

**Announcement**  
**Revisions made to Rules 500 through 510 of the**  
**Family Court Rules of Civil Procedure**

By Order dated November 8, 2018 and effective February 1, 2019, the Delaware Family Court has amended Rules 500, 501, 502, 503, 504, 506, 507, 508 and has added Rules 509 and 510 of the Family Court Rules of Civil Procedure (the “Rules”).

Federal Regulations require all States to have guidelines for establishing and modifying child support obligations within the State. The State must review, and, if appropriate, revise the guidelines at least once every four years to ensure that their application results in the determination of appropriate child support amounts. On October 18, 2017, Chief Judge Michael K. Newell convened the Ad Hoc Committee for Child Support Guideline Review (the “Committee”) to conduct the review. The Committee was comprised of representatives of the Family Court, General Assembly, Division of Child Support Services, Department of Justice, Family Law Commission, and the Family Law Section of the Delaware State Bar Association.

Following its review, the Committee issued a report and recommendations to the Family Court Judiciary. The report and recommendations were reviewed by the Family Court Judiciary and approved on September 13, 2018. Consistent with the recommendations of the Committee, Family Court published its Final Report on the Delaware Child Support Formula Evaluation and Update. The Final Report is available on Family Court’s website at <https://courts.delaware.gov/forms/download.aspx?id=39228>.

A summary of the approved recommendations can be found on pages 4 through 6 of the Final Report. The approved recommendations were formalized as amendments to the Rules, which were then approved by the Family Court Judges on November 8, 2018 and are available at <https://courts.delaware.gov/rules/>.

While the Final Report provides comprehensive information on the amended Rules, the Court would like to highlight a few of the more significant changes. Most noticeable is the amendment to Rule 502, which eliminates net income in favor of gross income when determining a child support obligation. Because other elements of the formula have been adjusted, users will not see a substantial change in the calculation result, but will notice that the calculation has been made easier.

Other changes to the Rules recognize the challenges that lower income parents face in providing for themselves and their children. First, the numerical values that underlie the primary allowances for children better reflect the greater cost of providing for shelter and utilities and will be adjusted annually rather than biannually. Second, amended Rule 506 provides that the child support obligation of a parent incarcerated more than 180 days be reduced to one-half of a “minimum order” unless the person has the resources to pay support or is incarcerated for a crime

against the support recipient or a child of the union or for nonpayment of child support. Third, in order to craft a child support order that is fair to both parents and the child, the amended Rules provide comprehensive standards that clarify when and how the Court will impute income capacity. Lastly, the experience of parents with multiple child support obligations (three or more) is addressed with a greater self-support protection percentage applied in those cases.

The remaining amendments seek to improve the application of the formula by increasing the percentage deduction for pension or 401k contributions; standardizing the allocation of a parents' medical insurance premiums between parental deduction from income and the children's primary expenses; excluding a percentage of income from the Standard of Living Allowance calculation when the parents' net incomes exceed a certain threshold; providing for the repayment of a credit balance owed to a child support obligor; and providing for a presumptive standard period of retroactivity for new support orders.