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Family Finance: Job Loss Impacts Child Support

By THE ASSOCIATED PRESS

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Even parents who have gone their separate ways often share the pain of the recession.

Tracie Donahue's first reaction to the news her ex-husband lost his job as a stock broker was to be thankful her salary can support their three kids.

Losing approximately \$2,000 in monthly child support since last April hasn't been easy for the Rocklin, Calif. mom. It's impossible to totally shield the kids. The holidays were leaner, for instance. And her 16-year-old daughter, Britanni, had to put off getting her driver's license.

But they're making it through while her ex continues to look for work.

What happened to the Donahues is part of a nationwide trend. Unemployment's rise to over 10 percent has made it impossible for many to make their child support payments. That's reflected in a surge in petitions for reduced payments.

The situation was made worse as more face long-term unemployment: 4 of 10 people who lose their jobs are unemployed for six months or more.

In addition, men have been disproportionately hit by the downturn's impact on industries like manufacturing and construction. That's critical because nearly 83 percent of custodial parents are women, leaving men to pay most child support obligations.

In Highland County, Ohio, for example, requests for support modifications nearly doubled last year as the county's unemployment rate shot over 16 percent with the departure of a major area employer.

The nature of the requested changes also shifted, said Christine Blevins, a supervisor for the county child support enforcement agency. In past years, most requests came from custodial parents seeking increases. In 2009, Blevins said, almost all the requests came from noncustodial parents who lost their jobs and sought payment reductions.

Blevins and her staff are empathetic. "We're in a small town," she said. "These are people you know."

She's expecting another wave of downward adjustments as the county's highest-in-the-state unemployment rate lingers. That's because people whose payments are now based on unemployment will soon lose those benefits.

Rules vary by state, but in general the amount of support a non-custodial parent is required to pay is based on his income.

In a good year, Highland County would require that new payments be calculated assuming the parent could at least find a full time, minimum-wage job. But that's not realistic anymore. "We're not using 40 hours a week in this county, because even full-time people are not getting that," she said.

The situation puts everyone involved in a difficult position.

Family law attorney [Alan Plevy](#), of the firm [SmolenPlevy](#) in Vienna, Va., said judges generally try to accommodate hardship-based payment reductions. But requests may be denied if the parent refuses to look for work in a new field or won't work for a lower salary. "They're the ones that are looked on more harshly," Plevy said.

The intent is often to shield children from their parents' job woes. But Joseph Cordell, principal partner at Cordell & Cordell in St. Louis, questioned whether it is fair to insist fathers to pay more than they can afford. "With an intact family, everyone ends up having to bear that hardship," he said. "What we're finding too often is judges want to insulate mom and the child from dad's economic nightmare."

Child support can be a contentious topic even when the economy is humming along. Custodial parents frequently complain about underpayments, missing payments and problems getting support orders enforced. In 2007, before the recession hit, just under 63 percent of the \$34.1 billion due for child support was paid, according to the most recent data from the Census Bureau. Payments averaged \$3,350 a year, or about \$280 per month.

Meanwhile, many often complain that they're required to pay too much. Some have even tried to use the recession to get out of these agreements. Greg Lewen, head of family law for the Miami-based firm Fowler White Burnett, recalled one case where a wealthy father claimed he could no longer afford the \$18,000-a-month payments he'd agreed to, despite being able to invest in a \$1 million race car. His request for lower payments was denied.

But Lewen said there are plenty of valid cases. Another client lost his \$175,000-a-year job and was surviving on unemployment. His monthly support obligation was reduced from \$1,600 to \$236. "That's a perfect example of somebody who legitimately needed a break," Lewen said. "As soon as there is a new job, his child support will be recalculated."

If bitterness from the divorce lingers, discussions about reducing payments can be difficult.

Donahue uses some of what she's learned at work to deal with the situation.

Her job is at the nonprofit California Healthy Marriages Coalition, which aims to help parents avoid divorce. The work has helped improve communication with her ex, and she is trying to allow for what he is dealing with during his unemployment.

"He's struggling right now and I understand that," she said. "He wants to pay what he agreed to pay."

If your financial situation changes and you can't meet your support payments, call your attorney or the state child support agency to start the review process. It can take months for a reduction to be granted, especially in communities that have cut back on staffing child support offices. But cutting payments without an official OK can cause legal problems and may, in extreme cases, lead to arrest.

Consider how much you might save with a reduction, too. Sometimes a request seeking lower payments could lead to a court fight that costs more than any cut. Cordell, the St. Louis attorney, said he's seen a few such situations. He's also seen more requests for higher payments from custodial parents who lost their jobs and are looking to their kids' employed parents for more help.

"There's simply not enough dollars to go around when you're in an economy like this," Carroll said. "The reality is neither side can maintain their standards of living and the question is how is the hardship going to be allocated."