

Custom Legal Software  
Oklahoma Child Support Program  
[www.legalmath.com](http://www.legalmath.com)

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### **Shared time calculation confusion:**

In a shared time case, you would expect to see a lower payment being required of a party as that party spends more time with the child. What you may be seeing, however, is that the payment gets higher, first at 121 overnights, and then decreases at an accelerating rate as overnight visits are increased beyond 132.

This situation usually occurs with a shared time case with higher income on the side of the party with the fewest (less than 182) overnights.

Discussion:

For Shared Time cases, starting at 121 overnights, the statute requires that the basic amount from the Guidelines Chart be multiplied by a factor as follows:

121 to 131 overnights  
multiply by 2

132 To 143 overnights  
multiply by 1.75

144 to 182 overnights  
multiply by 1.5

There are two problems created by this formula. The problem is a flaw in the logic of the statute. (The problem is not in the program because the program follows the statute.)

Your reduced payment expectation will almost always become mathematically impossible as you first move from a non-shared time case (between zero and 120 overnights) to a shared time case at 121 overnights. When you cross into shared time territory at 121 overnights, the statute requires that you multiply the base amount by 2. This significant multiplication more than offsets the reduction in a child support payment that you would normally expect when comparing a shared time case to a non-shared time case. The net result is a net increase.

For some reason I do not understand, as overnights increase there is progressive reduction in the multiplication factor. It drops to 1.75 at 132 overnights. It then drops to 1.5 at 144 overnights. The effect of this drop is to cause the "visiting" parent's share of the base support amount to be decreased at an increasing rate. ("Base support" is the amount from the chart.)

I believe the Legislature got the shared time formula wrong. The system now in place, for overnights

between 121 and 182, illogically requires a decreasing base child support (total cost of raising the children: first base times 2; then base times 1.75 and finally base times 1.5 as shown in the list above). I'm not criticizing a decreasing child support obligation. The child support obligation should decrease as overnight time increases.

Under the existing formula, as "visitation" increases you wind up with a child support obligation amount that is a **decreasing share of a decreasing base amount**. The child support obligation decrease is actually accelerated for no good reason that I can determine. Compare Worksheet line 5 at 121 overnights, 131 overnights, 132 overnights, 143 overnights, and 144 overnights.

The more logical expectation is that the total cost of raising children (the base amount) should increase slightly, if at all, but never decrease, as shared time increases beyond 121 nights. (If total costs do change, they would go up, not down.) Multiplying the base amount by 1.5 sufficiently recognizes that there are now two households to maintain. This will logically require a higher base amount. Holding that multiplier to 1.5 throughout the time range of overnights (121 to 182) allows the shared time formula itself to take care of any further adjustment needed as shared time increases. More time will mean a smaller portion of a fixed amount needed to be transferred to the party who has the most time.

Using a factor of 2 (or even 1.75) makes it nearly impossible to achieve the expected decrease in the bottom line of a child support calculation as one crosses into shared time territory. Secondly, there is no logical need to decrease the "visiting" parent's share at an increasing rate.

I know that my customers may not like us Buff fans in Colorado telling you how to write your laws. But I will say that the Colorado formula uses 1.5 multiplier for **all** shared time cases starting at 93 overnights. The Oklahoma formula did that for awhile -- until the shared time concept was dropped altogether -- until it was revived this year. Now that the shared time concept has been revived, I think it can be fixed only by setting the multiplier at 1.5 for all cases as mentioned above.

For what it's worth, the OKDHS program gets the same results I do (within a few cents).