ANSWER KEY

Please be advised that the attached answer key is based on one method of calculating each parent's parenting time for each example.

There may be several "gray areas" when calculating parenting time. There may not always be one "right answer" to any particular fact situation. (Just like some people spell the color gray and others spell it grey. Both are accepted.)

If you compute a slightly different number than in this answer key, but you can <u>mathematically justify</u> and <u>articulate</u> your method, you may also have a reasonable number. The key is to use a reasonable method that works for you that you can explain and use consistently. When you find that a particular fact situation may result in a slightly different number using different methods, compare the changes in days to the dollar amount of the resulting adjustment. You will find that the differences are relatively small, especially at lower income amounts.

<u>Remember:</u>

- If you are involved in the drafting of an order that addresses parenting time, and you have the opportunity to put a specific number of overnights or overnight equivalents granted to each parent in the order, **PLEASE DO SO.** By putting in an annualized overnight amount attributable to each parent in the order, this will resolve many difficult calculation issues, and simplify things in the event the order needs to be modified in the future.

Parent A has parenting time with the children every other weekend (Friday through Sunday) and three consecutive weeks of summer vacation.

Question:
How many overnights should be calculated for the Parent A?

Answer:
A) 70 (Method 1)   D) 69 (Method 2)

Note: The answers from the different methodologies are not the same (70 and 69), **BUT YET, BOTH answers can be considered accurate.**

Method 1:

• 26 weekends x 2 nights	52 overnights
• Three weeks' vacation (3 x 7)	+ 21 overnights
• Minus two or four (already counted in weekends)	-3 nights
• **Total annual overnights Parent A**	**70 (one potential answer)**
• Total annual overnights Parent B	295
• Note that Parent A and Parent B's parenting time totals 365 nights	

Method 2:
NOTE: *This example has the same amounts of vacation nights per year, so it works to use 365 days. If vacation/holiday time varies by year, use two years (730 days) and divide Parent A's total overnights by two to find the annual average of parenting time overnights.*

1) **Determine each parent's percentage of "regular" overnights in one year.** Do not include holiday/vacation/special nights, referred to as "other" overnights in this step.
    ➢ The tri fold/MN CLE example provided with this answer key can be used to determine each parent's percentage of the "regular" PT without having to do the math as shown below. Use whatever method makes sense to you.

    Parent A:
    2 night per week x 26 weeks = 52
    52 ÷ 365 = **14%**

    Parent B:
    365– 52 (Parent A's regular time) = 313
    313 ÷ 365 = **86%**

2) **Determine each parent's "other" nights in one year.** (Do not include "regular" overnights in this step.)

    Parent A: **21**   (21 nights summer)
    Parent B: **0**   (no "other" nights ordered)

    Add Parent A and Parent B "other nights together.
    21 + 0 = **21** other nights per 365 nights

Subtract the number of "other nights" attributed to both parents from 365 to find the total number of "regular" nights.

365 – **21** = **344** regular nights per 365 nights

3) **Determine the total number of overnights for each parent, including "regular" and "other" nights.**
   Take the percentages of PT for the parents in Step 1 and multiply it by the number of days remaining after deducting the total number of overnights in Step 2 to determine "regular nights". Add that number to "other nights."

Parent A:
344 x **14 % =** 48 (regular) **+ 21** (other) **= 69 (second potential answer)**

Parent B:
344 x **86 % =** 296 (regular) **+ 0** (other) **=** 296

Note: 69 (Parent A PT) + 296 (Parent B PT) = 365. Parent A and B's total nights should be 365.

Mother/Parent B is granted physical custody of the minor children; Father/Parent A has parenting time with the children every other weekend from Friday at 5:00 PM to Sunday at 5:00 PM, and the parents share the following holiday schedule:

	FATHER		MOTHER	
New Years Eve and Day: 9am 12/31–5pm 1/1	Even Years	1 o/n	Odd Years	1 o/n
Easter [and School Spring Break]	Even Years	7 o/n	Odd Years	7 o/n
Memorial Day weekend: Friday–Monday	Even Years	3 o/n	Odd Years	3 o/n
Fourth of July (Independence Day): 9am until after fireworks	Even Years	0 o/n	Odd Years	0 o/n
Labor Day weekend: Friday–Monday	Even Years	3 o/n	Odd Years	3 o/n
Thanksgiving weekend: Thursday–Sunday	Even Years	3 o/n	Odd Years	3 o/n
Christmas Eve	Even Years	1 o/n	Odd Years	1 o/n
Christmas Day	Even Years		Odd Years	
Christmas School Break	Even Years	12 o/n	Odd Years	12 o/n
Mother's Day	Never	0 o/n	Every Year	0 o/n
Father's Day	Every Year	0 o/n	Never	0 o/n
Mother's Birthday	Never	0 o/n	Every Year	0 o/n
Father's Birthday	Every Year	0 o/n	Never	0 o/n
Children's Birthdays	Even Years	0 o/n	Odd Years	0 o/n

Total: 30 overnights   Total: 30 overnights

Question: How many overnights should be calculated for the Father/Parent A?

Answer:
C) 62

Tips:
- One might construe that with an equal holiday schedule for each parent, the equal "non-holiday days" cancel each other out and do not have any impact on the parenting time calculation.

- However, if the Mother/Parent B has the majority of the parenting time overall throughout the year, the year in which the Father/Parent A gets additional time (even years), it is likely to fall on the Mother/Parent B's regular parenting time, thereby reducing the Mother/Parent B's overnights and increasing the Father/Parent A's overnights.

- If the equal holiday parenting time granted to the parents in addition to Father/Parent A's every other weekend were not considered, it would stand to reason the Father/Parent A's parenting time would be 52. (2 nights x 26 weeks.)

- See next page.

However, if the parenting time was calculated additionally with the holiday schedule (as shown above), the parenting time assigned to Respondent/Parent A would be **62** nights, calculated as follows:

"Regular PT" = 2 nights x 26 weeks = 52 nights per year. Of the 52 nights, the following percentages are attributable to the parents:

➢ Father/Parent A: 52 ÷ 365 = **14%.**
➢ Mother/Parent B: 365 – 52 = 313. 313 ÷ 365 = **86%**
➢ The tri fold/CLE example provided with this answer key could also be utilized to determine each parent's percentage of the "regular" PT without having to do the math as shown above. Use whatever method makes sense to you.

"Holiday PT": **Respondent/Parent A:** 30 additional nights even years.   **Petitioner/Parent B:** 30 additional nights odd years.

365 total days in year – 30 "other" PT nights = **335.**

Father/Parent A:
➢ Even Years: 335 x **14%** = 47 (regular) + 30 (holiday)= 77
➢ Odd Years: 335 x **14%** = 47 (regular) + 0 (holiday) =   47
➢ Two-year average: 77+ 47 = 124
➢ 124 ÷2 years = **62** PT average per year. **(Answer.)**

Mother/Parent B:
➢ Even Years: 335 x **86%** = 288 (regular) + 0 (holiday)= 288
➢ Odd Years: 335 x **86%** = 288 (regular) + 30 (holiday) = 318
➢ Two-year average: 288+ 318= 606
➢ 606÷2 years = **303** PT average per year.

Take Note:

➢ 62 Father/Parent A + 303 Mother/Parent B = 365. If the PT assigned to each parent does not add up to 365, there is something off mathematically, go back and check your math.

➢ It makes a 10-night PT difference if the holiday schedule is considered (and is calculated with 30 "holiday" nights as shown in this example), then if the equal holiday schedule attributed to each parent is presumed to cancel out one another and only the "regular" parenting time is calculated.

➢ A 10-night difference may result in minimal change in the basic support obligation, depending on the incomes of the parties. However, _it is not accurate to say if the parent's "holiday" parenting time is equal, it cancels each other out and does not need to be calculated._

➢ Take heart! Remember there is a modified calculator coming soon that will help calculate the "holiday" schedules that we typically see in court orders, so that determining the "holiday" PT may not be as cumbersome in the future as this example may feel to you now.

Parents have 2 children; split custody is ordered. Father is granted custody of John, Mother is granted custody of Sarah. Additionally:

- Father is granted one evening per week (5 – 9 pm) with Sarah, and every other weekend.
- Mother is granted one evening per week (5 pm – 9 pm) with John and every other weekend.

Question 1:
How many worksheets are needed to calculate support?

Answer 1:
B) 2 worksheets; 1st worksheet: Father is Parent A; determine the support obligation owed by the Father to the Mother for the child Sarah. 2nd worksheet: Mother is Parent A; determine the support obligation owed by the Mother to the Father for the child John. Offset the support obligations.

Question 2:
How many overnights should be calculated for the Father and the Mother for the child not in their care?

Answer 2:
D) 52

Methodology:
- Ignore the 5-9 PM granted to each parent for the child not in their care. It is not an overnight.
- Each parent additionally gets every other weekend with the child not in their care.
  - 2 nights x 26 weeks = **52. (Answer 2.)**

Do one worksheet for the child Sarah.
- Father is Parent A, Mother is Parent B.
- Calculate Parent A 52 overnights for Sarah.
- Determine the basic support owed by the Father/Parent A to Mother/Parent B for Sarah.

Do a second worksheet for the child John.
- Mother is Parent A, Father is Parent B.
- Calculate Parent A 52 overnights for John.
- Determine the basic support owed by Mother/Parent A to Father/Parent B for John.

Offset the basic support obligations. **TIP:** Each parent's obligation will need to be COLA'd separately and offset again after any COLA.

The prior order granted the Parent B physical custody, and ordered that Parent A had "reasonable and liberal parenting time." The worksheet attached to the prior order shows that a 12% parenting time deduction was applied.

Question:

How many overnights should be calculated for the Parent A?

Answer:

D) It is not possible to calculate overnights. Select the 10-45% PT option on the web calculator which will apply a 12% reduction to the basic support obligation.

TIPS:

- 365 x .12 = 44. To be very clear, do NOT enter 44 as an annual number of overnights; that is not accurate.
- You will probably encounter many cases that don't state the parenting time schedule, but say something like the Respondent/Parent A has reasonable and liberal parenting time, and a 12% deduction was given in the prior order worksheet.

  o You would ONLY give a 12% deduction if the prior order applied it (example: in a worksheet).

  o Do NOT give a 12% parenting time deduction if the prior order stated that the Respondent/Parent A had reasonable and liberal parenting time, but there was no 12% deduction applied in prior order.

- If you want to apply a 12% deduction, the web calculator will do the 12% calculation for you.
  ➢ 15a: select no.
  ➢ 15c: select yes.
  ➢ 15d. select between 10 and 45%.

Screen shot from the web calculator:

*** To calculate child support using a parenting expense adjustment effective through July 31, 2018, answer "no" to question 15a, leave question 15b blank, and answer "yes" to question 15c**. (Note: as of the creation of this Answer Key (06/06/2018), the web calculator currently states the prior sentence. Do not misunderstand that you could not do this step after August 1, 2018. The same principal is applied after 8/01/2018; in the event there is an order with no annual number of overnights, but you want to apply the same PT percentage that was applied in the last order, this is how you would get the calculator to do that.)**

15a. Do you have court ordered equal parenting time?	○ Yes ● No
15b. What is the annual number of overnights awarded to each parent by the court?	
15c. If you are unable to calculate the number of overnights awarded to each parent, do you have a current child support order with a parenting expense adjustment?	● Yes ○ No

15d. What percentage of parenting time was awarded to Parent A by the court? | Between 45.1% and 50% ▼ |

PARENTING TIME EXAMPLE CALCULATION # 5 ANSWER KEY

Mother/Parent A has children Monday and Tuesday overnight. Father/Parent B has the children Wednesday and Thursday overnight. The parties shall alternate weekends Friday through Sunday overnights.

Each parent is entitled to three (3) non-consecutive weeks (a week shall be defined as 5 days plus that parent's regularly scheduled weekend) of vacation or extended time per year with the children. The vacation should minimize interference with the other parent's parenting time and should include the normal scheduled weekend when possible.

Question:
How many overnights should be calculated for the Mother/Parent A?

Answer:
A) 182.5 (50%)

TIPS
- ➢ Do not be intimidated by a lot of words. It could well be once you break it all down, it is simple.
- ➢ This example was designed to intimidate you. Did it work? Watch how easily it all falls into place!
- ➢ Each parent has 50% or equal "regular" nights:
    - • Mother/Parent A has Mon/Tues
    - • Father/Parent B has Wed/Thurs
    - • Parties alternate Friday – Sunday

Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Mom	Mom	Dad	Dad	Mom	Mom	Mom	Mom	Mom	Dad	Dad	Dad	Dad	Dad

- ➢ Each parent has 50% or equal "other" nights:
    - • Each parent gets 3 non-consecutive weeks. (A week shall be defined as 5 days plus that parents regularly scheduled weekend).
    - • Ignore the 3 consecutive weeks as both parents get it.

Note:
- ➢ When parenting time is equal for "regular" and "other nights", you <u>do not</u> need to do additional calculations for "other" nights, as shown in Example # 2.

- ➢ In Example # 2, (page 5 of this key), the reason additional calculations were done for the "other/holiday nights" in that example was because <u>the parents did not share equal "regular" time.</u> Because the parents share equal "regular" time in Example 5, it was not necessary to do additional calculations for the "other" nights in Example 5.

Child is 2 years old. Parent B has sole physical custody. Parent A is awarded PT from 8 am to 8 pm every Saturday.

Question:

How many overnights or parenting time equivalents should be calculated for the Parent A?

Potential Answers:

A) 52

B) 0

This example is one that can illustrate the *possibility* of PT that is not technically overnight but may be calculated as such.

- In the example stated above, the Parent A has 0 overnights.
- Yet one could argue that the Parent A has the child one time per week for 12 hours (significant and separate days), and hence 52 overnight equivalents should be calculated.

   518A.36 PARENTING EXPENSE ADJUSTMENT.

   "For purposes of this section, overnight equivalents are calculated by using a method other than overnights if the parent has significant time periods on separate days where the child is in the parent's physical custody and under the direct care of the parent but does not stay overnight.

TIPS

- It will be rare, but there are some cases out there in which an argument could be made for the calculation of overnight equivalents.

- Counties should NOT approach every case looking for any possibility of an overnight equivalent; most likely the language in the court order will be unusual enough to stand out or catch your eye as a potential overnight equivalent.

- It is possible for a CSO to plead out and an ACA to approve pleadings containing overnight equivalent calculations. Again, this will most likely be an exception, rather than a rule.

- CSO's should consult with ACA's prior to commencing the action to confirm if the overnight equivalent calculation is appropriate.

Bottom line:

➢ If you do plead out or argue an overnight equivalent, use the golden rule: We can only do the best we can with the information that we have before us. There may not always be one right answer. The real key is to use a reasonable method that works for you that you can explain and use it consistently.

PARENTING TIME EXAMPLE # 7 ANSWER KEY

During the school year:

- Respondent/Parent A has the child every Monday at 8 am through Thursday at 6 pm and the last weekend of every month from Friday at 6 p.m. through Monday at 8:00 a.m.
  "Regular" nights per week = 3 {*Monday 8 am - Thursday at 6 pm*}
  "Other" nights = 27 *last weekend of every month {Friday 6 pm – Monday am) 3 nights x 9 months}.*

- Petitioner/Parent B has the child every Thursday at 6 pm through Monday at 8 am, except on the last weekend of every month when the Respondent/Parent A gets the child as stated above.
  "Regular" nights per week = 4
  "Other" nights = 0

During the summer:

- Alternating weeks beginning Sunday at 6 pm through Sunday at 6 pm.

Question: How many overnights should be calculated for the Respondent/Parent A annually?
A) 179

One Methodology:

Tip: Presume 3 months of summer (approximately 92 days), 9 months of school year (approximately 273 days). Again, the key is to use a reasonable method that works for you that you can explain and use consistently.

Summer (alternating weeks):
  - Respondent/Parent A: **92** ÷2 parents= **46 nights**
  - Petitioner/Parent B: **92** ÷ 2 parents = **46 nights**

School Year:
  - "Regular" parenting time: 273 days – 27 "other" nights = **246** total "regular school nights"
    - Petitioner/Parent B: 4 nights divided by 7 nights = **57%**
      246 x 57% = 140
    - Respondent/Parent A: 3 nights divided by 7 nights = **43%**
      246 x 43% = 106

	Petitioner/Parent B	Respondent/ Parent A	
Summer	46	46	
School Year	140	106	
School Year "other" nights	0	27	
Total Overnights	186	**179 (Answer)**	365

Note: If you were to lay out the above example on an annual calendar, you would be likely to get a different number of overnights, depending on the duration of the school year and the last weekend of every month during the school year. Again, this example just shows one methodology.