Connecticut Child Support Dual Calculation Reform

Dear Members of the Connecticut General Assembly:

This proposal introduces a narrowly tailored reform to Connecticut's child support guidelines under Title 46b of the Connecticut General Statutes. The bill applies only in shared physical custody cases and preserves the state's existing income shares model while improving accuracy, fairness, and transparency in support calculations.

The reform adopts a dual calculation and offset method that ensures both parents' financial responsibilities are measured proportionally to their actual parenting time. It requires courts to base calculations on possession periods actually exercised rather than theoretical schedules, and it strengthens accountability through mandatory written findings.

This approach does not reduce child support overall. Instead, it ensures that support orders reflect the real distribution of parenting responsibilities while maintaining judicial discretion where appropriate.

Your consideration of this legislation is respectfully requested.

Sincerely,
[Your Name]

BACKGROUND AND NEED FOR REFORM

Connecticut currently applies an income shares model under Child Support and Arrearage Guidelines. While effective in many cases, the model does not consistently account for shared physical custody arrangements where both parents exercise substantial parenting time.

In such cases, reliance on a single obligor framework can produce inequitable results that fail to reflect the actual division of parenting responsibilities. Additionally, courts often rely on scheduled parenting time rather than time actually exercised, leading to inaccurate support orders and increased post judgment litigation.

This reform addresses those gaps by incorporating a dual calculation method that aligns financial obligations with real parenting time while preserving the existing guideline structure.

LEGISLATIVE FINDINGS AND PURPOSE

1. The General Assembly finds that children benefit from the active involvement of both parents.

2. The current child support framework does not adequately address shared physical custody arrangements.
3. Support calculations should reflect both parents' incomes and actual possession periods exercised.
4. Courts require clear statutory guidance to ensure consistency and transparency.
5. It is the purpose of this Act to improve accuracy in shared custody cases without reducing overall child support obligations.

LEGISLATIVE DRAFT

Amended by: Robert Garza

SECTION 1. SHARED PHYSICAL CUSTODY DEFINITION

(a) Section 46b of the Connecticut General Statutes is amended to include:

(1) "Shared physical custody" means a custodial arrangement in which each parent exercises not less than one hundred thirty five possession periods with the child in a calendar year.

(2) "Possession period" means a block of parenting time, including but not limited to a day, overnight, weekend, holiday, or extended period, as defined by court order, and shall not require a full twenty four hour duration.

(3) Qualification under this section shall be based on possession periods actually exercised by each parent, not merely those awarded or scheduled.

SECTION 2. DUAL CALCULATION AND OFFSET METHOD

(a) In any case involving shared physical custody, the court shall:

(1) Calculate each parent's child support obligation pursuant to the Connecticut Child Support Guidelines as if that parent were the obligor.

(2) Multiply each parent's calculated obligation by a factor of one hundred forty percent.

(3) Adjust each parent's obligation based on the percentage of possession periods exercised by the other parent.

(4) Offset the adjusted obligations, and the parent with the higher adjusted obligation shall pay the difference to the other parent.

(b) This section shall be applied within the existing income shares model and shall not replace or restructure the current guidelines.

SECTION 3. JUDICIAL FINDINGS AND DEVIATION STANDARDS

(a) In all cases applying Section 2, the court shall enter written findings that include:

(1) Each parent's gross and net income as determined under the guidelines.
(2) The number of possession periods exercised by each parent.
(3) Each parent's base child support obligation.
(4) The adjusted obligation after application of the one hundred forty percent factor.
(5) The final offset amount and resulting support order.

(b) Any deviation from the calculated amount must include specific written findings stating the reasons for such deviation.

(c) Failure to enter the required findings shall constitute reversible error to the extent permitted under Connecticut law.

SECTION 4. FAILURE TO EXERCISE POSSESSION PERIODS

(a) A parent's failure to exercise fourteen or more possession periods within a twelve month period shall constitute a material change in circumstances.

(b) Upon such finding, the court may:

(1) Modify the child support order to reflect actual possession exercised.
(2) Award reasonable attorney's fees and costs to the non offending parent upon a finding that the failure was willful.

SECTION 5. ACTUAL POSSESSION REQUIREMENT

(a) Courts shall base all calculations under this Act on possession periods actually exercised.

(b) Courts shall not rely on parenting schedules that are not followed in practice.

SECTION 6. RULEMAKING AND WORKSHEET CONFORMITY

(a) The Commission for Child Support Guidelines shall:

(1) Update all worksheets and guidelines to incorporate the dual calculation and offset method.
(2) Ensure uniform implementation across all courts within the state.

SECTION 7. PROSPECTIVE APPLICATION

(a) This Act shall apply only to actions filed or pending on or after the effective date.

(b) This Act shall not be applied retroactively to modify existing child support orders entered prior to the effective date.

CHILD SUPPORT DUAL CALCULATION AND OFFSET WORKSHEET

Parent A Gross Income: _____

Parent B Gross Income: _____

Parent A Guideline Obligation: _____

Parent B Guideline Obligation: _____

Parent A Adjusted (×1.40): _____

Parent B Adjusted (×1.40): _____

Parent A Possession Percentage: _____

Parent B Possession Percentage: _____

Parent A Adjusted by Possession: _____

Parent B Adjusted by Possession: _____

Offset Amount (Difference): _____

Final Support Obligation: _____