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Child support shift stirs animosity Fathers' chance to pay less creates backlash from mothers

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Alison and Zachary Holladay divorced more than three years ago, but the tension between them these days is crackling like two crossed wires.

The Holladays, who live in separate houses in Roswell and have three **children**, are at odds over his **child support** payments because of a law that goes into effect July 1.

The new system of calculating **child support** could reduce the payments for many noncustodial parents, most of whom are men. The law mandates that **child support** be calculated based on the incomes of both parents, unlike the existing system that focuses mainly on the income of the parent who does not have custody.

Zachary, a manager for a high-tech company, plans to petition the court to reduce his payments, since he believes his **child support** order of \$2,800 a month is more than his ex-wife needs, or spends, on the **children**.

Alison, who has custody of the **children**, says the changes will unfairly reduce her **support** and will force her to sell her home and cut into the **children's** lifestyle. Both are readying for a fight.

Even though the law doesn't take effect for more than three months, estranged couples are already crunching numbers and contacting lawyers to figure out the effect on them, said Stephen Steele, a family law attorney in Marietta and chairman of the family law section of the State Bar of Georgia.

Randy Kessler, an Atlanta family law attorney, said about 25 mothers and fathers have called him this year about the prospective changes. Some have hired him, and a half-dozen already have filed court papers requesting a reduction.

"The fuses are being lit," Kessler said.

The law passed last year established the new method of calculating **child support** and set the start date as July 1, 2006. It also included a "parenting time" adjustment that would give the noncustodial parent a reduction on **child support** if the parent spends a certain amount of time with the **children**.

This year, the Legislature is revisiting the law, debating some specifics and adding an economic table that estimates the basic costs of raising a **child**. Senate Bill 382 passed the Senate in February and now awaits House approval.

Because most of the new **child support** guidelines passed last year, a new system, in some form, is expected to start in July.

While some attorneys expect fathers to rush to the courthouse requesting **child support** reduction, opinions differ as to whether that will occur.

Some Georgia court officials say they expect an increase in requests to modify **child support** awards, but they don't know how much of an increase.

Some lawyers are sending out letters to clients alerting them to the changes. "We think it's going to open the floodgates," said Atlanta attorney Jonathan Levine. "We think the fathers will come in waves."

Many mothers will fight

The guidelines represent the biggest change in calculating **child support** in years, experts say. The current law, which focuses on the income of the noncustodial parent, often awards about 20 percent of that parent's income for a **child**.

Noncustodial parents with upper-middle incomes and above will be the most affected. Lower-income parents might see slight increases in their payments. About 85 percent of custodial parents are women, according to the U.S. Census.

The new law will not automatically change existing **child support** agreements. A parent first must go to court or press their former spouse to agree to a change.

Some who believe they are paying too much intend to seek lower payments. "I'm looking ahead. I've looked at the numbers," said Barry Harrington, a software writer in Canton. He has crunched his own numbers and is shooting for a reduction of up to 25 percent, or \$800 a month.

Meanwhile parents with custody, most of them mothers, are preparing to defend their spending in court by keeping better records, filing away bills for groceries and summer camp, attorneys say. Steele, the Marietta attorney, said he is cautioning some noncustodial fathers that they may not receive the break they hoped for. That's because the formula includes the costs of **child** care and health insurance, which can result in an increase, he said.

Some **support** could go up

For low-income parents, the bill says a judge may adjust a **child support** agreement so the parent can afford to pay it and still be self-supporting. But the monthly **child support** amount cannot drop below \$75.

For people with a combined income of more than \$30,000 a month, the judge also may increase the amount of **support**.

The bill contains a table that would be used to calculate **child support** payments. The table, which takes up 18 pages in the bill, matches the two parents' combined monthly income against the costs of providing **children** with the basic needs of shelter, food and clothing. SB 382 also includes a provision that would give noncustodial parents a reduction on their payments if they spend at least 121 days a year with their **children**.

In some instances, the prospective changes already have influenced the outcome of **child support** fights, attorneys say. In some cases, the mothers and fathers had anticipated the law's effect and crafted agreements so they wouldn't have to come back to court three months later. Brian Ellis said the prospect of the new law gave him the leverage to renegotiate.

Ellis, a business technology consultant from Roswell, hired a lawyer and persuaded his former wife to reduce his **child support** by about \$1,000 a month, or about 25 percent.

"The new law is a tool, not a weapon," said Ellis, 40.

He believes the new system is more structured and specific than the old one, and may spark fewer arguments between former spouses.

His ex-wife, Elan Knecht, disagrees. She said the **child support** she had been receiving for their two **children** was fair, and that the **children's** lifestyle will suffer because of the decrease.

"I am absolutely livid over his use of the new guidelines," she said. She said she cut a deal with her former husband because she thought she might fare worse if he pursued the matter further. "Fear is what made me settle."

Ellis spent about \$17,000 in attorney costs to obtain the reduction, as well as some other modifications in visitation. His ex-wife spent \$15,000 fighting it.

The costs of pursuing a reduction can range from a few thousand dollars for a simple case in which both parties agree to \$25,000 for a complex, contested case that goes to trial, attorneys say.

To change a **child support** agreement, a parent would have to qualify for a change of at least 15 percent. The agreement would have to be approved by the courts.

Rush may not materialize

More than 30 states have an "income shares" **child support** system. Most have used it for many years.

Among the handful of states that have adopted the system in the past 20 years, none has seen a rush to the courthouse, said Laura Morgan, a Virginia family law attorney who has helped states craft new guidelines.

Morgan, who also operates a Web site called supportguidelines.com, said many parents don't foresee enough of a change under the new system to warrant altering their existing agreement.

The measure has been largely supported by noncustodial fathers in groups such as Georgians for **Child Support** Reform. Zachary Holladay has joined that group and he expects to file for a reduction in his **child support** on "Day One" of the new law.

He expects his **child support** to drop from about \$2,800 a month to \$1,500.

"The tables have turned," he said. "This is going to be a major equalizer."

A critical part of the new bill is the calculation table that figures the cost of providing **children** with the basic needs. That cost would be divided between the parents based on their incomes.

The court would then factor in the costs of health care and day care and could also consider the costs of activities such as dance lessons, football camp and swimming instruction.

Many custodial parents, most of whom are mothers, say the old method was fair, and that they are already contributing as much money as they can toward taking care of their **children**.

"Financially, it's going to be devastating," said Alison Holladay.

She attended a seminar of a Marietta **support** group for women going through divorce called Visions Anew, which is educating women on the upcoming law. There, she plugged her numbers into a computer program that estimated her new **child support**. Holladay, an event planner who earns far less than her former husband, said that when she saw her numbers, she was shocked. She expects his **child support** may drop by about half, and he agrees.

"I was devastated for me," she said. "I was devastated for my **children**."

She said she would have to sell her home and cut back on her **children's** activities.

Zachary Holladay disagrees with his former wife on this point.

Photo

BITA HONARVAR / Staff

Alison Holladay looks over son Graham's homework as daughters Samantha (left) and Lindsey relax on the sofa. Holladay says she's already calculated how much less ex-husband Zachary will pay, and she claims it will create a hardship for her and the three **children**.

Photo

Zachary Holladay says he won't waste a day filing for lower **child support** payments when the rules change.

Photo

BECKY STEIN / Special

With the new rules a few months away, Brian Ellis was able to negotiate a change early rather than fight it out later. He says the new system will be more fair, but his ex-wife strongly disagrees. Graphic

A NEW FORMULA

Georgia is changing the way **child support** payments are calculated. Last year, the General Assembly passed a law saying that when the amount of **child support** is calculated, noncustodial parents will no longer pay a flat percentage of their incomes; instead, the income of both parents will be taken into account. It also passed a "parenting time" adjustment that would give noncustodial parents a reduction on **child support** if they spend a certain amount of time with their **children**.

That law goes into effect July 1.

This year, the Legislature is revisiting that law, debating some specifics, and adding an economic table that estimates the basic costs of raising a **child**. The new bill is Senate Bill 382. Though certain aspects of the bill could change, here is an outline of how to calculate **child support** for a noncustodial parent under the new guidelines.

- Step 1: Combine the monthly gross incomes of both parents. The law allows for adjustments of this figure if the parent is self-employed or has a prior **child support** order.

Example:

The father earns \$4,000 a month. His ex-wife earns \$2,000. The total monthly income is \$6,000. She has custody of their two **children**.

- Step 2: Go to the economic table. Match the combined parents' gross incomes to the number of **children** involved.

According to the proposed table, the monthly amount needed to cover basic necessities for the two **children** is \$1,384. This figure, called the Basic **Child Support** Obligation, would be divided between the parents based on the percentage of their incomes.

In this case, the father's share is \$927. But that is not the final **child support** award.

- Step 3: Depending on what visitation the court orders, a Parenting Time Adjustment might apply. Under the bill, noncustodial parents who spend 121 days with their **children** may deduct 10 percent from their share of the Basic **Child Support** Obligation.

The father has the **children** 125 days a year, putting him in the range that qualifies him to reduce his share of the Basic **Child Support** Obligation by \$93, bringing his share to \$834.

- Step 4: The costs of health insurance premiums and day care costs must be added together, then prorated between the parents.

The mother is paying \$600 a month in **child** care. The father pays \$100 a month in health insurance for the **children**. The father's share of the additional expenses of \$700 is \$469.

Therefore the father's total **child support** obligation is \$1,303.

- Step 5: The judge may adjust that amount by allowing for special expenses, such as summer camp, tennis lessons, clubs and baseball uniforms. These also would be divided between the parents.

The father and mother are not factoring in these costs.

The father's payment of \$100 a month for the **children's** health insurance will be subtracted from his share, making his final **child support** award \$1,203 a month.

For more information, see the Web site for the Georgia **Child Support** Commission:

www.georgiacourts.org/childsupp.html.