

**Fort Rucker Preventive Law Program**  
**LEGAL ASSISTANCE**  
**SERIES**

**Child Support**

**THIS PAMPHLET**

Contains basic information on child support

If you have specific questions, call  
255-3482 to make an appointment.



**OFFICE OF THE STAFF JUDGE ADVOCATE**

# FORT RUCKER, ALABAMA 36362

ALABAMA CODE TITLE 30-3-1

## CHILD SUPPORT GUIDELINES (AS OF 12 SEPTEMBER 1997)

(1)(a) The child support guideline amounts as determined by this section presumptively established the amount the trier of fact shall order as child support in an initial proceeding for such support or in a proceeding for modification of an existing order for such support, whether the proceeding arises under this or another chapter. The trier of fact may order payment of child support in an amount different from such guideline amount upon a written finding, or a specific finding on the record, explaining why ordering payment of such guideline amount would be unjust or inappropriate.

(b) the guideline shall not:

1. Provide the basis for proving a substantial change in circumstances upon which a modification of an existing order may be granted.

2. Apply to parents with a combined net income in excess of \$120,000 per year. Such persons shall be subject to child support orders based upon individual case by case review.

(2) Income shall be determined for the obligor for the obligee as follows:

(a) Gross income shall include, but is not limited to, the following items:

1. Salary or wages.

2. bonuses, commissions, allowances, overtime, tips, and other similar payments.

3. Business income from sources such as self-employment, partnership, close corporations, and independent contracts. "Business income" means gross receipts minus ordinary and necessary expenses required to produce income.

4. disability benefits.

5. Worker's compensation.

6. unemployment compensation.

7. Pension, retirement, or annuity payments.

8. Social Security benefits.
9. Spousal support received from a previous marriage.
10. Severance pay.
11. Capital gains.
12. Gifts and prizes.
13. Interest and dividends.
14. Rental income, which is gross receipts minus ordinary and necessary expenses required to produce the income.
15. Income from royalties, trusts, or estates.
16. Reimbursed expenses or in kind payments to the extent that they reduce living expenses.
17. Gains derived from dealings in property, unless the gain is nonrecurring.

(b) Income shall be imputed to an unemployed or underemployed parent when such employment or underemployment is found to be voluntary on that parent's part, absent physical or mental incapacity or other circumstances over which the parent has no control. In the event of such voluntary unemployment or underemployment, the employment potential and probable earnings level of the parent shall be determined based upon his or her recent work history, occupational qualifications, and prevailing earnings level in the community; however, the court may refuse to impute income to a primary residential parent if the court finds it necessary for the parent to stay home with the child.

(c) Aid to families with dependent children benefits shall be excluded from gross income.

(3) Allowable deductions from gross income shall include:

(a) Federal, state, and local income tax deductions, adjusted for actual filing status and allowable dependents and income tax liabilities.

(b) Federal insurance contributions or self-employment tax.

(c) Mandatory union dues.

(d) Mandatory retirement payments.

(e) Health insurance payments.

(f) court-ordered support for other children which is actually paid.

(4) Net income for the obligor and net income for the obligee shall be computed by subtracting allowable deductions from gross income.

(5) Net income for the obligor and net income for the obligee shall be added together for a combined net income.

(6) The following schedules, plus or minus 5 percent, shall be applied to the combined net income to determine the minimum child support needed:

COMBINED MONTHLY AVAILABLE INCOME	Child or Children					
	ONE	TWO	THREE	FOUR	FIVE	SIX
Below 550.00	Monthly Basic Child Support Obligations Established at the Discretion of the Court					
550	50	51	51	52	52	53
600	82	83	84	85	86	87
650	112	113	114	115	116	118
700	141	142	144	145	147	148
750	151	172	173	175	177	179
800	158	201	203	205	208	210
850	166	230	233	235	238	240
900	173	259	262	265	268	271
950	180	279	291	294	298	301
1000	187	290	320	334	327	331
1050	194	301	350	354	357	361
1100	201	312	379	383	387	391
1150	208	323	405	413	417	422
1200	215	334	418	442	447	452
1250	222	345	432	472	477	482
1300	229	356	445	502	508	514
1350	236	367	459	518	543	549
1400	243	378	474	534	577	584
1450	251	390	488	550	599	618
1500	257	399	500	564	614	648
1550	263	409	512	577	629	672
1600	269	418	524	590	643	688
1650	275	428	536	604	658	704
1700	281	437	548	617	672	719
1750	287	447	560	631	687	735
1800	294	456	571	644	701	750
1850	300	466	583	657	716	766
1900	306	475	595	671	730	781
1950	312	485	607	684	745	797
2000	318	495	619	698	760	813
2050	325	505	632	712	775	829

2100	331	514	644	726	790	846
2150	338	524	656	740	806	862
2200	344	534	669	754	821	878
2250	350	544	681	768	836	894
2300	357	554	694	782	852	911
2350	363	563	705	795	865	925
2400	368	572	716	807	879	940
2450	374	580	727	819	893	954
2500	380	589	738	832	906	969
2550	386	598	749	844	920	983
2600	391	607	760	857	933	998
2650	397	616	771	869	947	1012
2700	403	625	782	882	961	1027
2750	409	633	793	894	974	1042
2800	414	642	804	907	988	1056
2850	420	651	815	919	1002	1071
2900	426	660	826	931	1015	1085
2950	431	669	837	944	1029	1100
3000	437	677	848	956	1042	1114
3050	443	686	859	969	1056	1129
3100	449	695	870	981	1070	1143
3150	454	704	881	994	1083	1158
3200	459	712	891	1005	1096	1174
3250	464	720	901	1016	1108	1185
3300	469	728	911	1028	1121	1198
3350	475	736	922	1039	1133	1211
3400	480	745	932	1050	1145	1225
3450	485	753	942	1062	1158	1238
3500	490	761	952	1073	1170	1252
3550	495	759	962	1085	1183	1265
3600	500	777	972	1096	1195	1278
3650	505	785	982	1107	1208	1292
3700	511	794	994	1120	1222	1307
3750	517	803	1005	1133	1236	1322
3800	523	813	1017	1146	1250	1337
3850	529	822	1028	1159	1264	1352
3900	534	831	1040	1172	1278	1367
3950	540	840	1051	1185	1293	1382
4000	546	849	1063	1197	1307	1397
4050	552	858	1074	1210	1321	1412
4100	558	868	1085	1223	1335	1427
4150	563	877	1097	1236	1349	1443
4200	569	886	1108	1249	1363	1458
4250	575	895	1120	1262	1377	1473
4300	581	904	1131	1275	1391	1488
4350	587	913	1143	1288	1405	1503
4400	592	923	1154	1300	1419	1518
4450	598	931	1159	1313	1433	1532
4500	604	940	1170	1325	1446	1546
4550	609	948	1180	1337	1458	1560
4600	614	956	1190	1348	1471	1573
4650	619	964	1200	1359	1483	1586
4700	624	972	1209	1370	1495	1598
4750	629	980	1219	1381	1507	1611

4800	635	987	1229	1392	1519	1624
4850	640	995	1239	1403	1531	1637
4900	645	1003	1249	1414	1543	1650
4950	650	1011	1258	1425	1555	1663
5000	655	1019	1268	1436	1567	1676
5050	660	1027	1278	1447	1579	1689
5100	665	1035	1288	1458	1591	1701
5150	670	1042	1298	1469	1604	1714
5200	675	1050	1307	1481	1616	1727
5250	681	1058	1317	1492	1628	1740
5300	686	1066	1327	1503	1640	1753
5350	691	1074	1337	1514	1652	1766
5400	696	1082	1346	1525	1664	1779
5450	701	1090	1356	1536	1676	1792
5500	706	1097	1366	1547	1688	1805
5550	711	1105	1376	1558	1700	1817
5600	716	1113	1386	1569	1712	1830
5650	722	1121	1395	1580	1724	1843
5700	727	1129	1405	1591	1737	1856
5750	732	1137	1415	1602	1749	1869
5800	737	1145	1425	1613	1761	1882
5850	742	1152	1435	1624	1773	1895
5900	747	1160	1444	1636	1785	1908
5950	752	1168	1454	1647	1797	1920
6000	757	1176	1464	1658	1809	1933
6050	762	1184	1474	1669	1821	1946
6100	768	1192	1483	1680	1833	1959
6150	772	1198	1497	1689	1843	1969
6200	775	1203	1504	1697	1851	1979
6250	779	1209	1511	1705	1860	1988
6300	783	1214	1518	1713	1869	1997
6350	787	1220	1526	1721	1878	2008
6400	790	1226	1533	1729	1886	2016
6450	794	1231	1540	1737	1895	2025
6500	798	1237	1547	1745	1904	2035
6550	802	1243	1554	1753	1913	2044
6600	805	1248	1561	1761	1922	2053
6650	809	1254	1568	1769	1930	2063
6700	813	1259	1575	1777	1939	2072
6750	817	1265	1582	1785	1948	2081
6800	820	1271	1589	1793	1957	2091
6850	824	1276	1597	1801	1965	2100
6900	828	1282	1604	1809	1974	2110
6950	831	1287	1611	1817	1983	2119
7000	835	1293	1618	1825	1992	2128
7050	839	1299	1625	1833	2000	2138
7100	843	1304	1632	1841	2009	2147
7150	846	1310	1639	1849	2018	2156
7200	850	1315	1646	1857	2027	2166
7250	854	1321	1653	1865	2035	2175
7300	857	1326	1660	1872	2043	2183
7350	860	1331	1666	1878	2050	2191
7400	862	1336	1672	1885	2057	2199
7450	865	1340	1678	1891	2064	2207

7500	868	1345	1684	1898	2072	2214
7550	871	1350	1690	1904	2079	2222
7600	874	1355	1696	1911	2086	2230
7650	877	1359	1702	1917	2093	2238
7700	879	1364	1708	1924	2100	2246
7750	882	1369	1714	1930	2107	2254
7800	885	1374	1720	1937	2114	2261
7850	888	1378	1726	1943	2122	2269
7900	891	1383	1732	1950	2129	2277
7950	894	1388	1738	1956	2136	2285
8000	896	1393	1744	1962	2143	2293
8050	899	1397	1750	1969	2150	2300
8100	902	1402	1756	1975	2157	2308
8150	905	1407	1762	1982	2154	2316
8200	908	1412	1768	1988	2171	2324
8250	911	1417	1774	1995	2179	2332
8300	914	1421	1780	2001	2186	2340
8350	916	1426	1785	2008	2193	2347
8400	919	1431	1792	2014	2200	2355
8450	922	1434	1797	2020	2206	2361
8500	924	1438	1801	2025	2212	2367
8550	926	1441	1806	2030	2217	2373
8600	929	1445	1810	2035	2222	2379
8650	931	1448	1815	2040	2228	2384
8700	933	1452	1819	2045	2233	2390
8750	935	1455	1823	2050	2239	2396
8800	938	1459	1828	2055	2244	2401
8850	940	1462	1832	2060	2249	2407
8900	942	1466	1837	2065	2255	2413
8950	945	1469	1841	2070	2260	2418
9000	947	1473	1846	2075	2266	2423
9050	949	1476	1850	2080	2271	2430
9100	951	1480	1854	2085	2276	2435
9150	954	1483	1859	2090	2282	2441
9200	956	1487	1863	2095	2287	2447
9250	958	1490	1868	2100	2293	2453
9300	961	1494	1872	2105	2298	2458
9350	963	1497	1876	2110	2303	2464
9400	965	1501	1881	2115	2309	2470
9450	967	1504	1885	2120	2314	2475
9500	970	1507	1890	2125	2320	2481
9550	972	1511	1894	2130	2325	2487
9600	974	1514	1898	2135	2330	2492
9650	977	1518	1903	2140	2336	2498
9700	979	1521	1907	2145	2341	2504
9750	981	1525	1912	2150	2347	2510
9800	983	1528	1916	2155	2352	2515
9850	986	1532	1921	2160	2357	2521
9900	988	1535	1925	2165	2363	2527
9950	990	1539	1929	2170	2368	2532
10000	992	1542	1934	2175	2374	2538

For combined monthly available income less than the amount set out on the above schedules, the parent should be ordered to pay a

child support amount, determined on a case by case basis, to establish the principle of payment and lay the basis for increased orders should the parent's income increase in the future.

(7) Child care costs incurred on behalf of the children due to employment or job search of either parent shall be added to the basic obligation. Child care costs in accordance with the standards for the Alabama Department of Human Resources are as follows:

**Licensed Day Care Center**

0 to 2 1/2:	
Full-time	\$155.00 per month
Part-time	77.50 per month

2 1/2 and older:	
Full-time	\$140.00 per month
Part-time	70.00 per month

Licensed Day Care Home:	
Full-time	\$95.00. per month
Part-time	48.00 per month

(8) Each parent's percentage share of the child support need shall be determined by dividing each parent's net income by the combined net income.

(9) Each parent's actual dollar share of the child support need shall be determined by multiplying the minimum child support need by each parent's percentage share.

(10) The court may adjust the minimum child support award, or either both parent's share of the minimum child support award, based upon the following considerations:

(a) Extraordinary medical, psychological, education, or dental expenses.

(b) Independent income of the child.

(c) The payment of both child support and spousal support to the obligee or the payment of support for a parent which regularly has been paid and for which there is a demonstrated need.

(d) Seasonal variations in one or both parent's incomes or expenses.

(e) The age of the child, taking into account the greater need of older children.



(f) Special needs that have traditionally been met within the family budget even though the fulfilling of those needs will cause the support to exceed the proposed guidelines.

(g) The particular shared parental arrangement, such as where the secondary residential parent spends a great deal of time with the children thereby reducing the financial expenditures incurred by the primary residential parent, or the refusal of the secondary residential parent to become involved in the activities of the child, or giving due consideration to the primary residential parent's homemaking services.

(h) Total available assets of the obligee, obligor, and the child.

(I) Any other adjustment which is needed to achieve an equitable result which may include, but not be limited to, a reasonable and necessary existing expense or debt. Such expenses or debt may include, but is not limited to, a reasonable and necessary expense or debt which the parties jointly incurred during the marriage.

(11) If the recurring income is not sufficient to meet the needs of the child, the court may order child support to be paid from nonrecurring income or assets.

(12) Every petition for child support or for modification of child support shall be accompanied by an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The affidavit shall be served at the same time that the petition is served. The respondent shall make an affidavit which shows the party's income, allowable deductions, and net income computed in accordance with this section. The respondent shall include this affidavit with the answer to the petition.

(13) For purposes of establishing an obligation for support in accordance with this section, if a person who is receiving public assistance is found to be non-cooperative, the agency is authorized to submit to the court an affidavit attesting to the income of the custodial parent based upon information available to the agency.