

### DCF 150.03(3) Revised Option

**“(3)** Determining income imputed based on earning capacity.

In situations where the income of a parent is less than the parent's earning capacity and in the absence of credible evidence to the contrary, the court may impute income to the parent at an amount that the court determines represents the parent's ability to earn. The court shall consider the following factors when imputing income based on earning capacity:

- a. The parent's age;
- b. The parent's education;
- c. The parent's training and recent work experience;
- d. The parent's job skills;
- e. Earnings during previous periods of employment;
- f. Current physical or mental health;
- ~~g. History of child care responsibilities as the parent with primary physical placement;~~
- ~~h. Availability of work in or near the parent's community;~~
- ~~i. Prevailing wages in the parent's community;~~
- j. The parent's history of incarceration and criminal history;
- k. Employment barriers (e.g., homelessness, no valid driver's license, alcohol, or other drug dependence);
- l. Record of seeking work;
- ~~m. Employers willing to hire NCP;~~
- n. The parent's assets;
- o. The parent's residence and cost of housing;
- p. Vocational evaluation, if available;
- q. If the parent is unemployed or under employed, whether the unemployment is due to the parent's own voluntary conduct or misconduct on the job.
- r. A parent is engaged in reasonable career or occupational training to establish basic skills or that is reasonably calculated to enhance earning capacity;
- s. Unusual emotional or physical needs of a natural or adopted child common to the parties if that child requires that parent's presence in the home; or
- t. A parent is the caretaker of a young child common to the parties and the cost of childcare is prohibitive.
- u. The parent's receipt of TANF cash assistance;
- v. The parent's receipt of SSI;
- w. Any other factor the court deems relevant.

If a parent has gross income or income modified for business expenses below his or her earning capacity, the income imputed based on earning capacity shall be the difference between the parent's earning capacity and the parent's gross income or income modified for business expenses.

**(4)** Determining income imputed when no information is known.

In situations where the income of a parent is unknown and evidence is presented that due diligence has been exercised to ascertain information on the parent's actual income or ability to earn and that information is unavailable, the court may impute to the parent the income that a person would earn by working 10 to 35 hours per week, based on the availability of work in or near the parent's community for individuals in similar circumstances of the parent, for the higher of the federal minimum hourly wage under [29 USC 206](#) (a) (1) or the state minimum wage in s. [DWD 272.03](#).