



DEVIATION AND HIGH INCOME

**A.ELIZABETH KEEVER
CHIEF DISTRICT COURT JUDGE
12th JUDICIAL DISTRICT**



NCGS 50 – 13.4(c)

Payments for the support of a minor child shall be in such amount as to meet the reasonable needs of the child for health, education, and maintenance, having due regard to the estates, earnings, conditions, accustomed standard of living of the child and the parties



GUIDELINES

- REBUTTABLE PRESUMPTION**
- INCOME SHARES MODEL**
- NEEDS OF CHILD**
- ABILITY TO PAY**

EXTRAORDINARY EXPENSES

- **NOT DEVIATION**
- **ADJUSTMENT TO GUIDELINE AMOUNT**
- **NO FINDINGS REQUIRED***

DEVIATION NOTICE

- **10 DAY NOTICE**
- **EVIDENTIAL WAIVER**
- **COURT'S OWN MOTION**

BURDEN OF PROOF

- **ON PERSON REQUESTING DEVIATION**
- **BY GREATER WEIGHT OF EVIDENCE**

BASIS FOR DEVIATION

- **GUIDELINE AMOUNT DOES NOT MEET OR EXCEEDS THE CHILD'S NEEDS CONSIDERING RELATIVE ABILITY OF EACH PARENT TO PROVIDE SUPPORT**
- **GUIDELINE AMOUNT IS OTHERWISE UNJUST OR INAPPROPRIATE**

FINDINGS

- **GUIDELINE AMOUNT**
- **NEEDS OF CHILD**
- **ABILITY OF EACH PARENT TO MEET NEEDS**
- **REASON TO DEVIATE**
- **BASIS FOR AMOUNT ORDERED**

REASONS TO DEVIATE

- **100% CHILD SUPPORT/ HEALTH INSURANCE**
- **SHADED AREA AND CHILD CARE OR HEALTH INSURANCE**
- **PAYMENT OF ALIMONY**
- **MULTIPLE ORDERS**

REASONS CON'T

- TAX EXEMPTION
- THIRD PARTY PAYMENTS
- CHILD'S INCOME
- MEDICAL EXPENSES

REASONS CON'T

- NONTAXABLE INCOME
- VISITATION COSTS
- EXTRACURRICULAR ACTIVITIES
- OTHER

APPEAL

- ABUSE OF DISCRETION

HIGH INCOME

- **\$25,000 PER MONTH AND ABOVE**
- **GUIDELINES DO NOT APPLY**
- **NEEDS OF CHILD**
- **ABILITY OF EACH PARENT TO PAY**
- **MAXIMUM GUIDELINE AMOUNT MAY BE MINIMUM**
