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WHAT TO DO ABOUT CHANGING CHILD SUPPORT ORDERS

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Are you affected by a current child support order?

Do you know what conditions allow for a change in that order?

Do you need to file for a modification of your current support order?

How to calculate child support: The current guidelines suggest calculating child support based on a percentage of the parents' gross income as applied to the percentage of time the child(ren) spend with each parent.

If one parent is designated as the primary placement provider, then the guidelines suggest that child support shall be set based on a percent of the other parent's gross income. (See calculations below for percent of gross income to be paid based on number of children being supported).

In many cases, parents have shared placement. In these cases, the guidelines create a calculation that, in effect, requires each parent to pay the percent as indicated for each overnight (or its equivalent) that the child(ren) is with the other parent.

In addition to child support, each parent is usually required to contribute to 50 percent of uncovered medical expenses/premiums and a percentage of the variable expenses (tuition, extracurricular costs, child care, etc.).

Each parent with shared placement is typically ordered to pay variables at the same percentage as their placement. If a parent has placement of the children 25 percent of the time, that parent shall contribute 25 percent of their variable expenses.

Child support calculations

* One Child - 17 percent of gross income

- * Two Children - 25 percent of gross income
- * Three Children - 29 percent of gross income
- * Four Children - 31 percent of gross income

Exceptions

Either parent can ask for a deviation from the guidelines. Parents can ask for this deviation due to:

- * Extraordinary travel expenses incurred in exercising placement.
- * Increased costs to meet the child(ren)'s needs.
- * Other parent not providing care for the child(ren).
- * Financial resources of the parent.
- * Educational needs of the child, or other valid reasons that justify a different calculation.

The court must state the child support order that would be required if the guidelines were followed and then explain the reasons for deviating from that amount.

When should support be modified?

If there has been a substantial change in circumstances, either parent may petition the court for a change in child support.

For example, if either the child support payor or payee has had a change of employer or compensation, and that change is considered a substantial change, modifying the support order may be appropriate.

If the placement schedule is not being followed or has been revised, child support should be modified to reflect those changes.

Furthermore, if a child has been emancipated, turned 18 and graduated, or is otherwise not being cared for by the other parent, child support should be modified or terminated.

What should I do to determine if my support should be changed?

Schedule an appointment with a lawyer that offers an initial consultation and bring financial documents that support your position.

Ginger L. Murray is a shareholder at **Lawton & Cates**.

----- INDEX REFERENCES -----

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