

## **Rule 32 2020 Review**

- Federal regulation 45 CFR 302.56 outlines the criteria the State should consider when conducting its child support guidelines review.
- Text changes required by 45 CFR 302.56 have already been adopted by the Supreme Court and incorporated into Rule 32.
- Remaining criteria to be addressed include:
  - Provide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay that:
  - Takes into consideration the basic subsistence needs of the noncustodial parent (and at the State's discretion, the custodial parent and children) who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve or some other method determined by the State; and
  - Be based on specific descriptive and numeric criteria and result in a computation of the child support obligation.
  - Consider economic data on the cost of raising children, labor market data (such as unemployment rates, employment rates, hours worked, and earnings) by occupation and skill-level for the State and local job markets, the impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the Federal poverty level, and factors that influence employment rates among noncustodial parents and compliance with child support orders;
  - Analyze case data, gathered through sampling or other methods, on the application of and deviations from the child support guidelines, as well as the rates of default and imputed child support orders and orders determined using the low-income adjustment required under paragraph (c)(1)(ii) of this section. The analysis must also include a comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment required under paragraph (c)(1)(ii). The analysis of the data must be used in the State's review of the child support guidelines to ensure that deviations from the guidelines are limited and guideline amounts are appropriate based on criteria established by the State under paragraph (g);