

Proposed Amendments to the Idaho Child Support Guidelines

January 2022

The following amendment to the Idaho Child Support Guidelines is recommended by the Idaho Supreme Court's Child Support Guidelines Committee (CSGC) for approval by the Court.

Proposed Amendment to IRFLP Rule 120.F.3.a. –Idaho Courts have long held that incarceration of a parent for an unrelated crime does not constitute “voluntary unemployment” in establishing or modifying child support orders. The amendment to Rule 120.F.3.a. codifies this principle.

F. Guidelines income determination – income defined. For purposes of these Guidelines, Guidelines Income shall include the gross income of the parents and if applicable, fringe benefits and/or potential income; less adjustments as set forth in subdivision G of this rule.

3. Potential Income.

a. Potential earned income. If a parent is voluntarily unemployed or underemployed, child support shall be based on gross potential income, except that potential income should not be included for a parent that is physically or mentally incapacitated. Incarceration may not be treated as voluntary unemployment in establishing or modifying support orders. A parent shall not be deemed under-employed if gainfully employed on a full-time basis at the same or similar occupation in which he/she was employed for more than six months before the filing of the action or separation of the parties, whichever occurs first. On post-judgment motions, the six month period is calculated from the date the motion is filed. Ordinarily, a parent shall not be deemed underemployed if the parent is caring for a child not more than 6 months of age. Determination of potential income shall be made according to any or all of the following methods, as appropriate:

- i. Determine employment potential and probable earnings level based on the parent's work history, occupational qualifications, and prevailing job opportunities and earnings levels in the community.
- ii. Where a parent is a student, potential monthly income during the school term may be determined by considering student loans from any source.