

## 5 Child support calculation

### 5.1 Child support

#### 5.1.1 Classical residence model

Assumption: Children (5 and 10 years) remain with mother (contact with father every 14 days)

Income M:	6'000.-
Child maintenance for a child 10 years, 17 % (20 % ./ 1 % for 5-year-old child, 2 % for wife)	1'020.-
Child maintenance for a child 5 years, 12 % (16 % ./ 2 % for 10-year-old child, 2 % for wife)	720.-
<b>= Total child maintenance</b>	<b>1'740.-</b>

#### 5.1.2 Extended residence model

The mother mainly cares for the children, the father has contact every fortnight from Friday afternoon to Monday morning (He picks up the children from school and brings them back to school after the weekend). Additional contacts: Every Wednesday from 12pm - 8pm and four weeks of holidays including public holidays and bridging days. Overall, care shares are about 70 % (mother) and 30 % (father). The parents make a maintenance agreement; the father receives a reduction of 25 % (factor of 0.75). This means for the above case example:

$$= \text{Total child maintenance: } 1'740.- \times 0.75 = 1'305.-$$

According to recent case law in Austria, in cases where the parents share care to an extent that clearly exceeds the scope of the usual contacts of the parent liable to pay maintenance (he/she pays maintenance during the extended contacts), the monetary maintenance is to be reduced.

For each week-day of care on which the child spends more than the usual average of (1 day per week) with the paying parent, a deduction of approx. 10% from the monetary maintenance is justified (percentage deduction method). Admittedly, this approach is only an orientation and rather the lower limit for considering the additional burdens of the parent obliged to pay maintenance. It would be desirable and worth considering an orientation towards the percentage of time spent in care, which would then have to be corrected if the income situation of the two parents in care, differs greatly.

#### 5.1.3 Alternating model 60:40

The mother looks after the children 60% of the time; the father 40%; in their own households. Although the child is still mainly cared for by the mother in pure percentage terms, there is (according to recent Austrian case law already from 1/3 of the time of care) approximately equal care, according to which it is no longer necessary to proceed with percentage deductions, but the maintenance model under care law is to be applied. If the care contributions of the parents are completely equivalent, the child is no longer entitled to monetary maintenance either way. If the parents' incomes differ considerably, a compensation payment to the parent with a significantly lower income is justified.

**Total child maintenance: CHF 0.- (possible equalization payment to child's mother)**

## 5.2 Spousal maintenance

The husband (M) works full-time and earns CHF 6'000 net, 13 times. The wife (F) works part-time and earns 923.- net, also 13 times. Calculate 13 net salaries divided by 12.

M: 6'000.- x 13 = 78'000.- : 12 =	6'500.-
F: 923.- x 13 = 12'000.- : 12 =	+ 1'000.-
<b>Family income M + F</b>	<b>7'500.-</b>

### 5.2.1 Separation maintenance

This applies until the divorce.

<i>Family income (as above)</i>	7'500.-
of which 50 %	3'750.-
./. own income F	- 1'000.-
<b>= Separation maintenance (until divorce)</b>	<b>2'750.-</b>

### 5.2.2 Post-marital maintenance - without children

This applies from the time of divorce.

<i>Family income (as above)</i>	7'500.-
of which 40 %	3'000.-
./. own income F	- 1'000.-
<b>= Definitive maintenance</b>	<b>2'000.-</b>

### 5.2.3 Post-marital maintenance - with children

The children (ten and five years old) are entitled to maintenance (competing maintenance obligation)

<i>Family income (see above)</i>	7'500.-
of which 32 % (40 % minus 8 %*)	2'400.-
./. own income F	- 1'000.-
<b>= definitive maintenance</b>	<b>1'400.-</b>

\* see 5.1.1

## 5.3 Conclusion

The examples above are based on the guidelines developed in court practice. In principle, the assessment of maintenance always depends on the circumstances of the individual case. According to settled case law in Liechtenstein, if the parent liable to pay maintenance looks after the child within the scope of the usual right of contact in a household, this has no effect on the amount of maintenance. The more the care goes beyond the usual time, the more deductions from the monetary maintenance are appropriate. However, in regards of the variety of family lifestyles and care models, it is not possible to set rigid percentages for the point at which it can be assumed that the parents provide "equivalent" care.

If the circumstances change significantly ((potential) income, unemployment, new civil partnership, age of the children, changed care times, etc.), corresponding adjustments to the maintenance can be considered for both spousal and child maintenance.