



Setting Child Support

July 2009



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
- 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

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
