



Appendix A

GUIDELINES FOR CHILD SUPPORT

New York State Domestic Relations Law Section 240 (1-h) a statutory provision commonly known as the Child Support Standards Act (CSSA) mandates the following unless the parties agree otherwise:

1. Child support is to be paid in an amount equal to the following percentages of combined gross income up to the first **\$148,000**. (This figure is adjusted every two years based on the CPI (Consumer Price Index):

17% one child	31% four children
25% two children	35% five or more children
29% three children	

2. The non-custodial parent pays the appropriate support percentage in proportion to each party's percentage of the gross income of the two parties. Additional expenses (in the same proportion) are to be paid by the non-custodial parent for day-care and uninsured health care of the child(ren);

3. The parent's incomes for the purposes of the guidelines include gross income from all sources less spousal maintenance actually paid, less child support paid for other children, public assistance, supplemental security income; and

4. Other factors that can be considered:

- a. The financial resources of the child(ren);
- b. The earning ability and financial resources of each parent;
- c. The standard of living the child(ren) would have enjoyed had the marriage not been dissolved, reduced by the impact that maintaining two households rather than one may have upon the standards of living of the parties;
- d. The physical and emotional condition of the child(ren) and his/her educational needs; the non-monetary contributions that the parents shall make toward the care and well-being of the child(ren); financial need as determined by budget-estimating process.



Appendix B

WHEN YOU DEVIATE FROM THE CHILD SUPPORT GUIDELINES

New York State child support law allows parents to deviate from the Child Support Standards Act (CSSA) guidelines, provided that they have indicated what their child support obligations would be had they followed the guidelines, have affirmed their CSSA obligations to be presumptively correct, and have justified the proposed deviation to the satisfaction of the Court.

When agreeing to a deviation, the parties must show that the CSSA guidelines would result in an “inappropriate or unjust” award based on one or more of the following factors, per DRL Section 240 (1-b)f:

1. The financial resources of the parents and those of the child;
2. The physical and emotional health of the child and his/her special needs or aptitudes;
3. The standard of living the child would have enjoyed had the marriage or household not been dissolved;
4. The tax consequences to the parties;
5. The non-monetary contributions that the parents shall make toward the care and well-being of the child;
6. The educational needs of either parent;
7. A determination that the gross income of one parent is substantially less than the other parent’s gross income;
8. The needs of other children of the non-custodial parent;
9. Provided that the child is not on public assistance, extraordinary expenses incurred by the non-custodial parent in extended visitation provided that the custodial parent’s expenses are substantially reduced as a result thereof; and
10. “Any other factors the court determines are relevant in each case....”

Marital misconduct of either parent is not to be considered.



Appendix C

EMANCIPATION EVENTS

With respect to the parties' minor children, an "Emancipation Event" shall be defined as and shall occur or be deemed to have occurred upon the earliest happening of any of the following:

1. Upon the child reaching the age of twenty-one years, which shall be automatic without the need of making an application to a Court of competent jurisdiction, or if the child is in his/her fourth year of college and is full-time matriculated, the age shall be 22 years old if both parties agree.
2. Upon marriage of said child, even though such marriage may be void or voidable and despite any annulment of it, which shall be automatic without the need of making an application to a Court of competent jurisdiction;
3. Permanent residence away from the residence of the Husband or Wife (a residence at a boarding school, camp or college is not deemed a residence away from a residence of the Husband or Wife, and, accordingly, such residence at a boarding school, camp, or college is not an emancipation event);
4. Death of the child, which shall be automatic without the need of making an application to a Court of competent jurisdiction;
5. The child's entry into the Armed Forces of the United States, which shall be automatic without the need of making an application to a Court of competent jurisdiction;
6. The child engaging in full time employment while not attending school full time after reaching the age of 18 years provided that:
 - a. Engaging by the child in part-time employment shall not be deemed an emancipation event; and
 - b. Engaging by the child in full time employment during vacation and summer periods shall not be deemed an emancipation event; or
 - c. For the purpose of this Agreement, "full-time employment" shall be defined as working thirty-five (35) or more hours per week. Such emancipation event shall be deemed terminated and nullified upon cessation by the child, for any bonafide reason, from full-time employment; and the period, if any, from such termination until the earliest occurrence of any other emancipation event, including the event contemplated by this subparagraph, shall, for the purposes of this Agreement, be deemed a period prior to the occurrence of the emancipation event.
7. Persistent refusal by a Child to comply with reasonable, legitimate, non-capricious and non-arbitrary rules of conduct, guidance, propriety and comporment, as established by the Father or the Mother (Roe v Doe, 29 NY2d 188).