

I am the non-custodial parent and respondent to a non-covenant divorce after 20 years of marriage and two children. Because this divorce did not have to prove fault with either party, I wrongfully consented to the divorce without due process regarding primary custody of the children. Since the divorce, I have recognized that the child support guidelines benefit the custodial parent when disparities exist in the parent's relative income. These disparities in income and other parenting styles were not part of the custody decision with the above non-covenant divorce scenario. In fact, the custodial parent's lower work ethic has been rewarded by child support funding that is over and above the children's living expenses; since, there is no requirement that any excess be put in trust for the children or used for further education. Without a custody determination by court appointed experts in parenting, the child support guidelines and non-covenant divorce process encourage divorce for monetary gain. It seems that the court should determine custody even in cases of consent decrees. As it stands, I have been reluctant to visit my children for over 3.7 years since they are being taught the poor work ethic of the custodial parent.

Regarding your request for comments and suggestions pertaining to the current Child Support Guidelines, I offer the following examples of my concerns above.

- Current Guidelines Unfairly Reward Inequality of Earning Ability
 - If the higher earning ability parent has primary custody, this parent receives a proportionately smaller child support amount from the other parent.
 - higher-earning parent chose more ambitious career path & is penalized for this choice.
 - If the lower earning ability parent has primary custody, this parent receives a proportionately larger child support amount from the other parent.
 - Lower-earning parent chose less ambitious career path & is rewarded for this choice.
 - No legal obligation that this parent will use the child support amount to raise the children's standard of living above the custodial parent's lower standard of living.
 - Incentivizes lower earning ability parent to exercise a non-covenant (no-fault) divorce. Divorce rate was 25% in 1966. In 2008, it is over 50%.
 - Financial incentive detracts from a balance of parental skills and earning ability by rewarding lower-income custodial parent
 - Annualized work hours can be appreciably different, further penalizing the ambitious career path of the higher earning ability parent.
 - Future earnings and merit raises are appreciably different, between the parents, and the inflated earnings will be used in child support

modifications. This further penalizes the higher earning ability parent, regardless of custody.

- Custody & Child Support guidelines should consider the cause for divorce and any significant inequality of parental earning ability when balancing the children's future quality of life equation.
 - If no cause for divorce is shown (non-covenant), a custody hearing should be required, at a minimum, before a consent decree of divorce is adjudicated.
 - Child support should sustain the children's standard of living that existed *at the time of the divorce*.
 - Child Support and any future modifications to Child Support should be based on the income earning ability of the primary custody parent *at the time of divorce*.
 - Non-custodial parent's attributed wages should be *no larger than* custodial parent's attributed or actual wages
- Current Guidelines Unnecessarily Complicate Children's Medical Insurance and Out-of Pocket Medical Expenses
 - Children' medical insurance and expenses should be provided by custodial parent and not included as a credit to non-custodial parent's child support obligation.
 - Each parent's ability to secure medical insurance should factor into custody decision
 - Puts responsibility of necessary (non-cosmetic) children's medical expenses solely on custodial parent
 - Puts responsibility for administering children's medical insurance solely on custodial parent.
 - Avoids false claims of children's medical expenses
 - No net affect on non-custodial parent's child support obligation.
- Current Guidelines Unnecessarily Complicate Parent's Tax Exemption for Dependent Children
 - The tax exemption should be provided solely to the custodial parent
 - currently proportioned to each parent depending on relative income
 - currently requires a signed release of tax exemption by custodial parent that can be falsely withheld by custodial parent.
 - Offsets custodial parent's out-of-pocket children's medical expenses
 - Avoids false claims of out-of-pocket children's medical expenses and tax exemption value.

- Current Guidelines Presumptive Child Support Termination Date not Enforceable
 - This should be all that is needed to terminate wage assignment; but, apparently, some employers need further court orders.
 - Simplifies the process and saves the taxpayers time & money through reduced court intervention.

Appendix A: Example Calculation for Equal Capabilities/Equal Work Calenders

Assume the current child support order assumes the custodial parent is capable of a “full-time” teaching job with Mesa Public Schools (MPS) and the non-custodial parent is capable of a full-time Senior Aerospace Engineering job. **This does not differentiate between the required numbers of hours to fulfill the duties of these jobs.** Instead, the current child support order takes the gross income of both of these jobs and assumes that both income earners are *not* equally capable in terms of total number of hours worked per year. **This is an unfair bias.** The total number of hours *that can be worked* by the parents is shown in Table 1. This table assumes the non-custodial parent works full time during the normal school year and does *not* work for 4 weeks during summer school using MPS teacher’s calendar of work days and 6.5 work hours per day. The table also assumes that the non-custodial parent works full time with Raytheon Missile Systems (RMS) using 12 RMS holidays, 3 weeks of vacation/year, and 8.0 work hours per day. The supporting calculations for the Hours/Year data in Table 1 can be provided if necessary.

Worker	Gross Monthly Salary	Hours/Year	Prorated Monthly Salary	
			Normalized to Plaintiff	Normalized to Defendant
Plaintiff	\$4,167	1209	\$4,167	\$6,480
Defendant	\$10,000	1880	\$6,431	\$10,000

Table 1: Prorated Gross Income of Parents

The current child support order assumes the non-custodial parent is capable of a “full-time” teaching job with Mesa Public Schools (MPS) and the defendant is capable of a full-time Senior Aerospace Engineering job. **The current child support order does not account the higher income earner’s choice to pursue a higher level of education and work ethic. Instead, the current child support order rewards the lower income earner’s choice to not pursue a higher education and earning capacity during the marriage.** To provide an equitable resolution to the parent’s responsibility for child support, the average income of both parents is \$8,240/month (from Table 1 Prorated Monthly Salary Normalized to Defendant average of \$6,480 and \$10,000). This is the proposed attributed gross earning, for each parent, for use in the “Parent’s Worksheet for Child Support Amount”, line 7.