

1. Please select the most appropriate response that describes your involvement with child support in Kansas. Judges and Attorneys should select their professional status. If you are a judge or attorney working in the area of child support and you are also paying or receiving child support, you will have the opportunity to respond to those survey items as well. A response to this item is required before you can proceed.

	Response Percent	Response Count
Child Support Payor	0.0%	0
Child Support Recipient	0.0%	0
Other - individual not working in the area of child support	0.0%	0
District Judge	0.0%	0
Magistrate Judge	0.0%	0
Hearing Officer	0.0%	0
Attorney employed by SRS or SRS Contractor	13.8%	8
Attorney in private practice	74.1%	43
Attorney working with a Court Trustee's Office	12.1%	7
Other - working professionally in the area of child support	0.0%	0
	<b>answered question</b>	<b>58</b>
	<b>skipped question</b>	<b>0</b>

2. Please review the recommended changes to the Kansas Child Support Guidelines and indicate your level of agreement or disagreement with the following statement for each section listed:

"The following sections of the Kansas Child Support Guidelines are improved by the recommended changes."

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count
Section II.F Imputed Income	13.3% (4)	13.3% (4)	16.7% (5)	30.0% (9)	26.7% (8)	3.43	30
Section III.B.7 Sharing Equal or Nearly Equal Time and Expenses	13.8% (4)	27.6% (8)	3.4% (1)	51.7% (15)	3.4% (1)	3.03	29
Section IV.2.c. Removing the Equal Parenting Time Adjustment (80/20 rule)	24.1% (7)	13.8% (4)	13.8% (4)	37.9% (11)	10.3% (3)	2.97	29
Section IV.E.4 Special Needs and Extraordinary Expenses	16.7% (5)	16.7% (5)	16.7% (5)	33.3% (10)	16.7% (5)	3.17	30
Section V Change of Circumstances - Duty to Notify	13.3% (4)	10.0% (3)	6.7% (2)	50.0% (15)	20.0% (6)	3.53	30
Section V Change of Circumstances - Termination of Employment for Incarceration or Misconduct	13.3% (4)	13.3% (4)	3.3% (1)	36.7% (11)	33.3% (10)	3.63	30
Appendix II Updated Child Support Schedules	10.0% (3)	3.3% (1)	40.0% (12)	30.0% (9)	16.7% (5)	3.40	30
						answered question	31
						skipped question	27

**3. Feel free to explain your responses.**

	Response Count
	18
answered question	18
skipped question	40

**4. Feel free to comment on any other aspect of the Kansas Child Support Guidelines.**

	Response Count
	13
answered question	13
skipped question	45

**5. Select the appropriate option to continue the survey, or to exit and submit the survey.**

	Response Percent	Response Count
I'm done. Exit and submit the survey. <input checked="" type="checkbox"/>	90.0%	27
I am a paying or receiving parent and wish to complete that portion of the survey. <input type="checkbox"/>	10.0%	3
answered question		30
skipped question		28

**6. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	0.0% (0)	66.7% (2)	33.3% (1)	3
The recommended change could have a direct impact on my child support order.	33.3% (1)	66.7% (2)	0.0% (0)	3
			answered question	3
			skipped question	55

**7. Please select the response that most closely reflects your level of agreement with the following statements.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	0.0% (0)	33.3% (1)	33.3% (1)	33.3% (1)	0.0% (0)	3.00	3	
							answered question	3
							skipped question	55

**8. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**9. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	0.0% (0)	100.0% (2)	0.0% (0)	2
The recommended change could have a direct impact on my child support order.	0.0% (0)	100.0% (2)	0.0% (0)	2
			answered question	2
			skipped question	56

**10. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	0.0% (0)	50.0% (1)	50.0% (1)	0.0% (0)	0.0% (0)	2.50	2	
							answered question	2
							skipped question	56

**11. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**12. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	0.0% (0)	66.7% (2)	33.3% (1)	3
The recommended change could have a direct impact on my child support order.	0.0% (0)	66.7% (2)	33.3% (1)	3
			answered question	3
			skipped question	55

**13. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	0.0% (0)	33.3% (1)	66.7% (2)	0.0% (0)	0.0% (0)	2.67	3	
							answered question	3
							skipped question	55

**14. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**15. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	50.0% (1)	0.0% (0)	50.0% (1)	2
The recommended change could have a direct impact on my child support order.	50.0% (1)	0.0% (0)	50.0% (1)	2
			answered question	2
			skipped question	56

**16. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	33.3% (1)	0.0% (0)	33.3% (1)	0.0% (0)	33.3% (1)	3.00	3	
							answered question	3
							skipped question	55

**17. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**18. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	33.3% (1)	33.3% (1)	33.3% (1)	3
The recommended change could have a direct impact on my child support order.	33.3% (1)	33.3% (1)	33.3% (1)	3
			answered question	3
			skipped question	55

**19. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	50.0% (1)	0.0% (0)	50.0% (1)	0.0% (0)	0.0% (0)	2.00	2	
							answered question	2
							skipped question	56

**20. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**21. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	0.0% (0)	100.0% (3)	0.0% (0)	3
The recommended change could have a direct impact on my child support order.	0.0% (0)	100.0% (3)	0.0% (0)	3
			answered question	3
			skipped question	55

**22. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	0.0% (0)	33.3% (1)	33.3% (1)	33.3% (1)	0.0% (0)	3.00	3	
							answered question	3
							skipped question	55

**23. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**24. Please indicate whether the section applies to your situation and if the recommended change could have a direct impact on your child support order.**

	Yes	No	Uncertain	Response Count
This section applies to my child support order.	100.0% (3)	0.0% (0)	0.0% (0)	3
The recommended change could have a direct impact on my child support order.	100.0% (3)	0.0% (0)	0.0% (0)	3
			answered question	3
			skipped question	55

**25. Please select the response that most closely reflects your level of agreement with the following statement.**

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Rating Average	Response Count	
I agree with the recommended change.	33.3% (1)	0.0% (0)	0.0% (0)	33.3% (1)	33.3% (1)	3.33	3	
							answered question	3
							skipped question	55

**26. Feel free to explain your response.**

	Response Count	
	1	
	answered question	1
	skipped question	57

**27. Feel free to comment on any other aspect of the Kansas Child Support Guidelines.**

**Response  
Count**

**1**

**answered question**

**1**

**skipped question**

**57**



1 In general the proposed changes invite increased litigation regarding the child support guidelines. The provisions regarding extraordinary expenses, duty to notify, and termination of employment only highlight issues that are already addressed by the courts. By including the section regarding extraordinary expenses, for example, lay persons may very well put more significance on who is going to pay the expenses than they would have but for this new language. Instead of resolving it out themselves, the parties may be less likely to agree that an expense is ordinary and look to the court to provide the answer. Similarly, the duty to notify is very likely to give a party a false sense of security that the spouse who didn't disclose the information will finally get his or her due, while in reality the determination of whether there was a failure to disclose is still discretionary. While the aforementioned provisions provide a forum for increased disputes, the proposed change regarding the equal parenting time formula completely ignores that there are two components to child support, namely direct AND indirect expenses. Especially in cases when one party makes significantly more than the other party (even with maintenance), the proposed changes reduce the support amount to an extent that the parent with less income may be unable to financially care for the children in the same manner that the parent with more income is able to do. This financial discrepancy results in harming those that it is supposed to be protecting - the children. The recent unreported Kansas Court of Appeals case In re Wilson No. 104,830 does a great job addressing the impact that parents' financial circumstances can have on the children. If a revision is going to be made when there is equal parenting time, the calculation needs to take into account both the direct and indirect expenses of the children. If the proposed changes are approved, we will revert to parties not being able to agree on equal or nearly equal parenting time based supposedly on the best interest of the children, but in reality due to the impact of the reduction in child support.

Oct 23, 2011 4:37 PM

2 Sharing Equal or Nearly Equal Parenting Time Adjustments: #1 I am having a hard time understanding when you would use a 15% reduction in Section IV.E.2 for 45% to 49% parenting time. That amount of time to me fits the requirement of "equal or nearly equal" under III.B. The use of the new percentages in III.B.7.b. seems more appropriate especially when the party receiving support must pay the direct expenses whether the adjustment is made under Section IV.E or III.B. Plus working off of Line D.3 instead of D.9. when a parent has the child 45% of the time seems more equitable. #2 When calculating the equal parenting time adjustments, the 2012 Guidelines say to put the adjustment in Line F.2. of the worksheet. But the total of all Section E adjustments is reflected on Line F.2. Is this a typo and the Guidelines mean to state put this number on line E.2.? If so, how will the court know whether the parenting time adjustment reflected in Section E is a Section III.b. adjustment or a Section IV.E. parenting time adjustment? I would think the court would appreciate that distinction on the worksheet. Health insurance: (not part of 2012 guidelines) I think a new scenario would be helpful. At time of divorce father is required to provide health insurance. He adds children to his policy and assumes that additional monthly obligation for adding the children under "family policy." Years later he remarries and he can add his new wife to his policy without cost because it is still a "family policy." Who comes first under Section IV.D.4., the children or the new wife? The guidelines seem to read that once new wife is added, the kids would be free under the "family policy" and father would no longer receive an adjustment for health insurance costs to cover the children. This just seems inequitable. Extraordinary expenses: Because these particular expenses (private school,

Oct 21, 2011 2:38 PM

Page 3, Q2. Feel free to explain your responses.

premiere sports) can be very, very expensive, I see a potential for this area to become a hot bed for disagreement between parties especially when one parent unilaterally chooses to enroll the children in private schools or expensive programs. The items listed within "special needs" are needs - they are medically related for example; if one parent unilaterally incurs debts for these needs, there is a justification for it. However, extraordinary expenses, while for programs beneficial to the children, may or may not be justifiable. I am concerned the new provision places the focus on whether the cost is reasonable and not whether it is reasonable for one parent to unilaterally incur these extraordinary expenses. I may be parsing the new provision too closely.

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|---|---|-----------------------|
| 3 | Burden should be on recipient to show that income should be imputed, even in cases of incarceration. No one is served by presuming imputed income. The duty to notify should be mandatory in court orders. Use of a cost of living index, rather than an avg. weekly wage index, should be applied to out of state parents.   | Oct 19, 2011 2:53 PM  |
| 4 | Section II.F Termination from employment for misconduct is too ambiguous. What constitutes misconduct? Is termination for misconduct analogous to termination for cause?  | Oct 13, 2011 12:50 PM |
| 5 | The provisions regarding termination from employment are a welcome change. Parents should not be able to benefit from poor performance at work that results in them getting fired by having child support lowered because they don't have the same income anymore. I don't see how the changes regarding parenting time helps. The current guidelines have already created an issue where custody is contested because it makes such a dramatic difference in child support. Frankly, I like the current version better because there is such a clear difference between the results of a 20% adjustment and the shared expense plan. Parents who can't really agree on a shared expense plan have a difficult time actually sharing custody, in my experience, so the shared expense plan acts as a filter to separate the parents who can cooperate from the parents who cannot. The parents who cannot cooperate don't get the benefit of the significantly lower child support. I don't like the change on special needs because I think it is too wide open and too subject to argument. What are "premier sports"? I suspect parents will argue about that as well. If music lessons and/or instrument purchase/rental are now "extraordinary expenses" I believe it would be better just to lump all "extra-curricular activities" into this if that is intent. By way of example, if a parent has to pay \$150 or more for the kid to play a sport but the team doesn't travel, is that "premier" as compared to the \$25 fee for the local rec center? Do parent's travel expenses count if the team travels? Does it make a difference what kind of hotel parents choose to stay in? If the team doesn't travel but we drive ___ miles does that expense also count? I would simplify this to simply cover the direct cost of the child's participation in extra-curricular activities i.e., participation fee, uniform fee, necessary shoes and equipment required by the league. Leave travel expenses out; don't try to distinguish between "premier" sports and others. While I don't truly believe that extra-curricular activities are "extraordinary expenses" I've seen kids be limited in what they can participate in because it's not part of child support one parent won't pay and/or can't pay because of the lack of support. If we are trying to make the guidelines work for individual kids (by considering the cost of their daycare, their insurance, their parents' actual incomes), consider their actual activity expenses as well without calling them "extraordinary." The | Oct 12, 2011 12:33 PM |

other "extraordinary" expenses, like private schooling can also be considered here.

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| 6  | I appreciate the additional attention to the shared parenting situation. Although the calculation is somewhat complicated, I believe it does give good direction to the Court and counsel. It will remain to be seen if it works in practical application. I am, however, concerned about the "Time Formula Adjustment. As you have addressed the "Equal or Nearly Equal" parenting time situation, I believe you should reconsider the percentages in the "Nonresidential Parent's % of Child's Time". Nearly Equal certainly encompasses at least 49-51% and I foresee that ambiguity will generate a lot of litigation. I tried several different hypothetical examples and the 49% calculations were quite a bit higher than the new equal or nearly equal calculation. Please consider defining "nearly equal" in quantitative terms.   | Oct 5, 2011 3:30 PM   |
| 7  | You gotta be kidding! The data used on expenditures of parents on children is taken from 2007 and 2008. Have you not heard of the economic crisis which hit at the end of 2008 and the Kansas State budgetary crunch that is plaguing us in fiscal year 2012. It is unthinkable to believe people will spend more on their children in 2012 than they did in 2007. I agree with raising the amount of the poverty level, because of the economic crunch, everything has become more expensive and there is less money available to spend on children for those at or below the poverty level.  | Oct 4, 2011 12:31 PM  |
| 8  | Why all the monkeying with shared custody child support? Is it such a problem in the NE part of the state? Here in central Kansas, it is rarely a problem and shared custody is very common. In our court, we simply ignored the guideline modifications (80/20 rule) because it was just silly. We calculated the shared support like we always had in the past prior to the last modification of the guidelines. The duty to notify just opens up a can of worms that I'm not sure anyone wants to deal with.  | Oct 3, 2011 9:48 AM   |
| 9  | Sections regarding sharing time and expenses: formula for calculations when parents do not have shared expense plan is very tedious and will be extremely confusing to some. It is not clear in Part 2 what is to be calculated against what. Special Needs and Expenses - I think this gives too much latitude for parents to use private schooling and things that aren't true "needs" and assess child support against other parties who have not been made part of that decision. "Duty to Notify" is too vague and will create too many problems with people trying to report each other with false claims or wanting state agencies to "do something" when this is not done. Puts one more burden on courts, State and other personnel to get involved in parties' petty arguments with each other. Other notes: Would like to see clarification on the health insurance language!! Would also like to see a little more discretion on the adjustments such as tax credits rather than forcing parties to request these. | Oct 3, 2011 7:43 AM   |
| 10 | The incarceration provision merely codifies existing Kansas case law and is unnecessary. The substitution of the 13-15-18% surcharge for the so-called "80/20 rule" seems arbitrary and has not been explained or justified as logically or statistically derived. Where do the percentages come from? Where do the income parameters come from? If the motivation is a reduction in litigation over enforcement of expense-sharing agreements, adopting yet another formula is not likely to be the answer. Better to simply increase child support schedules   | Sep 30, 2011 11:29 AM |

across the board, make the custodial (or designated) parent responsible for all expenses, treat any expenses paid by the non-primary custodian as gifts to the child (or give the court discretion to treat the non-custodian's payments on behalf of the child as credits where justified), and reduce the issues available for confrontations. The surcharge provision, if it is adopted, needs to be reworded in a "X% of the line D3 amount where the combined parental incomes are between A and B" format. In its present form (e.g., "13% of total combined monthly income of less than \$4,690 from line A1"), it appears that the X% factor is to be applied to the A1 wage income total for the parents, rather than the D3 support amount.

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|----|---|----------------------|
| 11 | <p>The special needs category should be reserved for children who truly have what our society refers to as "special needs", as in a mental, intellectual, physical or emotional condition which impairs the child's ability to function normally. Horse back riding lessons are not a "special need". Special needs expenses are legitimate extraordinary expenses for children with Down's Syndrome or Asperger's, for example. using this category to include the high priced extracurricular activities of some of the wealthier parents of this state is going to cause a flood of parents who will use this category to ramp up child support for the payor. And you can hear the arguments now: mom wants little Johnny to have math tutoring at 800 extra per month because little Johnny is a math whiz. Dad objects. In court, mom lambasts dad for being a horrible father for not wanting his son to be an overachiever, for not supporting mom in pushing little Johnny to be a math prodigy. Special needs expenses should be limited to those expenses necessary for a child who is less functional and needs additional help to become as productive a member of society as possible. the other categories with which I disagree are because the changes are going to drive more litigation as parties bicker over the minutia. There needs to be at least two categories of child support calculation where the parties share equal or nearly equal parenting time. One for the circumstance where the parties earnings are equal or nearly equal, and one for when the parties incomes are disparate. The proposed changes put the burden on the lower income parent, usually the mother, who is, according to national statistics and research, going to take longer to recover financially from the divorce than the father, by assuming that direct and indirect expenses for each parent are an equal or nearly equal percent of the parents' gross incomes. One dollar in the hands of someone earning half a million a year may spend just like a dollar in the hand of someone earning minimum wage, but spending that dollar has very different effects of both bank account balances. Regarding sharing of expenses, I agree with the current language that sharing of expenses should be reserved only for those situations where the parties have demonstrated a mutual ability to co-parent and get along. The shared expense formula, when thrust upon an unwilling participant, as I have seen done in smaller counties, usually by a controlling co-parent and a court not willing to think about the ramifications, makes control issues and fighting over money become the focus of raising the children.</p> | Sep 28, 2011 9:57 PM |
| 12 | <p>The inclusion of Extraordinary Expenses will be a boom to my business as a domestic attorney, but a nightmare for the courts. There should be language that allows this inclusion if the child regularly participated in sports or private school prior to the parties separation, not in instances of a parent who wants 6 year old Johnny in a \$1,200.00 baseball camp!!!!</p>  | Sep 27, 2011 9:32 AM |
| 13 | <p>Shared residency is somewhat like the road to Hell in that it is paved with good</p>   | Sep 27, 2011 7:56 AM |

intentions, but you are still going to hell. Real problems arise when the custodial parent moves out of Kansas and goes on public assistance. The foreign jurisdiction will ask Kansas to enforce child support to compensate their program, but there is either no order at all or it is so small it is hardly worth collecting. At this point it is a safe bet that the shared residency is a sham, but because it is a custody issue, SRS can't get involved without risking their federal funding. As an SRS contractor, I am left to explain to the foreign jurisdiction that they have stubbed their toe on a good intention.

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| 14 | I believe that the acceptance of extraordinary expenses on the schedule allows the parent having primary residency to allow the children to continue in such clubs and activities; it also provides for an allocation of those costs. This was and continues to be an argument very frequently in the Courts regarding support.  | Sep 19, 2011 10:08 AM |
| 15 | The change in the language of the parenting time adjustment will cause more litigation since the focus of having substantially equal parenting time will be on how much the support is adjusted. The extraordinary expenses is an end run around the Ronan decision, and it will make a parent with less income exposed to abuses by the other higher earning parent, and in reality does away with what a special need is supposed to be. This is a huge mistake! Duty to notify as drafted can create a huge problem on retroactive support and what is there to determine Misconduct. This is another area where significant litigation would result.   | Sep 16, 2011 11:54 AM |
| 16 | Imputed income. The proposed language is far too punitive against parents obligated to pay child support. Child support is intended as support -- not for punishment. Inserting punitive language and results into the guidelines is likely to bring about significantly more conflict, more upset and anger with the guidelines, and more accusations that the guidelines have nothing to do with parents supporting their children and everything to do with punishing a parent for one action or another -- not related to that parent's desire to support his or her child. The language used ("misconduct") is far too broad in the child support context and covers events that will likely lead to inclusion of far too many "minor" terminating events and a resulting increase in obligors having significant arrears that they can't pay -- and that will lead to burdening those parents even more -- and likely unable to support themselves or their children in the future. Additionally, the punitive nature of these changes leads to an increasing "criminalization" within child support -- punishing an act that has no direct relationship to child support, leading to significant arrearages, and then possible jail time (including potential federal child non-support charges). Additionally, inclusion of a blanket rule that, "incarceration does not constitute substantial justification" is yet another example of a poorly thought out matter that is best left to the courts rather than a broad-based rule that punishes, rather than supports parents. It creates, rather than alleviates, conflict in child support cases. The rule constitutes additional punishment for someone who is jailed over and above a just and right punishment for that crime. The courts themselves should be allowed to develop this area on a case-by-case basis as they have done over the last 25 years. Sharing Equal or Nearly Equal Time and Expenses. The proposed changes further harms low-wage earning parent vis-a-vis high wage earning parents, does not help the children, provide for a balanced way to determine appropriate support in an equal or near equal sharing, and injects more conflict into the determination of child support -- and child custody issues -- than do the previous provisions (80/20). Additionally, the 50/50 sharing or application to the | Sep 14, 2011 9:47 AM  |

difference in child support paid by the parents harms lower-wage earning parents. Time sharing has little -- if anything -- to do with the amount of child support for which parents should be responsible. Most parents who are NOT in conflict tend to share expenses proportionally -- understanding that the lower earning parent has less ability to provide for the child and instead shifting that responsibility to the parent who is best able to provide for those expenses. The blanket policy of 50/50 sharing of expenses in a ~50/50 parenting time situation encourages higher earning parents to "go for shared custody" costing the lower earning parent in attorneys' fees, anxiety, and eventually percentage of valuable resources. The Committee's proposal (and past guidelines) are similar to a regressive tax on parenting since one dollar to a low-wage earning parent is much more valuable than it is to a high-wage earning parent and those low-wage earning parents have less available -- and need more to be able to provide the same or similar standard of living easily obtained by the higher earning parent. While the equal parenting time adjustment is, in some situations, unfair and is generally arbitrary, some other method that is similar (such as a sliding percentage scape dependent Special Needs -- and Extraordinary Expenses. The addition of "extraordinary expenses" to this provision is a problem in multiple ways. First, inclusion of "extraordinary expenses" dilutes the importance of and provisions for inclusion of certain expenses for special needs children by including items that are merely wants rather than needs. Second, the way in which "extraordinary expenses" is included -- without much of any direction to the courts or attorneys -- is very likely to create intense litigation, excess expense, undue and protracted conflict, and invades parental decision-making on issues of whether or not a child should be enrolled in certain activities, whether a child is too involved already in activities, whether the enrollment is "wise" or merely to satisfy one parent's desire to live that parent's fantasies (of being a great soccer, baseball, football, or other sports player through his or her child. The special needs category as it is already written covers the potential Olympian, the high-achieving child when the parents previously pursued a certain course for that child, etc. Inclusion of extraordinary expenses cheapens the whole category and will cause parents to attempt to impose their own view of what the child should be involved in on the other parent -- whether or not it's a good thing. There are far too many unintended consequences to this poorly thought out addition. The courts have already adequately addressed this issue in Marriage of Ronen and the guidelines committee should not play with these delicate parental decision-making issues. In addition, the courts already have the power to distribute some of the expenses listed (e.g. private school expenses) and the inclusion of those items in the listing of "extraordinary expenses" injects more uncertainty into the resolution of those issues rather than less. Duty to Notify. This new provision in particular is poorly worded and poorly thought out. The inclusion of this provision as worded will most certainly create incredible and costly litigation and disputes. The broad-brush language reaches every imaginable situation -- and no one knows what is a "material change of circumstances" until a judge -- at trial -- determines whether it is or is not a "material change." If such a duty is to be included, it should be specific and well-thought out written provisions about what must be disclosed as a change (e.g. change of employment, cancelation of daycare, discontinuation of health insurance, etc) with a specific time limitation or reference rather than this incredibly broad statement. Change of Employment/Incarceration. See comments in first section (above) -- specifically the undue criminalization of the child support process and the turning of the child support guidelines from support to punitive. Updated Child Support Schedules. While fine as they are, the

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schedules should include more incomes than they do -- perhaps up to \$20,000 or more combined rather than \$15,500.

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17 The IV-D program provides a necessary service to families in need or who apply for IV-D services. However, by discounting that "helping hand" by not mentioning it or addressing the fact that many parents apply for SRS services (for child care assistance, cash or medical assistance) and want to do shared or equal parenting time potentially harms a child and a parental relationship. If parents are self-sufficient, then the language works. But, if the government is providing any assistance there needs to be some language that disallows the court from implementing a shared expense formula in that those parties are receiving support from a third party and that contribution should be included in the overall financial picture. Imputing minimum wage for incarceration: A parent has chosen to enter incarceration by their life style choices. By virtue of these choices, why should they be rewarded by not have a minimum child support order which they would have if they had their freedom and chose not to work? Sep 13, 2011 6:59 AM

18 With the current economic times we are facing, now is not the time to be raising child support obligations by any amount. Much of the economic data was gathered before the full effects of the current economic downturn were being felt. That economic data is flawed and not applicable now given the current financial condition of most Kansans. Sep 10, 2011 8:35 AM

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Page 4, Q1. Feel free to comment on any other aspect of the Kansas Child Support Guidelines.

1	I think the short form DRA is way over due and will be a welcome addition to post divorce and establishment proceedings for child support issues.	Oct 13, 2011 12:55 PM
2	Thank you for your work on the guidelines. They are not and never will be "perfect" so they can always be criticized. I think, though, that they are generally fair. An unrelated topic is that (I am a female stating this) I believe there is an unfair bias in the guidelines for women who choose not to work outside the home if they have to pay child support. This happens when dad gets custody of the parties' child(ren) and mom then re-marries and stays home with new kids. Her income is imputed only to minimum wage because she is not technically "willfully under-employed or unemployed. I'm not sure the answer is to impute her former income if that was significant, but it also seems unfair that it seems limited to minimum wage. Again, thanks for your work on this important project.	Oct 12, 2011 12:36 PM
3	The best system would include weighted child support for like counties similar to that used between states. For example, Johnson, Sedgwick, Douglas, and Shawnee County would be in the highest bracket. Ford, Saline, Pittsburgh, and other counties containing medium sized cities would be in the second bracket. Sherman, Grant, Cloud, Franklin, and other small counties would be in a third bracket. The cost of living variance between the three brackets significantly alters the funds necessary to raise a child. The funds necessary to raise a child in Cloud County are much smaller than the funds needed to raise a child in Johnson County. This disparity should be addressed by the child support guidelines. A one-size-fits-all child support worksheet based on Johnson or Sedgwick County does not address the needs of the child or the parents.	Oct 11, 2011 10:59 AM
4	Adjustments: Tax Credit especially - Do not believe if BOTH parties admit on DRA that one is claiming, that there should have to be an active request for this adjustment. Needs to be some discretion, or automatic credit. Health insurance - language has been muddled; Some counties are not giving credit at all for family plans that do not break down cost per child. This is ridiculous.	Oct 3, 2011 7:45 AM
5	1. The following provision in Appendix V (Income Tax Considerations Adjustment) needs to be reworded as indicated: "Frequently, the parties agree to alternate the exemption. If the custodial parent refuses to alternate or otherwise share the exemption(s) equally, the additional tax benefit to the custodial parent should be shared with the noncustodial parent equitably through the Income Tax Considerations adjustment. If the custodial parent agrees to allow the noncustodial parent to claim more than half of the available exemptions, the additional tax benefit to the noncustodial parent should be shared with the custodial parent equitably through the Income Tax Considerations adjustment." ***** 2. A final comment: The effort to address in the guidelines every conceivable circumstance which might be present in a child support case invades the very necessary discretion of the trial judge, and actually makes the "guidelines" more rigid than is wise. Each time a revision is added (e.g., adding "misconduct" as a consideration in the imputed income section) it merely invites additional litigation, particularly when the guidelines are employed by pro se litigants prone to seize upon every pretext for seeking a victory.	Sep 30, 2011 12:00 PM
6	I would like a little more guidance on when it is appropriate to impute minimum wage to the custodial parent than the current "when appropriate" standard. I	Sep 27, 2011 8:22 AM

Page 4, Q1. Feel free to comment on any other aspect of the Kansas Child Support Guidelines.

	also am troubled by having children compensate non custodial parents for their taxes. I fail to see how it could be in the child's best interest to receive less money because the non-custodial party can't claim them as a defendant. I always object to this, but I have yet to see a Judge even ask the requesting party for a basis for the adjustment or if it was in the best interest of the child as required in IV E of the guidelines. The Judges seem to consider the adjustment to be mandatory rather than at their discretion. More often than not, I see it as a bludgeon used to punish poor women who have the termidity to ask for "More Please".	
7	The proposed changes are the committee's way to make an end run around existing case law, and in the instances I cited above, result in more costly litigation. The changes make absolutely no sense.	Sep 16, 2011 11:55 AM
8	all comments are included in previous critique.	Sep 14, 2011 9:47 AM
9	Your examples use \$893 for income for mom in your examples. With the change in the minimum wage in 2007, 2008 and 2009, the wage should be updated to \$1257. Incarceration language is a nice addition.	Sep 14, 2011 7:18 AM
10	In re-wording the Equal Parenting time section, you refer to using the income from line A1. This leaves out the B1 self-employment income. I would think you would use the combined income from line C5 when determining the percentage. Also, I like the shortened version of the DRA. But I would like the section on who claims the taxes to be more specific. Instead of saying mother or father it should say: Mother, Father, share or alternate, or something more specific, as many parties with one child alternate the exemption. With two children they each take one. And just putting Mother / Father won't be specific enough. Thanks.	Sep 13, 2011 7:19 PM
11	I really appreciate the shortened post-establishment Domestic Relations Affidavit !! On page 14, under Health, Dental, Orthodontic, and Optometric Expenses: I think it would be helpful to set a guideline as to what is considered "reasonable" cost of health insurance. Perhaps something like "If the total monthly cost of insurance is less than ___% of the providing parent's gross monthly income, it shall be presumed to be reasonable. The burden shall be on the providing party to overcome this presumption." On page 19, under Income Tax Considerations: I think the phrase "share those actual actual economic benefits" needs to be better defined. What if one of the parents would not benefit from claiming the dependency exemption, either due to having too low of an income or already having enough exemptions that there is no tax liability. Should they be entitled to "share" an economic benefit that wouldn't otherwise be available to them?	Sep 13, 2011 1:57 PM
12	Why are the earned income credits not included in the tax calculation?	Sep 13, 2011 7:00 AM
13	There are substantial economic differences between areas of Kansas. The cost of living is significantly different in different parts of Kansas and there are substantially different levels of unemployment and poverty as well. The guidelines do not take into consideration these differences.	Sep 10, 2011 8:38 AM

Page 7, Q3. Feel free to explain your response.

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1	The definition of "misconduct" is going to be like that elusive definition of pornography. We as litigators and parents will be chasing our tails trying to search for a definition. The incarceration part is already being applied via case law, but in how many instances are the obligors actually paying when they are released?	Sep 28, 2011 10:03 PM
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Page 8, Q3. Feel free to explain your response.

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1	see comments made earlier in the survey	Sep 28, 2011 10:04 PM
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Page 9, Q3. Feel free to explain your response.

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1	the 80/20 rule required that, for purposes of calculating child support, at least on the child support worksheet, one parent had to be designated the residential parent. this is an of itself causes problems in cases where one or both parties are especially invested in the idea of sharing residence equally. and there was never a clear directive that the lower earning parent should be receiving child support from the higher earning parent. this leads to cases where the higher earning parent is designated as residential parent for purposes of school placement, and a hearing officer then orders the lower earning parent to pay child support to the higher earning parent because the lower earning parent is the nonresidential parent. hardly equitable. at least this new rule spells out that child support is to be paid by the higher earning parent to the lower income parent, but i am not convinced the new formulas, or the 80/20 rule are appropriate where the salaries of the parents are widely disparate.	Sep 28, 2011 10:09 PM
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Page 10, Q3. Feel free to explain your response.

- 1 see previous comments. the addition of this extraordinary expenses category is going to cause a flood of litigation over which sports a child should play. if your child is a math prodigy, is it an extraordinary expense to send your child to MIT for the summer to study? what if the parents dont agree? special needs also needs to be specifically defined as those needs for children who are functioning less than normally in some aspect, not children who are gifted. I have already seen a parent try to foist a special needs expense of \$450 per month for math tutoring for a 2nd grade child who is doing 4th grade math and is therefor "gifted" in mom's eyes. when dad objects and says the child needs to be allowed to be a child, dad is deemed a deadbeat who doesnt care about his child's education. payment for these kinds of expenses for gifted students and extraordinary expenses should be negotiated by the parents separate and apart from child support payments. and while this may not be a popular point of view, mom and dad may just have to buck up and tell their children that mom and dad are supporting two households now instead of one and that means belts tighten and things change. Perhaps the children arent going to be able to participate in every premier league in the city. maybe the kids will have to pick one sport and stick with it. I can just see all the things that will end up being deemed extraordinary expenses by a creative parent or his or her creative attorney, and with little guidance from the guidelines, we're all in for a mess.
- Sep 28, 2011 10:18 PM

Page 11, Q3. Feel free to explain your respnse.

- 1 how are you ever going to prove a negative? how do litigants prove a failure to report a material change? the other party just denies they got the letter. any party who bring litigation to the court on this issue is already hunting for something, and i can see litigants misleading the court just to get the other party sanctioned. this is a bad idea. and what, pray tell, is a material change of circumstances? is getting remarried a material change? none of the other parents usiness really, though in a perfect world the parties would be talking and know of the impending nuptials. birth of another child? hardly the other parents business. lets say dad remarried, and he took out a big chunk of his 401k to pay for in vitro fertilization treatments for he and his new wife. is that a material change because the withdrawal will effect dad's w-2 income? way to many problems with this one.
- Sep 28, 2011 10:25 PM

Page 12, Q3. Feel free to explain your respnse.

- 1 the litigation and business record subpoenas are going to fly out the doors on this one. how do you prove misconduct? I like the idea of protecting the obligee against a decrease i child support because of the obligor's behavior, but there has to be a better way to word it. and termination from employment will not ORDINARILY constitute a material change? when ORDINARILY WILL it constitute a material change?
- Sep 28, 2011 10:27 PM

Page 13, Q3. Feel free to explain your response.

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- 1 I strongly take issue with the fact that the guidelines have not increased for older children. have the drafters of the schedules not bee feeding teenagers lately? costs of food for little ones is the same for teenagers, just in larger proportions. having children who span every age category, I can unequivocally say that the cost of raising teens has risen right along with the cost of raising smaller children. the higher age cateory should be increased as well, across the board. Sep 28, 2011 10:32 PM
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Page 14, Q1. Feel free to comment on any other aspect of the Kansas Child Support Guidelines.

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- 1 please rethink these guidelines. there has to be a better, more fair solution for 50-50 parenting and parties with widely disparate incomes. Sep 28, 2011 10:33 PM
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