

To: Alabama Advisory Committee on Child Support Guidelines and Enforcement
From: Jane Venohr, CPR
Date: March 8, 2021
RE: Additional Information about Components of a Self-Support Reserve Adjustment

The Committee is deliberating how to best meet the federal requirement to consider the subsistence needs of a parent. There are several components to the adjustment that are summarized in five questions in a December 31, 2020 memorandum to the Committee¹ and shown in the textbox below). This memorandum explores various options to many of these questions. The options explored are in the text box as well.

Questions posted to Committee in Dec. 31 memo	Options explored in this memorandum
1. Does the committee favor putting the self-support reserve (SSR) adjustment in the worksheet so it can apply to each parent?	<ul style="list-style-type: none"> • In worksheet • In proposed schedule using same method but most current fed. poverty guidelines (FPG)
2. What should the amount of the SSR be?	<ul style="list-style-type: none"> • 2021 FPG for 1 person (\$1,073) adjusted for Alabama incomes using (\$877/month)² <ul style="list-style-type: none"> ▪ Net: \$877/month in schedule • Gross equivalent of \$877 net/month (\$981) in worksheet • Above adjusted for predicted 2025³ FPG (\$1,083 gross per month when adjusted) • Relate to federal minimum wage
3. Should the SSR be discretionary if the receiving parent's income is below a certain threshold (e.g., poverty)?	<ul style="list-style-type: none"> • Not explored in memorandum: policy decision
4. Should the SSR adjustment occur after consideration of childcare and other additional expenses?	<ul style="list-style-type: none"> • Before; and • After
5. Should there be an economic incentive to the SSR?	<ul style="list-style-type: none"> • None • 80%⁴ of income less SSR • 70% • 50%⁵

¹The memorandum is available at the Alabama Administrative Office of the Courts at https://www.alacourt.gov/docs/AL_SelfSupportRes_Dec31_2020memo.pdf.

²To be clear, the federal poverty guidelines are published early in a calendar year for purposes of income eligibility thresholds. They may be either a gross or after-tax income amount. (See the U.S. Department of Human and Health Services for more information at [Frequently Asked Questions Related to the Poverty Guidelines and Poverty | ASPE \(hhs.gov.\)](https://www.hhs.gov/ashpr/poverty-guidelines) When measuring poverty, a related measure (the federal poverty threshold) is used. It considers changes in price levels over the course of the calendar year. It is a before-tax amount. (See [How the Census Bureau Measures Poverty](https://www.census.gov/povstatus/measures/poverty.html).)

³ Assumes 2% annual inflation.

⁴ Effective tax rate is about 10% at income equivalent to FPG and rises to about 18% at \$2,600 gross per month.

⁵ Although the suggestion was state income tax rate plus 50%, this would result in the phase-out occurring at incomes above \$3,000 gross per month.

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Exhibit 1: Options Considered

	Adjustment in Schedule or Worksheet	Amount of SSR	Amount of Additional Income Assigned to Child Support
Existing	Schedule	\$702 net	1 child: 90% of net income > SSR 2 children: 91% of net income > SSR 3 children: 92% of net income > SSR 4 children: 93% of net income > SSR 5 children: 95% of net income > SSR 6 children: 95% of net income > SSR
Option A	Schedule	\$877 net (2021 FPG adjusted for AL incomes)	Same as existing
Option B.1 Option B.2 Option B.3 Option B.4	Worksheet	\$981 gross (2021 FPG adjusted for AL incomes)	B.1: 100% of gross income > SSR B.2: 80% of gross income > SSR B.3: 70% of gross income > SSR B.4: 50% of gross income > SSR
Option C	Worksheet	\$1,083 gross (projected 2025 FPG adjusted for AL incomes)	<ul style="list-style-type: none"> 80% of gross income > SSR
Option D	Worksheet	70% of f-t min. wage	15% of gross income below the SSR + X% above SSR <ul style="list-style-type: none"> 25% of gross income for 1 child; 40% for 2 children; 50% for 3 children; 55% for 4 children; 60% for 5 children 65% for 6 children.

Option A: Incorporates SSR adjustment in schedule. The **advantage** is same method as existing schedule. The major **disadvantages** are it is not transparent, can't be applied to both parents, and can't be easily changed. The first page of an updated schedule with the SSR incorporated in it is shown at the end of this document (see Schedule A).

Option B: Exhibit 2 illustrates how the SSR can be incorporated in the worksheet. The major **advantages** are that it applies to both parents, is transparent, and can easily be changed. The latter is an added advantage due to the uncertainty of federal minimum wage changes. The major **disadvantage** is it makes the worksheet more cumbersome, requires changes to automated guidelines calculators when changed, and yields the same SSR-adjusted amount regardless of the number of children unless another line is added to the worksheet.

Option D. Only Arizona bases its SSR on its minimum wage.

- The **advantages** of this approach for Alabama is it addresses the uncertainty of federal minimum wage changes and the widening gap between minimum-wage income and the federal poverty guidelines for one person if indeed federal minimum wage increase.
- It also incorporates research evidence underlying the federal requirement to consider the subsistence needs of an obligated parent that found that arrears accumulate if the child support order is set at 20 percent or more for one child and 28 or more for two or more children.
 - This suggests using a variable percentage for the number of children. A variable percentage also can gradually phase-in to schedule amounts based on what families actually spend on their children. At the proposed minimum wage of \$15 per hour, families spend about 15% of gross income on one child and about 36% of gross income for six children. A worksheet with the variable percentages is shown in Appendix A.
 - A **disadvantage** is it makes the worksheet more complicated (See Exhibit 3).

Exhibit 2: Example of Worksheet with Work Incentive (Option B.2)

	Plaintiff	Defendant	Combined
Line 1: Monthly gross income	\$1,257	\$1,257	\$2,514
Line 2: Monthly adjusted gross income	\$1,257	\$1,257	\$2,514
Line 3: Percentage share of income (<i>each parent's income on line 2 divided by Combined Income</i>)	50%	50%	100%
Line 4: Basic child support obligation for one child (<i>Apply Line 2 Combined to "Schedule of Basic Child Support Obligations" from Appendix to Rule 32 and rounded up to combined income of \$2,550</i>)			\$500
Line 5-6: <i>Skipped for this illustration and assumed to be \$0</i>	\$0	\$0	\$0
Line 7: Total child support obligation (<i>Line 4 for this illustration, i.e., no child care expenses and no health care costs</i>).			\$500
Line 8: Each parent's child support obligation (<i>Multiply Line 7 by Line 3</i>)	\$250	\$250	
Self-Support Reserve Test			
New Line 10: Amount of the SSR	\$981	\$981	
New Line 11: Income after SSR (<i>Line 2 minus new line 10 for each parent, if less than \$0, enter \$0</i>)	\$276	\$276	
New Line 12: Income Available for Support (<i>Line 11 multiplied by 80%, if less than \$50, enter \$50</i>)	\$221	\$221	
New Line 13: SSR-adjusted amount (<i>lower of Line 8 and Line 12 for each parent</i>)	\$221	\$221	
New Line 14: Recommended child support order (<i>Line 13 for the parent with less parenting-time, leave blank for the parent with more parenting-time.</i>)		\$221	

Exhibit 3: Example of Worksheet with Work Incentive (Option D)

	Plaintiff	Defendant	Combined
Line 1: Monthly gross income	\$1,257	\$1,257	\$2,514
Line 2: Monthly adjusted gross income	\$1,257	\$1,257	\$2,514
Line 3: Percentage share of income (each parent's income on line 2 divided by Combined Income)	50%	50%	100%
Line 4: Basic child support obligation for one child (Apply Line 2 Combined to "Schedule of Basic Child Support Obligations" from Appendix to Rule 32 and rounded up to combined income of \$2,550)			\$500
Line 5-6: Skipped for this illustration and assumed to be \$0	\$0	\$0	\$0
Line 7: Total child support obligation (Line 4 for this illustration, i.e., no child care expenses and no health care costs).			\$500
Line 8: Each parent's child support obligation (Multiple Line 7 by Line 3)	\$250	\$250	
Self-Support Reserve Test and Minimum Support			
New Line 10: Amount of the SSR (\$880, which is 70% ⁶ of \$1,257)	\$880	\$880	
New Line 11: Income Available for Base Support (enter the lesser of Line 2 and Line 10 for each parent.)	\$880	\$880	
New Line 12: Base Support (line 11 x 15% ⁷)	\$132	\$132	
New Line 13: Income after SSR (Line 2 minus new line 11 for each parent)	\$377	\$377	
New Line 14: Phase-In Support (Line 13 multiplied by the percentage ⁸ below depending on # of children) <ul style="list-style-type: none"> One child: 25% Two children: 40% Three children: 50% Four children: 55% Five children: 60% Six children: 65% 	\$94	\$94	
New Line 15: Base plus Phase-In (sum of Line 12 and Line 14)	\$226	\$226	
New Line 16: SSR-adjusted amount (lower of Line 8 and Line 15 for each parent)	\$226	\$226	
New Line 17: Recommended child support order (Line 16 for the parent with less parenting-time, leave blank for the parent with more parenting-time.)		\$226	

⁶ This is a policy decision. While Arizona uses 80%, a lower percentage is appropriate due to Alabama's lower income.

⁷ This is a policy decision. Less than 20% should be used to be congruent with the research finding that arrears accrue when the order is 20% or more of the parent's gross income. The lower the percentage the closer to the current minimum order of \$50, which is about 6% of gross income of \$800 per month, which is the first line of the existing schedule.

⁸ The percentages are policy decisions. Should be less than 82% to account for effective tax rates up to 18% at about \$15.00 per hour.

Exhibit 4 compares scenarios using current and proposed federal minimum wage. Based on preliminary analysis of ALECS data, income imputation at full-time, minimum wage earnings to both parents is the most common scenario (18% of all ALECS orders). The next most common is also full-time minimum wage to the obligated parent and no income (\$0) for the receiving party (10% of ALECS orders). Scenarios where there was both income imputation at minimum wage and add-ons are rare (less than 1% of all ALECS orders).

Exhibit 4: Scenarios Considered

Scenario	Obligated Parent's Income	Receiving Parent's Income	Add-ons
1. \$7.25/hr: current fed. min. wage	\$1,257 ⁹	\$1,257	None
2. \$9.50/hr Proposed fed. min wage by summer 2021	\$1,647	\$1,647	None
3. \$11.00/hr	\$1,907	\$1,907	None
4. \$12.00/hr	\$2,080	\$2,080	None
5. \$15.00/hr Proposed fed. min wage by 2025	\$2,600	\$2,600	None
6. \$7.25/\$0	\$1,257	\$0	None
7. \$9.50/\$0	\$1,647	\$0	None
8. \$11.00/\$0	\$1,907	\$0	None
9. \$12.00/\$0	\$2,080	\$0	None
10. \$7.25/\$7.25, \$250 ¹⁰ childcare paid by receiving party	\$1,257	\$1,257	Childcare
11. \$7.25/\$7.25, \$140 ¹¹ health insurance paid by obligor	\$1,257	\$1,257	Insurance

Part of the latest round of relief to the COVID-19 pandemic (the American Rescue Plan) proposed increasing minimum wage to \$9.50 per hour by summer and then increasing it each year until it reaches \$15.00 per hour by 2025. The minimum wage hike was dropped by the Senate, but President Biden

⁹ According to preliminary analysis, exactly one third of obligated parents had gross incomes equivalent to full-time (40 hours per week), minimum wage earnings (\$1,256-\$1,260 per month). Another 1% had income equivalent to 30-hours per week at minimum wage (\$942 per month) and 2% has income equivalent to 40-hours per week but assuming 4.3 weeks in a month instead of 4.33 weeks in a month. The receiving parent's income equaled the obligor's income in 56% of orders where the obligated parents' gross incomes was \$1,256 - \$1,260 per month. The receiving parent's income was zero in another 17% of orders where the obligated parent's gross income was \$1,256 - \$1,260 per month.

¹⁰ According to preliminary analysis, few (6%) obligated parents with income of \$1,260 or less involved cases where there was a guidelines adjustment for childcare expense paid by the receiving parent. The preliminary analysis also found that 10% of extracted ALECS with automated guidelines worksheet calculations (regardless of the incomes of the parties) had childcare added on. The median amount was \$217 per month. The median gross income of obligated parents with childcare expenses was \$1,949 per month. It appeared to be imputed at minimum-wage income among 14% of the obligated parents with childcare expenses. The median gross income of receiving parents with childcare expenses was \$1,760 per month. It appeared to be imputed at minimum-wage income among 13% of receiving parents with childcare expenses.

¹¹ According to preliminary analysis, few (4%) obligated parents with income of \$1,260 per month or less involved cases where there was a guidelines adjustment for health insurance paid by the obligated parent. The preliminary analysis also found that 12% of extracted ALECS with automated guidelines worksheet calculations (regardless of the incomes of the parties) had adjustment for the child's health insurance premium. The median amount was \$118 per month. It was paid by the obligated parent in 54% of the orders in which there was an adjustment. When paid by the obligated parent, the median amount was \$133 per month. The median income of obligated parents paying health insurance was \$3,552 per month. It appeared to be imputed to 1% of obligated parents paying health insurance. In all, (4%) few obligated parents with income of \$1,260 per month or less involved cases where there was a guidelines adjustment for health insurance paid by the obligated parent.

announced he will continue to push for a minimum wage of \$15.00 per hour. The existing minimum wage, \$7.25, dates back to 2009.

Exhibit 5: One Child Amounts: Equal Incomes

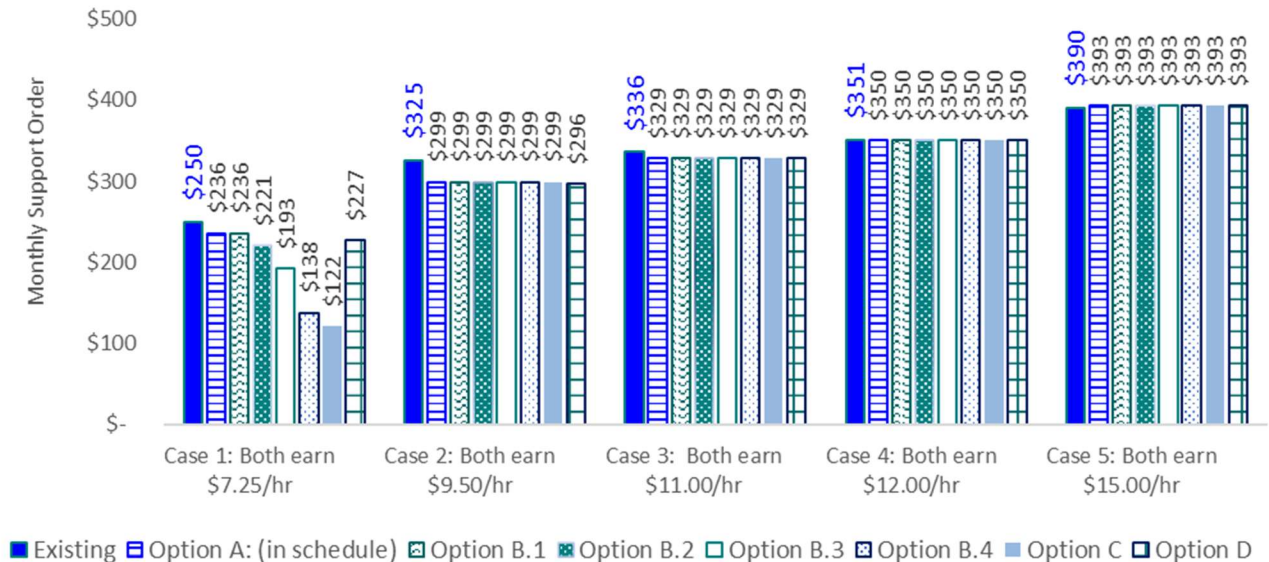


Exhibit 5 shows that with the exception of Option D, the other options do not affect the one-child order amount when minimum wage is \$9.50 per hour or more. This is because the obligated parent has sufficient income after paying the regular guidelines calculation to meet the SSR (\$981 gross per month under any of the Option B sub-options).

Nonetheless, even if Alabama did not update its schedule and continues its common practice of imputing income at full-time, minimum wage when income imputation is authorized and the parent has no barriers to employment (as must be considered in Alabama's adaption of the federal requirements), it would increase order amounts.

Under the existing schedule, increases to the federal minimum wage alone would increase order amounts from:

- **\$250 per month under existing** schedule when both parents have full-time, earnings equivalent to \$7.25/hour (current federal minimum wage)

To

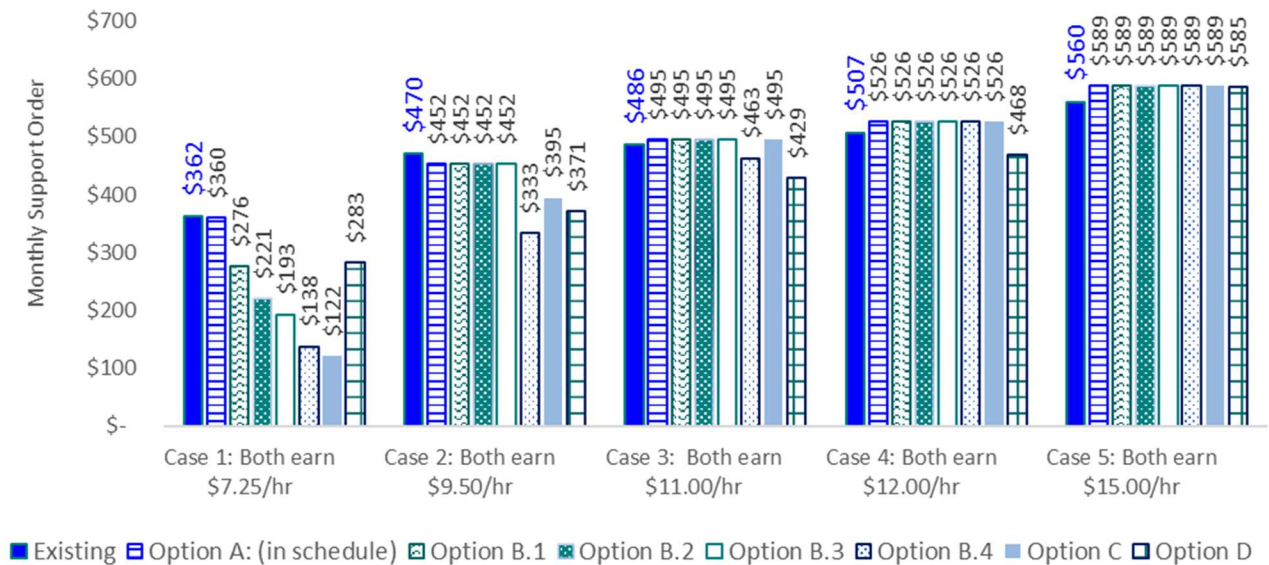
- **\$325 per month** under the existing schedule if federal minimum wage increases to \$9.50 per hour, which is the proposed amount by summer 2021;
- **\$333 per month** under the existing schedule if federal minimum wage increases to \$11.00 per hour (which may be a compromise federal minimum wage);

- **\$350 per month** under the existing schedule if federal minimum wage increases to \$12.00 per hour (which also may be a federal minimum wage compromise); and
- **\$390 per month** under the existing schedule if federal minimum wage increases to \$15.00 per hour, which is the proposed amount by 2025.

This could increase the amount of arrears accrued in Alabama. According to ALECS data, the median amount paid on orders where the obligated parent's income is equal to minimum wage is just over \$100 per month. As is, in 2019,¹² Alabama ranks the highest among states in arrears per ordered case (\$20,207 in arrears owed per ordered case). In contrast, the national average is \$9,882 in arrears owed per ordered case and California has the second highest arrears owed per ordered case at \$16,769. Besides the guidelines amount, many other factors affect the accrual of arrears. A nine-state study (that did not include Alabama) found assessment of interest to be the primary factor.¹³ Alabama does assess interest on arrears.

Exhibits 6 and 7 show similar patterns for two and three children for Options A, B.1, and B.2 when minimum wage is \$9.50 or more. This is because the regular guidelines calculation leaves the obligated parent sufficient income to meet the SSR (which is \$981 gross per month). The patterns, however, are different under Options B.4 (which includes a 50% phase-out to maintain an incentive to earn more) and Option C (which is based on a SSR using the predicted 2025 FPG) for Case 2 and Case 3.

Exhibit 6: Two-Child Amounts: Equal Incomes

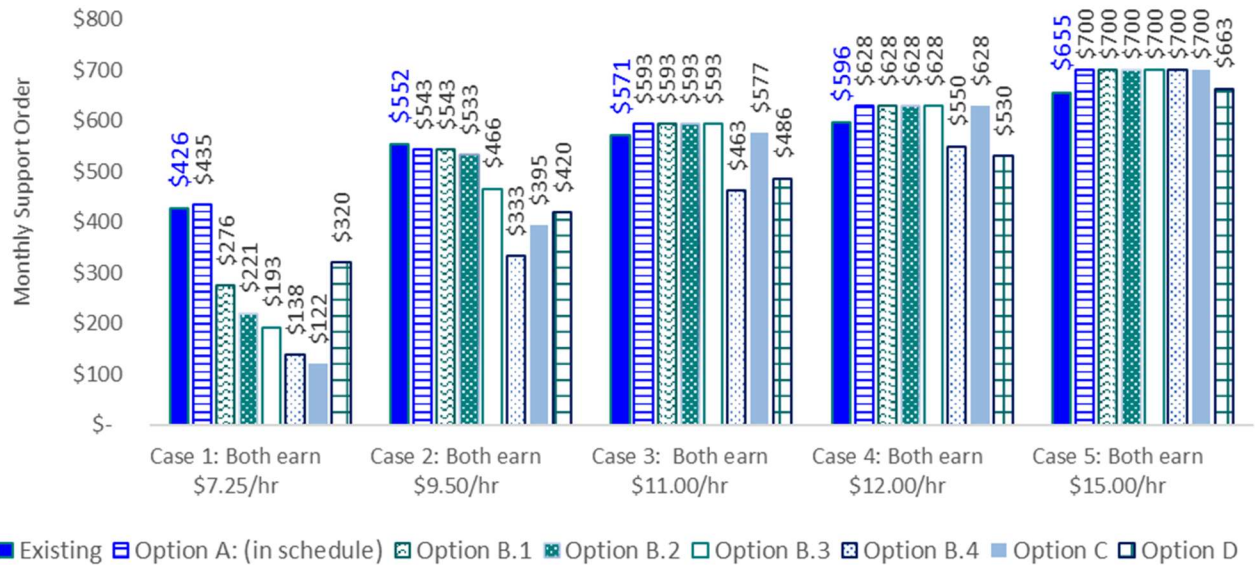


¹² This is calculated from data reported to the federal government. The reference is Federal Office of Child Support Enforcement. (2020). *Office of Child Support Preliminary Report 2019*. Retrieved from <https://www.acf.hhs.gov/css/resource/fy-2019-preliminary-data-report>.

¹³ Sorensen, Elaine, et al. (January 2009.) *Assessing Child Support Arrears in Nine Large States and the Nation*. Retrieved from [Assessing Child Support Arrears in Nine Large States and the Nation | Urban Institute](https://www.urbaninstitute.org/publications/assessing-child-support-arrears-in-nine-large-states-and-the-nation)

Another observation is that the one, two, and three children are the same under Options B.2, B.3, B.4, and C under Case 1. This is because the worksheet used for all sub-options under Option B and C has no line that adjusts the SSR for the number of children (See Exhibit 2 for the Option B worksheet.)

Exhibit 7: Three-Child Amounts: Equal Incomes



Exhibits 8, 9 and 10 assume the receiving parent has no income. The patterns are similar to those when the receiving parent's income equals the obligated parent's income.

Exhibit 8: One Child: Receiving Parent has \$0 Income

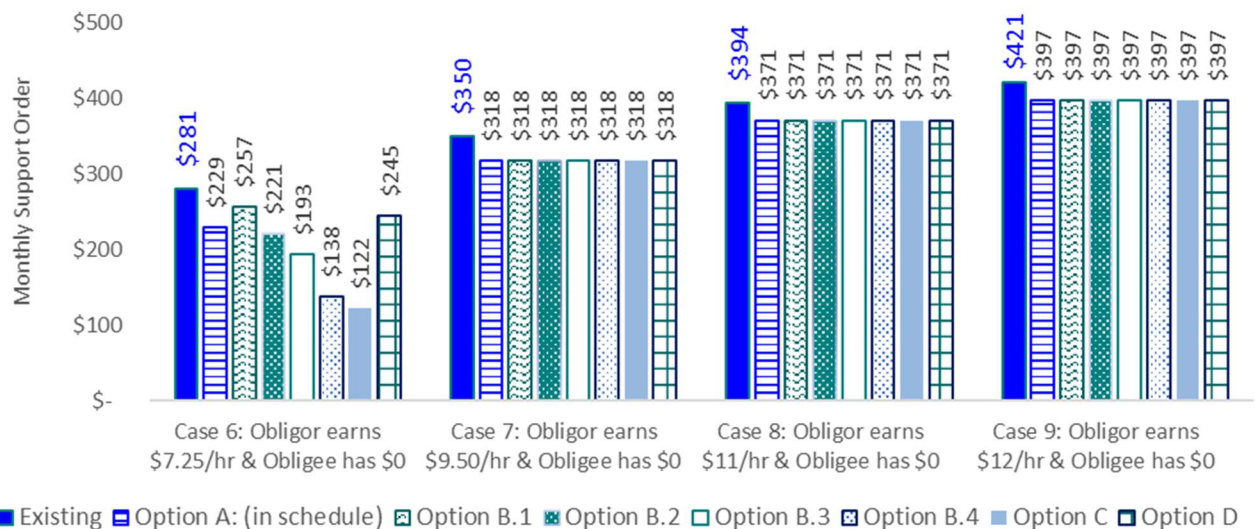


Exhibit 9: Two-Child Amounts: Receiving Parent has \$0 Income

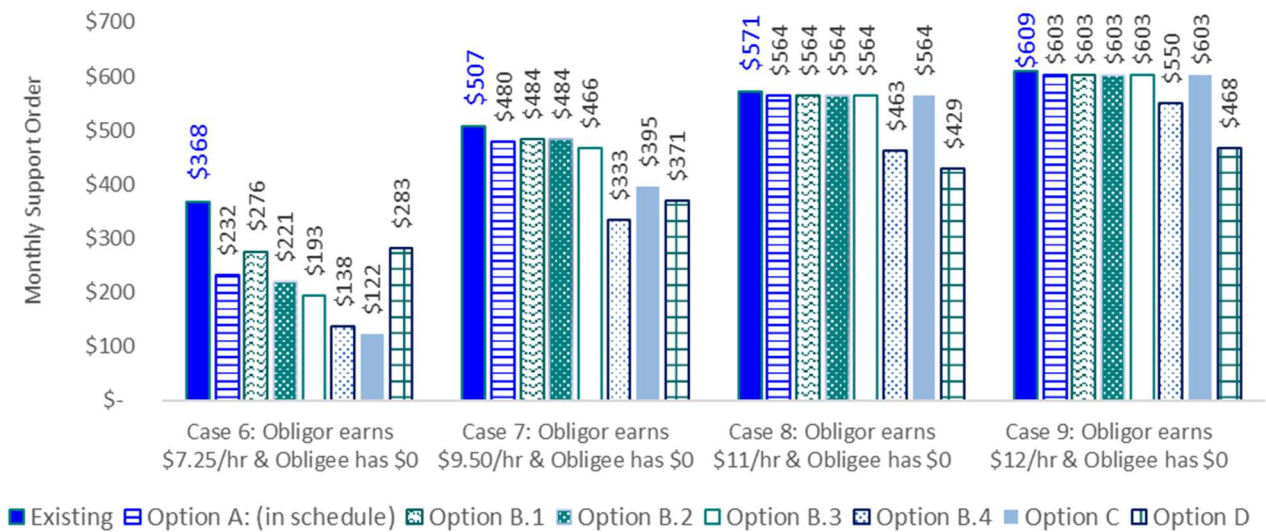


Exhibit 10: Three-Child Amounts: Receiving Parent has \$0 Income

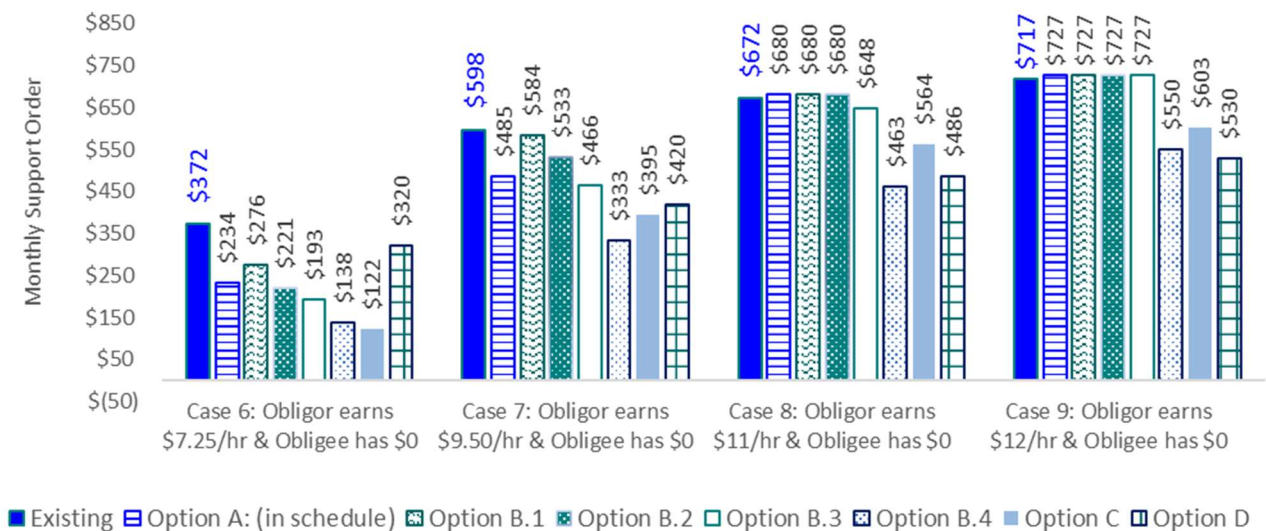
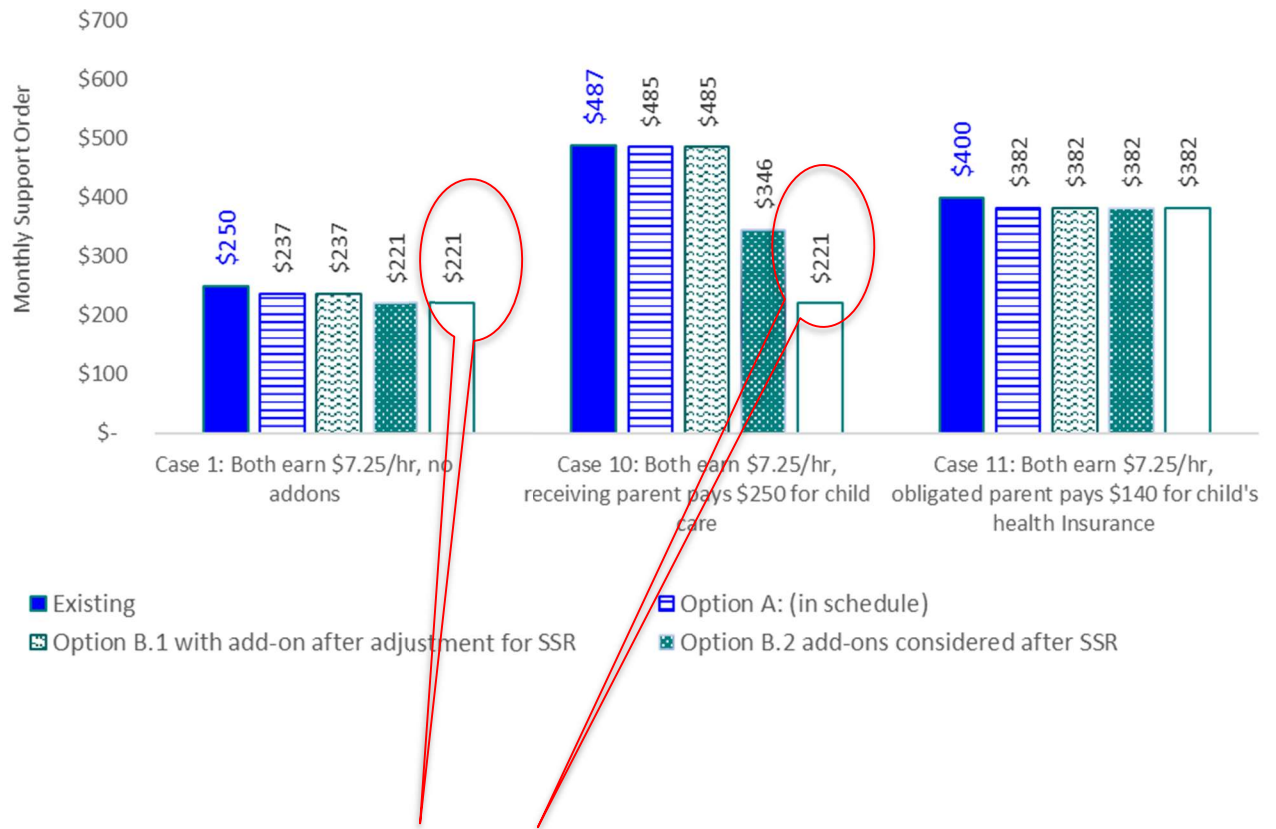


Exhibit 11 shows the impact of considering the SSR before or after the consideration of add-ons. See pages 8 and 9 of December 31 memorandum for worksheets that show the order of the calculation.

Exhibit 11: Impact of Add-ons: Two-Child Amounts



SSR is preserved because SSR is considered after add-ons. In other scenarios, childcare increases obligation amounts. Regardless, less than 5% of all ALECS cases had both minimum-wage incomes and childcare expenses. This could also be addressed through a guidelines deviation.

Schedule A: 2021 Prices and 2021 Tax Rates with SSR Built In

Draft: March 5, 2021						
Proposed Updated Schedule of Basic Support Obligations						
Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
800	50	50	50	50	50	50
850	50	50	50	50	50	50
900	50	50	50	50	50	50
950	50	50	50	50	50	50
1000	50	50	50	50	50	50
1050	54	54	55	56	56	57
1100	89	90	91	92	93	94
1150	124	125	127	128	129	131
1200	159	161	163	164	166	168
1250	194	196	198	200	203	205
1300	229	232	234	237	239	242
1350	264	267	270	273	276	279
1400	274	302	306	309	312	316
1450	283	338	342	345	349	353
1500	292	373	377	381	386	390
1550	301	409	413	418	422	427
1600	309	444	449	454	459	464
1650	318	480	485	490	495	501
1700	327	497	521	526	532	538
1750	336	511	556	562	569	575
1800	345	524	592	599	605	612
1850	354	537	628	635	642	649
1900	362	551	663	671	678	685
1950	371	564	680	706	714	721
2000	379	577	696	741	749	757
2050	388	590	712	776	785	793
2100	397	603	727	812	820	829
2150	405	616	743	830	856	865
2200	414	629	759	848	891	901
2250	422	642	775	865	927	937
2300	431	655	790	883	963	973
2350	440	668	806	900	990	1009
2400	448	681	822	918	1010	1045
2450	457	694	838	936	1029	1081
2500	465	707	853	953	1048	1117
2550	474	720	869	971	1068	1153
2600	482	733	885	988	1087	1182
2650	491	746	900	1006	1106	1203
2700	500	759	916	1023	1126	1224

Schedule B: 2021 Prices and 2021 Tax Rates without SSR Built In

Draft: March 5, 2021						
Proposed Updated Schedule of Basic Support Obligations						
Combined Adjusted Gross Income	One Child	Two Children	Three Children	Four Children	Five Children	Six Children
800	163	248	299	334	367	399
850	173	263	317	354	390	423
900	183	278	335	374	412	448
950	193	293	353	395	434	472
1000	203	308	371	415	456	496
1050	212	323	389	435	479	520
1100	221	336	406	453	498	542
1150	230	350	422	471	518	563
1200	239	363	438	489	538	585
1250	248	376	454	507	558	607
1300	257	390	470	525	578	628
1350	265	403	487	544	598	650
1400	274	417	503	562	618	671
1450	283	430	519	580	638	693
1500	292	444	535	598	658	715
1550	301	457	551	616	677	736
1600	309	470	567	634	697	758
1650	318	484	584	652	717	780
1700	327	497	600	670	737	801
1750	336	511	616	688	757	823
1800	345	524	632	706	777	844
1850	354	537	648	724	797	866
1900	362	551	664	742	816	887
1950	371	564	680	760	836	908
2000	379	577	696	777	855	929
2050	388	590	712	795	874	950
2100	397	603	727	812	894	971
2150	405	616	743	830	913	993
2200	414	629	759	848	932	1014
2250	422	642	775	865	952	1035
2300	431	655	790	883	971	1056
2350	440	668	806	900	990	1077
2400	448	681	822	918	1010	1098
2450	457	694	838	936	1029	1119
2500	465	707	853	953	1048	1140
2550	474	720	869	971	1068	1161
2600	482	733	885	988	1087	1182
2650	491	746	900	1006	1106	1203
2700	500	759	916	1023	1126	1224
2750	508	772	932	1041	1145	1245

2800	517	786	948	1059	1164	1266
2850	525	799	964	1076	1184	1287
2900	534	811	978	1093	1202	1307
2950	542	823	992	1108	1219	1325
3000	550	834	1005	1123	1235	1343
3050	558	846	1019	1138	1252	1361
3100	566	858	1032	1153	1268	1379
3150	574	870	1046	1168	1285	1397
3200	582	881	1059	1183	1301	1415
3250	590	893	1073	1198	1318	1433
3300	598	905	1086	1213	1334	1451
3350	606	916	1100	1228	1351	1469
3400	614	928	1113	1243	1368	1487
3450	621	938	1125	1257	1382	1502
3500	626	945	1132	1265	1391	1513
3550	630	951	1140	1273	1401	1523
3600	635	958	1148	1282	1410	1533
3650	639	965	1155	1290	1419	1543
3700	644	971	1163	1299	1429	1553
3750	648	978	1170	1307	1438	1563
3800	653	984	1178	1316	1447	1573
3850	657	991	1185	1324	1456	1583
3900	662	997	1193	1332	1466	1593
3950	666	1004	1200	1341	1475	1603
4000	671	1011	1208	1350	1485	1614
4050	678	1021	1220	1363	1499	1630
4100	685	1031	1232	1376	1514	1646
4150	692	1042	1244	1390	1529	1662
4200	700	1052	1256	1403	1543	1678
4250	707	1063	1268	1416	1558	1694
4300	714	1073	1280	1430	1573	1710
4350	721	1083	1292	1443	1588	1726
4400	728	1094	1304	1457	1602	1742
4450	735	1103	1315	1469	1616	1757
4500	741	1112	1326	1481	1629	1770
4550	747	1121	1336	1492	1642	1784
4600	752	1128	1344	1501	1651	1795
4650	755	1132	1348	1506	1657	1801
4700	757	1136	1353	1512	1663	1807
4750	760	1140	1358	1517	1668	1814
4800	763	1145	1363	1522	1674	1820
4850	766	1149	1367	1527	1680	1826
4900	769	1153	1372	1533	1686	1833
4950	771	1157	1377	1538	1692	1839
5000	774	1161	1382	1543	1698	1845
5050	777	1165	1386	1549	1703	1852
5100	780	1169	1391	1554	1709	1858
5150	783	1173	1396	1559	1715	1864

5200	786	1177	1401	1564	1721	1871
5250	788	1181	1405	1569	1726	1876
5300	791	1185	1408	1573	1730	1881
5350	794	1188	1412	1577	1735	1886
5400	796	1192	1416	1581	1739	1891
5450	799	1195	1419	1585	1744	1896
5500	802	1199	1423	1589	1748	1900
5550	804	1203	1427	1594	1753	1905
5600	807	1206	1430	1598	1757	1910
5650	810	1210	1434	1602	1762	1915
5700	813	1213	1438	1606	1766	1920
5750	815	1217	1441	1610	1771	1925
5800	818	1220	1445	1614	1775	1930
5850	821	1224	1449	1618	1780	1935
5900	824	1229	1453	1623	1786	1941
5950	828	1233	1458	1628	1791	1947
6000	831	1238	1462	1633	1797	1953

Exhibit 12: One-Child Schedule Comparisons

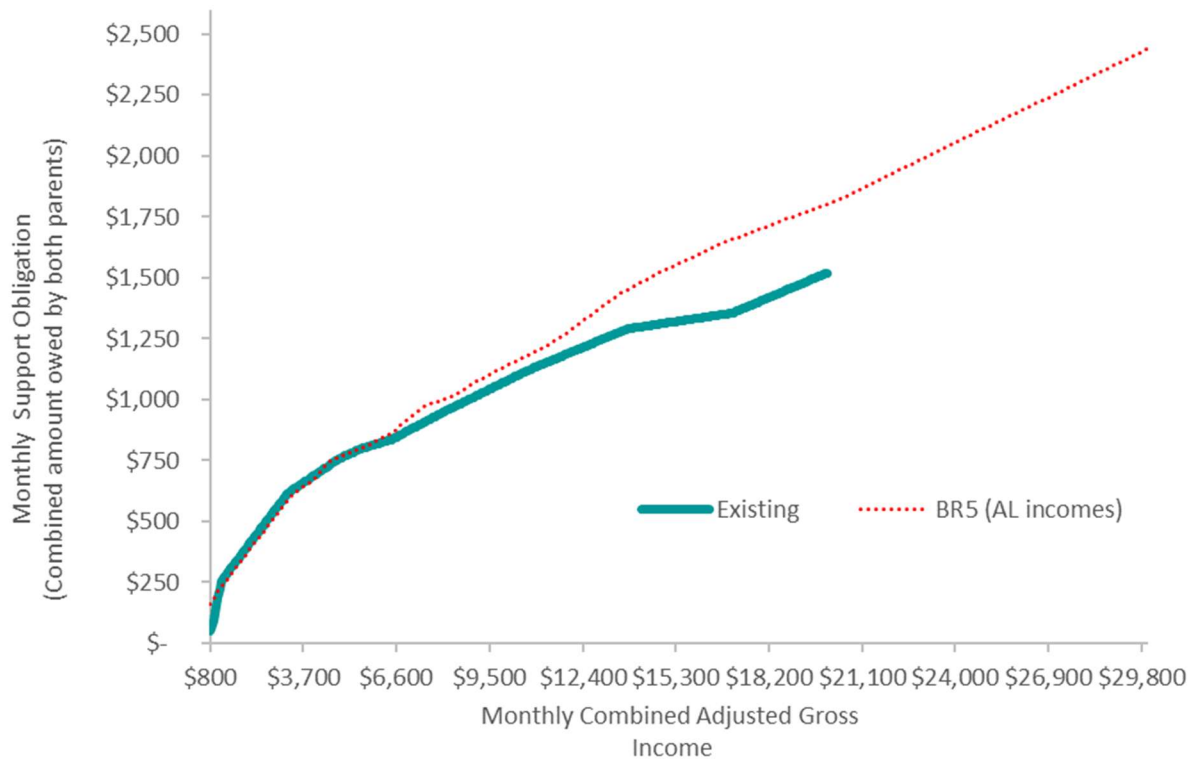


Exhibit 13: Two-Child Schedule Comparisons

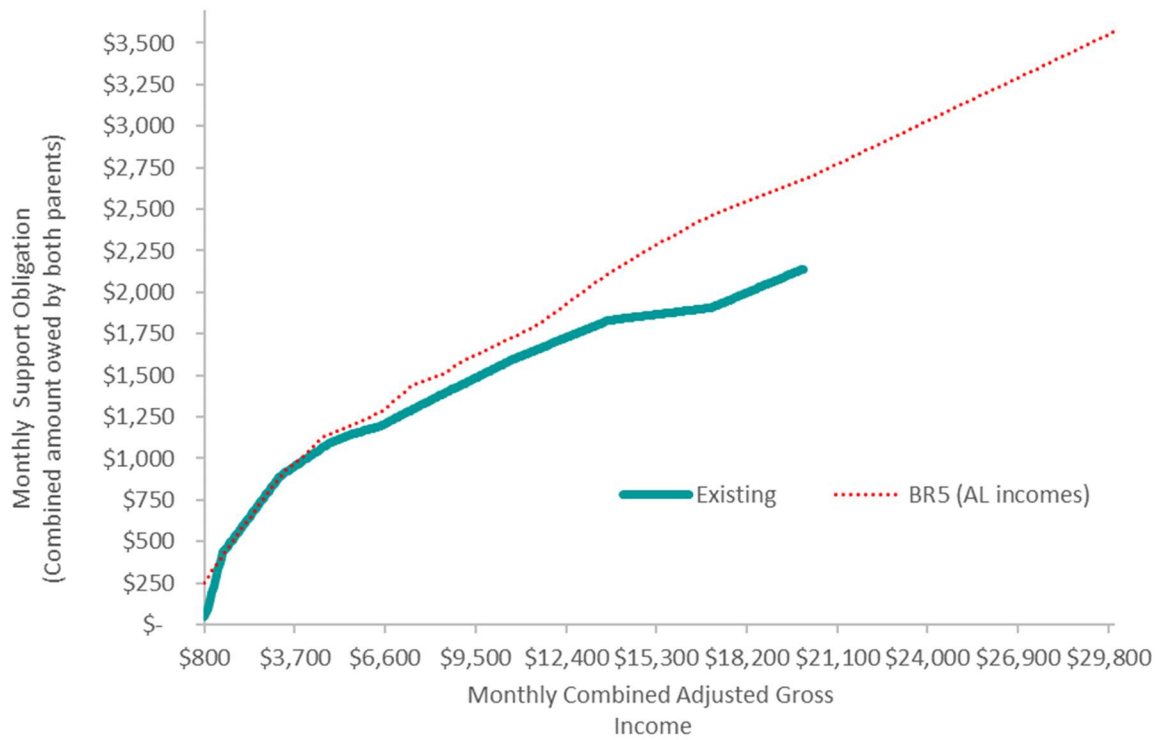


Exhibit 14 Three-Child Schedule Comparisons

