

# Family Law Education Reform Project

## Problem Five – Child Support Calculations

### OVERVIEW

This exercise is aimed at assisting students to calculate the amount of child support owed by each parent in a custody dispute based upon different calculable items.

### EXPLANATION AND COMMENTS

Regardless of who a student represents, students should work through these calculations, using a child support calculation sheet. Students should note how one parent might view how the system operates, versus the other.

### ABOUT THE AUTHOR

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Nancy E. Dowd is Chesterfield Smith Professor of Law at the Fredric G. Levin College of Law at the University of Florida, and Co-Director of the Center for Children and Families at UF. The author of *In Defense of Single Parent Families* (1997) and *Redefining Fatherhood* (2001), and a reader on feminist legal theory, she has published extensively on non-traditional families, work/family issues, civil rights, and feminist theory.

### Problem Five

Claudia and Oscar are both 22-year-old high school graduates, with no college education. Six months ago, Claudia had a baby, whom she named Ricky. Oscar is the father of Ricky - that issue is not in question. Oscar and Claudia are not married, nor do they plan to be married.

Oscar is a manual laborer, with no specialized skills. He works as a day laborer with Ace Construction Firm, which pays him \$8.00 hour **net** (after deductions). Ace appreciates Oscar's hard work and reliability, and they always hire him when they have work on their construction jobs that can be done by unskilled labor. Ace has Oscar's cell phone number and the construction boss typically calls Oscar the night before to let him know whether to come to the job site (and where the job site is). On average, Oscar works 30 hours/week for Ace. (This includes some weeks when he works 50 hours, some weeks when there is no work for him at all, and weeks in between.)

Claudia has not been working up to this point, because Ricky has required her full-time attention, and she has been nursing him. However, Ricky was recently weaned to a bottle, and has begun to sleep through the night.

Claudia was recently offered a position as a night clerk at a local convenience store, which stays open all night on Thursday, Friday and Saturday nights. The night shift clerk works an 8 hour shift for those three nights, from 11 - 7. Although the convenience store typically pays minimum wage, the night shift clerk is paid \$10.00 hour **net** (after deductions). This higher hourly wage is in recognition of the inconvenience and the danger involved - 85% of convenience store robberies occur on the night shift.

Although Claudia is afraid of being a victim of a robbery, she is tempted by the \$10.00/hour pay which is more per hour than she could make anywhere else. The convenience store is a very short walk from her apartment, which she shares with her cousin. Claudia has no transportation, so any employment would need to be nearby. Up to now, Claudia's cousin has allowed Claudia to live with her rent-free since Claudia has no income. However, her cousin has told Claudia that she needs to start paying \$100.00/month soon, for rent and part of the utilities.

Claudia has asked Oscar if Ricky can spend the night at Oscar's apartment on those nights when Claudia would work at the convenience store (assuming she took the job). If Claudia has to pay for child care, it would eat into what she would earn. Oscar said he would love for Ricky to stay with him those three nights, and that he would get a crib for Ricky at his place. Claudia has shown Oscar how to mix formula and give Ricky a bottle.

Currently, Oscar does not give her any regular amount, and there has been no legal action for child support. Oscar sometimes buys groceries for her, and formula and diapers for Ricky. He gives her some cash when he feels he can spare it, averaging about \$25.00/week.

Claudia wants to know what she would be entitled to under the law for child support. She is curious how taking the job would affect her right to child support payments.

Oscar would like to know whether spending more time with Ricky would have an impact on his child support obligation.

**Assignment:**

**Client Assignments: east side of 285C (Prof Dowd’s left): Claudia  
west side of 285C (Prof Dowd’s right): Oscar**

**Part One: Regardless of who you represent, work through these calculations, using the child support calculation sheet (on TWEN), but note how Claudia might view how the system operates, versus Oscar.**

Calculate what Claudia would be entitled to based on the above facts, under Florida law:

1. If she does NOT have any income.
2. If she takes the night shift job at the convenience store for three nights a week.
3. Assuming that Claudia takes the night shift job, and her cousin agrees to care for Ricky while Claudia works at the convenience store. Her cousin charges \$3.00/hour for child care.
4. Assuming that Claudia takes the night shift job, and Ricky stays overnight with Oscar on the nights that Claudia works.

**Part Two: Assume these additional facts, and advise your respective clients.**

Both Claudia and Oscar realize that they are stuck in a low income rut unless they can improve their job skills.

Claudia feels that for the next few years, her main responsibility is taking care of Ricky. Everything she has read says that a child’s success in school (and in life) depends on their first three years. She wants to make sure that Ricky feels secure, and that he has a lot of stimulation and encouragement for these early formative years. She wants to be at home with him as much as possible.

The Ace Construction Firm has offered Oscar the opportunity to become a crew leader on the construction site. This would involve a significant pay increase. The crew leader position begins at \$12.00/hour **net**, with a range up to \$18.00 **net** (after deductions), with additional time and experience on the job. However, before Oscar can become a crew leader, he would have to complete the two-year long building construction program at the local community college, and be licensed. Ace is willing to pay Oscar’s tuition costs for the full two years, provided Oscar commits to remaining with the company for the following five years. They like Oscar and they are willing to make an investment in him.

If Oscar accepts their offer, a significant amount of his time will be devoted to school. For the two-year period, he would be able to work no more than 10 to 15 hours/week (at his current pay

rate of \$8.00/hour.) At that rate, he would barely be able to pay his rent and utilities (\$350/month) and buy food. He would be unable to pay child support, or help out with any of Ricky=s expenses.

If you were trying to work out a collaborative solution to this situation on behalf of these parties, what would you suggest?