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Many Children, Many Child Support Obligations!

The New Mexico Child Support Guidelines provide a specific set of rules governing the imposition of child support. The guidelines provide two different worksheets for purposes of calculating child support. Worksheet A is used when the child (or children) for whom support is being paid resides with one parent more than 70% of the time. Worksheet B is used when the child's time with the parents is more evenly divided.

Both worksheets incorporate the following factors: the gross income of both parents, the number of children to the parties, payments made for work related day care, and payments for health insurance costs for the child. In special circumstances, other amounts can be included in the child support worksheet, like regular recurring school expense or medical expenses for the child. However, no deductions are for any items other than those explicitly allowed for in the Child Support Guidelines.

While the guidelines are pretty straightforward, complications can arise when a parent has child support obligations for children with different partners. For example, a father may have children with three different women. The father is most definitely responsible for child support for each child. The child support worksheets will be applied to each child. However, if each child support calculation were determined separately under the guidelines, the total support owed by this father would often exceed 50% of his total monthly income, which is prohibited by the guidelines. To avoid this, the law dictates that each successive worksheet for later born children must reflect a reduction in the father's income for prior child support obligations.

Essentially, the New Mexico Court of Appeals has ruled that the father's income should be reduced by the amount of child support he pays for his children with different mothers. This reduction is applied to the each child's support based on birth order, which will often result in the third child getting less support than the first and second child. This result may seem unfair for later born children, but the position of the New Mexico courts is that the resulting unfairness will be corrected as the older children turn 18 and the father quits paying support for each of them. As that happens, the mother can petition the court to reevaluate child support to reflect the father's increased income as his prior support obligations go down.

The issue of calculation of child support for multiple children with different parents can get pretty complicated. More importantly, it can also get pretty contentious particularly for the mothers of later born children. Often times, they simply will not accept that the law dictates a reduction of the father's income for prior child support obligations. These

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cases, as with many divorce and family law matters, can be driven more by emotion than law. Parties faced with this situation would be well advised to seek the attention of an experienced New Mexico divorce and family law attorney. The law is straightforward and both parties should proceed with this in mind. Moving forward on emotional grounds can be extremely stressful and costly to all involved.

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