

## Divorce/Child Support

### Child Support – Receipt of to use for income qualification

Receipt of child support must show as consistent and stable to be considered as qualifying income. To document this, FSB will require the following:

- 1) **Proof of terms of child support.** This must be verified through a divorce decree or court order. If the original divorce decree amounts have adjusted, we will still require the original documentation along with the most recent updates to the child support amount.
- 2) **If a Divorce Decree is not applicable to the situation, then the court documentation showing the original notice to pay child support should be supplied.**
- 3) **If the support is altered in any way over time, it must be in writing through the court and the updates provided with the original court order/divorce decree.**
- 4) **Agreements between parties outside of the court system will not be accepted due to the fact the court order takes priority until satisfied.**
- 5) **Proof of 6 months' receipt of the payments by the borrower, co-borrower or non-occupant spouse (as applicable).** This information must be supplied regardless of how the payment is paid. If through the state, a pay history from the state is sufficient. If paid through another means, we must have documentation to support the receipt of the funds. Cash payments are typically not accepted as they cannot be documented. If the payments are not received consistently, the child support cannot be used as income.
- 6) **If the child support is a Voluntary Agreement and not court ordered, FSB will accept this situation with the following:**
  - a. **12 months' proof of receipt.** The amount must be consistent throughout the history of the payments. Any non-payment or skipped months will not be considered consistent.
  - b. **Written agreement must be provided that is dated prior to the start of the payment of child support.**

### Child Support – payment of and included as a debt in the liability's section of 1003

It must be established that this debt is not delinquent in any way. This is not to be treated any differently from any other debt that exists or could exist for the borrower. Determination of this can be established by the following:

The mortgagee must verify and document the monthly obligation by obtaining the official signed divorce decree, separation agreement, maintenance agreement or other legal order.

### Garnished payments/Payments made through State

- **The Mortgagee must also obtain the Borrower's paystubs covering no less than 28 days to verify whether the borrower is subject to any order of garnishment relating to the Alimony, Child Support, and Maintenance.**
- **Amount noted on paystubs or other documentation being used to verify payment amount must match the amount on the court documentation.**

### Not Garnished/Not Paid through state

- **Satisfactory payment history to be established.**

	<ul style="list-style-type: none"> <li>• <b>Proof of 3 months payments made as agreed for the most recent time period.</b></li> <li>• <b>If any inconsistency in payment history, underwriter may require up to a 12-month history to verify consistency of overall history of payment with no delinquency.</b></li> <li>• <b>Amount being paid for support must match the amount required in the court documents</b></li> </ul> <p><b>Collection/Delinquency</b>  <b>For Child Support payments that have collections reporting or delinquency reporting, FSB will require proof that the account has been paid as agreed and is in good standing at the time of the loan. Proof of 3 months of satisfactory payments for the most recent time period must be supplied.</b></p>
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