

Child support 101: Calculating and modifying a CA child support order

California has specific laws used to determine and modify the amount of child support that is ordered by the court.

Regardless of whether they are married, separated or divorced, parents in California and across the country have a responsibility to support their children financially and emotionally. Money can be tight when parents decide to dissolve their marriage and must transition from a two-parent household to a single parent living situation. These financial changes can have a major impact on children and could result in them experiencing a decreased quality of life. In order to minimize this change, the non-custodial parent may be ordered to pay child support.

Determining child support

According to the National Conference of State Legislatures, California calculates child support using the income shares model. This model operates off of the belief that children of divorced parents are entitled to the same amount of financial assistance that they would have received if their parents had remained together. Rather than use only the non-custodial parent's gross income to determine the amount of child support owed each month, the income shares model takes both parents' income into account.

When determining a child support amount, the judge presiding over the case will look at the gross income of each parent. This includes job salary or wages, as well as tips, bonuses, interest, unemployment benefits, Social Security, disability and workers' compensation benefits, according to the California Department of Child Services. The gross income from a self-employed parent may also be taken into consideration.

Modifying a child support order

Once the amount of court-ordered child support is set, the non-custodial parent is obligated to pay that amount as directed. However, a situation may arise where the non-custodial parent is unable to continue paying his or her child support order. The California Court reported the following situations where parents may file for a child support modification:

A parent is sent to prison

A parent loses his or her job

There has been a change in the parenting schedule where the non-custodial parent spends more time with the child.

The cost of the child's medical needs, education or child care has changed

Some couples may be able to agree on child support changes without involving litigation. However, in order for the child support modification to become legal, a judge must approve the new court order.

When is legal help necessary?

Going through a divorce can be extremely stressful in and of itself. Ensuring that children are taken care of throughout the divorce process is essential. People who have concerns involving calculating, modifying or even enforcing child support may want to contact a family divorce attorney in California to find out more about their legal rights.

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