IN THE SUPREME COURT OF THE STATE OF KANSAS

Administrative Order No. 59

Re: Kansas Child Support Guidelines

The attached Kansas Child Support Guidelines are hereby adopted, and are to be used as a basis for establishing and reviewing child support orders in the district courts of Kansas. These guidelines should be implemented no later than October 30, 1987.

ADOPTED BY ORDER OF THE COURT this 1st day of October 1987.

DAVID PRAGER Chief Justice

Attachment

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BACKGROUND

The United States Office of Child Support Enforcement (OCSE) promulgated the following federal regulation on May 9, 1985:

Sec. 302.56. Guidelines for setting child support awards.

- (a) Effective October 1, 1987, as a condition for approval of its State plan, the State shall establish guidelines by law or by judicial or administrative action for setting child support award amounts within the state.
- (b) The State shall have procedures for making the guidelines available to all persons in the State whose duty it is to set child support award amounts, but the guidelines need not be binding on those persons.
- (c) The guidelines must be based on specific descriptive and numeric criteria and result in a computation of the support obligation.(d) The State must include a copy of the guidelines in its State plan.

The Kansas Commission on Child Support was appointed by the Governor in December 1984, in compliance with Public Law 93-378, to monitor, assist and advise on issues relating to the enforcement and establishment of child support. The Commission appointed a committee in May 1985 to study guidelines and to draft a proposal for Kansas. The committee included three lawyers, two judges, a district court administrator, a non-custodial parent, a custodial parent, two child advocates, a representative of the State Department for Social and Rehabilitation Services (SRS), and staff assistance from SRS and the Office of Judicial Administration.

The committee solicited substantial comment from the public. Five public hearings on visitation and guideline issues were held in October and November of 1985. Approximately 200 interested citizens attended the public hearings. Nearly five hundred questionnaires were sent to lawyers, judges, fathers' rights groups, mothers' rights groups, court administrators and trustees, attendees at the public hearings and anyone else who requested one. All Commission meetings have been open to the public. The Commission submitted its report to the Supreme Court in 1987. In order to prevent the State of Kansas from being penalized through the threatened loss of federal funding, and after careful consideration of the guidelines proposed by the Commission, with substantial modification thereto by this Court to grant greater flexibility and discretion to the trial court, the Kansas Supreme Court has adopted the following child support guidelines.

I. USE OF THE GUIDELINES

The Kansas Child Support Guidelines are a suggested basis for establishing and reviewing child support orders in the district courts in Kansas. The net child support obligation calculated on Worksheet A (Appendix I) in the absence of other evidence shall be deemed prima facie evidence of a reasonable child support order. However, the Court shall consider all relevant evidence presented in setting the amount of child support, including but not limited to the supplemental considerations set forth in II.C. and III. If the parties have entered into an overall settlement involving child support and alimony, the Court shall enforce the same if the overall settlement adequately provides for the children. The purpose of these guidelines is not to establish a rigid formula, but to produce more consistency in child support orders throughout the The ultimate goal in each case should be justice and fairness for the children and parents in light of the ability of the parents. The final determination of child support rests within the sound discretion of the trial court.

II. DETERMINATION OF CHILD SUPPORT OBLIGATION

A. Documentation

A completed Worksheet A shall be filed by the judge in every case where an order of child support is entered after the effective date of these guidelines.

B. General Instructions for Preparing Worksheet A

- 1. Information provided by the parties pursuant to Supreme Court Rule 139 shall assist the Court in filling out Worksheet A. The information required pursuant to Rule 139 shall be attached to the application for support. The judge, upon considering all relevant information, will complete Worksheet A and attach Worksheet A to the order for support.
- 2. The total financial circumstances of both parents shall be considered and may be reason to deviate from the amount of the support obligation as calculated on line 12 of Worksheet Λ .
- 3. In using the CS Schedules, it may be necessary to average the basic child support obligation amounts for income amounts not shown.
- 4. In determining the age of a child, the age on the child's nearest birthdate shall be used.

C. <u>Supplemental Child Support Considerations</u>

Other factors which may warrant adjustments to the net parental child support obligation. These include:

- 1. Needs of the child
 - a. Uninsured health care
 - b. Special school needs
 - c. Financial resources and needs of the child
- 2. The overall financial circumstances and need of both parents
 - a. Visitation expenses
 - b. Adjustments for extended visitation
 - c. Shared physical custody
 - d. Responsibility for support of others
 - e. Tax considerations
 - f. Residence with a third party
 - g. The value of services contributed by the parents
 - h. Other relevant factors

D. Explanation of Worksheet A

1. Gross Monthly Income. (Line 1)

"Gross income" means earning ability of the parents and income from any source including imputed income, but does not include benefits received from public assistance programs. Benefits received from need-related programs, such as Supplemental Security Income, Aid to Families with Dependent Children, Food Stamps, Medical Assistance, and General Assistance, are not included in the definition of gross income because such benefits decrease as the recipient's income increases from all other sources, including child support.

Gross monthly income is computed by dividing by twelve the gross income received during the twelve months preceding the support obligation determination.

Gross income for the self-employed is gross income as defined above minus ordinary and necessary business expenses which reduce the funds available for child support.

Judicial discretion is important in evaluating the circumstances of the self-employed. In particular, judicial attention should be given to situations in which income is received on a sporadic basis throughout the year, such as with persons engaged in farming.

Income may be imputed at the Court's discretion.

2. Pre-existing Support Obligations. (Line 2)

Pre-existing child support obligations in other cases shall be deducted from the obligor's gross income to the extent that these support obligations are actually paid. These amounts are entered on line 2.

3. Adjusted Gross Income. (Line 3)

The adjusted gross income on line 3 is established by subtracting any amounts shown on line 2 from the gross income amount on line 1.

4. Proportionate Shares of Combined Income. (Line 4)

To determine each parent's proportionate share of the total child support obligation, each parent's gross income is divided by the total of the combined gross income.

A completed Worksheet A using the example given is attached as Appendix II.

Example: Parent A earns \$1,768 gross income a month. Parent B earns \$832 gross income per month. Their combined gross income is \$2,600. Parent A's share of the child support obligation will be \$1,768 divided by \$2,600 or 68%. The Parent B's share of the support obligation will be \$832 divided by \$2,600 or 32%.

5. <u>Basic Child Support Obligation</u>. (Line 5)

The basic child support obligation is determined using the CS Schedules (Appendix III). The CS Schedules have three major components—number of children in the family, combined gross income, and age of each child. Step 1. The table that corresponds to the total number of children for whom the parents share responsibility should be found. Step 2. The appropriate combined monthly adjusted gross income amount should be identified in the left—hand column. Step 3. Using the appropriate age column for each child, the amount for each child should be identified. Step 4. The amounts for each child should be added together to arrive at the total basic child support obligation.

Example: The parents above have two children: ages 6 years, 7 months and 3 years, 10 months. Using the "2 Children Families" schedule, \$2,600 is found in the left-hand column. Under the first column for the four-year old, \$262 is identified and in the next column for the seven-year old, \$313 is identified. These two amounts are added together to find the total basic child support obligation of \$575.00 per month.

6. Health and Dental Insurance Premium. (Line 6)

The increased cost to the parent for health and/or dental insurance for the child is to be added to the basic support obligation. If coverage is provided without cost, then zero should be entered as the amount. The cost of insurance coverage is entered in the column of the parent(s) providing it and the total is entered in the right-hand column.

Example: Parent A has a single coverage policy provided by his or her employer. To add the children would cost \$125 a month. Therefore, \$125 would be entered in Parent A's column and in the right-hand column on line 6.

7. Work-Related Child Care Costs. (Line 7)

Actual, reasonable, and necessary child care costs incurred to permit employment or job search of a parent should be added to the support obligation. The monthly figure is the averaged annual amount.

Example: Child care is needed for the pre-school child. The cost of the child care is \$200 per month. Parent B pays for the costs of the child care. Therefore, \$200 would be entered in Parent B's column and in the right-hand column of line 7.

8. <u>Total Child Support Obligation Without Supplemental</u> Considerations. (Line 8)

The total child support obligation is the sum of the basic support obligation (line 5), the health and dental insurance premium (line 6), and the work related child care costs (line 7).

Example: The total child support obligation is obtained by adding the \$575 basic obligation (line 5) plus \$125.00 in health insurance (line 6) and \$200 in child care cost (line 7). The support obligation totals \$900 per month.

9. Parental Child Support Obligation. (Line 9)

The support obligation for each parent is determined by multiplying each parent's proportionate share shown on line 4, times the total support obligation (line 8).

Example: On line 4, Parent A had 68% of the combined income and Parent B had 32%. Therefore, Parent A's obligation is \$612 (.68 x \$900). Parent B's obligation is \$288 (.32 x \$900).

10. Adjustment for Health and Dental Insurance Premiums and Work-Related Child Care Costs. (Line 10)

If costs of health and dental insurance premiums and/or work-related child care costs are included in the total child support obligation, the parent actually making the payment is credited. This is done by subtracting the amount paid (as shown on lines 6 and 7) from that parent's child support obligation (line 9).

Example: Parent A pays \$125 per month for health insurance. Therefore, \$125 should be subtracted from that parent's child support obligation of \$612 to make a net obligation of \$487. Parent B pays \$200 per month child care costs. Therefore, \$200 should be subtracted from that parent's child support obligation of \$288 to make a net obligation of \$88.

11. Adjustment for Supplemental Considerations. (Line 11)

Supplemental considerations such as, but not limited to, those set forth in II.C. and III., if any, should be calculated for each parent and entered on line 11. The amount of any particular supplemental consideration must be determined by the court on an individual basis and lies within the sound discretion of the trial judge.

12. Net Parental Child Support Obligation. (Line 12)

The net obligation is the parental child support obligation (line 9) minus lines 10 and 11. The residential parent retains his or her portion of the net obligation. The non-residential parent's net obligation becomes the amount of the support order.

Example: Parent B has primary residential custody. Therefore, Parent A will pay \$487. Parent B will retain the \$88 which represents his/her share.

III. ADJUSTMENTS TO CHILD SUPPORT DUE TO CHANGED CIRCUMSTANCES

Courts have continuing jurisdiction to modify child support orders to advance the welfare of the child when there is a material change in circumstances. In determining requested modifications of child support orders entered prior to the effective date hereof, the court should consider the totality of the present circumstances of the parties and avoid modifications which would work undue hardship on the parties or any persons presently dependent thereon.

Attachment I: Child Support Worksheet has been removed.

Current Forms are available at http://www.kansasjudicialcouncil.org/home.shtml

IN Th.		JUDI	CIAL	DIS	TRICT
DISTRICT	COURT,		COUN	TY,	KANSAS

TN	THE MATTER OF THE MARKIAGE OF:		Append	ix II
	and		Case No	
		KSHEET A		
		Parent A	Parent B	COMBINED
1.	Gross Monthly Income	1,768	832	
2.	Pre-existing Support Obligations	- 0	0	
3.	Adjusted Gross Income	1,768 +	832 =	2,600
4.	Proportionate Shares of Combined Income (each parent's income divided by combined income)	<u>68</u> %	32 %	
5.	Basic Child Support Obligation (using combined adjusted gross in line 3 find amount for each child enter total for all children)	come from		
	Age of Children 0-6 Number Per Age Category 1 Total Amount 262	7-15 1 313	16-18 0 	= <u>575</u>
6.	Health and Dental Insurance Premium	+		125
7.	Work-Related Child Care Costs	+	200 =	200
8.	Parents' Total Child Support Obligation without Supplemental Considerations (line 5 plus lines	6 & 7)		900
9.	Parental Child Support Obligation (line 4 times line 8 for each parent)	612	288	
10.	Subtract for Actual Payment made for items 6 and 7	- 125	200	
11.	Subtract Adjustment for Supplemental Considerations	-	Mar	
12.	Net Parental Child Support Obligation (line 9 minus lines 10 and 11)	487	88	

Instructions: Calculations should be rounded to the nearest tenth for percentages. Calculations should be rounded to the nearest dollar in all instances.

ONE CHILD FAMILIES: CHILD SUPPORT SCHEDULE

Dollars Per Month Per Child

(The schedules have been adjusted for mandatory state and federal taxes and Social Security)

Combined Gross Monthly		unt (\$ Per ge Group	Child)	Combined Gross Monthly		mount (\$ Per Age Group	Child)
Income (\$)		7-15	16-18	Income (\$		7-15	16-18
50	8	9	11	2700	343		470
100	15	18	21	9800	355		487
150	55	56	30	2900			503
500	29	35	40	3000			520
250	36	43	49	3100			536
300	43	51	59	3500			553
350	50	59	68	3300	415		569
400	56	67	77	3400	427	509	58 5
450	63	75	86	3500	439		905
500	69	83	95	3600			618
550	76	91	104	3700			634
600	83	98	113	3800	475		650
650	89	106	122	3900	487	580	666
700	96	114	131	4000	498	594	683
7 50	102	155	140	4100	510	808	699
B00	108	129	149	4200	528	622	715
850	115	137	157	4300	534	636	731
900	121	144	166	4400	545	650	747
950	128	152	175	4500	557	664	763
1000	134	160	184	4600	569	678	7 79
1050	140	167	192	4700	581	692	795
1100	147	175	201	4800			811
1150	15 3	182	210	4900		720	827
1200	159	190	218	5000			843
1250	166	197	227	5100			659
1300	172	205	235	5200			875
1350	178	212	244	5300	651		891
1400	184	550	252	5400			907
1450	191	227	261	5500	674		923
1500	197	234	269	5600	686		939
1550	E03	242	278	5700	697		955
1600	209	249	2 B6	5800	709		971
1650	215	257	295	5900	720		987
1700	555	264	303	6000	732		1003
1750	228	271	312	9500	755		1034
1800	234	279	350	6400	778		1066
1850	240	286	329	6600	801	955	1097
1900	246	293	337	6800	824		1129
1950	252	301	346	7000	847		1160
2000	258	308	354	720 0	870		1192
2100	271	353	371	7400	873		1223
2200	283	337	387	7400 7600	916		1254
5300	295	352	404	7800	938		1589
2400	307	366	421	8000	736 961	1146	1317
2500	319	380	437		701 984		1317
2600	331 	395 	454	8200 8400	984 1007		134 1 3 7

TWO CHILDREN FAMILIES: CHILD SUPPORT SCHEDULE Dollars Per Month Per Child

Gross	5	Amount (\$ Age Grou		Gross	• •	Amount (\$ Age Group	
•) O-6) 0-6		
5(7 8	10	2700		324	372
100	13	3 16	18	2800	281	335	385
150	19	7 23	56	2900	290	345	397
500	25 0	30	34	3000	299	356	410
250	31	36	42	3100	308	367	422
300) 3 <i>6</i>	5 43	49	3200	317	378	435
350) 48	50	57	9300	326	389	447
400) 47	7 56	64	3400	335	400	460
450	55	5 65	72	3500	345	411	472
500	56			3600	354	421	484
550) 63		86	3700	363	432	497
600	36 (8 61	93	3800	3 78	443	509
650	73	8 87	101	3900	381	454	521
700	79	94	106	4000	389	464	5 34
750	94	100	115	4100	398	475	546
800) 8 <u>9</u>	7 106	122	4200	407	485	5 58
850	94	112	129	4300	416	496	570
900	99	7 118	136	4400			5 82
950	104	124	143	4500			594
1000	109	7 130	149	4600	443		607
1050	114	136	156	4700			619
1100	115	142	163	4800			631
1150	124	148	170	4900	469		643
1200		154	177	5000			655
1250	134	160	103	5100	487		667
1300			190	5200	496		679
1350			197	5300	504		671
1400	149		203	5400	513		703
1450			210	5500	522		715
1500			217	5600	530		727
1550	163	194	223	5700			
1600			530	5800	548	653	750
1650	173	206	237	5900	557		762
1700	176	212	243	6000	565	674	774
1750	182	217	250	6200	582	694	798
1800	197	, 553	256	6400	600	715	621
1850	192	229	263	6600	617	735	845
1900	197	234	269	6800	634	756	869
1950	201	240	276	70 00	651	776	892
2000	206	246	2 82	7200	668	796	915
2100			295	7400	685	817	939
5500	2 25	268	308	7600	702	837	962
5300	234	279	321	7800	719	857	985
2400			334	8000	736	877	1008
2500			347	B200	753	897	1031
2600	293	313	359	-10- 8400	770	917	1055

THREE CHILDREN FAMILIES: CHILD SUPPOR: SCHEDULE Dollars Per Month Per Child

Combined Su Gross	A	ge Gr _i oup		Gross	, ,		
Monthly Income (\$)		7-15		Income (\$		7-15	16-18
50	6	7	8	2700		280	322
100	11	13	15	2800	243	290	334
150	16	19	21	2900	252	300	345
200	21	,24	28	3000	260	310	356
250	25	30	35	3100	268	319	367
300	30	36	49	3500	276	329	378
3 50	35	41	47	3300	284	338	389
400	39	47	54	3400	292	348	400
450	44	52	60	3500	300	358	411
500	48	58	66	3600	308	367	422
550	53	63	73	3700	316	377	433
600	57	68	79	3800	324	386	444
650	62	74	85	3900	332	396	455
700	66	79	91	4000			466
750	71	84	97	4100			477
800	75	90	103	4200		424	488
850	80	75	109	4300		434	499
900	84	100	115	4400		443	509
950	88	105	121	4500		453	520
1000	93	111	127	4600		462	531
1050	73 97	116	133	4700		472	542
1100	101	121	139	4800		481	553
1150	106	126	145	4900		490	564
1200	110	131	151	5000			574
1250	114	136	157	5100			585
1300	119	141	162	5200		518	596
1350	123						
		146	168	5300		528	607
1400	127	152	174	5400			617
1450	131	157	180	5500		546	628
1500 1550	136	162	186	5600	466	556	639
	140	167	192	5700			649
1600 1650	144	172	197	5800	482	574	660
	148	177	203	5900	490	584	671
1700 1750	153	182	209	6000	497	593	681
	157	187	215	6200	513	611	703
1800	161	192	220	6400	528	630	724
1850	165	197	226	6600	544	648	745
1900	169	505	535	6800	559	667	766
1950	173	207	238	7000	5 75	685	787
2000	178	212	243	7200	590	703	B08
2100	186	555	255	7400	605	722	829
2200	194	231	266	7600	621	740	850
2300	202	241	277	7800	636	758	871
2400	211	251	289	8000	651	776	892
2500	219	261	300	8200	667	794	913
2600	227	271	311	8400	682	813	934

FOUR CHILDREN FAMILIES: CHILD SUPPORT SCHEDULE Dollars Per Month Per Child

Combined Su Gross	Aç	je Grqup		Gross		Age Graup	
Monthly Income (\$)	0-6	7-15	16-18	income (\$) 0-6	7-15	16-18
50	6	7	8	2700			276
100	11	13	15	2800	208	248	265
150	15	18	21	2900	215	256	294
200	50	24	27	3000	221	264	303
250	24	29	33	3100	228	271	312
300	29	34	39	3500	234	279	321
350	33	39	45	3300	241	297	330
400	37	44	51	3400	247	275	3 39
450	41	49	56	3500	254	302	347
500	45	54	88	3600	260	310	356
550	49	58	67	3700	266	317	365
600	53	63	73	3800	273	325	374
6 50	57	69	78	3900	279	333	382
700	61	72	83	4000	285	340	391
750	65	77	89	4100	292	348	400
800	68	82	94	4200	298	355	408
850	72	86	99	4300	304	363	417
700	76	91	104	4400			426
950	80	95	109	4500			434
1000	83	99	114	4600			443
1050	87	104	119	4700		373	451
1100	91	108	124	4800		400	460
1150	94	113	129	4900		407	468
1200	78	117	134	5000	348	415	477
1250	102	121	139	5100	354	422	485
1300	105	125	144	5200	354	429	
1350	103	130		5300	366		502
			149	5400	373		510
1400	112	134	154	5500	373 379		519
145 0 1500	116 120	138 142	159	5600	3 <i>77</i> 385	451 459	527
1550 1550		,	164	5700			
1600	123	147	169	5800	371 377	466 4 73	
1650	127 130	151 15 5	173 178	5900	403	473 480	544 552
1700	130	159	163	6000	409	488	560
1750	137	163	188	6200	421	502	577
1800	141	163		6400	433	516	573
1850	144		193	6600	445		
1900		172	197	6900	443 457	531	610
	147	176	505			545	626
1950	151	180	207	7000 7200	469 401	559 573	643 450
2000	154 161	184	211		481	573	659 475
2100 2200		172	221 155	7400	493 505	587	675 601
	169	500	230	7600	505	601	691 7 07
2300	175	508	239	7800	516 520	615	7 07
2400	181	216	249	8000	528	629	723
2500 2400	188	224	258	8200	540 55	643 (53	739
2600	195	535	267	-12-	551	657	75 5

FIVE CHILDREN FAMILIES: CHILD SUPPORT SCHEDULE Dollars Per Month Per Child

Gross		Amount (\$ P Age Group	er Child)	Gross	•	Amount (\$ Age Group	
Monthly Income (\$)		7-15	16-18	Income (\$	0-6		16-18
50		6	7	2700	177		243
100	10		13	2800			251
150	14	•	19	2900	189	? · 225	259
200	18		25	3000	194		266
250	23		30	3100	500		274
300	26		35	3500			2 82
350	29		40	3300			290
400	33		45	3400			297
450	37		50	3500			305
500	40	48	55	3600			313
550	44	52	60	3700			320
600	47	56	65	3800		· ·	328
650	51	61	70	3900			3 35
700	54	65	74	4000			343
750	58	69	79	4100			350
800	61		83	4200	261	311	358
850	64		88	4300	267	7 318	365
900	88		93	4400	278	2 324	373
950	71		97	4500	278	331	380
1000	74		102	4600	283	3 337	368
1050	77		106	4700	288	3 344	395
1100	81	96	110	4800	294	350	402
1150	84		115	4900	299	3 357	410
1200	87		117	5000	305	363	417
1250	90		123	5100			424
1300	93		128	5200	315		432
1350	96		132	5300	321		439
1400	100		136	5400	326		446
1450	103		141	5500	331		454
1500	106		145	5600	336		461
1550	109		149	5700	348		468
1600	112	133	153	5800	347		475
1650	115		158	5900	352		482
1700	118	141	162	6000	357		490
1750	121	144	166	6200	368		504
1800	124	148	170	6400	378		518
1850	127	152	174	6600	389		532
1900	130	155	178	6800	399		546
1950	133	159	185	7000	405		561
2000	136	162	187	7200	419		57 5
2100	142	169	195	7400	430		589
2200	148	177	203	7600	440		603
5300	154	184	211	7800	450		616
2400	160	191	219	8000	460		059
2500	166	197	227	8200	470		644
2600	171	204	235	8400	480		658
		40 W Y		-13-	- 407 %		

SIX CHILDREN FAMILIES: CHILD SUPPORT SCHEDULE Dollars Per Month Per Child

Combined Si Gross	Aç	ount (\$ P ge Group	er Child)	Gross	• •	Amount (\$ Age Grou	(\$ Per Child)	
Monthly Income (\$)	0-6	7-15	16-18	Monthly Income (\$		7-15	16-18	
50	5	6	7	2700	159	189	217	
100	9	11	12	2800	164	195	224	
150	13	15	18	2900			231	
500	16	20	23	3000				
250	50	24	27	3100				
300	53	28	38	3200				
350	27	32	37	3300				
400	30	36	41	3400				
450	33	40	46	3500				
500	37	44	50	3600				
5 50	40	47	54	3700				
600	43	51	59	3800				
650	46	5 5	63	3900			•	
700	49	58	67	4000				
750	52	62	71	4100				
800	55	66	75	4200				
850	58	69	79	4300				
900	61	73	83	4400				
950	64	76	88	4500				
1000	67	80	92	4600			346	
1050	70	83	95	4700				
1100	73	86	75 99	4800				
	75 75	90	103	4900				
1150	73 78	70 93	107					
1200	76 81 ·	97	111	5000				
1250			115	5100				
1300	84	100	119	5200	281			
1350	87	103		5300				
1400	90	107	123	5400				
1450	92	110	126	5500			404	
1500	95 65	113	130	5600	299			
1550	98	117	134	5700	304		417	
1600	101	120	138	5800	309		423	
1650	103	123	142 145	5900	313		429	
1700 1 750	106 109	126 130	149	6000	318		436	
1800	111	133	153	6200	327		448	
1850	114	136	156	6400	336		461	
1900	117	139	160	6600	345		473 474	
1950	117	142	164	, 6800	355		486	
2000	122	146	167	7000	364		498	
2100	127	152	175	7200	373		511	
5 500	133	158	182	7400	382		523 525	
5300	133	164	189	7600	371	466	535	
2400			196	7800	400		547	
2500	143 148	171 177	203	8000	40B		560	
5900 5200	154	183	210	8200	417		572 504	
2000	1 34	103	210	-14- 8400	426	508	584	