Client Alert: Five Key Changes to Massachusetts Child Support Guidelines

BY LYNETTE PACZKOWSKI • OCTOBER 21, 2021

Federal law requires that child support guidelines be reviewed every four years, consider the economic costs of raising children, and take into account certain other factors, such as the noncustodial parent's ability to self-support. Here in Massachusetts, new child support guidelines took effect on October 4, 2021, following a thorough review by the 2020-2021 Massachusetts Trial Court Child Support Guidelines Task Force, an appointed collection of judges, retired judges, and experienced family law practitioners.

The new Guidelines present 5 key areas of change.

LOWER MINIMUM SUPPORT OBLIGATIONS FOR EXTREMELY LOW-INCOME PAYORS

The minimum order when a Payor's income is up to $210 per week is now $12 per week, a decrease from the previous minimum order of $25 per week on income up to $115 per week. For payors with income between $211 and $249 per week, the order is now between $12 and $20 per week. The Court also now has discretion to set "$0" orders.

HIGHER MAXIMUM INCOME LEVEL TO WHICH THE GUIDELINES APPLY

The Guidelines now presumptively apply to the first $400,000 ($7,692 per week) of the "combined available incomes" of the parents (previously $250,000 or $4,807 per week). This is the first such increase since 2009.

ELIMINATION OF THE CAP ON HEALTH INSURANCE COSTS

The total costs of health insurance paid by either party are still a deduction before determining available income, but the prior 15% cap of applicable cost has been eliminated.

INCREASES IN MULTIPLYING FACTORS FOR FAMILIES WITH MORE THAN ONE CHILD

The range is now from 1.40 for two children to 1.94 for 5 children, which will result in significant increases over prior orders. This change is not expected to have a significant impact on families with combined available incomes between $250 and $7,692 per week with only one child, however.

SHARING OF CHILD CARE COSTS BETWEEN THE PARENTS

In a substantial change over prior Guidelines, the costs of child care are now shared proportionately between the parents, regardless of who pays the cost. There is a presumptive shared limit of $355 per week per child, which number is based on a 2018 Massachusetts Department of Education Report. Notably, the costs incurred must be reasonable and either due to gainful employment or reasonably necessary for education, training, or enhanced earning capacity.

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This change is also consistent with the 2011 Alimony Reform Act's (effective March 2012) goal of encouraging re-entry into the workforce.

If you are a payor or recipient of child support under a Massachusetts judgment, please contact one of Bowditch's Family Law attorneys to see how the revised Guidelines might impact your support obligation or payment.

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