



Pennsylvania Has New Support Guidelines

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Effective January 1, 2022, new support guidelines for child and spousal support will be in effect.

Parents, grandparents, and others who receive or pay support under existing orders are permitted to file Petitions to Modify as a result of the enactment of these new guidelines, even if no other circumstances have changed since the entry of the Support Order.

Complaints for Support that are filed on or after January 1 will be decided under the new guidelines. While the basic guideline “grids” amounts are higher, there are other changes that may result in a Support Order being increased or decreased in ways that a party may not have anticipated.

We recommend strongly that parties consult with legal counsel before taking any steps to modify an existing Support Order.

Remember that whenever one files a Petition to Modify, the Support Order may be increased or decreased upon application of the guidelines. For example, one can file for a decrease, only to end up paying more. A parent who seeks more support may come away with less.

Here are some of the important changes:

1. The assumption that the out of custody party has the child for 30% of the overnights is no longer part of the basic support obligation. That change is intended to eliminate suits seeking additional support over and above the grids from a party who rarely takes custody of the child.
2. The basic support obligation is increased in most circumstances, but not all. For high income litigants, the changes are case-sensitive and complex. For most litigants, the support amount will increase.
3. Litigants who are incarcerated are no longer held to their pre-incarceration earnings, absent certain circumstances. That change was intended to eliminate the accumulation of uncollectible support arrears.

4. The calculations for children in placement and foster care are updated.
5. The circumstances within which a party can petition for reduction due to job loss or other reductions in income are updated to reflect the current employment environment.
6. The rules for calculating income from seasonal employment are updated.
7. The circumstances within which an unemployed party can be attributed with an earning capacity are expanded and better explained.
8. The court has the authority to award the new federal child tax credit to a noncustodial party and require the custodial party to sign the federal waiver form, if necessary to maximize the total income available to the parties.
9. The rules for calculation of support for shared custody, multiple families, and “varied partial or shared” custody are updated and refined. These changes are intended to align the support guidelines with contemporary familial and custodial arrangements that are less rigid and formulaic than those of the past.
10. Childcare and other “extra” expenses are more equitably and clearly allocated. The rules for documentation of such expenses are clarified.

The support guidelines are updated every four years, after careful economic study by experts who study the spending habits of intact families in the Commonwealth.

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About the Author: Ms. De Shong is one of Pennsylvania’s leading family law attorneys. She has counseled hundreds of men and women on all aspects of divorce, child custody, distribution of assets, support, and alimony, as well as property settlement agreements, prenuptial agreements, cohabitation and partnership agreements, family business agreements, protection from abuse matters, and more. She is a Fellow of the American Academy of Matrimonial Lawyers, a national organization of approximately 1,600 highly skilled litigators and negotiators who represent individuals in all areas of family law, and the Litigation Counsel of America, a national trial lawyer honorary society. If you would like further information about Ms. De Shong and family law, or if you have a family law matter that you would like to discuss with her, please email Ms. De Shong at adeshong@wispearl.com.

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