

MASSACHUSETTS Lawyers Weekly

State's steady reductions to child support hurting kids

By: Christina Pavlina and Lori Johnson ◉ January 14, 2021

Massachusetts child support amounts are woefully inadequate and do not meet the needs of the commonwealth's children. For the last decade, child support amounts have been continually reduced. The decrease has occurred while custodial parents, or parents with whom the child primarily resides, face ever-increasing costs of housing, child care and health care.

This practice is discriminatory. It places a disproportionate financial burden on parents already struggling with unpaid child-rearing responsibilities. The guidelines are interpreting child support as a "minimum cost exercise" rather than as a public policy to protect the best interests of Massachusetts' children.

The real costs of living are disproportionately higher in Massachusetts than in most other states. The growth in these costs is substantially outpacing the growth in Massachusetts income. At the same time, child support amounts that non-custodial parents pay custodial parents in Massachusetts have decreased steadily due to a concerted effort to lower the financial obligations of these non-custodial parents.

When child support obligations are inadequate, custodial parents must resort to taking on loans or additional jobs, depleting assets or retirement savings, sacrificing basic needs, or even turning to public assistance programs such as welfare benefits or Medicaid. The harm to children is far reaching. Reduced economic opportunity, poverty and debt can have generational effects on families.

Comparing after-support income alone does not provide a complete picture of the outcomes of child support amounts. These outcomes must be compared to benchmarks specific to Massachusetts that take into account the household's composition. The self-sufficiency standard is the best benchmark as it reflects Massachusetts-specific costs and measures the income required for a family's basic need without utilizing public or private subsidies.

When child support combined with custodial parent income is measured against this standard, custodial parents and children are at a serious disadvantage when compared to non-custodial parents. The custodial parent's income after child support is significantly below the self-sufficiency standard in most median income scenarios. This means that the current child support guidelines do not meet the basic needs of Massachusetts' children. Under the same scenarios, the non-custodial parent's income after payment of child support never results in income below the self-sufficiency standard.

One of the largest drivers behind the higher cost of living in Massachusetts is the exorbitant cost of child care. Massachusetts is ranked No. 1 out of 50 states for the costliest child care. Child care enables both parents to work and support their family.

Nationally, most states' guidelines allocate these costs in proportion to parental income. That approach minimizes the economic impact of work-related child care on both parents and actively encourages participation in the workforce.



Instead of following the national standard, the 2017 child support guidelines imposed a 15 percent cap on the child support amount for reimbursement of child care expenses. For example, a \$100 per week child support order with a 15 percent cap adjusts the order by only \$15 or less, regardless of the likely much higher amount of child care costs.

Massachusetts is the only state in the nation that caps the cost of child care for the non-custodial parent. Restricting



the amount that a parent can be reimbursed for these costs transfers an enormous financial burden to the parent paying for the costs, which is usually the custodial parent. The court should recognize that work-related child care is a necessity whose costs should be shared proportionately between the parents.

Another recent decrease in child support amounts that seriously harms children is the 25 percent reduction in total support when a child turns 18. Costs increase, not decrease, for 18- to 23-year-olds, even if they are away at college.

The court imposed the automatic and presumptive 25 percent reduction in child support based on "anecdotal evidence" alone. Child support was arbitrarily decreased without evidence or facts regarding the actual consumption of these young adult children who are still dependent on their parents for support.

When child support is decreased without evidence, yet children's expenses remain the same or increase, the custodial parent is forced to make up for the shortfall, even if their income is far below the non-custodial parent's income.

Total children's expenses increase considerably as additional children are added to the family. To compensate for the increased expenses, adjustments are added to calculated child support based on the number of children. The current adjustments for additional children in Massachusetts are significantly lower — almost 50 percent lower — than national averages and adjoining state benchmarks.



The guidelines are interpreting child support as a "minimum cost exercise" rather than as a public policy to protect the best interests of Massachusetts' children.

Keeping child support amounts for multiple children fixed below national benchmarks results in amounts that are insufficient to meet the basic needs of families with more than one child.

Child support is exclusively intended for the child and is meant to pay for the child's needs. Child support is not designed to support the custodial parent or former spouse. In a divorce, however, the court can also require support to provide economic resources to a former non-wage or lower-wage-earning spouse specifically for the spouse's own needs.

One of the most alarming factors of child support policy in Massachusetts is that spouses eligible for spousal support are being denied their right to this support. Instead, they are given support designed purely for the sustenance of their child or children. Massachusetts is the only state in the nation that, as a policy, can and does revoke a party's right to spousal maintenance. These spouses are incurring a "child penalty" or "child tax." They are receiving less support for having children than they would have received if they were childless and receiving only spousal support. Custodial parents who qualify for spousal support should receive it in addition to, and not instead of, child support.

The current Child Support Guidelines produce inherent financial disparities and must be remedied. Child support amounts in Massachusetts do not meet the needs of the state's children. Child support policy must re-focus on the children of Massachusetts.

Child support guidelines should reflect a public policy that recognizes and protects the best interests of the children of the commonwealth.

Christina Pavlina is executive director of Jane Does Well Org, a nonprofit charity that supports women who have experienced divorce. Lori Johnson is a board member of the organization.

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