸ Some courts also allow for parents to agree on using a different formula if the agreed-upon formula is not unconscionable.⁷⁹

Once the individual monthly net incomes of both parents are calculated, the incomes are added together.⁸⁰ Then, using the Schedule of Basic Child Support Obligations (“the Schedule”) created by the Illinois Department of Health and Family Services, the combined net income is matched to the corresponding income and number of children on the Schedule.⁸¹ For instance, if a couple has a combined monthly net income of \$6,000 and one

⁷³ Jane Venohr, *Technical Documentation: Illinois Schedule of Basic Obligations and Standardized Net Income Table*, CTR. FOR POL’Y RSCH. (2017).

⁷⁴ Margaret Bennett et al., *The New Income Shares Child Support Guidelines*, 104 ILL. B.J. 26, 28 (2016).

⁷⁵ See JENNIFER L. NOYES, CHILD SUPPORT MODELS AND THE PERCEPTION OF “FAIRNESS” 4 (Inst. for Rsch. on Poverty 2011).

⁷⁶ Net income is the total income from all income sources minus any deductions, exemptions, or reductions. Comparatively, one’s *monthly* net income is their yearly net income divided by 12. *Net Income*, BLACK’S LAW DICTIONARY (11th ed. 2019); Hector, *supra* note 14.; *Illinois Child Support Law*, NAVARRO FAM. L. (Apr. 17, 2017), <https://www.familylegalrights.com/divorce-and-custody-law/illinois-child-support-unfair-to-multi-partner-family-children/>.

⁷⁷ Hector, *supra* note 14.; see ILL. DEP’T OF HEALTHCARE AND FAM. SERV., GROSS TO NET INCOME CONVERSION TABLE USING STANDARDIZED TAX AMOUNTS (2017), <https://www2.illinois.gov/hfs/SiteCollectionDocuments/img4101534500001.pdf>.

⁷⁸ Hector, *supra* note 14.

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*; see also Jane Venohr, *2021 Addendum to the Illinois Schedule of Basic Obligations and Standardized Net Income Table*, CTR. FOR POL’Y RSCH. (2021).

shared child, the corresponding item on the Schedule is \$1,053.⁸² Therefore, the “basic child support obligation” is \$1,053 per month.⁸³

Following this, the different percentages of each parent’s contributions are calculated.⁸⁴ This is calculated by dividing each parent’s individual monthly net income by the combined monthly net income of both parents.⁸⁵ Using the prior example of a combined monthly net income of \$6,000, suppose that Parent One earns \$1,500 monthly while Parent Two earns \$4,500.⁸⁶ The percentage of each parent’s contributions is 25% and 75%, respectively.⁸⁷ The parent with less parenting time is considered the “obligor,” or the parent responsible for paying child support to the other.⁸⁸ The obligor in this example, Parent Two, has a monthly child support obligation of \$789.75.⁸⁹ For purposes of the income shares model, the receiving parent is presumed to be spending their own monthly contribution percentage on childcare as well.⁹⁰

B. Adjustments for More Equal Percentage Obligations

In the examples used above, the parents had a distinct and highly variable dependent obligation percentage. This led to a more straightforward calculation since each parent was responsible for their respective percentage.⁹¹ However, parents often have equal or near-equal obligations.⁹² In Illinois, the “magic” number to reach for the child support calculation to change is 146 overnights.⁹³ One hundred forty-six overnights amount to 40% of the overnights per year.⁹⁴ When a parent reaches at least 146 overnights in

⁸² In the previous example, \$65,000 was used because it is about the median individual income for Illinois residents in 2021. To make this example comparative, \$65,000 was divided by 12 to get a similar overall salary. This number was also rounded up to \$6,000 for ease of calculation.

⁸³ See Hector, *supra* note 14; see also *Illinois Child Support Law*, NAVARRO FAM. L. (Apr. 17, 2017), <https://www.familylegalrights.com/divorce-and-custody-law/new-changes-illinois-child-support-laws-2017>.

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ See *id.*

⁸⁷ To get the first parent’s contribution percentage, take \$4,500 divided by \$6,000. This gives you 0.75. To turn this into a percentage, multiply 0.75 by 100. Therefore, the first parent’s contribution percentage is 75%. Repeat this for the other parent. See Hector, *supra* note 14.

⁸⁸ 750 ILL. COMP. STAT. 5/505(a).

⁸⁹ 0.75 (obligation percentage) \times \$1,053 (basic support obligation from the Schedule) = \$789.75 (Parent Two’s monthly child support payment).

⁹⁰ Hector, *supra* note 14; see also *Illinois Child Support Law*, *supra* note 83.

⁹¹ *Child Support Guideline Models*, *supra* note 12.

⁹² Hector, *supra* note 14; see also *Illinois Child Support Law*, *supra* note 83.

⁹³ An “overnight” is generally the number of nights per year that one parent has with the child(ren). For a greater explanation of overnights and discussion on counting holidays. See Capps, *supra* note 17; Hector, *supra* note 14; *Illinois Child Support Law*, *supra* note 83.

⁹⁴ 146 overnight / 365 nights per year = 0.4 or 40%.

a year with their child, they receive the shared parenting adjustment.⁹⁵ This adjustment requires additional calculations to determine the monthly child support obligation.

After determining the “basic support obligation,”⁹⁶ that amount is multiplied by 1.5.⁹⁷ Returning to the hypothetical, the basic support obligation per the Schedule is \$1,053 per month.⁹⁸ This basic support obligation is then multiplied by 1.5 for a total of \$1,579.50 (“the shared physical care support obligation”).⁹⁹

The next step is to calculate the “total support obligation” under the income shares system.¹⁰⁰ To do this, the “shared physical care support obligation” is added to any additional fees the parents have for the shared child.¹⁰¹ If Parent Two pays \$200 per month in health insurance for the child,¹⁰² then the “total support obligation” in this example is \$1,779.50 per month.¹⁰³ To find Parent Two’s actual monthly payment, the “total support obligation” should be subtracted from the calculated “actual support contributed.”¹⁰⁴

To calculate the “actual support contributed,” the percentage of overnights per year that each parent has with the child is multiplied by the “shared physical care support obligation” calculated above plus any additional fees such as healthcare.¹⁰⁵ In our hypothetical, Parent One has the child for 219 overnights per year, or 60%.¹⁰⁶ This leaves Parent Two with 146 overnights per year, or 40% of the yearly overnights.¹⁰⁷ Therefore, the “actual support contributed” by Parent Two is \$831.80.¹⁰⁸

The next step is to calculate Parent Two’s individual support obligation.¹⁰⁹ To reach this number, Parent Two’s percent contribution of the

⁹⁵ Hector, *supra* note 14.

⁹⁶ \$1,053 per the Schedule. Venohr, *supra* note 81.

⁹⁷ \$1,053 (basic support obligation) x 1.5 = \$1,579.50 (shared physical care support obligation).

⁹⁸ The same support obligation is used consistently to promote easier comparison between methods.

⁹⁹ Hector, *supra* note 14.

¹⁰⁰ *Id.*

¹⁰¹ \$1,579.50 (shared physical care support obligation) + \$200 (additional fees for the child) = \$1,779.50 (total support obligation); Beld & Biernat, *supra* note 5, at 177.

¹⁰² *See id.*

¹⁰³ *See id.*

¹⁰⁴ Hector, *supra* note 14.

¹⁰⁵ (Percentage of overnights) x (shared physical care support obligation) = (actual support contributed).

¹⁰⁶ 219 overnights/365 nights per year = 0.6 or 60% of the overnights per year.

¹⁰⁷ 146 overnights/365 nights per year = 0.4 or 40% of the overnights per year.

¹⁰⁸ \$1,579.50 (shared physical care support obligation) x 0.4 (Parent Two’s percent of overnights) = \$631.80. Then, because Parent Two is paying \$200 monthly for the child’s health insurance, the actual support contributed for Parent Two is \$831.80 (\$631.80 + \$200 monthly expenses = \$831.80).

¹⁰⁹ *See Shared Physical Care Support Obligation Worksheet*, ILL. DEP’T OF HEALTHCARE & FAM. SERV.’S (last visited Nov. 8, 2022).

parents' combined monthly income¹¹⁰ is multiplied by the "total support obligation."¹¹¹ This results in Parent Two's "individual support obligation" being \$1,334.63.¹¹²

Lastly, to get Parent Two's total monthly payment, Parent Two's "actual support contributed" is subtracted from Parent Two's "individual support obligation."¹¹³ Absent any other potential adjustments,¹¹⁴ Parent Two is left with a total monthly payment of \$502.83.¹¹⁵

C. Potential Implications of the Income Shares Method as Opposed to the Straight Percentages Method

Using the straight percentages model, the final child support payment for the Parent Two totaled \$1,080 per month. Using income shares, if Parent Two had the child for 145 overnights or less, Parent Two would have a monthly obligation of \$789.74.¹¹⁶ However, if Parent Two had the child for just one more overnight, or 146 overnights, Parent Two's monthly obligation would drop to \$502.83 under the income shares system with the shared parenting adjustment.¹¹⁷ One additional day decreased this parent's obligation by over \$285.¹¹⁸ Under other circumstances, such as additional children or different incomes, the decrease can be even more substantial.¹¹⁹ As with the previously used straight percentage model, judges can still make adjustments in various situations, such as parents who make less than 70% of the federal poverty line, incarcerated parents, or underemployed parents.¹²⁰ However, children should ideally continue to receive the same amount of support they would have received had their parents been or remained married.¹²¹ Unfortunately, however, the disparities between calculations

¹¹⁰ Parent Two makes 75% of the parents' combined monthly income.

¹¹¹ The total support obligation = \$1,779.50.

¹¹² \$1,779.50 (total support obligation) x 0.75 (Parent Two's percent of the combined monthly income) = \$1,334.625 ("support obligation" for Parent Two)

¹¹³ See *Shared Physical Care Support Obligation Worksheet*, ILL. DEP'T OF HEALTHCARE & FAM. SERV.'S (last visited Nov. 8, 2022).

¹¹⁴ One common adjustment is for parents with children from other relationships. *Id.*

¹¹⁵ \$1,334.625 (total support obligation) - \$831.80 (actual support contributed) = 502.83 (month child support payment). *Id.*

¹¹⁶ This number was rounded to the nearest cent.

¹¹⁷ See Hector, *supra* note 14; see also Russell Knight, *Child Support and 50/50 Custody in Illinois*, L. OFF. OF RUSSELL D. KNIGHT (May 11, 2022), <https://rdklegal.com/child-support-and-50-50-custody-in-illinois/>.

¹¹⁸ See Knight, *supra* note 117.

¹¹⁹ Knight's calculated example shows a difference of \$365 when using the shared parenting adjustment. *Id.*

¹²⁰ Hector, *supra* note 14.

¹²¹ The amount of child support is calculated the same both for families going through a divorce and those that were never married. Venohr, *supra* note 73, at 5; Jane C. Venohr, *Child Support Guidelines and Guidelines Reviews: State Differences and Common Issues*, 47 FAM. L.Q. 327, 329 (2013).

show how different the amount of support can be.¹²² These disparities can lead to self-serving motives by noncustodial parents.¹²³ In turn, the lack of support in a child can lead to sadness, lack of confidence, and even developmental issues in the child.¹²⁴

On its face, the income shares model also appears to be a “fairer” model as it takes the income, time spent, and additional contributions of both parents into account.¹²⁵ Despite this appearance of fairness, the motive of parents can be tainted when fighting for visitation rights.¹²⁶ As demonstrated, a drastic decrease in child support can occur should a parent reach the 146 overnight threshold.¹²⁷ While this is a fairly easy threshold to meet for involved parents, those who are less involved may put up a better fight for the sole purpose of a lower child support obligation.¹²⁸

IV. OTHER COMMONLY USED METHODS THROUGHOUT THE MIDWEST AND HOW THEY MEASURE UP TO CONGRESSIONAL GUIDELINES

A. Straight Percentage

1. North Dakota

A couple of Midwestern states—North Dakota and Wisconsin—use a form of the straight percentage model.¹²⁹ Similar to Illinois’s former system, North Dakota uses a percentage model.¹³⁰ The state provides a current schedule listing the obligor’s monthly net income and the number of children being supported by the obligor.¹³¹ Returning to the previously used hypothetical, Parent Two makes a net income of \$4,500 per month and is supporting one child. To find Parent Two’s monthly child support payment, all that is required is finding the corresponding net income and number of children on the state’s provided schedule. Using the provided schedule, the

¹²² Venohr, *supra* note 121.

¹²³ Knight, *supra* note 117.

¹²⁴ *Negative Implications a Child Experiences During a Custody Battle*, HOLMAN L. FIRM, <https://www.holmanfirm.com/holman-firm-blog/negative-implications-a-child-experiences-during-a-custody-battle/> (last visited Nov. 8, 2022).

¹²⁵ Noyes, *supra* note 75, at 8-9; Hector, *supra* note 14.

¹²⁶ See Nancy Chausow Shafer, *Income Shares Is Here: Now What? Implementation Issues and Some Possible Solutions*, 30 DCBA BRIEF 26, 28 (2017).

¹²⁷ *Income Shares Comes to Illinois*, GITLIN L. FIRM, http://gitlinlawfirm.com/illinois_income_shares_legislation/ (last visited Nov. 8, 2022).

¹²⁸ Chausow Shafer, *supra* note 126.

¹²⁹ *Child Support Guideline Models*, *supra* note 12.

¹³⁰ See N.D. DEP’T HUM. SERV., CH. 75-02-04.1 CHILD SUPPORT GUIDELINES ANNOTATED (2020).

¹³¹ *Id.* at 54-55.

obligor's monthly child support payment is \$828.¹³² The court has the discretion to require that the obligor pay a different amount than the schedule requires but, ultimately, children should be able to enjoy a comparable standard of living post-divorce to that of which they enjoyed pre-divorce.¹³³

2. *Wisconsin*

While Wisconsin also uses a percentage system, the Wisconsin system uses the obligor's gross monthly income (as opposed to their net monthly income) and considers the amount of time each parent cares for their child(ren).¹³⁴ First, if both parents have at least 25%, or ninety-two days, of court-ordered care of their child per year and each parent is court-ordered to proportionally pay for their child's basic support costs, then the parents are considered to be a "shared-placement parent."¹³⁵ To calculate child support obligations for shared-placement parents, the court must first determine each parent's monthly income accessible for child support.¹³⁶ Then each person's monthly income is multiplied by the designated percentage.¹³⁷ That total is then multiplied by 150% to account for maintaining a household (e.g., clothing, housing, and personal items).¹³⁸ This amount is then multiplied by each parent's respective proportion of time spent with the child to determine each parent's overall child support obligation.¹³⁹ The parent with the greater obligation is considered the "payer" and is responsible for paying the difference between the parents' total obligations.¹⁴⁰ The court also assigns the responsibility of paying other variable costs in proportion to each's parent's share of the physical care of the child.¹⁴¹

To conceptualize this formula, again, suppose Parent One has \$1,500 monthly available for child support while Parent Two has \$4,500. Further, suppose that each parent has a court-ordered placement of their child for 75% and 25% of the year, respectively. To calculate Parent One's obligation, their available monthly income¹⁴² is multiplied by 17%, the given percentage for parents with one child, equaling \$255.¹⁴³ That \$255 is then multiplied by 150%, equaling \$382.50.¹⁴⁴ Lastly, the \$382.50 is multiplied by the

¹³² *Id.* at 56.

¹³³ *Id.* at 61.

¹³⁴ Beld & Biernat, *supra* note 5, at 167 n.16.

¹³⁵ WIS. ADMIN. CODE DCF § 150.02(25m) (2018).

¹³⁶ WIS. ADMIN. CODE DCF § 150.03(5)(b) (2018).

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² \$1,500.

¹⁴³ WIS. ADMIN. CODE DCF § 150.03(5)(b) (2018); WIS. ADMIN. CODE DCF § 150.35 (2018).

¹⁴⁴ *See* WIS. ADMIN. CODE DCF § 150.03(5)(b) (2018).

proportion of time that the shared child spends with the other parent.¹⁴⁵ Here, Parent One's total child support obligation is \$95.63 because the child spends 25% of their time with the other parent.¹⁴⁶ Repeating this process, Parent Two's total child support obligation is \$860.63.¹⁴⁷ Parent Two would be required to pay the difference between the parents' obligations, totaling \$765 per month.¹⁴⁸

If the parents do not qualify as shared-placement parents, they are considered nonshared-placement parents.¹⁴⁹ This method is much simpler as a straight percentage is given based on the number of children that the payer is responsible for supporting.¹⁵⁰ This percentage is multiplied by the parent's monthly gross income.¹⁵¹ Suppose Parent Two has a monthly income of \$4,500 and is responsible for one child. The state gives a monthly obligation of 17% of a parent's monthly income for one child.¹⁵² This means that Parent Two's child support total is \$765 per month.¹⁵³ Further, by either the request of the party or under special circumstances,¹⁵⁴ this amount can be modified by the court.¹⁵⁵

3. Issues with Percentage Models

While straight percentage models can be easier to calculate,¹⁵⁶ they do not fully meet the policy demands of Congress.¹⁵⁷ Many straight percentage models only consider the income of the obligor parent and only assume that the custodial parent is explicitly contributing to the care of the child.¹⁵⁸ This leads to the perception of unfairness and, typically, a heavier burden for noncustodial parents.¹⁵⁹

¹⁴⁵ *See id.*

¹⁴⁶ $\$382.50 \times 0.25$ (percent of time child spends with Parent One) = \$95.63; *See* WIS. ADMIN. CODE DCF § 150.35 (2018).

¹⁴⁷ $\$4,500$ (Parent Two's monthly income) $\times 0.17$ (percent from state for parents with one child) = \$765; $\$765 \times 1.5$ (percent for maintain a household) = \$1,147.50; $\$1,147.50 \times 0.75$ (percent of time child spends with Parent Two) = \$860.63. *See* WIS. ADMIN. CODE DCF § 150.03(5)(b) (2018).

¹⁴⁸ $\$860.63$ (Parent Two's obligation) - $\$95.63$ (Parent One's obligation) = \$765 (Parent Two's monthly payment). *See* WIS. ADMIN. CODE DCF § 150.03(5)(b) (2018).

¹⁴⁹ WIS. ADMIN. CODE DCF § 150.035(2) (2018).

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ $0.17 \times \$5,500 = \935 . *See generally* WIS. ADMIN. CODE DCF § 150.035(2) (2018).

¹⁵⁴ Special circumstances could include a "serial-family parent," unfairness to the child, split-placement parents, and other situations. WIS. ADMIN. CODE DCF § 150.04 (2018).

¹⁵⁵ WIS. ADMIN. CODE DCF § 150.035(3) (2018).

¹⁵⁶ Noyes, *supra* note 75, at 5.

¹⁵⁷ Beld & Biernat, *supra* note 5, at 198.

¹⁵⁸ *Id.* at 200; Noyes, *supra* note 75, at 5.

¹⁵⁹ Noyes, *supra* note 75, at 7.

Typically, straight percentage models are not easily adjusted to account for shared parenting time or different custody arrangements.¹⁶⁰ Wisconsin's method attempts to account for different parental circumstances and custody arrangements,¹⁶¹ but straight percentage models are fundamentally grounded in outdated assumptions about parental roles.¹⁶² Courts may attempt to modify obligations under straight percentage models, but this ultimately leads to inconsistent judgments and an increased perception of unfairness.¹⁶³ The perception of fairness is crucial to parents paying their obligations and, ultimately, the effectiveness of child support guidelines.¹⁶⁴

B. Income Shares

The income shares model is the most widely used method for calculating child support in the Midwest, being used by Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and South Dakota.¹⁶⁵ Most income shares models are similar to that of Illinois.¹⁶⁶ These models are grounded in the idea that children should maintain the same standard of care as before their parents were divorced.¹⁶⁷

While income shares systems are similar between states, there are variations as well.¹⁶⁸ First, Indiana, Kansas, Minnesota, and Missouri use gross income as the basis for their calculation, while Iowa, Michigan, Nebraska, Ohio, and South Dakota use net income.¹⁶⁹ Another major difference between income shares systems is how the states determine the basic child support obligation.¹⁷⁰ In general, the total cost reflects estimated and actual expenses.¹⁷¹ Estimated costs come from research on the spending patterns of the families, while actual expenses come from specific, verifiable child costs such as daycare, health insurance, and school tuition.¹⁷² While some states include these costs in the basic child support obligation, others consider and add these costs later.¹⁷³ For example, health insurance costs in Nebraska are deducted from a parent's income, while education expenses are

¹⁶⁰ Beld & Biernat, *supra* note 5, at 200.

¹⁶¹ Noyes, *supra* note 75, at 5.

¹⁶² Beld & Biernat, *supra* note 5, at 200.

¹⁶³ Beld & Biernat, *supra* note 5, at 198; Noyes, *supra* note 75, at 7.

¹⁶⁴ Danielle Wermund, *Procedural Justice in Child Support*, CHILD SUPPORT DIR. ASS'N OF CAL. (July 2, 2018), <https://csdaca.org/procedural-justice-in-child-support/>.

¹⁶⁵ See *Child Support Guideline Models*, *supra* note 12.

¹⁶⁶ See 750 ILL. COMP. STAT. 5/505.

¹⁶⁷ *Child Support Guideline Models*, *supra* note 12.

¹⁶⁸ See Beld & Biernat, *supra* note 5, at 174-75.

¹⁶⁹ See *id.* at 174-75.

¹⁷⁰ *Id.* at 175.

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ *Id.*

separately apportioned.¹⁷⁴ The biggest similarity between states is that all income shares models apportion estimated and actual expenses proportionally to each parent.¹⁷⁵ This is one universal advantage of income shares systems, whereas straight percentage systems do not account for these expenses.¹⁷⁶

1. Issues with the Income Shares Formula

Often, using the formula for shared parenting under the income shares model lowers child support payments,¹⁷⁷ but the system still carries some major flaws. One major flaw with using income shares formulas is the complexity.¹⁷⁸ Especially in comparison to straight percentage models, income shares systems are considered more complex because they have multiple different formulas.¹⁷⁹ This leaves self-represented litigants at a disadvantage as they may not have access to all the necessary documents to accurately calculate their obligations or “the tax knowledge required to accurately calculate using [income shares].”¹⁸⁰

Another issue with income shares is that while this model appears on its face to be fairer, that is not always the case.¹⁸¹ The income shares model explicitly calculates the expected contribution of both parents.¹⁸² Therefore, even if the custodial parent is not necessarily physically paying their obligation, there is a clear expectation of what they should be spending on their child each month.¹⁸³ This clear financial responsibility of the custodial parent leads to an overall increased perception of the fairness of the income shares model.¹⁸⁴ Although this perception exists, the noncustodial parent still is not physically required to show that their monthly obligation is being spent to care for their child.¹⁸⁵

Another flaw with the income shares model is that it tends to encourage unemployed parents to remain unemployed.¹⁸⁶ Should an unemployed parent become employed, an argument for a “substantial change in

¹⁷⁴ Beld & Biernat, *supra* note 5, at 176 n.58.

¹⁷⁵ *Id.* at 175.

¹⁷⁶ *Id.* at 175-76.

¹⁷⁷ Jennifer S. Tier, *The Illinois “Income Shares” Model for Child Support*, FEINBERG SHARMA (2019), <https://fsfamlaw.com/practice-areas/issues-involving-children/child-support/>.

¹⁷⁸ *See Income Shares Child Support Model in Practice*, CHILD CUSTODY, DIVORCE (Oct. 22, 2017), <https://www.jms-attorney.com/income-shares-child-support-model-in-practice/>.

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ Noyes, *supra* note 75, at 7-8.

¹⁸² Noyes, *supra* note 75, at 8.

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Income Shares Child Support Model in Practice*, *supra* note 178.

circumstances¹⁸⁷ arises, often resulting in the newly employed parent to begin making child support payments.¹⁸⁸ The court can still order an unemployed parent to pay child support, but because payments are largely determined by each parent's income, payments will ultimately be lower than if the parent were working.¹⁸⁹

Lastly, using a different formula when a parent reaches a certain number of overnights with their child can lead to parents fighting for more time with their child simply for a reduction in their child support obligation.¹⁹⁰ While the motives of the parents are not considered when awarding child support obligations,¹⁹¹ the child is left to deal with the consequences of a parent prioritizing money instead of their child.¹⁹² Hardship can also burden the involved children by changing residences more frequently, living with uninterested parents, and dealing with the transition between disputing parents.¹⁹³

In conclusion, the income shares systems can provide a fairer and more beneficial outcome for some families, but it can lead to windfall judgments in others.¹⁹⁴ Children are left in the middle, which could lead to additional hardship.¹⁹⁵ While there may be many benefits with an income shares system, it is not objectively the best system for states to adopt.¹⁹⁶

C. The Melson Formula

1. *How the Formula Works*

In 1989, Judge Elwood F. Melson, Jr. of Delaware developed the Melson Formula.¹⁹⁷ The Melson Formula is very similar to the income shares model,¹⁹⁸ but unlike the income shares model, the Melson Formula considers

¹⁸⁷ In family law, a “substantial change in circumstances, is used whenever there is a modification in the financial, emotional, or physical condition of a parent. A court must find a substantial change in circumstances when modifying child support or custody order. *Change in Circumstances*, BLACK’S LAW DICTIONARY (11th ed. 2019).

¹⁸⁸ *Income Shares Child Support Model in Practice*, *supra* note 178.

¹⁸⁹ *How Does Unemployment Affect Child Support in Illinois?*, SHAW FAMILY LAW (June 29, 2021), <https://www.kanecountydivorceattorneys.com/st-charles-lawyers/how-does-unemployment-affect-child-support-in-illinois>.

¹⁹⁰ Knight, *supra* note 117.

¹⁹¹ *Id.*

¹⁹² *Negative Implications a Child Experiences During a Custody Battle*, *supra* note 124.

¹⁹³ *Income Shares Child Support Model in Practice*, *supra* note 178.

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*

¹⁹⁶ See D.C. CODE §16-916.01(q)(1)(D-E) (2021).

¹⁹⁷ Beld & Biernat, *supra* note 5, at 175-76.

¹⁹⁸ Mat Camp, *How Child Support is Calculated*, CORDELL & CORDELL, <https://mensdivorce.com/how-child-support-calculated/> (last visited Nov. 5, 2022).

each parent's need to provide for themselves.¹⁹⁹ To calculate a parent's child support obligation under the Melson Formula, the first determination is each parent's share of their combined income.²⁰⁰ To do this, the court will find the parent's net income and subtract a "self-support reserve."²⁰¹ A self-support reserve is a state-set amount that estimates what each parent would need to use on their own living expenses²⁰² in order for parents to maintain productivity in the workplace.²⁰³ This calculation includes housing, food, clothing, and any other additional expenses that the court decides to incorporate.²⁰⁴ After the self-support reserve is subtracted, the remaining net income of each parent is added together to form a combined net income.²⁰⁵

Then, similar to the income shares models, each parent's percentage of the combined net income is found by dividing their individual remaining net income by the combined net income.²⁰⁶ Next, the primary support obligation is found using the state-provided primary support chart and finding the correct amount for the applicable number of children.²⁰⁷ This primary support amount is added together with any additional expenses such as childcare or health insurance.²⁰⁸

The last major factor that is calculated is the parent's available "standard of living adjustment" ("SOLA") income.²⁰⁹ The purpose of SOLA is to make sure that the child enjoys a standard of living as equivalent to the parent's income as possible.²¹⁰ The SOLA adjustment is calculated by multiplying the state-provided SOLA percentage by the difference between the combined net income of the parents and the total primary support obligation.²¹¹ Lastly, the total primary support obligation and the SOLA adjustment are added together, equaling the total support obligation.²¹² The

¹⁹⁹ Beld & Biernat, *supra* note 5, at 176.

²⁰⁰ *Id.*

²⁰¹ THE FAM. CT. OF THE STATE OF DEL., INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Beld & Biernat, *supra* note 5, at 176; Sheri Atwood, *The Melson Formula – Child Support*, SUPPORTPAY (Oct. 29, 2020), <https://supportpay.com/the-melson-formula-child-support/>.

²⁰² Beld & Biernat, *supra* note 5, at 176.

²⁰³ THE FAM. CT. OF THE STATE OF DEL., INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022).

²⁰⁴ Beld & Biernat, *supra* note 5, at 176.

²⁰⁵ THE FAM. CT. OF THE STATE OF DEL., INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Beld & Biernat, *supra* note 5 at 176; Atwood, *supra* note 201.

²⁰⁶ THE FAM. CT. OF THE STATE OF DEL., INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022);

Atwood, *supra* note 201.

²⁰⁷ *Id.*

²⁰⁸ *Id.*

²⁰⁹ Beld & Biernat, *supra* note 5, at 176.

²¹⁰ *Montana Guidelines*, *supra* note 61, at 37.62.128.

²¹¹ This total includes the additional costs of childcare/health care/etc. THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Beld & Biernat, *supra* note 5, at 176; Atwood, *supra* note 201.

²¹² *Id.*

noncustodial parent must pay their designated percentage of the total support obligation.²¹³

Returning to the hypothetical, suppose that Parent One makes \$1,500 per month after all insurance, retirement, and taxes are paid. Similarly, suppose Parent Two makes \$4,500 per month. As of January 1, 2021, the “self-support allowance” per parent is \$1,180.²¹⁴ After this deduction, Parent One is left with \$320,²¹⁵ while Parent Two is left with \$3,320,²¹⁶ for a combined net income of \$3,640.²¹⁷

The next step is to find each parent’s designated percentage of the combined net income.²¹⁸ For simplicity, Parent One’s percentage is 9%, and Parent Two’s percentage is 91%.²¹⁹ Next, using the state-provided Schedule and the combined net income of the parents, the primary support obligation for one child is \$540.²²⁰ To account for childcare and health care expenses, a conservative \$100 per month will be added for a “total primary support obligation” of \$640.²²¹

Subsequently, the SOLA amount must be calculated.²²² To do this, the “combined net income” of \$3,640 is added to the “total primary support obligation” of \$640, for a total of \$3,000.²²³ The corresponding state-provided SOLA percentage for one child is 12%.²²⁴ Therefore, the total SOLA adjustment is \$360.²²⁵

Lastly, the “total support obligation” is calculated by finding the sum of the “total primary support obligation” and the SOLA adjustment.²²⁶ This results in a total support obligation of \$1,000.²²⁷

²¹³ THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Beld & Biernat, *supra* note 5, at 176.

²¹⁴ THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Atwood, *supra* note 201.

²¹⁵ \$1,500 (Parent One monthly income) - \$1,180 (self-support allowance) = \$320.

²¹⁶ \$4,500 (Parent Two monthly income) - \$1,180 (self-support allowance) = \$3,320.

²¹⁷ \$320 + \$3,320 = \$3,640 (combined net income); *See* THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Atwood, *supra* note 201.

²¹⁸ \$320 (Parent One’s monthly total)/\$3,640 (combined net income) = 8.791. \$3,320 (Parent Two’s monthly total)/\$3,640 (combined net income) = 91.209; THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); *See* Beld & Biernat, *supra* note 5, at 176.

²¹⁹ The actual percentages per parent would be 8.791% for Parent One and 91.209% for Parent Two, but the amounts were rounded to the nearest whole number. *Id.*

²²⁰ *Id.*

²²¹ \$100 was added as a conservative estimate for these monthly expenses because it was used in the example per the following source. Beld & Biernat, *supra* note 5, at 176.

²²² THE FAM. CT. OF THE STATE OF DEL.: INSTRUCTIONS FOR CHILD SUPPORT CALCULATION, FORM 509I (2022); Beld & Biernat, *supra* note 5, at 176.

²²³ *See* sources cited *supra* note 222.

²²⁴ This percentage is given by the state itself depending on the combined income of the parents. *Id.*

²²⁵ \$3,000 x 0.12 (SOLA percentage) = \$360 (SOLA adjustment). *See id.*

²²⁶ *See id.*

²²⁷ \$640 (total primary support obligation) + \$360 (SOLA adjustment) = \$1,000 (total support obligation).

While the parent without the child support obligation is not required to pay support to the other parent, they are presumed to spend their support obligation on the child per month.²²⁸ The noncustodial parent, Parent Two, is thereby responsible for paying his individual percentage of the total support obligation. Since Parent Two's individual percentage was found to be 91%, Parent Two must pay \$910 per month in child support.²²⁹

2. Issues with the Melson Formula

The Melson Formula is considered the most complex of the current child support formulas.²³⁰ While it is similar to the income shares model, it requires extra calculations and additional complexities.²³¹ One of the differences between the two models is that the Melson formula considers each parent's costs of their basic personal needs as well as the needs of the children.²³² This better reflects the goals of Congress in considering the "economic data on the cost of raising children" as the needs of the parents do not disappear after a divorce.²³³

Similarly, this approach is seen as a fairer approach.²³⁴ By assessing the basic and non-basic needs of both the parents and the children, the interests of all parties are better represented.²³⁵ While this model may seem fairer, it is not consistent and does not fairly serve all types of families.²³⁶ As the overall net "family" income increases, the child support obligations flatten out.²³⁷ The obligations do not consistently increase as income increases, leading to proportionally higher obligations for lower-income families.²³⁸

Some states, such as Hawaii and Montana, have attempted to rectify this issue by giving low-income families minimum orders.²³⁹ While these minimum orders can be beneficial for low-income families, this leaves disparities in the middle.²⁴⁰ With minimum orders for low-income families and obligations flattening out for high-income families, those in the middle are left with a relatively larger obligation.²⁴¹ This could lead to an increase in

²²⁸ Beld & Biernat, *supra* note 5, at 176.

²²⁹ \$1,000 (total support obligation) x 0.91 (Parent Two's percentage of combined income) = \$910 (monthly child support payment of Parent Two); *Id.*

²³⁰ Noyes, *supra* note 75, at 5.

²³¹ *Id.*

²³² Camp, *supra* note 198.

²³³ 45 C.F.R. § 302.56.

²³⁴ Beld & Biernat, *supra* note 5, at 177.

²³⁵ *Id.*

²³⁶ *See* Noyes, *supra* note 75, at 6.

²³⁷ *Id.* at 7.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *See id.* at 6.

intentional underreporting of monthly incomes in order to get a lower monthly obligation, the perception of unfairness for middle-income families or, ultimately, obligor parents failing to pay their monthly obligation.²⁴² With the goal of providing for children,²⁴³ proportional and fair child support calculations are crucial.²⁴⁴

Another complaint about the Melson formula is that the SOLA cannot exceed 50% unless the court allows a larger percentage.²⁴⁵ In essence, the SOLA support is only available to the first six children in a family because of this cap.²⁴⁶ While this is not an issue for many families, bigger families tend to have lower income, less education, and identify as racial minorities.²⁴⁷ The reality of the United States education system is that children and families with fewer advantages are more likely to fall behind and stay behind.²⁴⁸ There are fewer safety nets for these families in schools.²⁴⁹ These systemic disadvantages translate into everyday life, including child support calculations.²⁵⁰ Because these families are already at a financial disadvantage, setting a maximum on the standard of living adjustment without a different form of compensation continues to disproportionately burden them.²⁵¹ In summation, those with smaller families are getting a more appropriate child support amount for their family size, leading to a better reflection of the intent of Congress.²⁵²

D. Hybrid Formula

1. Non-shared physical custody calculation

Lastly, a few states, as well as Washington, D.C., use a hybrid form of the previously discussed methods.²⁵³ For example, Washington, D.C. uses a hybrid system to calculate child support obligations, and under this system, the first step is to find each parent's adjusted gross income after all additions

²⁴² See Noyes, *supra* note 75, at 6; see also Danielle Wermund, *Procedural Justice in Child Support*, CHILD SUPPORT DIR. ASS'N OF CAL. (July 2, 3018), <https://csdaca.org/procedural-justice-in-child-support/>.

²⁴³ Charles T. Berry, *West Virginia Child Support Guidelines: The Melson Formula*, 97 W. VA. UNIV. RSCH. REPOSITORY, 810, 830 (1995).

²⁴⁴ Wermund, *supra* note 242.

²⁴⁵ Berry, *supra* note 243.

²⁴⁶ *Id.*

²⁴⁷ Gretchen Livingston, *Family Size Among Mothers*, PEW RES. CTR. (2015), <https://www.pewresearch.org/social-trends/2015/05/07/family-size-among-mothers/>.

²⁴⁸ *Born to Win, Schooled to Lose*, GEO. UNIV. CTR. ON EDUC. & THE WORKFORCE, <https://cew.georgetown.edu/cew-reports/schooled2lose/> (last visited Nov. 24, 2022).

²⁴⁹ *Id.*

²⁵⁰ *Id.*

²⁵¹ Livingston, *supra* note 247.

²⁵² See *id.*; see also 45 C.F.R. § 302.56(h)(1)-(3).

²⁵³ *Child Support Guideline Models*, *supra* note 12.

and deductions are considered according to the state code.²⁵⁴ Then, using the combined adjusted gross incomes, the basic child support obligation is determined using the Schedule of Basic Child Support Obligations (“the Schedule”) from the state.²⁵⁵ Next, each parent’s percentage of the combined adjusted gross income is calculated by dividing each parent’s individual adjusted gross income by the combined adjusted gross income.²⁵⁶ Lastly, the basic child support obligation is multiplied by each parent’s individual percentage of the combined adjusted gross income to ensure that each parent is only paying for their “share” of the total.²⁵⁷

Returning to the previously used hypothetical, suppose there is one shared child between a set of parents. Here, Parent One has an adjusted gross income of \$20,000 and Parent Two has an adjusted gross income of \$60,000. Adding these two incomes together, the parents have a combined income of \$80,000. The basic support obligation listed in the Schedule is \$13,408 annually.²⁵⁸ This number is then multiplied by each parent’s individual obligation percentage.²⁵⁹ Parent One’s total obligation is \$3,352 per year, or \$279.33 per month; whereas Parent Two’s total obligation is \$10,056 per year, or \$838 per month.²⁶⁰ If the parents do not have shared physical custody,²⁶¹ the noncustodial parent has a duty to pay the custodial parent their obligation.²⁶² Adjustments are made for extraordinary medical expenses, childcare expenses, and health insurance are also made.²⁶³ The custodial parent, however, is assumed to contribute, at minimum, their calculated support obligation.²⁶⁴

²⁵⁴ D.C. CODE §16-916.01(f)(1)(A) (2021). The additions and deductions used to calculate gross income can be found in section (d) of the code. D.C. CODE §16-916.01(d). The specifics of calculating gross income are beyond the scope of this note. For purposes of this note, an estimated gross income will be used.

²⁵⁵ D.C. CODE §16-916.01(f)(1)(B) (2021).

²⁵⁶ D.C. CODE §16-916.01(f)(1)(C) (2021).

²⁵⁷ D.C. CODE §16-916.01(f)(1)(D) (2021).

²⁵⁸ D.C. CODE §16-916.01 app. I (2016).

²⁵⁹ $\$20,000$ (Parent One income)/ $\$80,000$ (combined income) = 0.25 (Parent One’s individual obligation percentage). 0.25 (Parent One’s individual obligation percentage) x $\$13,408$ (basic support obligation) = $\$3,352$ (Parent One total obligation per year). This equation is repeated for Parent Two.

²⁶⁰ Parent One’s percentage of the combined adjusted gross income is 25% and Parent Two’s percentage is 75%. These percentages were multiplied by the basic support obligation to get each parent’s total support obligation.

²⁶¹ Shared physical custody is defined in the Washington, D.C. code as meaning that the child does not spend at least 35% of the year with each parent. D.C. CODE §16-916.01(f)(1)(D) (2021).

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ *Id.*

2. Shared physical custody calculation

Using the same hybrid formula from Washington, D.C., the child support calculation changes when parents have shared physical custody.²⁶⁵ Similar to before, this calculation begins with determining the adjusted basic child support obligation.²⁶⁶ This is done by finding the “basic child support obligation” from the Schedule²⁶⁷ and multiplying it by 1.5.²⁶⁸ Using the same facts from the previous hypothetical,²⁶⁹ the “adjusted basic child support obligation” equals \$20,112.²⁷⁰

Then, each parent’s proportionate share of the amount is calculated by multiplying each parent’s percent contribution to the combined adjusted gross income by the “adjusted basic support obligation.”²⁷¹ Parent One’s share of the adjusted basic support obligation comes to \$5,028.²⁷²

Next, each parent’s share of the adjusted basic support obligation is multiplied by the percentage of time that each parent physically spends with the child.²⁷³ If Parent One has the child 60% of the time, Parent One’s share of the basic support obligation to is \$3,016.80.²⁷⁴ This amount is then subtracted from the parent’s share of the basic child support obligation,²⁷⁵ resulting in Parent One having a total child support obligation of \$2,011.20 per year.²⁷⁶

This procedure is repeated for Parent Two, and the parent that owes the greater amount is to pay the other parent the difference between the obligations.²⁷⁷ Repeating the same steps for Parent Two results in Parent Two having a total child support obligation of \$8,296.20 per year.²⁷⁸ Since Parent

²⁶⁵ Each parent cares for the child for at least 35% of the year (or 128 days). D.C. CODE §16-916.01(f)(1)(D) (2021); D.C. CODE §16-916.01(q)(1) (2021).

²⁶⁶ D.C. CODE §16-916.01(q)(1)(A) (2021).

²⁶⁷ The 1.5x multiplied is used as required by code. D.C. CODE §16-916.01 app. I (2021).

²⁶⁸ D.C. CODE §16-916.01(q)(1)(A) (2021).

²⁶⁹ Parents share one child. Parent One has an adjusted gross income of \$20,000 and Parent Two has an adjusted gross income of \$60,000. Their basic support obligation according to the Schedule is \$13,408. Parent One has the child for 60% of the year while Parent Two has the child for 40% of the year.

²⁷⁰ \$13,408 (basic support obligation) x 1.5 = \$20,112 (adjusted basic child support obligation). *See* D.C. CODE §16-916.01(q)(1)(A) (2021).

²⁷¹ D.C. CODE §16-916.01(q)(1)(B) (2021).

²⁷² 0.25 (Parent One’s percent contribution) x \$20,112 (adjusted basic support obligation) = \$5,028 (Parent One’s share of the adjusted basic support obligation). *See* D.C. CODE §16-916.01(q)(1)(B-C) (2021).

²⁷³ D.C. CODE §16-916.01(q)(1)(C) (2021).

²⁷⁴ \$5,028 (Parent One’s share of adjusted basic child support obligation) x 0.6 (amount of time Parent One spends with the child) = \$3,016.80.

²⁷⁵ \$5,028 (Parent One’s share of adjusted basic child support obligation) - \$3,016.80 = \$2,011.20. D.C. CODE §16-916.01(q)(1)(D) (2021).

²⁷⁶ *See* D.C. CODE §16-916.01(q)(1)(B-C) (2021).

²⁷⁷ D.C. CODE §16-916.01(q)(1)(E) (2021).

²⁷⁸ *See* D.C. CODE §16-916.01(q)(1)(B-C) (2021).

Two has a higher obligation, Parent Two owes Parent One the difference between their two total child support obligations.²⁷⁹ Therefore, Parent Two must pay \$6,033.60 per year, or \$521.50 monthly.²⁸⁰

This method is considered a hybrid method because it begins very similarly to a percentage model, but it is then reduced by a formula similar to that of an income shares model.²⁸¹ By combining these two methods, this hybrid method is simpler to calculate than the Melson formula but still takes the custodial parent's income into account.²⁸² This leads to more stable and consistent outcomes while appearing fair and proportional.²⁸³

V. HYBRID SYSTEMS ARE OBJECTIVELY THE MOST EFFECTIVE SYSTEMS FOR CALCULATING CHILD SUPPORT

A. Advantages of Existing Hybrid Systems

Objectively, the best system for a state to adopt is a hybrid system, similar to that of Washington, D.C., with a few improvements.²⁸⁴ A hybrid system is better suited to satisfy the intent of Congress as a hybrid system has the flexibility of taking the best features from all of the different systems.²⁸⁵ It is also seen as objectively fairer because of the principles that the state includes for the application of child support guidelines.²⁸⁶ Specifically, the Washington, D.C. statute requires that guidelines be based on several principles, including an equitable approach to child support where both parents are legally responsible for their child's support, each parent's needs are taken into account, and guidelines have a gender-neutral application.²⁸⁷

As seen in the Washington, D.C. method, the calculation can embrace the simplicity and objectivity of the straight percentages model.²⁸⁸ Another perk of the straight percentages model that Washington, D.C. has adopted is that there is no major reduction in child support obligations when a parent reaches a certain threshold of days with the child.²⁸⁹ This helps to prevent

²⁷⁹ See D.C. CODE §16-916.01(q)(1)(D-E) (2021).

²⁸⁰ \$8,296.20 (Parent Two's yearly obligation) - \$2,011.20 (Parent One's yearly obligation) = \$6,258 (Parent Two's actual required payments); See *id.*

²⁸¹ *Child Support Guideline Models*, *supra* note 12.

²⁸² *Id.*

²⁸³ Shaun Edwards, *Unintended Consequences: How Child Support Programs Discourage Employment for Low-Income Families*, CHI. POL'Y REV. (2013), <https://chicagopolicyreview.org/2013/12/05/unintended-consequences-how-child-support-programs-discourage-employment-for-low-income-families/>.

²⁸⁴ See *Child Support Guideline Models*, *supra* note 12.

²⁸⁵ See Beld & Biernat, *supra* note 5, at 171.

²⁸⁶ See D.C. CODE §16-916.01(c)(1-6) (2021).

²⁸⁷ *Id.*

²⁸⁸ Noyes, *supra* note 75, at 6.

²⁸⁹ See Hector, *supra* note 14.

parents from fighting for more time with their child simply for their personal benefit of a lower child support obligation.²⁹⁰ Custody battles, in general, have negative implications for the involved children,²⁹¹ but constant, unfounded court appearances can lead to confusion, sadness, low confidence, and developmental issues in children.²⁹²

Furthermore, hybrid models also have the benefit of being perceivably fairer by considering time spent and additional contributions.²⁹³ Predictability and fairness increase the chances that child support payments are made, making them key to any state's calculation model.²⁹⁴ Lastly, hybrid models can benefit from the positive aspects of the Melson formula. Without being nearly as complex, hybrid formulas can consider the basic needs of the parents.²⁹⁵ This also adds to the perception of fairness, increasing the likelihood that child support obligations are met.²⁹⁶

By combining the best parts of all different types of models, hybrid models can (1) better avoid the disparities between income types, such as in the Melson Formula; (2) be more customizable to each individual family, such as in income shares models; and (3) embrace simplicity and prevent large disparities, such as in straight percentage models.²⁹⁷

B. Changes Needed for Existing Systems

No system will ever be perfect for every type of family, but there are several improvements that could be made to increase the effectiveness of a hybrid model similar to that of Washington, D.C.²⁹⁸ The formula that a state chooses is crucial as child support costs for the same parent could range from around \$500 per month²⁹⁹ to upwards of \$1,080 per month³⁰⁰ simply based on which formula a state uses.³⁰¹ Similarly, child support within one system can have a difference of \$300 solely because a parent has a child for 145 overnights instead of 146.³⁰²

²⁹⁰ See Knight, *supra* note 117; see also Hector, *supra* note 14.

²⁹¹ *Negative Implications a Child Experiences During a Custody Battle*, *supra* note 124.

²⁹² *Id.*

²⁹³ Noyes, *supra* note 75, at 8.

²⁹⁴ *Id.*

²⁹⁵ *Child Support Guideline Models*, *supra* note 12.

²⁹⁶ See Noyes, *supra* note 75, at 6.

²⁹⁷ MARIA CANCIAN & MOLLY A. COSTANZO, COMPARING INCOME-SHARES AND PERCENTAGE-OF-INCOME CHILD SUPPORT GUIDELINES, 5-6 (Inst. for Rsch. on Poverty 2017).

²⁹⁸ *Child Support Guideline Models*, *supra* note 12.

²⁹⁹ As calculated using the hybrid formula of Washington, D.C. D.C. CODE §16-916.01(f)(1)(A) (2021).

³⁰⁰ As calculated using Illinois's former straight percentage system. Hector, *supra* note 14.

³⁰¹ See Beld & Biernat, *supra* note 5, at 165.

³⁰² As shown by Illinois's current income shares system. See *Income Shares: The New Illinois Child Support Law*, CONNIFF L. OFF. (Aug. 29, 2016), <https://www.conniffllaw.com/income-shares-new-illinois-child-support-law/#:~:text=Currently%2C%20Illinois%20applies%20a%20%20E2%80%9C>

First, it is crucial that child support calculations be clearly linked to the intent of Congress in that they are credible estimates of the actual cost of raising a child in a specific state.³⁰³ One major issue with the income shares model is applying the formula when a parent reaches the physical parenting time threshold in their respective state, resulting in differing results that may not accurately reflect the costs associated with raising a child.³⁰⁴ Child support systems need to be feasible for low-income families without leading to huge disparities.³⁰⁵

As shown by the example calculations, having a child for one additional overnight can lead to an over \$280 deduction in child support payments.³⁰⁶ Ultimately, if a child is going to maintain a similar quality of life after her parents get divorced, disparities cannot be this drastic and sudden.³⁰⁷ The estimated cost of raising a child does not suddenly drop when a child spends one additional night with a parent, and child support obligations should reflect that.³⁰⁸

The second major change needed is accountability for the custodial parent's spending.³⁰⁹ Many times, the noncustodial parent has a much more burdensome obligation in terms of child support.³¹⁰ This works in direct contradiction with the goal of child support.³¹¹ In order for child support obligations to be paid and parents to be concerned with the child's best interest—as opposed to their own—the burden of both parental obligations must appear to be as equal as possible.³¹² On average, lower-income, noncustodial parents who are able to pay only a portion of their obligation and not the entire obligation will not pay at all, even if the parent would pay the entire obligation if they could.³¹³ This outcome demonstrates that the current child support systems are not working as intended.³¹⁴

Percentage%20of%20Income%20%80%9D%20formula,child%20support%20statute%20incorporating%20the%20%20%80%9Cincome%20shares%20%80%9D%20model.

³⁰³ Jo Michelle Beld, *A Minnesota Comparative Family Law Symposium: Improving Child Support Guidelines in Minnesota: The "Shared Responsibility" Model for the Determination of Child Support*, 28 WM. MITCHELL L. REV. 791, 822 (2001).

³⁰⁴ See Knight, *supra* note 117.

³⁰⁵ Pamela Foohey, *Child Support and (In)ability to Pay: The Case for the Cost Shares Model*, 13 UC DAVIS J. JUV. L. & POL'Y 35, 66 (2009).

³⁰⁶ Knight, *supra* note 117.

³⁰⁷ See *Child Support Guideline Models*, *supra* note 12.

³⁰⁸ See Knight, *supra* note 117.

³⁰⁹ Foohey, *supra* note 306.

³¹⁰ *Id.* at 46-47.

³¹¹ See *id.*

³¹² Jennifer L. Noyes, *Child Support Models and the Perception of "Fairness"*, INST. FOR RSCH. ON POVERTY at 8 (2011), <https://citeseerx.ist.psu.edu/pdf/3fd1a15a24b143b5d386fddc0195c2c6375cdb9e>.

³¹³ Foohey, *supra* note 306, at 91.

³¹⁴ *Id.*

The focus should be on the well-being of the children.³¹⁵ This requires a perception of fairness and reasonable obligations proportionate to income.³¹⁶ Even though some models may result in a higher child support obligation, higher obligations do not help children if parents cannot consistently fulfill the obligation.³¹⁷

CONCLUSION

Historically, family law has been left up to the states to determine; however, Congress can get involved in major issues.³¹⁸ For child support calculations, Congress has not required that states use a specific method.³¹⁹ Congress has, however, laid out various requirements that a state's chosen guidelines must follow.³²⁰ The states must complete a review of their guidelines at least once every four years,³²¹ and the guidelines must (1) "[c]onsider economic data on the cost of raising children," (2) "analyze case data . . . on the application of and deviations from the child support guidelines," and (3) "[p]rovide a meaningful opportunity for public input."³²² Given this broad guidance, no two states have the same child support method.³²³

To summarize, prior to 2017, Illinois used a straight percentage system that simply required courts to take a percentage of the obligor parent's income to determine their overall monthly child support obligation.³²⁴ A few states still practice some form of a straight percentage system, but this system is slowly being changed.³²⁵ While percentage systems are simple, they only account for the income of the obligor parent.³²⁶ There is a lack of fairness, accountability, and flexibility using a straight percentage model, leading to many states doing away with this type of system.³²⁷

The most common system in the Midwest is an income shares system. Illinois began using this system in 2017, and the majority of Midwest states

³¹⁵ See *id.* at 46.

³¹⁶ *Id.* at 91.

³¹⁷ *Id.* at 47.

³¹⁸ Elrod, *supra* note 35.

³¹⁹ See 45 C.F.R. § 302.56 (2017). While this Act gives guidelines to States when creating child support methods, absent anywhere in this Act is the requirement for use of a specific formula.

³²⁰ 45 C.F.R. § 302.56 (2017).

³²¹ 45 C.F.R. § 302.56(a) (2017).

³²² 45 C.F.R. § 302.56(h)(1-3) (2017).

³²³ *Child Support Guideline Models*, *supra* note 12.

³²⁴ Hector, *supra* note 14.

³²⁵ See *Child Support Guideline Models*, *supra* note 12.

³²⁶ *Is the Illinois Child Support Model Unjust and Unfair to Children From Multi-Partner Families*, *supra* note 65.

³²⁷ Diane Potts, *Procedural Justice in Child Support*, ONEVOICE CSDA NEWSLETTER (Child Support Dirs. Ass'n. of Cal.), July 2, 2018, <https://csdaca.org/procedural-justice-in-child-support/>.

use a similar system.³²⁸ While more complex, this is perceived as the fairest model to calculate monthly obligations.³²⁹ The incomes of both parents and the amount of parenting time is considered in this model.³³⁰ Income shares can be problematic, however, as child support obligations can drop dramatically with just a one-day difference in parenting time.³³¹ This model can also lead to more frequent and intense fights over child support orders and the modification of child support orders to reach the shared-parenting threshold.³³² Unfortunately, the consequences of additional court appearances and potentially requiring kids to spend more time with absent parents fall on the involved children.³³³ For these reasons, an income shares system is not an ideal child support system for states to use.

Another similar method—used by Delaware, Hawaii, and Montana—is the Melson system.³³⁴ This system is found to be the most complicated, as it adds additional calculations to an already complex income shares system.³³⁵ The Melson formula helps to reflect the intent of Congress by considering the incomes of both parents as well as the cost of basic needs for each parent, but it still fails to be consistent.³³⁶ Child support amounts level off for higher-income families, and lower-income families are often given a minimum payment, while those that fall in the middle are often faced with a higher financial burden.³³⁷ Therefore, while this system has positive aspects, there is still room for improvement.³³⁸

The system which is discussed last in this note is a hybrid system used by Washington, D.C.³³⁹ This note concludes that the hybrid models are the best type of model because they can take the positive aspects of each model and combine them into the objectively best, most fair method for calculating child support.³⁴⁰ Hybrid models can increase the perception of fairness, leading to a higher likelihood that child support payments are paid. Without the possibility of a sudden decrease in child support for shared parenting, hybrid systems can better satisfy the intent of Congress while prioritizing the needs of children.³⁴¹

³²⁸ See *Child Support Guideline Models*, *supra* note 12.

³²⁹ Potts, *supra* note 328.

³³⁰ Noyes, *supra* note 75, at 8.

³³¹ Knight, *supra* note 117.

³³² See *id.*

³³³ *Negative Implications a Child Experiences During a Custody Battle*, *supra* note 124.

³³⁴ *Child Support Guideline Models*, *supra* note 12.

³³⁵ Noyes, *supra* note 75, at 5.

³³⁶ *Id.*

³³⁷ *Id.* at 6.

³³⁸ *Id.*

³³⁹ *Child Support Guideline Models*, *supra* note 12.

³⁴⁰ See Potts, *supra* note 328.

³⁴¹ See Beld & Biernat, *supra* note 5, at 171.

