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How Mediating Child Support Issues Can Benefit Families

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Divorce Mediator Kimberley Keyes examines how child support mediation can benefit families by reducing conflict.



If you and your spouse are investigating the possibility of getting a divorce, and you have had children together, the issue of child support will come up at some point. Child support is often a contentious and highly emotional issue. However, unlike [other divorce-related issues](#) – such as dividing property – both you and your spouse will have a common goal in mind when discussing child support: the welfare of your children. By focusing on this common goal, mediation is a highly effective way to resolve child support issues in a divorce.

The Massachusetts Child Support Guidelines in Divorce Mediation

Just because you [choose mediation over litigation](#) does not mean that Massachusetts family law will not be a factor in your situation. This is especially true when it comes to the issue of child support, where [Massachusetts has Child Support Guidelines](#) that determine how much a non-custodial parent is presumed to pay in child support on the first \$250,000 of combined income the parents earn each year. The guidelines take into account each parent's gross weekly income, then subtract the costs paid by each parent for:

- **Work-related child care;**
- **Health insurance;**
- **Dental/vision insurance; and**
- **Child support for any child not covered by the order.**

The calculation results in a combined available income amount from which a presumptive weekly child support obligation is determined, based on the number of children to be supported. While these guidelines were meant to simplify how child support is calculated in a divorce, they have another impact: the guidelines push divorcing parents into a cookie-cutter standard that might not work well for every family.

Mediating Child Support Provides Flexibility

When you mediate your divorce, you generally have more flexibility in determining a child support solution that works for everyone. By allowing both parents the flexibility they need to come up with their own answers,

without being confined by the usual court process, divorce mediation gives parents the supportive environment they need to create a child support system that truly works. This does not mean that mediating child support is easy, of course. Poorly constructed, court-ordered child support systems can create tension and animosity over parenting time. Some child support-paying parents will seek additional parenting time because they feel they should “get something for their money”. Others may perceive an increase in parenting time as a way to reduce child support. For parents who feel they’re being treated unfairly, child support payments can make them feel so angry and frustrated that they risk distancing themselves from not only their former spouse, but also from their children. Eventually, such parents may feel so alienated that they stop making their child support payments altogether, which can have serious legal repercussions if they are in violation of a court order. Over the long term, it is far better for parents to come to a mutual agreement concerning child support payments following their divorce. Although the state child support guidelines apply in a mediated divorce, parents can agree to deviate from the guidelines if doing so is ultimately in the best interest of the child. When the support system is built through mutual understanding and cooperation, both parents are invested in the outcome because they were both a part of putting it together.



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Child Support Mediation Keeps the Focus on the Child

*Mediating the issue of child support in a divorce helps to keep the focus on the best interests of the children, rather than ulterior financial motives. When the focus stays on the welfare of the children involved, they are the ones who truly benefit from the financial support, which is the real goal of the process. Because **mediation rewards creativity**, child support can often incorporate “outside the box” concepts. For example, some families*

will adjust weekly child support in consideration of equal cost-sharing for expenses like health insurance or child care. Other parents may choose to pool their income – sometimes with the higher-earning spouse contributing a greater share – to apply to children’s expenses. Perhaps a non-custodial parent will make a direct payment towards a child’s housing costs – or back-to-school clothes, the child’s first iPhone or car, or activity budget. The point is this: The Child Support Guidelines provide a useful tool for generating a standardized child support order for two average parents at various income levels. What the guidelines don’t do, however, is consider the unique needs of the children and parents of a given family. Through mediation, parents can explore ways to stretch their dollars in the way that most benefits their children and the parents themselves.

Kim is a divorce mediator for South Shore Divorce Mediation, with offices in Hingham, Massachusetts and East Sandwich, Massachusetts. She is also a Senior Associate Attorney for Lynch & Owens, P.C., where she specializes in divorce and family law issues. Kim is a statutory mediator under M.G.L. Ch. 233, s. 23C and a proud member of the Massachusetts Council on Family Mediation. To read more from Kim Keyes, check out [her author page on the Lynch & Owens Blog](#).

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