

Domestic Relations Law 5

Child Support. How Much Does it Really Cost to Raise a Child?

Some of the most contentious family law litigation we see involves the issue of child support. Many times this issue is driven by emotional issues. For example, a potential obligor typically has fears that they will pay too much and be taken advantage of by the other parent of the child. Conversely, the obligee typically fears that they will never receive sufficient financial support. Another way to approach the issue of child support is to start with actual costs. In an effort to create a base point for discussion, one tool is a recent USDA report and calculator which will help figure out how much it costs to raise a child. According to the USDA, the total cost of raising a child born in 2009 to age 17 is between \$205,960 and \$475,680, adjusted for inflation. The 2010 figures will be released as early as next month. The agency's interactive Cost of Raising a Child Calculator also allows users to go online to tailor a yearly estimate according to geography and other key factors, such as income level. The USDA numbers prompt battling parents to keep things in perspective. For example, according to the USDA calculator, it may cost approximately \$11,788 per year to raise a child in the southwest, based upon total revenue of approximately \$56,000 per year:

The Annual Cost of Raising A Child

Health Care \$675

Clothing \$838

Other \$688

Food \$1,450

Transportation \$1,363

Child Care/Education \$2,325

Housing \$4,450

TOTAL \$11,788

Source: 2009 Expenditures on Children by Families, U.S. Department of Agriculture; and Cost of Raising a Child Calculator. USDA Cost of Raising a Child Calculator

Our suggestion is to use the above factors, combined with your actual expenditures and then proceed to look at New Mexico's child support calculations to determine if your thoughts of a shortfall or windfall are justified. Once the emotional issues are quelled, negotiations as to child support often proceed much smoother without unduly expensive litigation.

Child Support in the State of New Mexico

The primary governing statute on Child Support Calculation in the State of New Mexico is 40-4-11.1 NMSA 1978 et seq. [Click here for statutory information on Child Support Calculations \(http://search.nmcompcomm.us/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0\)](http://search.nmcompcomm.us/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0)

For the purposes of child support, natural and adopted children are treated the same, i.e. "children of the parties." Support should be considered as owed to the child, not to the parent (obligee). The purpose of child support is to provide for the child's living needs until the age of 18 or as otherwise defined by statute and case law. It is important to note that Child Support does not necessarily end when a child reaches the age of majority.

Critically important to the determination of child support is the time that each parent spends with the child. Depending upon the periods of visitation either Worksheet A (Basic) or Worksheet B (Shared) may be used to calculate child support. "Basic visitation" (Schedule A) is a custody arrangement in which one parent has physical custody and the other parent has visitation with the children of the parties less than thirty-five percent of the time. Such arrangements can exist where the parties share responsibilities; and "shared responsibility" (Schedule B) refers to a custody arrangement whereby each parent provides a suitable home for the children of the parties, when the children of the parties spend at least thirty-five percent of the year in each home and the parents significantly share the duties, responsibilities and expenses of parenting.

There are several allowances provided in the statute that may be used to determine the final amount. Income may be withheld from the non-custodial parent's (obligor's) paycheck.

Upon request by a parent, a court may modify a child support obligation upon a showing of "material and substantial changes in circumstances" subsequent to the adjudication of the pre-existing order. As with many statutes, material and substantial changes can be reduced to quantitative measurements and are further defined by case law.

What many people do not understand about the calculation of child support is that overbalance on forms can lead to serious long-term consequences for everyone involved. This area of family law can be extremely complicated as it is often related to highly emotional issues such as custody and visitation. The mixture of such hot-button issues combined with monetary considerations is often highly volatile. These factors combined with interrelated statutes and case law can create hyper-polarized irreproachable positions for pro se litigants. People involved with child support issues are best advised to seek competent and experienced legal representation.