| 1 | н. в. 2325 |
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| 3 | (By Delegate J. Miller) |
| 4 | [Introduced January 12, 2011; referred to the |
| 5 | Committee on the Judiciary.] |
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| 10 | A BILL to amend and reenact §48-13-201 of the Code of West |
| 11 | Virginia, 1931, as amended, relating guidelines for child |
| 12 | support awards; the use of both parents' income in |
| 13 | determining child support, calculation of adjusted gross |
| 14 | income; and results of calculations that preclude the payment |
| 15 | of child support. |
| 16 | Be it enacted by the Legislature of West Virginia: |
| 17 | That §48-13-201 of the Code of West Virginia, 1931, as |
| 18 | amended, be amended and reenacted to read as follows: |
| 19 | ARTICLE 13. GUIDELINES FOR CHILD SUPPORT AWARDS. |
| 20 | PART 2. CALCULATION OF CHILD SUPPORT ORDER. |
| 21 | §48-13-201. Use of both parents' income in determining child |
| 22 | support; calculation of adjusted gross income; |
| 23 | parent shall not pay child support if debt ratio |

| 1 | exceeds thirty-five percent of a parent's yearly |
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| 2 | gross income; parent shall not pay child support |
| _ | gross income, parent bhair not pay chira support |
| 3 | if the child support obligation exceeds ter |
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| 4 | percent of a parent's yearly gross income. |
| 5 | (a) A child support order is determined by dividing the total |

- (a) A child support order is determined by dividing the total child support obligation between the parents in proportion to their rincome. Both parents' yearly adjusted gross income is used to determine the amount of child support.
- 9 <u>(b) To determine a parent's yearly adjusted gross income, a</u>
 10 valid tax return from the previous year must be provided.
- 11 (c) Once a valid tax return from the previous year is
 12 provided, all taxes, debts, judgments and collections shall be
 13 deducted from the parent's adjusted gross income that appears on
 14 the previous year's valid tax return. Further, all over-time
 15 earned by the parent shall be excluded from the yearly adjusted
 16 gross income calculation.
- 17 <u>(d) To determine the amount of taxes to be deducted from the</u>
 18 parent's adjusted gross income, add all taxes paid that appear on
 19 the previous year's valid tax return.
- 20 <u>(e) To determine the amount of debts, judgments and</u>
 21 <u>collections, the parent's credit report shall be accessed from one</u>
 22 <u>of the three major credit bureaus in the United States: Equifax,</u>
 23 TransUnion or Esperian. After accessing the credit report from one

- 1 of the three major credit bureaus, add all monthly debts, judgments
- 2 and collections that appear on the parent's credit report and
- 3 multiply that monthly debt by twelve.
- 4 (f) If a current child support obligation is already in
- 5 effect, current child support obligations must be considered in the
- 6 determination of a parent's yearly adjusted gross income. The
- 7 parent who receives child support shall add the yearly amount of
- 8 child support that he or she receives into his or her adjusted
- 9 gross income, and the parent who pays child support shall deduct
- 10 the total amount of child support that he or she pays from his or
- 11 her adjusted gross income.
- 12 (g) A parent shall not have to pay child support if that
- 13 parent's yearly debt ratio exceeds thirty-five percent of that
- 14 parent's yearly gross income. A parent's yearly gross income shall
- 15 be found on that parent's previous year's valid tax return. A
- 16 parent's yearly debt ratio shall be calculated by adding together
- 17 all yearly taxes, debts, judgments, collections and child support
- 18 payments.
- 19 (h) A parent shall not have to pay child support if the
- 20 determined yearly child support obligation exceeds ten percent of
- 21 that parent's yearly gross income. A parent's yearly gross income
- 22 shall be found on that parent's previous year's valid tax return.

NOTE: The purpose of this bill is to include child support that is received by a parent into their monthly adjusted gross income. A parent's monthly adjusted gross income shall not include taxes or debt, including collections or judgments. The bill provides a maximum debt ratio, beyond which child support will not be awarded. The bill further provides that a parent will not have to pay child support if the yearly child support obligation exceeds ten percent of that parent's yearly gross income.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.