

Information to Document When Imputing a Potential Income

2017 MCSF 2.01(G)

Evaluate the following to determine a parent’s ability and likelihood of earning. In order to adequately document the court’s decision, the following information should be made a part of the record.

MCSF Relevant Factors	Model Questions
(a) Employment experience/history, incl. reasons for any termination or changes in employment.	<p>Has the individual ever had a job?</p> <ul style="list-style-type: none">• <u>If not</u>, have the person explain why they have not previously worked.• <u>If yes</u>, starting with the most recent, have the person list employers and positions that they have held.<ul style="list-style-type: none">○ For prior employers, what caused the person to change employment? <p>In what vocations or industries has the individual worked?</p> <p><i>Explain how the individual’s employment history positively or negatively affects his/her ability to work in the immediate future</i></p>
(b) Educational level and any special skills or training	<p>Is person able to read and write?</p> <p>What is the highest education level that the individual attained?</p> <ul style="list-style-type: none"><input type="checkbox"/> Attend high school <input type="checkbox"/> graduated, <input type="checkbox"/>GED<input type="checkbox"/> Attend vocational training / certificate program / apprenticeship [list area of study and when] <input type="checkbox"/> completed<input type="checkbox"/> Attend College or graduate school? [area of study and when]] <input type="checkbox"/> completed <p>What certifications/licenses/etc. does the individual have?</p> <p>What additional licenses/certifications/training does the person need to work in vocation/occupation?</p> <p>If previously employed, what did person do? Did person receive on the job traing or training courses?</p> <p>Does the person have limited English proficiency?</p>

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MCSF Relevant Factors

Model Questions

Is the individual proficiently multi-lingual?

Explain how the individual's training and education positively or negatively affects his/her ability to work in the immediate future.

(c) Physical and mental disabilities that may affect a parent's ability to work, or to obtain or maintain gainful employment.

What physical restrictions or conditions affect the individual's ability to work or obtain/maintain a job?

What cognitive, emotional, or mental conditions affect the individual's ability to work or obtain/maintain a job?

If physical, mental, or other condition exists, does the person receive or applied for any disability-based income (e.g., lawsuit proceeds, worker's comp, insurance, disability, Soc. Sec, SSI, etc.)?

Specifically which doctors, counselors, and therapists does the individual see for their conditions? How often?

Do any conditions currently require prescribed medications? Do the meds the person takes have any side-effects that affect the ability to drive, operate machinery, work, sit, stand, etc.?

Explain how the individual's physical and mental health affects his/her ability to work or obtain employment in the immediate future.

(d) Availability for work (exclude periods when a parent could not work or seek work, e.g., hospitalization, incarceration, debilitating illness, etc.).

What circumstances or conditions presently limit when the individual is available to work?

[Transportation restrictions, pending criminal charges, parole/probation restrictions, caregiver responsibility (children, parent, etc.).]

Explain how the individual's circumstances or conditions affect his/her availability to work in the immediate future. If applicable, also explain what parent is reasonable for parent to do to improve availability.

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<p>(e) Availability of opportunities to work in the local geographical area. [Note: “area” considered based on parent’s location and reasonable distance to travel (given individual’s ability and for income earned); area is not based on court’s location]</p>	<p>What local sources does the parent use to identify places to work?</p> <p>What specifically has the parent done to actually look for local employment?</p> <p>Compare parent’s attempts to find work to information about jobs available in parent’s vocations and area. [Note distance that the parent travel for other activities and services]</p> <p>If parent’s location limits employment opportunities in the parent’s vocation, does the parent have options to find and accept employment elsewhere?</p> <p><i>Explain how local work opportunities affect the parent’s likelihood or ability to work or obtain employment.</i></p> <p><i>Explain how the parent’s location and ability to change location affect work opportunity.</i></p>
<p>(f) The prevailing wage rates and number of hours of available work in the local geographical area.</p>	<p>What are the prevailing wages (rates and hours) available for jobs that the parent is qualified to perform?</p> <p><i>(May look at comparable positions, industry information, or government occupational data. Like Bureau of Labor Statistics “Occupational Employment Statistics”).</i></p>
<p>(g) Diligence exercised in seeking appropriate employment.</p>	<p>What has the person actually done to seek employment? (how many attempts, regularity, and how recently)</p> <p>Applied at Michigan Works, local temporary employment agencies?</p> <p>Has the parent looked for opportunities in different vocations, or other locations?</p> <p>Has the parent turned down any work, whether in chosen vocation, or other opportunity? Why?</p> <p><i>Explain how the individual’s diligence or lack thereof affects his/her ability to work or obtain employment in the immediate future.</i></p>

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(h) Evidence that the parent in question is able to earn the imputed income.	<p>What work has the parent done in the past? Has anything regarding the parent’s ability changed since they last worked?</p> <p>What does the parent do while they are not working?</p> <p>Any conditions documented in other factors that enhance or restrict the parent’s ability, or likelihood of working?</p> <p><i>Explain how parent is or is not able to work or find employment in the immediate future.</i></p>
(i) Personal history, including present marital status, present means of support, criminal record, ability to drive, and access to transportation, etc.	<p>Document the basic questions of personal history: age; marital status; location, living arrangements, criminal record, etc.</p> <p>List any impacts that those have on the person’s likelihood or ability to work or obtain employment.</p> <p>Does the person have a driver’s license? Access to a vehicle? Access to transportation?</p> <p>What is the person’s present means of support, and providing for self? Ask questions about lifestyle.</p> <p><i>Explain how the individual’s personal history thereof affects his/her ability to work or obtain employment in the immediate future.</i></p>
(j) The presence of the parties’ children in the parent's home and its impact on that parent’s earnings.	<p>Document the ages of the children, and the needs and times parental care is necessary (pregnancy, breast-fed infant, young children, school age children).</p> <p>Review the health needs of the children that could impact employment or ability to maintain employment (special needs, major illness, etc.).</p> <p><i>Explain how the parties’ children affect the individual’s ability to work.</i></p> <p><i>Compare amounts that the parent would earn to the estimated cost of child care, of the other parent would not provide care.</i></p>

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MCSF Relevant Factors

Model Questions

(k) Whether there has been a significant reduction in income compared to the period that preceded the filing of the initial complaint or the motion for modification.

When possible, utilize income tax returns and at least 8 pay stubs showing both pre- and post-petition income. If any decrease in income, inquire about reason for the decrease.

If it appears that the parent reduced income, was it done to avoid child support, explain that determination and reasoning.

Based on the above information, the court should specifically find that the parent is [2017 MCSF 2.01(G)]

- is voluntarily unemployed.
- is voluntarily underemployed.
- has unexercised ability to earn.

[Explain the facts and reasoning for determining that the above is true]

Based on the information determined using the MCSF factors, does this individual have an actual ability and a reasonable likelihood to earn additional income?

- If not, record that fact and explain why.
- If so, record that fact, and use the following steps to record how the amount imputed was determined.

Step 1: Make sure that amount of potential income meets all of the following:

- does not exceed the level it would have been if there was no reduction in income,
- is not based on more than a 40 hour work week,
- does not include potential overtime or shift premiums, and does not to replace overtime or a second job for an individual who is employed 35 hrs or more per week

Step 2: State the amount and explain how you figured the gross imputed income (incl. what was the source of underlying information). Also state the amounts deducted, and explain how you determined any additional costs associated with earning the potential income (e.g., how taxes on imputed income were figured, explain adjustment for child care, etc.).