

Unpaid Child Support

Recently in the news, there's been a lot of discussion about the growing debt of unpaid child support in the US. Latest estimates place this amount to be around 113 billion dollars. Many argue that the modern child support system, which was originally put into place in the 70's during the Ford administration, is outdated and doesn't work in today's society. Family dynamics are obviously different than they were 30 years ago, so perhaps this is a contributor toward the increasing deficit.

Another factor that could be considered is unemployed or lower-wage earning parents who are carrying the burden of a child support order while attempting to keep a roof over their heads. In many states, unpaid support can result in jail time. The bad news is that while incarcerated, the likelihood of them finding gainful employment is zero. After release, the fact that they have been incarcerated can affect their ability to obtain employment. The downward spiral continues and unpaid debt increases. Without overburdening you with too much detail, one change that the Obama administration recently implemented is the ability of an incarcerated individual to put a delay on payments during their time in jail.

A Change of Circumstances

Either party that has stake in a child support order has the ability to seek modification after it is ordered by a judge. Assuming the original amount was at the guideline (guideline = presumed "correct" figure), the challenge is left to the parent who seeks the modification to prove a change of circumstances has occurred since the last child support order was made. If the judge ordered a child support amount below the guideline amount, a parent can ask to change that amount at any time without the need to show a change in circumstances.

There are plenty of legitimate reasons to seek a modification based on a change of circumstances, and we'll discuss a few of the most common that we've seen over the years.

Changes in income

An increase or decrease in pay, or becoming unemployed are all valid reasons to request a change. If a paying spouse loses their job, it'll be difficult to maintain paying at a level based on prior income.

Changes in child need

Usually this is related to child care or medical/health care. An unexpected medical emergency or diagnosis that requires ongoing medical care will require more support, especially if non-existent at the time that the original order was calculated.

A change in parenting time

Assume that the receiving spouse has full custody, and later on this changes to 50/50 custody. The paying spouse will likely request a modification to decrease the amount they were paying originally, as they are now caring directly for the child half the time.

The above are just a few of the reasons we've seen. However, every situation is different and if you feel that your circumstances call for a modification, please [contact us to discuss](#). You may have a situation that almost guarantees a successful request, or it could be something that we advise not to even pursue as it would be fruitless.

Time is of the Essence – Do not Procrastinate

If you are seeking a modification of child support, especially a decrease, waiting is a bad move. Until a new order is put in place, the original order remains in effect. Assume you're the paying spouse and you take a 50% decrease in pay in January. It takes you 6 months to request the modification. If the request is successful, it only takes effect based on the date the request was made. This would mean you are stuck paying your original amount from January through June, but with only half the income.

We've heard many excuses from clients as to why they waited. In the end, they only hurt themselves. If you feel a modification request is warranted in your case, don't hesitate to [contact us right away to discuss](#).