

Purpose of form

The purpose of Form 03EN005E, Child Support Computation for Period Prior to July 1, 2009, is to calculate judgments in establishment cases applying the child support guidelines law for time periods through June 30, 2009, see Title 10 Section 83 and Title 56 Section 238.6B.

Instructions

Enter on the first line as the heading after "IN THE" either:

DISTRICT COURT OF _____ COUNTY. Enter the name of the county in which the order will be filed.

Or

**OFFICE OF ADMINISTRATIVE HEARINGS: CHILD SUPPORT OKLAHOMA
DEPARTMENT OF HUMAN SERVICES**

Blank lines to the left of Dist. Ct. Case No., OAH Case No., OK-IV-D-FGN, Obligor, and Custodial Person: Insert one of the following case styles:

- (1) **Case with existing pleading filed of record:** The style must remain as it is on the existing, underlying order unless the court orders otherwise.
- (2) **Case without existing pleading:**
 - (a) In a proceeding for dissolution of marriage, an annulment of a marriage, or a legal separation, enter "In re the Marriage of (insert Petitioner's name) and (insert Respondent's name)."
 - (b) In a proceeding to establish parentage or child support obligations filed with the Office of Administrative Hearings: Child Support, Oklahoma Department of Human Services, enter "In the Interest of the Children of (insert parent's name) and (insert parent's name)." The names of the obligor and the custodial person must be listed under the case numbers.
 - (c) In a proceeding to establish parentage or child support obligations filed in district court, enter (insert Petitioner/Plaintiff's name) vs. (insert Respondent/Defendant's name).

Dist. Ct. Case No.: Enter the District Court case number if the case is in District Court.

OAH Case No.: Enter the OAH case number if the case is in Administrative Court.

OK-IV-D-FGN: Enter the OK IV-D number, that is, the Family Group Number (FGN), used by the Oklahoma Department of Human Services (OKDHS) Child Support Enforcement Division (CSED) in their records.

Obligor: Enter the name of the obligor (noncustodial parent) as it appears in the court action.

Custodial Person: Enter the name of the obligee (custodian) as it appears in the court action.

Calculation for number of children: Enter the number of children included in this FGN for whom support is being calculated.

Obligor (noncustodial parent) is: Enter the parent who is the obligor, that is, mother or father.

Note: The obligor is the noncustodial parent who is obligated to pay child support. The obligee is the custodial person to whom child support is owed.

A. Base monthly obligation

Line 1 – Gross monthly income. [43 O.S. § 118(E)(1) - (4)] Enter father's and mother's gross monthly income from employment and all other sources, except child support and means-tested public assistance, such as Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), General Assistance, State Supplemental Payment (SSP) for the Aged, Blind, and Disabled, and Food Stamp Program.

To determine gross income, use:

- All earned and passive monthly income; **or**
- All passive income, and earned income equivalent to a 40-hour work week plus such overtime and supplemental income as the court deems equitable; **or**
- Average of gross monthly income for the time actually employed during the previous three years; **or**
- Minimum wage for a 40-hour work week; **or**
- Imputed gross monthly income in the amount a person with comparable education, training, and experience would reasonably expect to earn.

Earned income is defined as income received from labor or the sale of goods or services, and includes, but is not limited to, income from salaries, wages, commissions, bonuses, and severance pay.

Passive income is defined as all other income, and includes, but is not limited to, income from dividends, pensions, rent, interest income, trust income, annuities, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, gifts, prizes, and royalties.

Gross income from self-employment, rent, royalties, and proprietorship of a business or corporation is defined as gross receipts minus ordinary and necessary expenses required for self-employment or business operations. An amount equal to the employer contribution for FICA tax that an employer would withhold from an employee's earnings on an equivalent gross income amount may be deducted from self-employment gross income.

Line 2 – Less court-ordered optional monthly adjustment for marital debt. Enter the amount of reasonable expenses attributable to debt service for

preexisting, jointly acquired debt of the parents. This amount may be deducted from gross income to the extent payment of the debt is actually made.

Line 3 – Less court-ordered monthly child support and support alimony actually paid for others. Enter the amount of the court-ordered monthly child support and support alimony actually paid by either parent in other cases based upon prior orders.

Line 4 – Adjusted gross monthly income. Subtract the amounts on Lines 2 and 3 from Line 1 to determine the adjusted gross monthly income.

Line 5 – Percentage share of income. Divide the adjusted monthly gross income on Line 4 for each parent by the combined monthly gross income on Line 4 to determine the percentage each parent has of the combined monthly gross income.

Line 6 – Base monthly obligation. Using the Child Support Guideline Schedule in 43 O.S. § 119, determine the combined base monthly obligation for the number of children in this calculation based on the combined adjusted monthly gross income in Line 4. Multiply the combined base monthly obligation by the percentage for each parent on Line 5 to determine each parent's share of the base obligation.

Example: A couple has two children. The father has \$1,400 adjusted monthly gross income and the mother has \$1,100. Their combined adjusted monthly gross income is \$2,500. The father has 56% of the combined adjusted monthly gross income and the mother, 44%. According to the Child Support Guideline Schedule in 43 O.S. § 119, the combined base monthly obligation would be \$643. The father's base child support obligation is \$360.08 ($\$643 \times .56$) and the mother's, \$282.92 ($\$643 \times .44$).

B. Shared parenting adjustment [43 O.S. § 118(E)(10)]

The shared parenting adjustment provides an adjustment to the child support obligation in cases when shared parenting time is ordered. This adjustment is used when an obligor has physical custody of the children overnight for more than 120 nights per year. If this occurs, the amount of the base support obligation from the Child Support Guideline Schedule is multiplied by 1.5.

Line 7 – Number of overnights with each parent - If less than 121 for obligor, skip to C. Enter the number of overnights the child(ren) spends with each parent. The two amounts must total 365.

Line 8 – Percentage with each parent. Divide the number of overnights with each parent on line 7 by 365 to determine the percentage of time the child(ren) spends with each parent. The combined percentages for each parent's parenting time must add up to 100%.

Line 9 – Shared parent base obligation. Multiply line 6 by 1.5 to determine the shared parent base obligation.

Line 10 – Each parent's share. Multiply line 9 combined by Line 5 for each parent to determine each parent's share of the shared parenting base monthly obligation.

Line 11 – Amount retained by each parent. Multiply Line 10 for each parent by the percentage on Line 8 for each parent.

Line 12 – Offset amount. Subtract Line 11 from Line 10 for each parent.

Line 13 – Adjusted base monthly obligation. Subtract the smaller amount on Line 12 from the larger amount and enter the difference in the column of the parent with the larger amount. If the parent with the greater amount is not the obligor, enter "0" in the obligor's column. In this instance, even though there is an amount in the obligee's column, the obligee owes zero to the obligor pursuant to 43 O.S. § 118(E)(10)(f).

C. Health insurance premium

Line 14 – Monthly health insurance premium. Enter the premium amount each parent is actually paying for medical and dental insurance for the child(ren) before the court in the appropriate column. If the premium covers persons other than the child(ren) in this calculation, determine how much of the premium is for the child(ren) in this calculation. Both parents may have an amount entered in Line 14 if both have health insurance premiums for the child(ren) in this calculation.

Line 15 – Monthly health insurance premium share. Multiply the combined premium amount in Line 14 by the percentage for each parent in Line 5.

Line 16 – Adjusted premium share. Leave the custodial person amount blank. Subtract the obligor amount in Line 14 from the obligor amount in Line 15. If the custodial person's share is greater than the obligor's, the difference will be greater than zero (positive amount). If the obligor's share is greater than the custodial person's, the difference will be less than zero (negative amount).

If the remainder is greater than zero, add the amount to Line 6 or Line 13 and enter the total in Line 21. If the remainder is less than zero, subtract the amount from Line 6 or Line 13 and enter the difference in Line 21.

D. Work and education-related child care expenses [43 O.S. § 118(E)(13)]

Line 17 – Monthly child care expenses. Enter the actual monthly amount each parent pays for child care expenses for the child(ren) in this calculation unless the custodial person is an OKDHS child care subsidy recipient. If the custodial person is an OKDHS child care subsidy recipient, skip to Line 18.

Actual child care expenses are allowed if reasonably necessary for either or both parents to be employed, seek employment, or attend school or training to enhance employment income. The actual child care costs are allocated and paid monthly in the same proportion as base child support.

Line 18 – OKDHS child care subsidy. [43 O.S. § 118(E)(13)(b)] Complete this section only if the custodial person is participating in the OKDHS child care subsidy program. This section is used to determine the child care expenses to be treated as the custodial person's family share co-payment amount when the custodial person is receiving subsidized child care.

Multiply Line 18f by Line 18b (the number of children from this calculation in subsidized child care) and divide by Line 18a (the total number of children in subsidized child care) and enter the amount in Line 18 to reflect the prorated amount of the family share co-payment for the number of children in this calculation.

- a. **Total children in custodial person's child care subsidy case.** Enter the total number of children in the custodial person's child care subsidy case.
- b. **Number of children of these parents in the custodial person's child care subsidy case.** Enter the number of children of these parents who are included in the custodial person's child care subsidy case.

Example: Custodial person receives OKDHS child care subsidy for a total of three children in the household. One is the child of the obligor in this case and two are not. Enter "3" on line 18a and "1" on line 18b. Parents will share 1/3 of the co-payment for three children, per line 18.

- c. **Custodial person's actual gross monthly income.** Enter the custodial person's actual gross monthly income from Line 1.

As a reminder, do not enter child support and means-tested public assistance, such as Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), General Assistance, State Supplemental Payment (SSP) for the Aged, Blind, and Disabled, and Food Stamp Program.

If the custodial person's gross monthly income was imputed in Line 1 and the custodial person's actual gross monthly income is less than the amount in Line 1, use either Line 1 or the custodial person's actual gross monthly income in Line 18c.

If the custodial person is not the parent (for example, a grandmother), and the custodial person is not legally and financially responsible for the child(ren) per a court order, enter zero income in Line 18c instead of the amount entered in Line 1 for the parent's gross income. Enter \$-0- because OKDHS does not include a non parent's income for child care subsidy determination unless the non parent is legally and financially responsible for the child. If a court order exists stating that the custodial person is legally and financially responsible for the child(ren), enter the custodial person's income in Line 18c.

- d. **Obligor's base monthly obligation amount.** Enter the obligor's base monthly obligation amount from Line 6.
- e. **Amount treated as custodial person's OKDHS household income.** Enter the total amount to be treated as the custodial person's OKDHS household income by adding Line 18c and Line 18d.
- f. **Amount treated as custodial person's family share co-payment from OKDHS Appendix C-4, page 2.** Using the Child Care Eligibility/Rates Schedule in OKDHS Appendix C-4, determine the amount to be treated as the custodial person's family share co-payment amount based on the scheduled amount for the level of income in Line 18e for the number of children in OKDHS subsidized child care. Enter this amount on Line 18f.

Note: The schedule for a family size of five members or less will be used regardless of the number of persons in the custodial person's household.

If the custodial person's income in Line 18d falls within a range that has an asterisk (*) in the column, this means that the custodial person pays the total cost of child care. Obtain the actual current co-payment being paid by the custodial person to the child care provider plus the OKDHS child care provider payment from the custodial person and/or the child care provider. Use this total to reflect the amount to be treated as the child care expense. Enter this amount in Line 17 instead of Line 18f. If there are children in subsidized child care who are not in this calculation, prorate the amount before entering an amount in Line 17, that is, divide the total child care amount by the number of children in subsidized child care and multiply by the number of children in this calculation.

Examples:

- Three children are in OKDHS subsidized child care. Two of these children are in this calculation. The custodial person's actual gross monthly income is \$893. The obligor's base monthly obligation on Line 6 is \$262.55. The amount treated as the custodial person's OKDHS household income is \$1,155.55. According to Appendix C-4, the total amount to be treated as the custodial person's family share co-payment amount is \$108. The prorated amount to be entered in line 18 based on the number of children in this calculation is \$72.
- Three children are in OKDHS subsidized child care and all are included in this calculation. The custodial person's imputed gross monthly income is \$900 on Line 1. The obligor's base monthly obligation on Line 6 is \$657.50. The custodial person's actual gross monthly income used on Line 18c is \$300. The amount treated as the custodial person's OKDHS household income is \$957.50. According to Appendix C-4, the total

amount to be treated as the custodial person's family share co-payment amount is \$45. The amount to be entered in line 18 is \$45.

- One child is in OKDHS subsidized child care. The custodial person's actual gross monthly income is \$2,000. The obligor's base monthly obligation on Line 6 is \$433.81. The amount treated as the custodial person's OKDHS household income is \$2,433.81. According to Appendix C-4, the total household income falls within a range that has an asterisk (*) in the column which means that the custodial person pays the total cost of child care. A determination is made that the actual current co-payment being paid by the custodial person to the child care provider plus the OKDHS child care provider payment is \$542. \$542 is to be treated as the child care expense and entered in Line 17 instead of Line 18f.

Line 19 – Child care expense share. Multiple Line 17 combined or custodial person Line 18 by Line 5 for each parent.

Line 20 – Adjusted child care contribution paid by obligor. Leave the custodial person amount blank. Subtract the obligor amount in Line 17 or Line 18 from the obligor amount in Line 19. If the custodial person's share is greater than the obligor's, the difference will be greater than zero (positive amount). If the obligor's share is greater than the custodial person's, the difference will be less than zero (negative amount).

If the remainder is greater than zero, add the amount to Line 6 or Line 13 and enter the total in Line 21. If the remainder is less than zero, subtract the amount from Line 6 or Line 13 and enter the difference in Line 21.

Line 21 – Total monthly child support obligation. Add the obligor's Line 6 or Line 13 and Lines 16 and 20 (if positive amounts) and enter the total. Subtract Lines 16 and 20 (if negative amounts) from obligor's Line 6 or Line 13 and enter the difference.

E. Other contributions, if agreed or ordered

Line 22 – Recurring monthly medical expenses. Recurring fixed amounts of monthly medical expenses for the children, in addition to the monthly health insurance premium may be allocated according to each parent's percentage on Line 5. Recurring fixed medical expenses include, but are not limited to, monthly payments for orthodontia, optometric, physical therapy, psychological counseling, or asthma-related expenses.

Multiply the recurring monthly medical expense each parent's percentage on Line 5 and enter the amount.

Line 23 – Other medical expenses percentage share. Enter Line 5.

Line 24 – Visitation transportation costs. Transportation expenses of a child between the homes of the parents may be divided between the parents in proportion to the adjusted gross income.

Multiply the combined transportation expense of the children between the homes of the parents that is ordered by a court and actually paid by Line 5 to determine each parent's prorated share.

Payments shall... Enter the exact date the child support payment is to be paid each month.

Deviation from child support guidelines by Court-Specific findings of Court supporting each deviation. Check the appropriate box to indicate if the child support 03EN005E Child Support Computation guidelines were followed to determine the child support obligation or if a deviation was allowed by the court.

The amount set forth in the child support guidelines is presumed to be the correct amount of child support to be ordered. Only the Court may deviate from the guidelines if the amount indicated is unjust, inequitable, unreasonable, or inappropriate under the circumstances, or not in the best interest of the child. If the Court deviates, the Court must make specific findings of fact supporting the deviation. [43 O.S. § 118(B)]

If the combined gross monthly income exceeds \$15,000, the amount to be used for child support is the amount computed for a monthly income of \$15,000. The court will determine any additional amount. [43 O.S. § 119(B)]

If there are more than six children in the household, the number of children to be used to determine the child support amount is six. The court will determine any additional amount. [43 O.S. § 119(C)]

Dated this... The Judge must date this form.

Judge's signature: The Judge must sign this form.

Approval as to form: The parties or their attorneys may approve this form.

- Enter printed name, address, and phone number of parties or attorneys.
- Enter parties' attorneys' names, including OBA #.
- Enter addresses and phone numbers of attorneys.
- Enter State's attorney's name and OBA #.
- Enter address and phone number of State's attorney.

Routing

Form 03EN005E must be signed by the judge and attached to all orders that establish or modify a child support obligation. [43 O.S. § 120]