

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 17TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CAMPBELL COUNTY

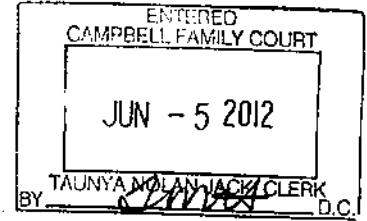
Upon recommendation of the Judges of the 17th Judicial Circuit, Campbell County, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 17th Judicial Circuit, Family Court Division, Campbell County, are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 12th day of June 2012.


CHIEF JUSTICE JOHN D. MINTON, JR.

COMMONWEALTH OF KENTUCKY
CAMPBELL CIRCUIT COURT
17TH JUDICIAL CIRCUIT
FAMILY COURT – DIVISION III



RULES

RULE 1. INTRODUCTION/ ADMINISTRATIVE PROCEDURE

- A. The jurisdiction of the Family Court shall include those cases set forth in KRS 23A.100 and KRS 23A.110.
- B. Any appeal from Family Court shall proceed by the Rules of Civil Procedure to the Court of Appeals, pursuant to KRS 22A.020.
- C. These rules shall be cited as C.F.R.P.
- D. These rules shall be effective thirty (30) days after approval of the Kentucky Supreme Court.

RULE 2. COURT SCHEDULING / MOTION HOUR / PROCEDURES FOR FILING

- A. The following weekly schedule shall commence on June 2, 2011, for all cases before the Campbell County Family Court.

Monday:	9:00 a.m. – 4:00 p.m. 1:00 p.m. – 4:00 p.m.	Open Docket Certified mediators available
Tuesday:	9:00 a.m. – 4:00 p.m.	Paternity and Child Support (set by CCCSO)
Wednesday:	9:00 a.m. – 4:00 p.m.	Dependency, Neglect, and/or Abuse (set through juvenile clerk by Court secretary or case specialist)
Thursday:	9:00 a.m. – 10:30 a.m. 10:30 a.m. – 12:00 p.m. 1:00 p.m. – 4:00 p.m.	Open Docket Domestic Violence Juvenile Status Offense (set through district juvenile clerk by Court secretary or case specialist)
Friday:	9:00 a.m. – 4:00 p.m.	Open Docket

RULE 3. ADOPTION/TERMINATION OF PARENTAL RIGHTS

- A. In Termination of Parental Rights cases, separate case numbers shall be assigned and separate filing fees shall be paid in accordance with FRCPP 32(2). The *guardian ad litem* fee shall be paid in accordance with KRS 625.041(2).
- B. The fee for any *guardian ad litem* shall be paid at the conclusion of the case.
- C. No request for final hearing shall be made prior to the filing of the state child protective service agency report and the *guardian ad litem* report, if any.
- D. Final paperwork, including a draft of the Notice of Hearing, for all adoption proceedings shall be submitted to the Court for review prior to a hearing date being scheduled.

RULE 4. DOMESTIC VIOLENCE PROTOCOL AND 24 HOUR ACCESS POLICY

- A. Pursuant to KRS 23A.100, domestic violence and abuse proceedings will be heard in Family Court (every Thursday morning generally), subsequent to the issuance of an Emergency Protective Order in accord with the Domestic Violence Protocol for the 17th Judicial Circuit.¹
- B. Domestic Violence Petitions should be filed with the District Court Clerk at 600 Columbia Street, Newport, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday, or after hours with any Campbell County police agency. If an Emergency Protective Order is issued, a hearing will be scheduled for Thursday morning the following week before the Family Court Judge. All contempt motions filed by the parties shall be heard in the Family Court, while all criminal violations of an Emergency Protective Order or a Domestic Violence Order shall be heard in District Court.
- C. Any person filing a petition for an Emergency Protective Order shall advise the Court of any dissolution or custody proceeding involving the children of the parties.

RULE 5. PATERNITY

- A. Petitions and/or motions for custody of or parenting time with a minor child may be filed in an active paternity case. Pursuant to FCRPP 14(3), the Court reserves the right to transfer the custody, parenting time, or support matters in the paternity action to a civil custody proceeding on the open docket. Such a transfer may require the Court to order that the appropriate filing fee be paid by the moving party, unless the movant is proceeding *in forma pauperis*.

¹ See Appendix A. This Protocol is incorporated herein by reference as if set out fully.

RULE 6. DEPENDENCY NEGLECT AND ABUSE

- A. DNA Petition – All petitions shall be filed in accordance with FCRPP 20 and shall be submitted to the Campbell County Attorney, who shall check the petition for legal sufficiency. If the petition is rejected by the county attorney, it shall be submitted to a Family Court Judge for determination of legal sufficiency. If the Judge determines that the petition fails to state grounds for action pursuant to KRS Chapter 620, the petition shall be dismissed. If the petition is approved, the Assistant County Attorney or Judge, as appropriate, shall initial the petition for filing. A copy shall be distributed to the Assistant County Attorney assigned to prosecute dependency actions and the original shall be filed with the Office of the Campbell Family Court Clerk.

Any petition filed with this Court shall comply with the following conditions:

1. Citations to specific statute and factual allegations relied upon in asserting the Court's jurisdiction; and,
 2. Full information concerning the child's parents and their address(es). The petitioner shall make diligent efforts to locate the child's parents, including but not limited to, initiating contact with the Child Support Division of the Campbell County Attorney's Office.
- B. It shall be the responsibility of the County Attorney, Public Defender, and/or a named, authorized representative of the Public Defender, or private counsel, to obtain access and make any necessary copies of any and all juvenile case files.
- C. Any juvenile involved in a dependency, abuse, and/or neglect action or status offense, age fourteen (14) and under, who has been charged with a public offense against family members but which has been amended to a status offense or dependency, neglect and abuse case by the district court, may, with the acquiescence of the Family Court Judge, come before the Family Court. All other juveniles with pending public offenses shall appear in District Court for the public offense, as well as any status offense.
- D. In juvenile adjudication proceedings, it shall be the responsibility of the county attorney to consult with the Cabinet for Health and Family Services (CHFS) prior to signing any Agreed Orders. Representatives from the CHFS shall not sign Agreed Orders. In addition, the CHFS shall confer with the County Attorney in order to issue subpoenas.
- E. Pursuant to FCRPP 19, a request for an Emergency Custody Order can be made to the Court on AOC DNA-2.1. A request for an Emergency Custody Order may be submitted to the Cabinet Central Intake at 859-292-6550, fax 859-292-6400, or email chfsnbsrci@ky.gov, prior to being considered by the Court. When a dependency, neglect, or abuse action is commenced, or a Temporary Removal Hearing has been held and further proceedings are required, this Court may appoint an attorney or a *guardian ad litem* to represent the minor child, parent(s),

and/or custodian(s) of the minor child. Said appointment for parents and/or custodian is contingent upon the party's submission of an Affidavit of Indigency with this Court within seven (7) days from the date the Order is entered. Should the party not qualify as indigent, said party shall be responsible for reimbursement of any and all attorney fees incurred by the appointed counsel.

- F. In regard to Temporary Removal Hearings, the following shall apply:
1. The Court Clerk shall notify all relevant parties and attorneys that an Emergency Custody Order has been entered if the Temporary Removal Hearing is set within twenty-four (24) hours of the Order being entered.
 2. In situations where time is of the essence, faxed copies of Emergency Custody Orders and/or Petitions shall constitute sufficient notice when being sent to *guardians ad litem*, the CHFS, counsel for parents, county attorneys, the Director of Pupil Personnel, any and all school and/or educational facilities, and/or the complaining witness(es).

RULE 7. DOMESTIC RELATIONS PRACTICE

- A. At the time the Verified Petition for Dissolution is filed pursuant to KRS 403.150, a Preliminary Financial Disclosure Statement (form AOC-238) shall be exchanged pursuant to FCRPP 2(3). A response to the petition shall be filed within twenty (20) days after service of the petition and financial disclosure affidavit.
- B. Counsel and/or *pro se* litigants shall contact the Family Court staff for any necessary pretrial dates. A brief hearing will be held at the pretrial, and if necessary, a hearing date shall be granted. Parties will receive a Trial Order at the pretrial hearing. The Court reserves the right to cancel or postpone a scheduled trial or hearing for failure to file the requisite memorandums as ordered in any Trial Order.
- C. It is the policy and request of the Family Court to use the terms "shared parenting" and "parenting time."
- D. Pursuant to FCRPP 3(5), families involved in a contested custody or dissolution proceeding where there are minor children may be ordered to participate in the Families in Transition (FIT) program. Information regarding FIT providers may be obtained from the Family Court staff.
1. In the event the Court orders the parties to attend FIT, the parties must register for the program within sixty (60) days.
 2. Failure to attend FIT may result in delay of Court action and/or the assessment of costs or attorney's fees, or any other appropriate sanctions for contempt of court. Furthermore, any party not designated as the primary residential custodian may be

denied visitation with the minor child(ren) until the party files a certificate indicating completion of the FIT program.

- E. Pursuant to FCRPP 2(6)(a), all parties to any proceeding (including post-decree), except as provided under KRS 403.036 may be ordered to participate in mediation.
1. If the parties are ordered by the Court to attend mediation, but are unable to resolve all issues through mediation, they shall contact the Court within ten (10) days to schedule a case management conference. At least seven (7) days prior to the conference, each party shall file any related motions, stipulations, or agreements reached as a result of the mediation. In the event of failure of a party or parties to appear at the conference, the Court may, in accordance with its order, conduct a hearing in which proof may be taken or the case dismissed as the Court may determine appropriate.
 2. Mediators will, to the extent possible, be available at a reduced rate during the Open Docket on Monday afternoons from 1:00 p.m. until 4:00 p.m.
- F. Pursuant to FCRPP 9, the parties may refer to the FCRPP Model Time Sharing/Visitation Guidelines as a guideline in deciding minimum parenting time.²
- G. In the event of a Final Hearing, Findings of Fact and Conclusions of Law and the Decree of Dissolution shall be prepared by counsel, and a "prepared by" designation included on all documents.
1. One (1) additional copy of the Findings of Fact and Conclusions of Law and the Decree of Dissolution shall be presented to the Court immediately before a final hearing.
- H. **CHILD SUPPORT**
1. Pursuant to FCRPP 9, any motion for child support and any response thereto shall be accompanied by a Kentucky Child Support Guideline Worksheet and an affidavit regarding the pertinent facts attached thereto. All child support orders shall be in strict compliance with the guidelines, unless shared parenting time exceeds forty percent (40%). All child support shall be paid by wage assignment. Any dispute may be referred to mediation.
 2. A child support worksheet shall be attached to all orders and agreements where child support has been ordered by this Court and/or agreed to by parties in a case that is before this Court. In the event the parties have, by agreement or otherwise, deviated from the Kentucky Child Support Guidelines, a statement explaining the reason for said deviation shall be included in the order.
 3. In cases where shared parenting exceeds forty percent (40%), the Court in its discretion may apply the "Colorado Rule."³

² See Appendix B.

I. POST-DECREE LITIGATION

1. All post-decree motions in cases that have been inactive for a period of six (6) months or more shall be assessed a re-opening fee of \$50.00 upon the filing of the motion. The Court reserves the right to postpone or cancel any related hearing date for failure to pay said re-opening fee. FCRPP 14(1).

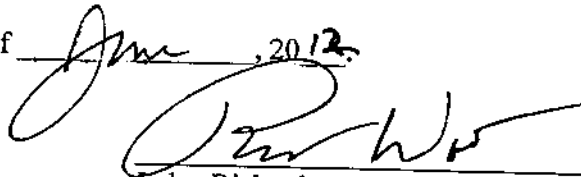
RULE 8. STATUS OFFENSES

There are currently no local rules related to Status Offense cases. For uniform statewide rules of procedure see FCRPP 37 through 44.

RULE 9. MISCELLANEOUS

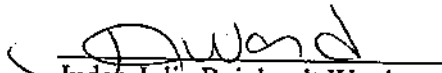
- A. Personal Identifiers. All pleadings must comply with the requirements of KRS Chapters 205, 403, 405, and 407 by providing the personal identifying information required in those chapters. However, where personal identifiers are required by statute or contained in other documents or exhibits filed with the court, parties shall comply with CR 7.03(1)(b) by filing one copy from which any personal data has been redacted and filing an unredacted copy in a marked and sealed envelope. The clerk of the court shall allow the unredacted sealed copy of the pleading, document, or exhibit containing personal identifiers to be accessed only by a party to the case, an attorney of record in the case, a judge of the court or other authorized court personnel, a duly authorized employee or agent of the Cabinet for Health and Family Services involved in child support matters attendant to the case, or a person authorized to view the copy by specific orders of the court. As used in this section, "personal identifier" means a Social Security number or tax-payer identification number, date of birth, or financial account number.

SO ORDERED on this 1 day of June, 2012.

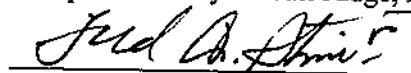


Judge Richard A. Woeste
Campbell County Chief Circuit Judge
Family Court, Division III

HAVE SEEN AND APPROVED:



Judge Julie Reinhardt Ward
Campbell County Circuit Judge, Division I



Judge Fred A. Stine
Campbell County Circuit Judge, Division II

³ See Appendix C.

Supreme Court of Kentucky

ORDER

IN RE: ORDER APPROVING AMENDMENT TO APPENDIX A OF THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 17TH JUDICIAL CIRCUIT, FAMILY COURT DIVISION, CAMPBELL COUNTY

Upon the recommendation of the Judges of the 17th Judicial Circuit, Family Court Division, Campbell County, and being otherwise sufficiently advised,

The amendment to Appendix A of the Rules of Court Practice and Procedure for the 17th Judicial Circuit, Family Court Division, is hereby approved. This order shall be effective as of the date of this Order and shall remain in effect until further orders of this court.

Entered this 29th day of December 2015.


CHIEF JUSTICE

**TWENTY-FOUR HOUR ACCESSIBILITY TO PROTECTIVE ORDERS AND LOCAL
JOINT JURISDICTION PROTOCOL
17th JUDICIAL CIRCUIT AND DISTRICT
CAMPBELL COUNTY**

Pursuant to KRS 403.735 and KRS 456.030, and in compliance with Family Court Rule of Practice and Procedure Section IV, this local protective order protocol is established to ensure twenty-four hour accessibility to emergency protective orders (EPOs) and temporary interpersonal protective orders (TIPOs) and to establish written procedures for matters in which there may be joint jurisdiction between the Circuit/Family and District Courts.

I. Uniform Protocol for Handling Cases

- A. All petitions requested, completed and signed by persons seeking protection under KRS Chapter 403 or KRS Chapter 456 shall be made on form AOC-275.1, and shall be accepted and filed with the court. KRS 403.725, KRS 456.030.
- B. All protective order cases must be processed consistent with the rules and procedures set forth in the Kentucky Circuit Court Clerk's Manual.
- C. All cases will be assigned a "D" case number with the appropriate trailer number within the court case management system and may not be consolidated with any other case type.
- D. "No drop" policies which place limitations on a petitioner's right to modify or withdraw a petition for a protective order are not permitted. Pursuant to KRS 403.740 and KRS 456.060, any orders for relief issued directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, dating violence and abuse, stalking, or sexual assault shall not order the petitioner to take any affirmative action.
- E. Cases may be reassigned within the judicial circuit and, pursuant to FCRPP 12, a case may be transferred to another circuit if there is a pending dissolution or custody matter. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.
- F. The court shall review a petition for a protective order immediately upon its filing. KRS 403.730, KRS 456.040. Petitioners shall not be sent away or left waiting for extended periods of time. Petitions should be reviewed within an hour of presentation to a judge or trial commissioner unless impossible due to no judge or trial commissioner being available.

II. Twenty-four Hour Accessibility

- A. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner during regular business hours:

Campbell County Circuit Court Clerk and Deputy Clerks

- B. The following agencies and officers are authorized to take protective order petitions and administer oaths to petitioner after regular business hours and weekends:

Any Law Enforcement handling the matter, including the Kentucky State Police.

- C. Upon receipt of a petition during regular business hours, the authorized agency/officer shall present the petition to the following:

The Clerk shall deliver the appropriate documents to the Family Court Judge for consideration and action thereof. If the Family Court Judge is unavailable, the Clerk shall seek the consideration of a District Judge. If the District Court Judges and/or Family Court Judge are unavailable, the Clerk should call a non-Family Court Circuit Judge.

- D. Upon receipt of a petition after regular business hours, the authorized agency/officer shall present the petition to:

The on-call Judge¹ shall be contacted to consider the petition. If a protective order is issued, the Clerk shall docket the case pursuant to section C above.

III. Assignment of Cases

- A. Pursuant to KRS 403.735 and KRS 456.030, jurisdiction over petitions filed under this chapter is concurrent between district, circuit, and family court.
- B. The Judge reviewing a petition for an order of protection shall indicate in the "Court Action" section of the petition whether the resulting action is a domestic violence action under KRS Chapter 403 or an interpersonal protective order action under KRS Chapter 456.
- C. If an EPO or TIPO is issued, the Clerk shall docket the case in the Protective Order session of the Family Court. The District Court Judges will share a percentage of the EPO and TIPO hearing dates with the Family Court Judge. For one (1) year the District Court Judges will handle the hearings for both EPOs and TIPOs for two (2) weeks out of six (6) weeks in an eight (8) week cycle. The Family Court Judge will handle the remaining

¹ The duties as on-call Judge shall be rotated among the Family Court Judge and each District Court Judge. The on-call Judge shall handle all ECO, EPO, Juvenile Detention issues, Bonds, Arrest and/or Search Warrant.

hearing dates for all EPOs and TIPOs. All Campbell County Judges have agreed to review this protocol at the end of one (1) year to determine if any changes are needed based in value of cases heard during the Protective Order docket.

D. The schedule for hearings on protective orders is as follows:

Every Thursday from 10:30 a.m. to 12:00 p.m.

E. Cases may be reassigned or transferred between courts if it is determined that there are other actions pending or circumstances indicate that review by the other court is proper. KRS 403.725, KRS 456.030. If reassignment or transfer occurs, the issuing judge shall re-issue a summons until the matter may be heard by the receiving judge.

IV. Contempt Proceedings

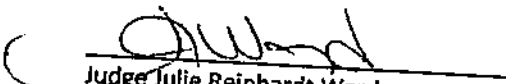
A. Pursuant to KRS 403.763 and KRS 456.180, civil and criminal proceedings for violation of a protective order for the same violation of a protective order shall be mutually exclusive. Once a criminal or contempt proceeding has been initiated, the other shall not be undertaken regardless of the outcome of the original proceeding.

B. Before a civil contempt motion can be filed with the clerk's office the movant must have the request reviewed by the Campbell County Attorney's Office at 4 West 4th Street, Suite 200, Newport, KY 41071 to determine if the allegations are civil or criminal in nature.

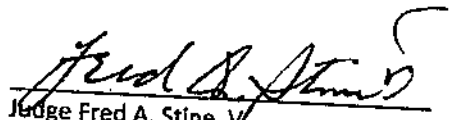
C. No petitioner may be held in contempt for failure to appear at a domestic violence hearing or prosecute a criminal violation of a protective order.

The undersigned hereby acknowledge that all general orders, forms, policies and procedures relating to domestic violence within the judicial circuit are attached to this protocol and incorporated by reference.

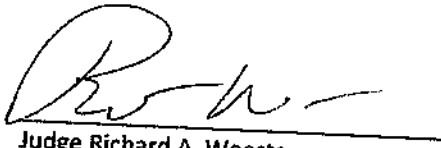
The above protocol is adopted by all judicial officers in the circuit:


Judge Julie Reinhardt Ward
Campbell County Circuit Judge, Division I

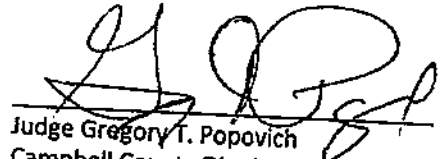
12-22-15
Date


Judge Fred A. Stine, V
Campbell County Circuit Judge, Division II

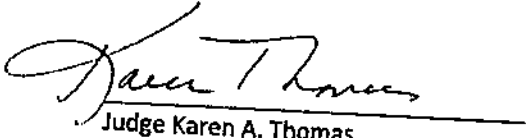
12/22/15
Date


Judge Richard A. Woeste
Campbell County Family Court, Division III

12-22-15
Date


Judge Gregory T. Popovich
Campbell County District Judge, Division I

12-22-15
Date


Judge Karen A. Thomas
Campbell County District Judge, Division II

12.22.15
Date

APPENDIX B – FCRPP MODEL TIME-SHARING/VISITATION GUIDELINES

The following schedules are suggested as guidelines for the parents and the court in establishing time-sharing/visitation schedules. Each case will present unique facts or circumstances which shall be considered by the court in establishing a time sharing/visitation schedule and the final schedule established by the court or agreed to by the parents may or may not be what these guidelines suggest.

1. The time-sharing/visitation schedule set by the court for holidays, school breaks and summer break should control over regularly scheduled timesharing/visitation time, even if this allows successive timesharing/visitation periods.
2. The parent exercising time-sharing/visitation should be responsible for timely picking up the child(ren) at the beginning of the timesharing/visitation period and returning the child(ren) in a timely manner at the end of the time-sharing/visitation period.
3. Times in a time-sharing/visitation schedule should be set in the time zone where the child primarily resides.
4. For time-sharing/visitation times pertaining to school holidays, whether in a formal school or home-schooled, the school holidays where the children) primarily resides should apply.
5. Each parent should provide to the other parent contact numbers and addresses (unless a domestic violence order is in effect) where the child(ren) can be located during their scheduled time-sharing/visitation time.
6. The parent exercising time-sharing/visitation should be given a minimum of every other weekend as time-sharing/visitation time with the child(ren) and one midweek overnight time-sharing/visitation. The parent having such time-sharing/visitation should be responsible for delivering the child(ren) to school, childcare, or the other parent's home as specifically ordered by the court or agreed to by the parents.
7. Holidays.
 - a. If a holiday is celebrated on a Monday following a parent's regularly scheduled time-sharing/visitation, then that parent should be permitted to extend parenting time until 6:00 p.m. on the holiday, unless the parents agree otherwise.
 - b. Other holidays.
 - i. Parent exercising time-sharing/visitation.
 1. During the first full year after divorce/custody proceedings have been filed, the non-residential parent should have time-sharing/visitation scheduled as follows:
 - a. New Year's Day and July 4th from 8:00 a .m. until 6:00 p.m.
 - b. Thanksgiving, beginning at 6:00 p.m. the day school ends until 3:00 p.m. Thanksgiving Day.
 - c. Christmas/Winter Break, beginning at 6:00 p.m. the day school ends until noon on December 25.
 - d. Holidays not listed that are of special interest to the family should be assigned to the nonresidential parent in time amounts similar to those in a), b) and c) above.

2. Holiday time not scheduled above to the parent exercising time-sharing/visitation should be with the other parent.
 3. Mother's Day and Father's Day, regardless of any conflict with the above proposed schedule, should be spent with the appropriate parent from 8:00 a.m. until 6:00p.m.
 4. Fall Break or Spring Break, as allowed by the child(ren)'s school calendar, should be scheduled for the parent with whom the children) primarily resides in the first full year after the divorce/custody proceedings are filed from 6:00 p.m. the day school ends until 6:00 p.m. the following Friday . If school breaks are longer than one week due to the. School schedule, the parent with whom the child(ren) primarily resides should be scheduled for the first half of the break and the other parent should be scheduled for the last half.
 5. Summer Break should be scheduled to allow the parent exercising time-sharing/visitation a minimum of two periods of two consecutive weeks during the Summer Break. Each parent should provide the time periods he or she desires to the other parent before the end of the school year, or at least 60 days in advance of the requested time. If a child must attend summer school in order to pass to the next grade, summer time-sharing/visitation should not prevent school time.
 6. Birthdays: Unless the birthday falls on a regularly scheduled time-sharing/visitation day, the parent exercising time-sharing/visitation should be scheduled for birthday time from 5:00 p.m. until 8:00 p.m. If it is a regular day of the parent exercising timesharing/visitation where the children) does not primarily reside, the other parent should have birthday time from 5:00 p.m. until 8:00 p.m.
 - ii. Alternating years: For each year thereafter, the timesharing/visitation set out above should alternate between the parent with whom the child(ren) primarily resides and the parent exercising time-sharing/visitation.
8. Waiting/Tardiness/Cancellations.
- a. In the event either parent will be more than 30 minutes late, due to reasonable unforeseen circumstances, to pick up the child(ren), he or she should provide direct notice to the other parent or a designated third party and make suitable arrangements for exchange of the child(ren).
 - b. If time-sharing/visitation is missed through no fault of the parent, and reasonable notice has been given, that time should be made up, if reasonable to do so.
 - c. If the child(ren) is ill, the parent who has the child should give 24-hour notice, if possible, to allow for appropriate plans to be made.
9. Transportation: The parents should transport the child(ren) in a safe manner, which includes utilizing the appropriate child restraint systems and not driving under the influence of intoxicants.

APPENDIX C – COLORADO METHOD

The Colorado Method may be applied to determine child support in true parenting situations, which for Campbell County Family Court is defined as physical custody for at least 40% of the time. The formula utilizes the percentage of shared parenting and the child support guidelines. It is applied as follows:

- (1) Add both parents' gross monthly income to determine the total child support from the KY Child Support Guideline (line 7). Then multiply that figure by 1.5 to determine the new total child support.
 - (2) Multiply that figure by the parents' proportionate income (for example, if dad brings in 75% of the total monthly income, multiply by 75% for dad and 25% for mom) to determine each "child support obligation."
 - (3) Then multiply each parent's child support obligation from the above paragraph 2 by the percentage of "shared parenting" (for example, if mom has the child 9 out of 14 nights, multiply her figure by 64% and multiply dad's figure by 36%) and then SUBTRACT that number from the figures determined in paragraph 2 to determine each parent's new net child support obligation.
 - (4) Then, subtract the lower net child support figure (mom's) from the higher (dad's) to determine actual child support from one parent (dad) to the other (mom). (If neither parent pays health insurance or childcare, then this is the final child support obligation.)
 - (5) If one or both of the parent's pays for health insurance and/or childcare, then continue. Add together what is paid from either parent for health insurance and childcare monthly. That total is multiplied by the percentage each parent's income. The party with the child support obligation above subtracts what their percentage is from what they pay directly to the provider to determine if they have an overpayment for those expenses. If there is an overpayment, then it is subtracted from the child support obligation. If there is no overpayment, then it is added to the child support obligation.
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COLORADO METHOD
SIMPLE APPLICATION

Dad's Monthly Income = \$3,000.00
Mom's Monthly Income = \$1,000.00

Total Monthly Income = \$4,000.00

Child Support per Guidelines \$571
Multiplier x 1.5
\$856

Mom (25%) \$214
Dad (75%) \$642

Mom's x% of shared parenting (64%) = \$137
Dad's x% of shared parenting (36%) = \$231

Subtract:	\$214	\$642
	<u>- 137</u>	<u>- 231</u>
Mom	\$ 77	Dad \$411

Subtract:	Dad \$411
	<u>Mom \$ 77</u>
Net Child Support Obligation	\$334 per month from Dad to Mom

Application of Colorado Rule re: Child Support Obligation

In this case, Dad makes \$1,646.67 per month, and Mom makes minimum wage. Dad pays \$162.71 per month for the child's insurance; and Mom pays \$43.33 per month for daycare. Each parent has the child 7 out of 14 nights.

Dad's Monthly Income = \$1,646.67
 Mom's Monthly Income = \$1,256.67
 Total Monthly Income = \$2,903.34

Child Support per Guideline = \$455.00 (line 7 from Child Support Worksheet)
 Multiplier = 1.5
 Subtotal = \$682.50

Mom's % of income (43.28 %) = \$295.39 (43.28% x \$682.50)
 Dad's % of income (56.72 %) = \$387.11 (56.72% x \$682.50)

Mom's % of shared parenting (50%) = \$147.70 (50% x \$295.39)
 Dad's % of shared parenting (50%) = \$193.56 (50% x \$387.11)

Subtract:	\$295.39	\$387.11
	<u>- \$147.70</u>	<u>- \$193.56</u>
	\$147.69 (Mom)	\$193.55 (Dad)

Subtract:	Dad \$193.55
	<u>- Mom \$147.69</u>
	\$45.86 Dad Subtotal

Dad pays insurance:	\$162.71 / month	
Mom pays childcare:	<u>\$ 43.33 / month</u>	
	\$206.04	
Dad's % of ins/childcare	\$116.87	(\$206.04 x 56.72%)
Mom's % of ins/childcare	\$ 89.17	(\$206.04 x 43.28%)
Subtract:	\$162.71	What Dad Pays Directly to Provider
	<u>- \$116.87</u>	Dad's % of ins/childcare
	- \$45.84	Dad's overpayment

- \$45.84	(Dad's overpayment for ins/childcare)
<u>+ \$45.86</u>	(Dad's Subtotal)
\$ 0.02	Dad's Child Support Obligation to Mom

Therefore, Dad's child support obligation to Mom is \$0.02