

Introduction to 2026 Edition

The purpose of *Determining Child and Spousal Support* is to provide the foundation for determining realistic and fair support in divorce cases by combining a discussion of economic principles with practical guidance. Included in the treatise are the tools necessary to arrive at monthly support figures for children and adults based on actual cost-of-living formulas, as well as guidance for evaluating new cases, identifying unfair settlement offers, and consideration of the variables that can affect settlement amounts.

As in the past, many cases from across the country have been added throughout the publication to support or illustrate the issues discussed, with particular focus on matters such as calculating the income of the parties for purposes of both spousal and child support and events that serve as a substantial change in circumstances justifying modification of support awards.

What's new in the 2026 Edition:

The 2026 Edition includes new cases and updated references throughout both volumes, including the following:

- Retitled sections:
 - Section 3:63. Resources available for support--Income of parties—Imputing income—Proper application of imputing income (and not imputing) [*Retitled*]
 - Section 4:37. Practice under child support guidelines—Calculation of gross/net income—Business income [*Retitled*]
 - Section 4:126. [*Reserved*]
- Courts have considered the parties' keeping the marital home in "good repair" as a component of their marital lifestyle. (§ 3:52)
- Sufficient evidence established a long-term pattern of the wife normally and consistently working overtime, supporting inclusion of the wife's overtime wages when determining the wife's total income, for alimony purposes, although the wife claimed her overtime was

temporary in nature and was due to a COVID-19 backlog, and the wife did not work overtime during most of the marriage. The wife's tax returns and pay stubs reflected overtime work for more than one year, overtime was reflected in the wife's financial declarations, and there were only four pay periods in the 13 months before trial in which the wife worked no overtime hours. (§ 3:56)

- A Texas court, interpreting the state's statute providing for automatic termination of a spousal maintenance award if the obligee spouse cohabits with another person with whom the obligee has a dating or romantic relationship in a permanent place of abode on a continuing basis, ruled that a house qualifies as "permanent place of abode," within the meaning of the statute. The court determined that evidence was sufficient to support finding, at a hearing on the obligor spouse's motion to terminate his maintenance obligation, that the obligee spouse's cohabitation with her boyfriend was on a "continuing basis," within the meaning of that statute. While the obligee spouse had two other abodes during the relevant period, including a condo that was packed in anticipation of moving, and a duplex she had purchased but which was undergoing significant renovations, there was evidence that she stayed overnight with her boyfriend for 116 days, and the obligee gave sworn admission of doing so "for 60 days or more continuously." The court stated that if cohabitation takes place for two months, it has continued from one monthly spousal maintenance period to a second such period, which quantity of cohabitation satisfies the requirement for a "continuing basis" under the statute. (§ 6:34)

- The mother's claim that, six years post-divorce, the children were not insured by the father through an appropriate health care plan, including one child with special needs who needed appropriate health insurance, established "changed circumstance" satisfying the minimum threshold under the statute allowing for modification of the existing child support order based on changed circumstances rendering the existing order unconscionable, warranting further inquiry into the parties' relative financial positions prior to denial of the mother's motion to modify the father's existing child support obligation. (§ 6:57)

- In a California case, a trial court properly ordered the forced assignment of the copyright to the receiver to satisfy the copyright holder's unpaid spousal and child support. (§ 7:1)

INTRODUCTION

Thank you for subscribing to *Determining Child and Spousal Support*. We work diligently each year to make the publication the most important resource available on this topic and hope that you find it useful in your practice.