Alaska Child Support Dual Calculation Reform

Dear Honorable Members of the Alaska State Legislature,

I am writing to present a narrowly tailored child support reform designed specifically for Alaska's existing income shares model. This proposal does not replace or restructure Alaska's current system. Instead, it improves accuracy and fairness in shared physical custody cases by ensuring that child support reflects both parents' incomes and the actual possession periods exercised with the child.

Under current law, Alaska Civil Rule 90.3 provides a strong framework for calculating child support. However, in shared custody cases, the existing calculations do not always fully account for the time each parent actually exercises with the child. This can result in imbalanced obligations that do not reflect real parenting responsibilities.

This legislation introduces a dual calculation and offset method that calculates each parent's obligation, applies a standard adjustment, and offsets the results. It ensures that support remains consistent with Alaska's guidelines while improving equity in shared custody situations.

I respectfully request the opportunity to discuss this proposal further and to schedule a 20 to 30 minute meeting at your convenience.

Your consideration of this important reform is respectfully requested.

Sincerely,
[Your Name]

Background and Need for Reform

Alaska currently utilizes an income shares based model under Alaska Civil Rule 90.3, which is designed to approximate the financial support a child would receive if both parents lived together. While effective in standard custody arrangements, shared physical custody cases present unique challenges.

When both parents exercise substantial possession periods, the current framework may not fully reflect the financial realities of raising a child across two households. This can result in disproportionate support obligations that do not align with actual parenting time or expenses incurred.

This reform addresses that gap by:

- Recognizing actual possession periods exercised by each parent
- Applying a consistent adjustment factor to both parents
- Offsetting obligations to determine a fair payment structure

Importantly, this reform does not reduce overall child support. It reallocates responsibility proportionally based on income and actual care provided.

Legislative Findings and Purpose

The Legislature finds that:

1. Children benefit from meaningful involvement with both parents.
2. Child support calculations should reflect both parents' financial capacity and actual parenting responsibilities.
3. Shared physical custody arrangements require a more precise calculation method.
4. The use of actual possession periods promotes fairness and accountability.
5. Courts require clear statutory guidance to ensure consistent application.

The purpose of this Act is to improve accuracy, fairness, and consistency in shared physical custody child support determinations while preserving Alaska's existing income shares model.

Legislative Draft (Full Statutory Bill)

Amended by: Robert Garza

SECTION 1. Shared Physical Custody Definition

AS 25.24.150 is amended by adding a new subsection to read:

(a)(10) For purposes of child support under Alaska Civil Rule 90.3, "shared physical custody" means a custody arrangement in which each parent exercises not less than 135 possession periods per year with the child.

(b) "Possession periods" means the actual periods of time during which a parent has physical care, custody, and control of the child.

(c) The court shall base its determination on possession periods actually exercised, not theoretical or scheduled time.

SECTION 2. Dual Calculation and Offset Method

Alaska Civil Rule 90.3 is amended by adding a new subsection to read:

(a)(7) In cases of shared physical custody:

(1) The court shall calculate each parent's child support obligation as if that parent were the obligor under this rule.

(2) Each calculated obligation shall be multiplied by 1.40.

(3) Each parent's adjusted obligation shall then be multiplied by the percentage of possession periods exercised by the other parent.

(4) The resulting amounts shall be offset.

(5) The parent with the higher resulting obligation shall pay the difference to the other parent.

(6) The court shall ensure that the total child support available to the child is not reduced as a result of this calculation.

SECTION 3. Judicial Findings and Deviation Standards

Alaska Civil Rule 90.3 is amended by adding:

(a)(8) In any case applying subsection (a)(7), the court shall enter written findings that include:

(1) Each parent's adjusted annual income
(2) The number of possession periods exercised by each parent
(3) Each parent's calculated child support obligation
(4) Each parent's adjusted obligation after application of the 1.40 factor
(5) The final offset amount
(6) The reasons for any deviation from the guideline amount

(b) Failure to enter written findings as required under this subsection constitutes reversible error to the extent permitted under Alaska law.

SECTION 4. Failure to Exercise Parenting Time

AS 25.20 is amended by adding a new section:

(a) A parent's failure to exercise possession periods may constitute a material change in circumstances sufficient to justify modification of child support.

(b) A pattern of failing to exercise at least:

(1) 14 possession periods within a 12 month period shall create a rebuttable presumption of material change.

(c) The court may:

(1) Modify child support accordingly
(2) Award attorney fees and costs

(d) Attorney fees and costs may be awarded only upon a finding that the failure to exercise possession periods was willful.

SECTION 5. Actual Possession Requirement

Alaska Civil Rule 90.3 is amended to add:

(a)(9) The court shall base all calculations under shared physical custody on possession periods actually exercised.

(b) The court may not rely solely on scheduled or theoretical custody arrangements that are not followed in practice.

SECTION 6. Rulemaking and Worksheet Conformity

(a) The Alaska Supreme Court shall adopt or amend rules and standardized child support worksheets to implement the dual calculation and offset method.

(b) The updated worksheets shall:

(1) Include fields for possession periods exercised
(2) Provide calculations for each parent's obligation
(3) Apply the 1.40 adjustment factor
(4) Automatically compute the offset amount

SECTION 7. Prospective Application

(a) This Act applies only to:

(1) Actions filed on or after the effective date; and
(2) Actions pending on the effective date in which no final child support order has been entered

(b) This Act may not be applied retroactively to modify an existing final child support order.

Child Support Dual Calculation and Offset Worksheet

1. Parent A Adjusted Annual Income: _____
2. Parent B Adjusted Annual Income: _____
3. Parent A Guideline Support (as obligor): _____
4. Parent B Guideline Support (as obligor): _____
5. Parent A Support × 1.40: _____
6. Parent B Support × 1.40: _____
7. Parent A Possession Periods: _____
8. Parent B Possession Periods: _____
9. Parent A Percentage of Possession (other parent): _____
10. Parent B Percentage of Possession (other parent): _____
11. Parent A Adjusted Obligation: _____
12. Parent B Adjusted Obligation: _____
13. Offset Amount: _____
14. Final Support Owed by Higher Obligor: _____