Client Alert: Child Support in Times of Uncertainty

BY LYNETTE PACZKOWSKI • APRIL 1, 2020

With Governor Baker extending the Stay-at-Home Advisory through May 4, the anxieties and uncertainties people are facing as a result of COVID-19 are not likely to go away anytime soon.

We recently addressed how parents should make every effort to comply with existing parenting plans, notwithstanding the Stay-at-Home Advisory, but we have also been fielding a number of questions regarding child support. Furloughs, lay-offs, and decreased revenue for small business owners are concerning both for payors and recipients. Payors may be challenged to meet their obligations; recipients may struggle without receipt of support and/or may struggle without an increase in support if they are the ones who have lost income.

Generally, a party can seek a modification (increase or decrease) of a child support order if there is a difference between the amount they are receiving and the amount they should be receiving under the Child Support Guidelines. These changes often occur when a parent loses a job or where the only source of income is unemployment benefits. Recipients not actually receiving the Court ordered child support can file a contempt action. Whether and when to file is not always straightforward, and often involves weighing the temporariness or permanency of the situation. Additionally, because child support calculations necessarily involve both parties' financial circumstances, if both parents are struggling and facing financial uncertainty, the inquiry becomes even more complex. We suggest consulting with an attorney to help you understand your options in light of your circumstances.

Compromise is, of course, one of those options, and it may be a particularly appropriate one if the change in circumstances is truly thought to be temporary. As always, clear and thorough documentation of the full agreement between the parties is necessary, and consultation with legal counsel is strongly advised.

If you have any questions or concerns regarding these or other co-parenting issues, we are here to assist you.

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