

Child Support in New York

How the CSSA formula works, what counts as income, add-on expenses, and how support is modified and enforced.

1. — The CSSA Formula

New York calculates child support under the Child Support Standards Act (CSSA), found in Domestic Relations Law § 240(1-b) and Family Court Act § 413. It uses an **income shares** approach: the combined income of both parents is multiplied by a fixed percentage, then divided between them in proportion to their incomes.

The percentages applied to combined parental income are:

Number of children	Percentage of combined income
1 child	17%
2 children	25%
3 children	29%
4 children	31%
5 or more	at least 35%

The non-custodial parent pays their pro-rata share (their percentage of the combined income) of that amount to the custodial parent.

2. — The Income Cap

The combined-income cap is **\$193,000, effective March 1, 2026**, under the biennial adjustment published by the New York Office of Court Administration. The straight percentages above are mandatory on combined income up to the cap.

Above the cap, the court has discretion. It may apply the percentages to income over \$193,000, or use the 'paragraph (f)' factors (the child's standard of living, the parents' resources, health and educational needs, and more) to set a different amount. A judge must state its reasons for whatever it decides above the cap.

3. — What Counts as Income

CSSA income is broad — it is not just salary. It includes wages, self-employment income, bonuses, commissions, investment income, pensions and retirement distributions, workers' compensation, unemployment, and many other sources reported on a tax return.

Permitted deductions before applying the formula include FICA (Social Security and Medicare) taxes actually paid, New York City or Yonkers income tax, and spousal maintenance paid to the other party (with a recalculation provision). Courts can also **impute income** to a parent who is voluntarily unemployed or underemployed, or who is hiding income.

4. — Add-On Expenses

On top of basic support, parents share certain 'add-on' expenses pro-rata (in proportion to income):

- **Child care** — reasonable work- or education-related child care is a mandatory add-on.
- **Health insurance & unreimbursed medical** — the cost of the child's health coverage and out-of-pocket medical, dental, and similar expenses.
- **Educational expenses** — private school or college may be ordered where appropriate, considering the parents' means and the child's needs and academic background.

5. — Low-Income Adjustments

CSSA protects low-income payors. If paying full guideline support would push a parent below the **self-support reserve** (135% of the federal poverty level — \$21,546 for 2026) or below the poverty line, the law substitutes reduced amounts, with statutory minimums (often \$25 or \$50 per month) so that an order is still entered.

6. — How Long Support Lasts

In New York, child support generally continues **until the child turns 21**, unless the child is sooner emancipated (for example, by marriage, full-time military service, or becoming economically independent). College does not end the obligation. A child with a qualifying disability may receive support up to age 26 under recent amendments.

7. — Modifying a Support Order

A child support order can be modified when there is a **substantial change in circumstances**. In addition, for orders entered after 2010, either parent may seek modification if **three years have passed** since the order, or if **either parent's income has changed by 15% or more** (DRL § 236(B)(9)(b)(2)). Job loss, a serious illness, or a major income swing are common grounds — but you must petition the court; support does not adjust automatically.

8. — Enforcement

Unpaid support is enforced aggressively. The Support Collection Unit (SCU) and the courts can use income execution (wage garnishment), interception of tax refunds, suspension of driver's and professional licenses, liens, and money judgments. Willful non-payment can result in a **contempt** finding and even jail. Arrears generally cannot be wiped out retroactively, so act quickly if you cannot pay.

9. — Frequently Asked Questions

Does overtime, a bonus, or commission count toward child support?

Yes. CSSA income includes gross income from virtually all sources, including overtime, bonuses, and commissions. Irregular income is often averaged. The combined-income cap (\$193,000 as of March 1, 2026) limits the mandatory formula, but a court can consider income above the cap.

Can we agree on a different amount?

Parents can agree to deviate from the guideline, but the agreement must recite the guideline amount, the reason for deviating, and confirm the parties were advised of the CSSA — otherwise a court may not approve it.

Do I still pay support if we share equal time?

Possibly. In shared-custody cases New York generally treats the higher earner as the payor, though the amount may be adjusted. Equal parenting time does not automatically eliminate support.

What if the other parent is hiding income or won't work?

Courts can impute income based on earning capacity, lifestyle, prior earnings, or assets. Self-employment income is closely scrutinized; a forensic review may be warranted.

How do I start, change, or enforce support?

You file a petition in Family Court (or address it within a Supreme Court divorce). An attorney can make sure income is calculated correctly and that add-ons and credits are handled properly.

Ready to speak with an attorney?

Call (716) 759-4529 for a free, confidential consultation, or book online at www.weinrieblaw.com/contact-us.html

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