

Why Might a Custodial Parent Hire a Child Support Expert?

If child support laws are biased toward custodial parents and a child support expert testifies on unbiased ways of sharing child costs, why might a custodial parent hire a child support expert?

There are a number of reasons a custodial parent would want to hire an objective child support expert. The broad reasons include:

- ◆ to ensure that a child support award is financially sound and is payable,
- ◆ to ensure that the award is equitable,
- ◆ to ensure that the children are properly supported in both households,
- ◆ to take into account alimony when appropriate and together with economically sound child support,
- ◆ to get a broad picture of the true financial impact of a variety of scenarios for child support, alimony, and tax effects,
- ◆ to properly evaluate inputs into child support awards such as special income factors or special cost factors, and
- ◆ to develop special solutions for child support and alimony cases, including but not limited to trust funds.
- ◆ to help ensure a good relationship with the other parent,

Equity and ability to pay an award

Child support guidelines typically do overstate the amount of money that should be transferred to the custodial parent household from the non-custodial parent. However, child support guidelines generally are very weak in terms of how well they ensure that the award is actually affordable and allow the non-custodial parent to be able to provide for himself or herself and the children while spending time with the non-custodial parent. It is important to evaluate the impact of child support and alimony on both parents' after-tax, after-awards income to ensure economic equity. If the award is not viewed as fair by both sides, the odds go up for continued litigation and expenses on attorneys and related court costs. If a non-custodial parent is placed in a financially unstable situation, this could create job instability due to a variety of factors including stress, lack of focus, and problems from juggling more than one job. In the long-run, increased litigation and possible job instability for the non-custodial parent may mean that a guideline award results in less child support than an initial award that is more economically equitable. Equity and ability to pay an award should be balanced with meeting the needs of the children.

Taking into account alimony

There are many varieties of circumstances for divorce cases in which children are involved. Sometimes the non-custodial parent has significantly higher income; sometimes the custodial parent has significantly higher income; and in some cases the incomes are similar. In cases in which the custodial parent has significantly lower

income, it likely is appropriate to ask for alimony. It is most appropriate to evaluate alimony awards in the context of economically sound child support awards. This helps to ensure that the appropriate amount of income is allocated between spousal and child support. This can be done in the context in part of examining a variety of scenarios in which alternative alimony awards can be seen with economically sound child support awards. Alimony should be considered in more cases than is generally occurring.

The big picture

Equitable awards require taking into account all notable circumstances. This includes alimony (when appropriate), tax effects on both parents, and special costs. The after-tax, after-child support, after-alimony incomes generally are notably different than assumed. One can only reach equitable outcomes for custodial and non-custodial parents if all of the factors are examined.

Evaluating special factors for inputs

Most child support cases are not complex. Some, however, have very special needs for determining appropriate input values. Specifically, some income numbers may require special adjustments—such as for self-employment income or rental income. Most importantly, actual costs—especially if there are special needs—may exceed presumptive child costs. An expert may be able to help prepare exhibits on actual costs for rebuttal and help the attorney with such a rebuttal strategy.

Special solutions

Many child support and alimony awards require special solutions. Sometimes one or more parents is going through a period of emotional instability and if there are significant assets, establishing a trust fund for child support and/or alimony may be an appropriate solution—at least for a limited number of years. If parties agree and the assets are appropriate, how might a trust fund be set up to fund private schooling or college?

Summary

Overall, there are a number of reasons a custodial parent might want to hire a child support or alimony expert. Still, one must keep in mind that an ethical expert will apply the same type of child support analysis for a custodial parent as well as for a non-custodial parent. But a custodial parent may ask to raise economic issues that a non-custodial parent would not—such as alimony or how to allocate assets to assist in child support solutions. Again, an economically equitable child support award may provide a higher net benefit for the custodial parent in the long run due to reduced litigation and possibly greater involvement by the non-custodial parent. When there is greater equity, non-custodial parents are more likely to be more voluntarily involved financially in other aspects than just the court mandated award. Specifically, many non-custodial parents state they would like to have helped with college expenses but could not or would not because child support was excessive in prior years.