

“I want to support my kids, but why do I have to give HER or HIM money? A/K/A the Income Shares Model” by Susan A. Heinemann, Esquire

Imagine it. You’ve worked for the past two weeks, more than you ever did in the past, having dealt with angry clients, annoying co-workers, and an arduous boss. Only one thing will make you feel just a little bit better: your paycheck. But then you look at the paycheck. You see a line item marked “Child Support” and you make a face that appears to have sucked on a lemon.

I know from my experience as a support attorney in Allegheny County that all of my clients love their children more than anything in the world and would do anything for them. Perhaps the most common question I’m asked, as a support lawyer in Allegheny County, by these clients is “why do I have to give HER or HIM money?” (We all know who I’m referring to ...). Thank the Income Shares Model.

The law holds all parents are liable for the support of their unemancipated children who are eighteen years old or younger. The same state law requires that child support be awarded pursuant to a Statewide guideline established by the Pennsylvania Supreme Court. By having a statewide guideline, a party is treated the same in Washington County as in Allegheny County as in any other County in Pennsylvania.

The Pennsylvania guidelines are based upon something called the Income Shares Model. And the whole Income Shares Model is based on theory that children should have access to the same level of income as if Mom and Dad still lived together. Apparently, studies have shown that the amount spent on a child is related to the amount of income coming into the home (and the number of children in the home). Pennsylvania is one of about thirty-two other states who use this model. The guidelines represent the average amount spent on food, housing, transportation, clothing and other items needed by children, based on the combined monthly net income of both Mom and Dad.

Luckily, there is a rebuttable presumption that the amount of child support should be set based on these guidelines. A good support attorney in PA could argue that there should be a deviation in the amount of child support based on the mortgage or child care expenses (childcare is not a part of the guideline amount of child support), a shared custody arrangement, or some other reason outlined in the rules for child support, should other circumstances apply. A good support attorney in PA might also look to see if one party should be assessed with a higher earning capacity, which increases their portion or obligation of the child support. A great support attorney in PA will ask a lot of questions!

So, when you think about your child support payment going to “HER”, remember that your child will reap a natural benefit from the income coming into the home. On top of that, remember that a child support order can be reviewed, if you request it, every three years or upon a material change of circumstances. The law also requires the child support guidelines be reviewed every four years. Just remember to talk with a PA support attorney as to how your

child support will change prior to filing for modification. You do not want to be surprised! And remember, the child will turn eighteen years old at a definite point!

Susan A. Heinemann, Esquire is an experienced Pennsylvania support attorney who practices in Allegheny County and surrounding areas. For a free phone consultation, contact (412)281-1988 to set up an appointment to speak with an attorney.