

IDAHO CHILD SUPPORT LAW



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PRINCIPLES USED IN CHILD SUPPORT DETERMINATIONS

In Idaho, both parents share legal responsibility for supporting their child or children. That responsibility is divided in proportion to the relative incomes of the parents, whether they be separated, divorced, remarried, or never married. Child support is given priority over the needs of parents or creditors in allocating family resources. Support obligations are determined without regard to the gender of the custodial parent, and rarely is a parent's child support obligation set at zero.

The "Idaho Child Support Guidelines," located at https://www.isc.idaho.gov/files/ICSG-July_1_2012.pdf, provide a baseline for determining support obligations. Idaho courts may adjust the total dollar amount of support upwards or downwards from the guidelines amount by taking into account certain specific categories of expenses or other evidence.

INCOME DETERMINATIONS

Gross income means income from any source, and includes, among other things, your military pay, housing allowance, special duty pay, and the value of any benefit received in kind. For example, if you live on-base, the BAH which you are not being paid is still figured into your gross income. If a parent is *voluntarily unemployed or under-employed*, gross income shall be based on *gross potential income*.

The Idaho Child Support Guidelines utilize their own definition of gross income; your gross income for support purposes may not be the same as your "gross income" for federal or state tax purposes.

DIVISION OF THE SUPPORT OBLIGATION BETWEEN THE PARENTS

The guidelines amount support obligation is considered to be the total baseline of the amount of money that is legally required to support a child or children. When both parents have gross income, the total guidelines amount is computed from their combined income and the respective obligation of each individual parent is derived by prorating the guidelines amount against his or her individual income. The parent with custody of the children is presumed to spend his or her share of the support obligation on the child(ren) and generally does not have to keep a specific accounting of money spent for the offspring's benefit.

CHILD SUPPORT MODIFICATIONS

Only a substantial and material change in circumstances can provide a basis for a modification of a child support order. Idaho courts may modify support orders issued by courts in other states only if certain conditions are met.

It is especially important to consult with an attorney when you are trying to modify a support order in a state other than the issuing state, or if someone is seeking to change a support order "against" you in a state other than the issuing state.

***This handout is general in nature. It is not a substitute for legal advice from an attorney regarding individual situations. (August 2021)**

For additional information on this and other legal topics, see the Air Force Legal Assistance Website: <https://aflegalassistance.law.af.mil>