**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.

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**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.

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 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:

* + - 1. 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.
			2. Where a parent is a student, potential monthly income during the school term may be determined by considering student loans from any source.