

Child Support and Payment of Children's Other Expenses

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Child support in Michigan is based on a formula that takes into account the parents' incomes, the number overnights with the children, child care expenses for children 12 and under, and health insurance premium expenses for the children. Reaching a child support figure is often a contentious issue between parents when there is no agreement on the number of overnights or when a parent's income is not straightforward. Whether they eventually reach a support number by agreement or are ordered one by the court, in most cases the amount ordered is not enough for the payee, and it seems burdensome to the payor of support. Payors are usually surprised to learn that child support does not cover all of their children's expenses. Child support generally covers food, clothing and shelter expenses only.

Medical Expenses

Parents will also have to pay for uninsured medical expenses. The division of the uninsured medical expenses (referred to as extraordinary medical expenses) is in proportion to the parties' incomes as calculated in the child support formula. The payor pays a certain amount of these expenses in the monthly support number, however once the payee meets a defined threshold each year, the remaining uninsured expenses (co-pays, office visits, prescriptions, etc.) are shared pro rata between the parents.

Extracurricular Expenses

Child support also does not cover expenses such as extracurricular activity fees/gear, field trips, cell phones, computers, car insurance, SAT/ACT preparatory classes and college visits. Unlike child care and uninsured medical expenses, the court does not mandate parents to pay for such expenses, and parents are forced to negotiate agreements. It can be challenging if parents have disparate means to pay or have differing thoughts on which activities children should be involved, which gadgets they should have, or if the child should get a job.

It is difficult to address every potential expense proactively in a judgment of divorce or settlement agreement. The common approach is to include a provision that says "the parties will share any extracurricular expenses which are agreed upon in advance with mom paying ____% and dad paying ____% (usually pro rata)." Such a provision gives parents some support in seeking reimbursement for expenses that have been in place for some time. For example, when children have taken piano

lessons or played a particular sport for years and both parents have been on board, but now one parent is refusing to contribute. However, the language leaves parents with the option to disagree to new expenditures or negotiate a different percentage. Parents can agree to list specific expenses that they are obligated to share at a particular percentage. Any agreements included in a court order or settlement agreement will be enforced by courts.

Mediation and parenting coordinators can be useful resources for parents who are having trouble reaching agreements post-judgment since the courts do not have the authority to do anything other than to enforce specific agreements. Often the children themselves will put pressure on one or both parents to get what they want or to continue an activity. In more difficult cases, the more relenting parent is left paying the entire expense, or the child is simply denied.

Older Children

As parents of older children know, their children's expenses – food, clothing, shelter and all of the extras – usually do not end when they turn 18 or graduate from high school. Though many parents will address extracurricular expenses for their minor children in their divorce agreements, most do not formalize agreements about post-majority expenses. The parent who has employer-provided health insurance for the children is likely to continue covering the children until they are 26 if it is still available at a reasonable cost. However, because child support is no longer being paid, the cost of the premium is no longer apportioned between the parents, and this must be negotiated at the time of the divorce or by agreement down the road.

What if children attend college? There are fewer complications if they have funded 529 plans. But who is paying for transportation to and from school, clothing, cell phones, spending money? Where do the children live when they come home from school? If the children were young at the time of the divorce, the parents had no reason to think about such issues. Parents of older children may be thinking about them, but unless the other parent is willing to make agreements there is no way to mandate solutions. We hope that down the road, once emotions have settled, that parents will figure out how to address these expenses. Unfortunately, many will not, and those children are either caught in the middle or left to figure out solutions on their own.

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