

### **Can we agree that neither parent shall be required to pay child support?**

Possibly. If both parents share equal, or close to equal, amounts of time with the child(ren) and earn approximately the same amount or the higher earning parent is legally responsible for more of the child(ren)'s expenses, it may be possible to avoid child support. The parties will have to show that the child support calculator supports the parties' agreement to not pay child support.

### **How is child support calculated?**

In January 2007, the legislature changed the way child support is calculated. The legislature created a child support calculator that calculates a specific number for child support. The calculator considers both parties' incomes, the child(ren)'s health insurance premiums, work-related childcare costs, private school tuition expenses, extraordinary medical expenses and other similar costs the parties spend for the benefit of the child or children. The calculator also allows the Court to reduce child support for those making less than a set monthly income or increase child support for those earning more than a set amount of income. Additionally, the calculator allows the Court to impute income if one parent is not presently working or is otherwise earning less than he or she is reasonably capable of earning.

### **Which parent is allowed to claim the children for a tax credit after the divorce is finalized?**

The IRS allows the party who has physical custody of the child/children more than 50% of the time to take the tax credit for the children. However, the parties can agree that the non-custodial parent can take the tax deduction or to share the tax deduction in some manner.

### **Can I deny visitation if the other party hasn't paid child support?**

No. The Court treats visitation as a separate issue from child support. Even though the other party is not supporting the child, he or she is entitled to visit the child because it is typically in the child's best interest to maintain a relationship with both parents. The remedy for the party not receiving child support is to file a Motion for Contempt.

### **Can I stop paying child support if the other party hasn't allowed visitation?**

No. Given the Court views child support and visitation as separate issues, the party denying visitation is still entitled to the same support as before. The remedy for the party not receiving visitation is to file a Motion for Contempt. As part of the Motion for Contempt, the filing party can request additional visitation or, in some extreme cases or in repeated violations, request a change of custody.

### **Can I prevent the children from being around the spouse's new significant other?**

A Court cannot order a party to refrain from having overnight guests or refrain from exposing the children to a significant other without evidence that a specific person can or has endangered the child. The parties, however, can agree to a clause called a morality clause. A morality clause

prevents one or both of the parties from having overnight guests of the opposite sex or significant others from spending the night while that parent has custody. These provisions are generally limited to allow the children to still be able to have sleepovers as well as to permit other adults related to the parent by blood of marriage to be present overnight while the child(ren) are present. If the parties agree to such a clause, the Court can later enforce it.

### **Will the kids need to go to court?**

We typically try to avoid having children appear in court because it can be a stressful situation for the child. Additionally, it is involving the children in their parents' litigation and we don't want a child to feel he or she is or has to choose one parent over the other. If a child is over 14, there are abuse allegations or there are other unique circumstances, it is sometimes unavoidable to have the children appear in Court.