

Massachusetts has a new Child Support Guidelines it will take effect on August 1, 2013. In general, it appears to decrease the amount of child support paid by the non-custodial parent to the parent and at 10% is a general rule of thumb. There are a couple of key provisions: One is for the source of the income that any income derived from a Means Test, a Public Assistance Program, SSI, TAFDC or SNAP will not be considered and the court may consider none, some, or all over-time income; even if the over-time was earned prior to entry of the Child Support Order; where the combined income is over \$250,000.00.

The guideline should be applied on the first \$250,000.00 and the same proportionate as the recipients and appears as actual income.

They can also now attribute income; which the Court has the authority to attribute income to the parent and the Court shall consider all relevant factors; which can include education, training, health, past employment and other factors in terms the attribution.

In 2011, Massachusetts had the Alimony Reform Act and the new guidelines say what the Alimony Reform Act is, but it specifically prohibits the use of gross income; which the Court

has already considered in making a Child Support Order from being used again in determining an Alimony Order. However, the guidelines go on to further state that the consideration may be given by the parties preparing an alternate calculation in alimony and child support to determine what is the most equitable or fair result for the child and the parties; and the Child Support should be considered first.

Another key provision is that in parenting time, the guidelines assume that the children have primary residence with one parent and spend at least 1/3 of their time with the other parent.

If the children spend less than 1/3 with a known custodial parent then the Court may consider an upward deviation of the guideline in favor of the custodial parent; and if the parenting time is more equal; then a separate guideline should be broadened showing the cross guidelines.

The age of the children always clarifies that un-emancipated children over 18, the Court **MUST** exercise discretion ordering child support or parent contribute towards college costs. The Court must consider the reason for the continued residence with and dependence upon the recipients; the child's academics circumstances; the living situation and other factors.

In the new guidelines, the Court has the added new grounds for deviation; where the presumptive child support guidelines amount; the deviation is if one parent has extraordinary health insurance; if one parent is absorbing the child care cost that is disproportionate to their income; and if one parent provides less than 1/3 of the parenting time with the children are just a few of the new highlights of the new issues that may be there with the new child support guidelines.