



New calculation model child support for the Caribbean Netherlands

From the 1st of March 2022, the Caribbean Netherlands Guardianship Council uses a new method to calculate the amount of child support, to be able to advise the court as good as possible. You can find more information about this calculation model in this fact sheet.

Old situation

In the Caribbean Netherlands, child support was calculated based on the actual costs and income as reported by the father and mother. It therefore mattered what substantiation parents could give to the pattern of expenditure. This often led to discussions and the question of whether it is fair to take different amounts into account in comparable situations.

New situation

The new calculation model developed by the Guardianship Council is based on the methodology in the European Netherlands (Trema standards) and is based on standards for costs. Specific characteristics of the Caribbean Netherlands have been included in the model, such as economic and cultural characteristics. Experts from the Dutch Nibud [Nationaal Instituut voor Budgetvoorlichting - National Institute for Family Finance Information] and LBIO [Landelijk Bureau Inning Onderhoudsbijdragen - National agency for collection of child support] have assisted us to align the model with the situation in the Caribbean Netherlands. The advantage of a model based on standards is that the calculation and the advice of the Guardianship Council take place in a more objective manner. The income, the number of children and with whom the child or children reside

are important individual factors that are taken into account. In comparable situations the model leads to comparable outcomes. This strengthens legal equality.

Explanation of the model

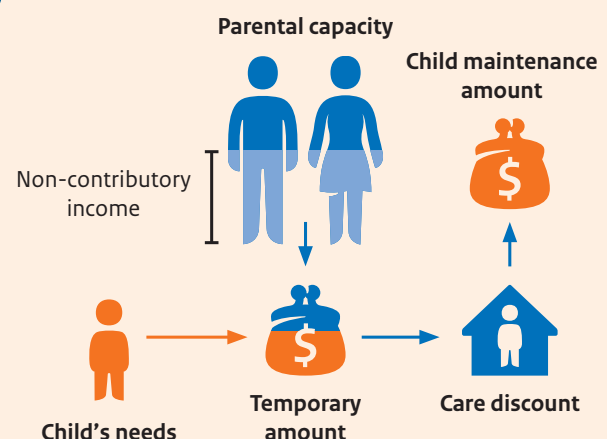
To calculate the amount of child support, the financial capacity of the parents and the needs of the child or children are first determined. Based on both outcomes and a correction for child benefit, the provisional amount of child support is determined for both parents.

- The financial capacity consists of the income of father and mother after the divorce, minus the income that is needed to pay the normal expenses. In the new model, the costs of housing and living are standardised based on income and the socio-economic situation per island.
- Island-specific standards are used to determine the needs of a child or the costs for the care and upbringing of a child. These are based on research into a benchmark for the social minimum (Regioplan, 2018).

After determining the amount of child support for both parents, the care discount is applied, based on the number of days that a child stays with the father or the mother. This leads to the final child support amount.

Minimum child support

The starting point is that parents should always contribute to the costs of their children. The minimum amount of child support is therefore set at \$60 per child and \$120 for two or more children. Even if the financial capacity of a parent is nil. The minimum amounts are based on the court rulings on child support cases in the Caribbean Netherlands in recent years.





Determination of parental capacity

- a. When determining the financial capacity, we start from the financial situation at the time of the request (after the divorce). In contrast to the European Netherlands, no formal divorce is pronounced in many cases in the Caribbean Netherlands. Young fathers and mothers often have children without a permanent relationship. In addition, people often do not live independently, but together with other family members. That is why no difference is made in terms of starting points before or after the divorce, as is done in the European Netherlands.
- b. The financial capacity is determined based on the net income of the father and the mother. This includes income from wages, benefits, and other activities.
- c. The standard amounts for housing costs and living expenses are determined per island based on a capacity table. These are based on the social minimum benchmark (Regioplan 2018) and CBS data.
- d. Fixed housing costs include rent or mortgage. These are standardised at 40% of net income (in the European Netherlands: 30%), because housing costs in the Caribbean Netherlands are relatively high.
- e. In the Caribbean Netherlands, we do not use a weighting percentage (discount) for higher incomes. The Caribbean Netherlands does not have a tax system with financial disadvantages for higher incomes. That is why no weighting with a softening effect is necessary for higher incomes.

Child support for several children

In the Caribbean Netherlands it often happens that a father has several children from different mothers, and mothers have children from different fathers. This has been taken into account in the model, with a fair and equitable distribution for all children as the starting point. That is why the model includes how many children the father and the mother have, and how many they have together.



Determining the needs of children

- a. The needs of a child are often higher as the income of the parents is higher. That is why the costs of care and upbringing a child are standardised, based on the lower limit of the costs for a child (Regioplan 2018) in relation to the average income.
- b. Statistics Netherlands research shows that if there are more children, the total costs rise, but the average costs per child fall (Rapport alimentatienormen - Child Support Standards Report 2022-1). This has been taken into account in the calculation model. So, the costs for children are not twice as high if there are two children.
- c. The calculation model makes no distinction for different ages. The child benefit in the Caribbean Netherlands is also the same. So this does not need any compensation. Also, no recalculation is made when age limits are exceeded. The latter is also not done in the European model.
- d. The norm for a child's needs is only deviated from if there is a significant and long-term deviation in costs. For example, with costs for a necessary private school or for adjustments for disabled children. Temporary cost items or a cost item with a relatively small deviation from the standard are not discounted.

The needs of these children are determined on the basis of standards and are divided over the financial capacity of the parents. This means that if a calculation is made for a third child from the father, then it is calculated how much the three children should receive if it is divided fairly based on the father's financial capacity. This also means that a recalculation can follow for the other children.