

## 8. CHILD SUPPORT WORKSHEET (Form UD-8):

The Plaintiff **must** submit this document where there are unemancipated children of the marriage (children under the age of 21 who are supported by a parent or guardian). It lists the amount of child support that must be paid to the custodial parent by the non-custodial parent. If you have a Family Court order that directs the payment of a specified amount of child support, you do not have to fill in this worksheet. A copy of that order must be submitted with your papers.

This form requires you to list financial information. You may use a tax return, pay stub, W- 2 or any financial document that will assist you in completing the form. You may also use other information that you have to assist you. For example, if the Defendant was earning \$20,000 per year at the time you separated or if you know someone with the same job making \$20,000, you should list that amount and state the source of your information in Field 7 or Field 8.

If you do not know the Defendant's income at present, write the number 0 in all relevant sections with the word "unknown" next to that amount. Fill out the remainder of the form to the best of your ability. When you reach Field 35, you will be receiving \$300 per year, the statutory minimum. You may return to this Court or the Family Court should you learn Defendant's income at a later date. The Defendant may also return to court to show that he/she cannot pay this minimum amount.

Although this document looks complicated, a careful, step-by-step approach should help you complete it properly and without too much trouble. When things become complicated, examples will be given. You should complete this form **before** your prepare the summons, so that you can give the Defendant the required notice as to the amount of child support demanded or offered, as the case may be. It may help to read through the form before you begin. All statutory references in the form are to Domestic Relations Law Section 240(1-b).

Field 1: Insert the county in which you are bringing the action.

Field 2: Print the Plaintiff's name.

Field 3: Insert the index number assigned to the action.

Field 4: Print the Defendant's name.

Field 5: Insert the Plaintiff's name. Please note that in some cases the Defendant prepares this form; if so, put the Defendant's name here.

Field 6: Check the appropriate box to show whether the Plaintiff or the Defendant is signing this document. This check will correspond to field 5.

Field 7: Insert the father's annual gross income (before taxes) in Item number 1. If the father has income listed in Items 2-14 that he does not include in Item number 1, then put that yearly dollar amount next to the appropriate numbered category. Add up all of the items to get the "total mandatory income". Here are two examples:

**Example One:** The father is a truck driver who earns \$30,000 per year, which is his total income. Put \$30,000 in the blank next to number 1. Put -0- in the blanks next to numbers 2-14. The total mandatory income is \$30,000.

**Example Two:** The father is a teacher and earns \$30,000 per year but also receives a \$10,000 pension from a prior profession. Put \$30,000 in the blank next to number 1; put \$10,000 in the blank next to number 8, and put -0- in all the other blanks. The total mandatory income is \$40,000.

Field 8: List the mother's total income in the same way that the father's income was stated.

Field 9: Insert the father's non-mandatory income. The form designates various kinds of non-mandatory income. If there is any income of this nature, you must list it. If there is none, the total is -0-.

Field 10: List the mother's total non-mandatory income.

Field 11: This is the total of Field 7 and Field 9.

Field 12: This is the total of Field 8 and Field 10.

Field 13: List the father's total deductions. These deductions are itemized in numbers 19 to 27. The deductions used most often are: number 26 (New York City or Yonkers income tax) and number 27 (Social Security taxes). Read each item to see which deductions apply, then total all the father's deductions and put that figure in line D (Total Deductions). Remember, these figures are yearly totals.

Field 14: List the mother's total deductions.

Field 15: List the father's adjusted income - his total gross income from field 11 minus his total deductions from field 13.

Field 16: List the mother's adjusted income - her total gross income from field 12 minus her total deductions from field 14.

Field 17: Insert the combined income of both the father and the mother. Add field 15 and Field 16.

Field 18: Insert the combined child support of the mother and the father. To find the correct amount, multiply the combined income in field 17 by the appropriate percentage listed in field 18. (If the combined income in field 17 is over \$80,000, then disregard the amount exceeding \$80,000 for now and multiply the appropriate percentage by \$80,000).

**For Example:** If the father's adjusted income is \$30,000 (field 15) and the mother's

adjusted income is \$20,000 (field 16), then their combined income is \$50,000 (field 17). Suppose there is one child. Looking at field 18, you

see: For 1 child...17%. You multiply  $\$50,000 \times 17\% = \$8,500$ . You now have the combined child support of \$8,500; this number will be put in field 18.

Field 19: Insert the non-custodial parent's income. To do this, take the adjusted income of the person who does not have the child and insert this (either field 15 or field 16) in field 19.

Field 20: Insert the combined income. Whatever is in field 17 will be repeated in field 20.

Field 21: This amount is the result of simple division. Divide the non-custodial income (field 19) by the combined parental income (field 20) to arrive at a percentage - sometimes called "the prorated share".

**For Example:** Suppose the father is the non-custodial parent; his adjusted income is \$30,000, and the mother's income is \$20,000. The combined income is \$50,000. You divide \$30,000 [non-custodial parent's income] by \$50,000 [Combined income].  $\$30,000 / \$50,000 = .60$  or 60%. Put this percentage in field 21. This percentage is important, because it will be used later to determine obligations of the non-custodial parent.

Field 22: Multiply the combined child support (field 18) times the non-custodial parent's percentage [prorated share] (field 21) and insert the result in field 22. This is the non-custodial parent's share of the total child support.

**For Example:** Using the figures in the last two examples,  $\$8,500 \times 60\% = \$5,100$ .

Field 23: Insert the amount of child support on the amount over \$80,000. Look at Step 11 of the Child Support Worksheet to see what factors might affect the child support on amounts over \$80,000. Some people decide to simply use the same formula that was used in field 22 and hope the court goes along with that.

Field 24: Insert the sum of field 22 and field 23.

Field 25: Insert the cost of child care for certain items. If you pay for any of those items, put a check in the appropriate box and place the total annual expense in field 25.

Field 26: Insert the non-custodial parent's share of the child care check in field 25. To do this, multiply the total child care expense (field 25) by the non-custodial parent's prorated share (field 21), and put the number in field 26.

**For Example:** If field 21 is 60% and field 25 is \$1,000 then field 26 would be  $\$1,000 \times 60\% = \$600$ .

Field 27: Insert the amount for future annual health care expenses not covered by insurance.

Field 28: Insert the non-custodial parent's share of the health care as listed in field 27. To do this, multiply the total future health care expenses in field 27 by the percentage in field 21.

Field 29: List the annual amount for educational expense. Use Step 11(b) as a guide to decide if it is appropriate to put any amount in field 29.

Field 30: Insert the non-custodial parent's income. This is the same amount that is in field 19.

Field 31: Insert the total amount of support, child care, future health care and educational expense attributable to the non-custodial parent. This field is the addition of field 24 + field 26 + field 28 + field 29.

Field 32: Field 32 = field 30 - field 31. This amount is used to determine whether or not the low income exemptions apply to this case. If the deduction from the non-custodial parent's income of child support, child care, future health care and educational expense brings his income below poverty level or below the self-support reserve, then a different formula, as determined by fields 33-36, is used to determine the appropriate child support.

To see whether you have to use that different formula in fields 33-36, you first have to determine what are the poverty level and the self-support reserve. Every April 1st the poverty level as well as the self support reserve changes. You may obtain the most current figures from the Child Support Standards Chart, which is available from the Supreme Court Clerk's Office. On April 1, 1999, the poverty level was \$8,240 and the self-support reserve was \$11,124 (135% of the poverty level).

Now you can see whether any of the low income exemptions apply. There are three possibilities. First -- If the figure you get in field 32 is larger than the self-support reserve, then you are finished with this form except for signing and notarization. Second -- If the figure you get in field 32 is less than the poverty level, then you must complete field 33 and field 34 before you are finished. Third -- If the figure you get in field 32 falls between the poverty level and the self-support reserve, skip field 33 and field 34 and move on to field 35 and field 36.

Field 33: List the adjusted income of the non-custodial parent as set forth in field 30, but only when field 32 is below the poverty level. Otherwise, skip this field.

Field 34: Insert the amount of the self-support reserve, as calculated using the instructions in the footnotes at the bottom of page four of the form.

Field 35: This amount is the remainder after subtracting the self-support reserve (field 34) from the non-custodial parent's income (field 33). If the amount on field 34 is greater than \$300, then the correct child support is field 34. If the amount in field 34 is \$300 or less, then the correct child support is \$300

per year. Keep in mind that the amount on field 34 may be less than \$0, which occurs when the non-custodial parent's income is less than the self support reserve. Treat any figure below \$0 as \$0. As noted, that will result in child support of \$300 per year.

Field 36: List the adjusted income of the non-custodial parent as set forth in field 30, but only when field 32 was below the self support reserve and above the poverty level. Otherwise skip this field.

Field 37: Insert the amount of the self-support reserve, as calculated using the instructions in the footnotes at the bottom of page four of the form.

Field 38: Insert the remainder after subtracting the self-support reserve (field 37) from the non-custodial parent's income (field 36). If the amount in field 36 is greater than \$600, then the correct child support is field 36. If the amount in field 36 is \$600 or less, then the correct child support is \$600 per year.

It is strongly advised that you attach to this document the latest income tax returns, W-2's, 1099's, pay stubs -- or whatever documentation you have -- to substantiate the amounts you state in this form.

Field 39: Plaintiff must sign this document. If the defendant prepared this document, then the defendant signs it. This form must be signed and sworn to before a notary public.