



Common Questions about Child Support

by Breena Murray

Child support can become a hot topic in family law with clients. However, from a lawyer's perspective, the law on child support is clear and straight forward, with little room for arguments to be made on the issue. Here are the answers to some of the most common questions regarding child support:

1. How much child support will I receive/pay for my child?

The amount of child support is determined by the Child Support Tables found in the Child Support Guidelines. It is based off of the Payor's (the person paying the support) income for the year and the number of children. These tables are readily available online. The only time a Court will order a different amount is in situations where the children reside with both parents on an equal basis (shared custody), or one or more children lives with each parent most of the time (split custody).

2. If I get shared custody of my children, that means I don't pay support, right?

Not necessarily. It depends on both parents income, the increased cost of a shared custody arrangement and "the condition, means, needs and other circumstances of each parent" and of the child. If dad makes 3 times more than mom does in a year, chances are he's going to paying some support. It may not be full table amount, but it may be more than what you would pay in a split custody arrangement (the difference between what each parent is to pay for the children with the other parent).

3. I think my ex is spending the child support I pay on herself/himself. Is there anything I can do about it?

No. The Court's perspective on this issue is that child support goes into a pool of funds that are used to provide for the household in which the child lives primarily. The Court is not going to make the person

receiving child support account for where that particular money went.

4. My ex and I agreed that either of us would pay child support to the other. Are there any problems with this?

When parties agree that either will pay child support, despite there being children from their relationship they have to consider two things. First, the Courts will not grant a divorce unless they are satisfied that "reasonable arrangements have been made for the support of any children", using the Guidelines as their measure for reasonableness. This means an Order must be pronounced dealing with custody and support of the children. The second thing is that any agreement dealing with custody and support for children can be overturned by the Courts. So, you can agree not to pay child support, but the other parent can still go to Court and ask for it, and your agreement won't prevent the Court from ordering you to pay.

5. My ex isn't pay child support. Does that mean he/she doesn't have a right to see the children?

Child support and the right to see the child are not connected in the Court's view. If a parent is not paying child support, he or she still has the right to see the child. That said, a parent going to Court to get an Order for visits with his/her child who hasn't been paying child support should be prepared to hear a lecture from the Judge and have a plan on how he/she will catch up on the support payments.