



STATE OF CONNECTICUT COMMISSION FOR CHILD SUPPORT GUIDELINES

Responses to Comments

| Name | Hearing Date | Comment | Commission's Response |
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| Ron Tolmoff | 9/17/13 | Instructions to calculate arrearage not clear | C.G.S. 46b-215(a)(7)(B) et seq. dictates how arrearages are calculated. How the arrearage is applied in a particular case is beyond the scope of the Commission. |
| Michelle Tolmoff | 9/17/13 | <p>Supports shared parenting; would like to see Mass. Model followed.</p> <p>Should count child support received from other children in family.</p> <p>Arrearages should be verified by the State.</p> | <p>The Commission considered approaches taken by a number of different states, including Massachusetts, including formulas. Based on all considerations, the Commission decided to continue the present model. The Commission proposes to continue use of the deviation criterion for shared physical custody in the guidelines to address shared parenting which is so extensive as to warrant support amounts that are not in accordance with the schedule of basic obligations. Under this criterion, deviation may be appropriate when a parent's physical care and control of the child substantially exceeds a normal access schedule. Application of the criterion is specifically authorized only when the shared parenting arrangement substantially affects the expenses for the child in either parent's home, and the</p> |

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| | | | <p>financial support needs of the child are adequately funded. The Commission carefully considered yet specifically rejects the adoption of a formula approach to setting support award amounts in shared parenting situations.</p> <p>Child support for children from another relationship is not included in net income because it would undermine that child's right to support.</p> <p>When the State is doing the enforcing, arrearages are verified by State. (hereinafter referred to as "Shared Parenting" response)</p> |
| John Clapp | 9/17/13 | <p>Supports shared parenting; would like to see Mass. Model followed. Payor/Obligor should not be the only parent with financial responsibility for child. Child support should not be based on "dollars for days".</p> <p>Claims Guidelines do not comport with Public Act 05-258 which requires court to act in best interests of child when awarding child support under §46b-56. Claims statute requires parents to share financial responsibility.</p> | <p>See "Shared Parenting" response above.</p> <p>Commission believes Guidelines comply with PA 05-258 http://www.cga.ct.gov/2005/ACT/PA/2005PA-00258-R00SB-01194-PA.htm and that they require both parents to share financial responsibility. See response above re: Shared Parenting.</p> |
| Marlon Pastor | 9/17/13 | Discussed personal custodial issue. | <p>This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues such as custody, parenting time, enforcement mechanisms, etc.</p> |

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| Jerry Mastrangelo | 9/17/13 | Income of new spouse should be taken into account in determining net income. | The Guidelines permit the court to take into account the income of the new spouse under the deviation criteria. See Section 46b-215a-3(b)(1)(D). |
| Jennifer Verraneault | 9/17/13 | Children should not be used as pawns in divorce. | This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues such as custody, parenting time, enforcement mechanisms, etc. |
| Nathan Cloutier | 9/17/13 | Supports shared parenting; would like to see Mass. Model followed. | |
| Thomas Daniels | 9/17/13 | Concerns about having to pay arrearage after son's untimely death. | Pursuant to the statute, arrearage obligations do not cease even if the child reaches age of majority or dies. |
| Frank Maturo | 9/17/13 | Enforcement of parenting plan; upon cohabitation the payments by the other individual should be included in the calculations of income. | This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues such as custody, parenting time, enforcement issues, etc. The Guidelines permit the court to take into account the income of the new spouse under the deviation criteria. See Section 46b-215a-3(b)(1)(D). |
| Bruce Trammel | 9/17/13 | Guidelines should take into account all father's debts. Likes 55% cap. Wants father's to be notified of | Guidelines do not take into account the debt of either party because the Commission has adopted the Income Shares methodology of determining child support. Conn. Gen. Stats. 17b-77(b) |

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| | | <p>mother going on state assistance.</p> <p>Would like Commission to incorporate lower chart numbers per economist report.</p> | <p>does require DSS to notify known legally liable relatives when someone applies for state assistance.</p> <p>The Commission engaged the services of an economist to provide an updated economic report. The Commission carefully considered the data with which it was presented and decided to adopt the economist's recommended table in part. More specifically, the Commission adopted those sections where the data recommended increases in the current support amounts, while it declined to adopt those sections where the data recommended decreases in the current support amounts across the board.</p> <p>The Commission continues to recognize that the living standard of either or both the resident and non-resident households may decline due to the necessity of maintaining two households instead of one. In arriving at its decision to adopt the economist's recommended tables in part, the Commission continued to focus on the best interests of children, rather than on relative living standards.</p> |
| Joseph Green | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Raymond Rice | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Larry Davis, Jr. | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |

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| Dennis Godale | 9/17/13 | <p>Didn't want to be reported if homeless. There should be a simpler way to modify child support.</p> <p>Obligor should not have to pay Child Support because son lives with him.</p> | <p>This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues such as custody, parenting time, enforcement mechanisms, etc.</p> <p>Modifications to child support are governed by C.G.S. §46(b)-86</p> |
| Demetrius Graham | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Christopher Williams | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Dwight Dickerson | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Barret Biesaw | 9/17/13 | He is disabled and has old car; wife seeking custody to get support payments. | This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues such as custody, parenting time, enforcement mechanisms, etc. |
| Jason Epps | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Samuel Erskine | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Alex Witherspoon | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Francis Davis, Jr. | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Jerome Butler, Sr. | 9/17/13 | <p>Same comments as Bruce Trammel</p> <p>Took second job to buy daughter car but the second job was included in his income in motion to modify.</p> <p>Would like notice if mother is on state assistance.</p> | <p>See responses for Bruce Trammel.</p> <p>Up to 45 hours of work are included in child support determinations.</p> <p>See Bruce Trammel response, above, re notice</p> |

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| | | Can lose passport if child support is not paid. | when cp goes on assistance.. |
| Christopher Williams | 9/17/13 | Same comments as Bruce Trammel | See responses for Bruce Trammel. |
| Oscar Gonzalez | 9/17/13 | Hard to meet expenses; Hard to maintain relationship with child because amount of child support does not leave enough to visit child. | A number of commenters raised the concern that child support orders for low income obligors do not leave enough money for basic expenses and that can negatively impact the person (typically a father's) ability to foster a relationship with the child. The Guidelines allocate income between the parties according to the schedule which is based on economic studies tracking income allocation to children in intact families. For very low income parents, the total combined income of both parents can still fall short of what is needed to ensure that a child is housed, clothed and fed. But the Commission is of course powerless to address the standard of living that is the starting point. In reviewing the low end of the guidelines, the commission had to balance the basic needs of children as well as the needs of the paying party, also recognizing, that a person who cannot maintain a stable place to live and basic transportation will not be able to find or keep employment in order to support a child or offer a place for the child to stay. The parent who lives apart from a child can play a critical role in a child's life by providing guidance and emotional support as well as financial support. And parenting, for |

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| | | | <p>many, matters not just for the child but for the parent's own identity and purpose in life.</p> <p>In striking the balance between the needs of the child and parent at the very lowest income levels, the Commission has maintained a self support reserve with a reduced percentage of income required from low income payers. This set of guidelines continues that concept from the previous guidelines and introduces the concept of a "circuit breaker," allowing a judge to reduce payments when the total combined support obligation exceeds 55%. The Commission also extended the low income shaded area to slightly higher income levels. (hereinafter referred to as "Fatherhood" response)</p> |
| John Dillon | 9/24/13 | Would like Commission to incorporate lower chart numbers per economist report. | <p>The Commission engaged the services of an economist to provide an updated economic report. The Commission carefully considered the data with which it was presented and decided to adopt the economist's recommended table in part. More specifically, the Commission adopted those sections where the data recommended increases in the current support amounts, while it declined to adopt those sections where the data recommended decreases in the current support amounts across the board.</p> <p>The Commission continues to</p> |

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| | | | recognize that the living standard of either or both the resident and non-resident households may decline due to the necessity of maintaining two households instead of one. In arriving at its decision to adopt the economist's recommended tables in part, the Commission continued to focus on the best interests of children, rather than on relative living standards. |
| John Clapp | 9/24/13 | See his comments above | See above |
| Don Neel | 9/24/13 | Difficult to support two households. Supports 50/50 parenting time. Not fair that only one parent pays to support child. | See "Shared Parenting" response above. See "Fatherhood" response above. |
| Scott Swartz | 9/24/13 | Child support should be lowered by \$5-10 per week to allow better relationship with child as payor will have money to spend on child. | Child support is calculated based on the net income of both parents. In appropriate circumstances, deviation criteria can address visitation expenses. |
| Thomas Weissmuller | 9/24/13 | Children relocated to Alaska. Supports Shared Parenting | See "Shared Parenting" and "Fatherhood" response above. |
| Edgar Young | 10/1/13 | Would like Commission to incorporate lower chart numbers per economist report. | The Commission engaged the services of an economist to provide an updated economic report. The Commission carefully considered the data with which it was presented and decided to adopt the economist's recommended table in part. More specifically, the Commission adopted those sections where the data recommended increases in the current support amounts, while it declined to adopt those sections where the data recommended decreases in the current support amounts |

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| | | | <p>across the board.</p> <p>The Commission continues to recognize that the living standard of either or both the resident and non-resident households may decline due to the necessity of maintaining two households instead of one. In arriving at its decision to adopt the economist's recommended tables in part, the Commission continued to focus on the best interests of children, rather than on relative living standards.</p> |
| Lincoln Wilson | 10/1/13 | Supports equal pay for efforts/time with children. | See "Shared Parenting" and "Fatherhood" response above. |
| Patricia Burnell | 10/1/13 | There should be upward adjustments for cell phones, car insurance and other items not included in child support. Guidelines should be updated more frequently. | Economist's report indicates that the Consumer Expenditure Survey which was the basis for the updated tables included expenses for utilities, sound equipment and car insurance. The schedule is based on average expense for these items by households at different specific income levels. |
| Leonard Wesley | 10/1/13 | Arrearages so high that not able to have good relationship with children. | See "Fatherhood" response above. |
| Sharon Dornfield | 10/1/13 | As attorney representing only children, she sees disparity of income of households affecting relationship with parent who does not have income. Children develop negative view of parent without the income. Difficult for parent without income to pay parent with income when that parent has excessive income. Against parent receiving child support having to account for spending of such amounts. | Connecticut follows the income shares model which is not an equalization model. The Commission continues to believe that the accounting of the use of child support would be an unreasonable burden on parents and the courts. |

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| Daniel Lynch | 10/8/13 | <p>Supports 50/50 shared parenting.</p> <p>Would like accounting of child support expenditures by recipient.</p> | <p>See "Shared Parenting" response above.</p> <p>The Commission continues to believe that the accounting of the use of child support would be an unreasonable burden on parents and the courts.</p> |
| Tony Judkins | 10/8/13 | <p>Would like Commission to incorporate lower chart numbers per economist report.</p> | <p>The Commission engaged the services of an economist to provide an updated economic report. The Commission carefully considered the data with which it was presented and decided to adopt the economist's recommended table in part. More specifically, the Commission adopted those sections where the data recommended increases in the current support amounts, while it declined to adopt those sections where the data recommended decreases in the current support amounts across the board.</p> <p>The Commission continues to recognize that the living standard of either or both the resident and non-resident households may decline due to the necessity of maintaining two households instead of one. In arriving at its decision to adopt the economist's recommended tables in part, the Commission continued to focus on the best interests of children, rather than on relative living standards.</p> |

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| Chris Kennedy | 10/15/13 | General comment about orders; not being able to comply w/ orders financially. He was imputed income; court required arrearages. Order should be retroactive to date motion is filed. | Court has authority to make orders retroactive to date of service. |
| John Delmonte | 10/15/13 | Supports shared parenting; would like to see Mass. Model followed. | See "Shared Parenting" and "Fatherhood" responses above. |
| Raphael Podolsky | 10/15/13 | <p>Would like Commission to incorporate lower chart numbers per economist report.</p> <p>Circuit breaker – 55% cap- he recommends allowing judge discretion to deviate when child support order would exceed 55% even if the custodial parent is a low income obligor (income in shaded area). Since it is typically the case that both parties will have low income, removing judge's discretion to deviate when custodial parent is low income leaves few situations where rule will apply.</p> <p>Against increase to 100% on arrearage once child reaches age of majority.</p> | <p>The Commission engaged the services of an economist to provide an updated economic report. The Commission carefully considered the data with which it was presented and decided to adopt the economist's recommended table in part. More specifically, the Commission adopted those sections where the data recommended increases in the current support amounts, while it declined to adopt those sections where the data recommended decreases in the current support amounts across the board.</p> <p>The Commission continues to recognize that the living standard of either or both the resident and non-resident households may decline due to the necessity of maintaining two households instead of one. In arriving at its decision to adopt the economist's recommended tables in part, the Commission continued to focus on the best interests of children, rather than on relative living standards.</p> |

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| | | | <p>The Commission voted to allow deviations when the cumulative support obligation exceeds 55%, including cases where the custodial parent's income is the level of a low income obligor. In such situations, the judge or magistrate will now be able to exercise discretion to cap the obligation at 55%, ensuring that the obligor is left with a minimum, unless there is a finding that this would work hardship on the other parent and child/ren.</p> <p>The Commission decided to increase arrearage payments to the full amount of the previous support order, on emancipation of the child, to ensure that arrearages get repaid.</p> |
| Jane Torrey | 10/15/13 | Need for flexibility and long term thinking | No response required. |
| Louis Kiefer | 10/15/13 | | |
| | Written comment | The Commission should adopt a shared parenting formula rather than leaving it discretionary. | See "Shared Parenting" and "Fatherhood" responses above. |
| | Written comment | If there is a bump because of "the high mean income in Connecticut," the bump should be removed. | The Commission engaged the services of an economist to provide an updated economic report. The Commission decided to adopt the economist's recommended tables in part when it made the proposed revisions to the guidelines. |
| | Written comment | All alimony should be treated as income, and the guidelines should not place alimony in a preferred position, and exclude the recipient of alimony from paying child | The Commission made a policy decision not to include alimony as a gross income inclusion for purposes of calculating child support. |

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| | | support. | |
| | Written comment | The Commission should do away with the extended percentages of 1/1000 and get rid of percentage all together. | The Commission engaged the services of an economist to provide an updated economic report. The Commission decided to adopt the economist's recommended tables in part when it made the proposed revisions to the guidelines. |
| | Written comment | The Commission should use incremental costs rather than per capita costs in determining the guidelines amounts. | The Commission engaged the services of an economist to provide an updated economic report. The Commission decided to adopt the economist's recommended tables in part when it made the proposed revisions to the guidelines. |
| | Written comment | The Commission should accept the Supreme Court's invitation to clarify the high earner's percentage of child support and accept a case by case analysis. | <p>The Commission engaged the services of an economist to provide an updated economic report. The Commission decided to adopt the economist's recommended tables in part when it made the proposed revisions to the guidelines.</p> <p>The Commission considered the Connecticut Supreme Court's decision in <i>Dowling v. Szymczak</i>. The Commission determined it was constrained by the economic data contained in the updated economic report and, as a result, there was no data to support extending the child support obligations chart beyond the current highest level of combined net weekly income of \$4,000.00.</p> |
| Jane Torrey | written, | same as testimony 10-15 | no response needed |
| Johannes den Hartog | written | -shared parenting is not dealt with fairly: for equal time, | The Guidelines Commission redefined shared custody, |

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| | | <p>equal income couple, one has double the support obligation. Resentment ensues that is corrosive to relationship with kids and ex spouse -“non-custodial parent” makes no sense in shared parenting context</p> | <p>added a new section in the guideline procedures and modified the language in the deviation criterion that address shared custody. Shared custody typically entails higher costs for both parties that can impact each differently, depending on their relative incomes and the allocation of other expenses. As modified, the guidelines give the court discretion to craft orders according to the specific situation presented. They no longer require that either parent be designated the custodian in a shared parenting situation.</p> |
| John Clapp | written -he also testified at several hearings | <p>Endorses aspects of MA guideline revision process: - a threshold for time w parent that reduces support. Ma went with 33 he wants 25%. (Similar to CT’s split custody calculation.) See footnote for specific recommendation ¹ -Commission made up of judges, impartial see both sides;</p> | <p>This proposal might be equitable in some situations, but shared custody typically entails higher costs for both parties that can impact each differently, depending on their</p> |

¹ Recommendation on how the Guidelines can recognize shared parenting

Where two parents share equally, or approximately equally, the financial responsibility and parenting time for the child(ren), child support shall be determined by calculating the child support guidelines twice, first with one parent as the Recipient, and second with the other parent as the Recipient. The difference in the calculations shall be paid to the parent with the lower weekly support amount.

If the nonresidential parent has parenting time greater than 25%, but less than 50% of the time (2 to 3 nights per week and equal holidays), the guidelines shall be calculated first with one parent as the recipient, and second as if the parties shared custody equally. The results of each calculation shall be averaged and the final amount paid to the parent with the lower weekly support amount.

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| | | <p>Also</p> <ul style="list-style-type: none"> -gathered data re agreement to below guideline amounts -Ct's "winner take all" approach engenders conflict -in near equal custody situations, cp is presumed to spend share under guidelines directly on kids; ncp may have comparable direct expenses, with child support payment in addition | <p>relative incomes and the allocation of other expenses. The deviation criterion allows the judge to craft the orders according to the specific situation presented.</p> |
| Lauren Barth | written | <p>in near equal custody situations, cp is presumed to spend share under guidelines directly on kids; ncp may have comparable direct expenses, with child support payment in addition</p> | <p>See "Shared Parenting" response above.</p> |
| Myron Guthrie | written | <ul style="list-style-type: none"> -should be reviewed in light of best interest of the child -unfair award in his case, no accountability for cp expenditures engenders conflict w visitation | <p>Deliberations of the commission were guided by consideration of the best interest of the child; "best interests of the child" also remains a specific deviation criterion in cases where needed.</p> |
| Bruce S. Gordon | written | <ul style="list-style-type: none"> -arrearage payment should equal current plus arrears once the child reaches 18 -if total orders >55%, deviation criteria should also allow consideration of assets -inheritances should go to child support, 100% not 50% as state reimbursements do -subsequent children should be grounds for modification in the context of arrearage increasing to full amount | <p>The commission has changed the arrearage guidelines so that payment on the arrearage increases to the current support amount once the current support liability for that child ends. Child support orders are based on ability to pay. If a person's ability to pay changes from time of entry of the initial order until the time the arrearage order is activated, it might be grounds to change the payment on the arrearage order, up or down, to equal the current support obligation based on current income.</p> |

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| | | | <p>The deviation criteria for orders that exceed 55% of income will be based on all evidence before the court, including assets, where relevant.</p> <p>Inheritances are already subject to full (not 50%) recovery to repay child support debt. Conn. Gen. Stats. §§17b-93 and 94.</p> |
| Barbara Stark | written | exclude the child tax credit as well as the earned income tax credit—they come in one check. Family Law software already does this. | The Commission evaluated the effect of excluding the child tax credit as income under a range of scenarios and concluded that it would have virtually no impact on the amount of the support orders. Therefore no change was made. |
| Joan Kloth-Zanard | written | Makes herself available to help courts act in best interests of children | No response necessary; comment accepted. |
| Allison Pikiell | written | Ex has hidden assets so modification hasn't been successful. Looking for a way to expose him w/o atty | This comment is beyond the scope of the Guidelines as the Commission is authorized to deal only with the financial aspects of child support and not other issues, such as custody, parenting time, enforcement mechanisms, property distributions, etc. |
| Mark Lee | written | <p>-“reconsider wisdom of increasing marginal rates” in this down economy</p> <p>-allow consideration of alimony in the context of a downward child support modification in the situation where alimony has been modified upward</p> <p>-questions why dependent's benefits paid directly to a child count as income to the obligor</p> | The definition of allowable deductions has been changed to disallow the deduction of alimony and child support awards, payable to others not involved in the support determination, in a downward modification, if the order sought to be modified was taken into account when the alimony or support award in question entered. If an alimony award had been subsequently increased, whether it would be |

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| | | | <p>an allowable deduction would likewise depend on whether the child support order that a party seeks to modify was taken into account at the time the alimony award was increased.</p> <p>The allocation of the dependent's benefit as income to the person on whose account the benefits is paid is controlled by the Supreme Court's decision in <u>Jenkins v. Jenkins</u>, 243 Conn. 584 (1998)</p> |
| Raphael Podolsky | written | same as oral, 10/15 above | same as above |
| Charisse Hutton | written, also spoke at 10/15 | <p>anticipates administrative complexity for SES as a result of child care monetary amounts. Asks commission to consider:</p> <p>1-clarifying procedure to modify as circs change 2-make monetary amounts for fixed period only, sunseting as kids age out 3- allocate per child if multiple kids</p> | The Commission revisited this issued and concluded that the administrative burdens of implementing defined monetary amounts for child care orders outweighed the potential benefit. Therefore, the child care contribution remains a percentage amount unless the parties agree to a dollar amount or a there is a finding of noncompliance. |
| Rita Fuerst Adams | written | Shared parenting is increasingly the trend and guidelines should change in response, recommendations from National Parents Organization supposedly attached, But what are they? | See "Shared Parenting" response above. |