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Court modifies support payments

Non-custodial parents could get aid for children

Angela Mapes Turner | The Journal Gazette

The Indiana Supreme Court last week issued sweeping changes to the state's child-support guidelines that will take effect Jan. 1.

The changes could mean some parents who don't have primary custody of their children will actually receive child-support payments from custodial parents.

"It's a real reversal of what people think of generally when they think of child support," said Ryan Cassman, a central Indiana attorney at Hollingsworth & Zivitz P.C. who wrote about the changes at www.indianadivorceblog.com.

Indiana's child-support guidelines use a worksheet to calculate child-support payments and balance them with income and the amount of time parents spend with their children.

For example, a custodial parent might earn \$200,000 a year and have custody of a child 52 percent of the time. The other, non-custodial parent, could have the child the remainder of the time but earn only \$20,000 a year.

Although it seems counterintuitive, in a case like that, with disparate incomes and nearly equal parenting time, child support might be owed to the non-custodial parent, Cassman said.

"Those labels could be misleading," he said.

Two judges dissented because they thought the decision should be left to the courts, not presumed.

The court also made changes that affect those at the highest and lowest ends of the income scale, reducing the lowest amount of child support that can be required and raising the highest amount.

The changes also give more recognition to situations where requiring unrealistic child-support payments from non-custodial parents who can't pay could cause those parents to take a lesser role in their children's lives.

"Ordering support for low-income parents at levels they can reasonably pay may improve non-custodial parent-child contact, and in turn, outcomes for their children," the order said.

Besides changes affecting parents who receive Social Security payments, the guidelines more clearly define who must pay for a child's "controlled expenses" - things such as school books and supplies, educational costs and clothing.

Many of those changes were already in case law, but Cassman said the new guidelines will help parents, attorneys and courts sort through costs.

"You kind of had to piece that together before," he said.

aturner@jg.net

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