

Why now may be the time for a Modification in Child Support Payments or Custody

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Although much of this article focuses on Indiana law it is generally applicable to all states and can be conformed through application of the various state statutes. Although most parents do care about and love their children there are some who can't or won't provide a loving and nurturing environment to their children and require special consideration not applicable to this topic.

The United States and the world is in what will likely be a prolonged recession and it now appears that the general population knows it. Government officials are even starting to hint at it also. In October 2008 the University of Michigan Consumer Confidence Survey fell from 70.3 to 57.5 even as fuel prices were retreating. [Any reading below 100 indicates that consumers have a negative feeling about future economic activity] Consumers were especially bleak in their outlook for employment and inflation.

What does this mean for Parents, both the Non-Custodial Parent (NCP) and Custodial Parent (CP) as it relates to existing court orders? If you haven't already, you likely will face a change in circumstances, primarily employment, that is continuing and substantial enough to justify a modification in support payments or custody. Your former spouse may change jobs, take on a second job or lose employment. Relocation will also become probable as companies consolidate or merge to save costs. This can affect not only income but also place of residence, time of day scheduled to work, daycare and/or babysitting.

Child support payment and custody orders that are based upon two working parents with a child in a daycare may require modification. The child reaching school age is the most obvious when cost of daycare has been made a part of the child support payment order. This is a change in circumstances that often goes unnoticed or challenged but can cost \$1000's per year to a NCP not seeking a modification. Additionally, a remarried parent in a two earned family that suddenly becomes a one earner family can produce a significant change.

If the NCP loses a job and the parents live in close proximity then the NCP could provide child care services for the parties children. This is mandatory in Indiana where the NCP is to be given first right-of-refusal to provide childcare services when the CP or a family member cannot. This can be a cost savings for both and also give the child more interaction with the NCP which is a benefit to the child.

Similarly, if the CP loses employment and can provide care for the child then daycare expenses would be eliminated.

Either parent losing employment is going to have an effect on child support payment calculations. If it is you who is paying then naturally it is in your best interest to run straight to the courthouse and ask for a modification. If the CP loses employment then the NCP may want to offer to help alleviate some of the costs and stress associated with child rearing. This could be taking the children to practices and events, keeping them in the evening and feeding them. This will give the other parent a chance to look for employment and get a break from some of the expenses. Ultimately it benefits the children and both parents should be receptive to this.

It economically stressful times neither parent is going to want to spend a considerable amount of money on attorneys. This can be beneficial to your children in that if you are a NCP seeking more time or a CP seeking to have the NCP have the children more and have lost your job you have the upper hand. Such as life is that would be the time to take advantage. With a little help you don't need to hire an attorney.

The parent who has a job knows that the other likely can't afford to pay attorney fees and would be stuck paying them. A prolonged battle will only be had by the most vindictive of parents. Instead I suggest that if you are the NCP who has hit upon hard times that you request greater custody and a corresponding reduction in child support payments. If your are the CP who has hit upon hard times and are wanting the NCP to have more involvement then you can request that the NCP spend more time caring for the children. In exchange you offer not to seek to have support payments modified upward since you lost your job.

In a time of economic crisis the "me" culture always resorts back to family and community. There is no better reason to do this than for the benefit of your children. Regardless of your relationship status with your child(ren)'s other parent there is one thing that will never change: You both have the responsibility to set aside your differences and work together for what is best for your children.

To read more about why I believe a strong economic downturn is best for children please read my theory by following this link:

<http://www.boonecountyfathers.org/economicdownturngood.html>

Stuart Showalter is the Legislative Liaison for Indiana Shared Parenting, a lobbying association seeking to reform Family Law Courts to provide parents with more access to their children and reduce litigation amongst parties. Mr Showalter is also the Executive Director of Boone County Child Advocates, an advocacy group that seeks to promote greater parental involvement in children's lives and the best interest of the family. As an experienced litigator in Child Custody and Support Payment issues Mr Showalter has successfully ensured that children get the care and attention they need from both parents and that the parents spend less time in the courtroom and more time with their children.

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Use these links for additional information -

Child Custody:

<http://www.boonecountyfathers.org/thelawsandthecourts/indianaparentingtimeresources.html>

Child Support Payments:

<http://www.boonecountyfathers.org/thelawsandthecourts/indianachildsupportresources.html>

Legal assistance, including mediation and unbundled legal services:

<http://www.boonecountyfathers.org/stuartllc.html>