

# LEGAL SERVICES

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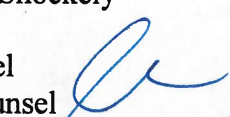
State Capitol  
Juneau, Alaska 99801-1182  
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## MEMORANDUM

April 20, 2011

**SUBJECT:** Child support obligation when children of obligor are living separately (Work Order No. 27-LS0671\A)

**TO:** Senator Albert Kookesh  
Attn: Dorothy Shockely

**FROM:** Jean M. Mischel  
Legislative Counsel 

You have asked whether the above-referenced draft bill takes into account all children of an obligor, whether or not all are subject to a support order. The income share approach does account for a child or children of an obligor who may be living with the obligor and not subject to a separate order of support by inferring a portion of income for that child or children.

The calculation of child support is made by multiplying the presumptive support obligation by the noncustodial parent's proportionate income share of combined monthly net income with the other parent of the child under sec. 25.28.010(a). Monthly net income, as defined under sec. 25.28.010(g) at page 10 of the bill draft, excludes the following in relation to other children:

- (3) child support and alimony payments arising from previous relationships that are required by another tribunal and actually paid; [and]
- (4) child support for children from prior relationships living with the parent, calculated by using the formula under this chapter; . . . .

Therefore, a child not subject to an order and living with a noncustodial parent of another child, is treated as if the child were the subject of a support order under the bill draft in terms of calculating net income from which a share for the noncustodial parent's support obligation is derived. However, children from a subsequent relationship are not considered in the calculation of the parent's net income. In "unusual circumstances" a court may vary an award if the award would result in "manifest injustice" under sec. 25.28.030 at pages 12 and 13 of the bill draft.

If I may be of further assistance, please advise.

JMM:ljw  
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