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Fighting Over Child Support After the Pink Slip Arrives

By [JULIE BOSMAN](#)

The same story echoed a dozen times through Room E8 of Manhattan Family Court in a single day: fathers, pinched by the recession, pleading for a reduction in child support.

A salesman at Saks Fifth Avenue who is estranged from his teenage daughter said he feared he would be included in the next round of layoffs expected at his store.

A man who had been laid off from a factory said he managed to find work at Mets games, but for less pay, \$9 an hour. Another man, on the verge of eviction, begged for a break from his \$315 monthly payments.

"Last week was my child's birthday, and I couldn't get him a present," he said, burying his head in his hands. "This is killing me."

Since January, [Family Court in New York has been filled with urgent requests like these](#), alarming judges and overwhelming calendars with what are known as modification cases.

Similar patterns are unfolding across the country: In Clark County, Nev., which includes Las Vegas, the district attorney's family support division has received an unusually high number of calls from parents who previously paid diligently but are now having trouble.

The child-support office in Milwaukee saw a 20 percent spike in the number of custodial parents seeking enforcement of support orders last year, with most of the increase coming in the fall as the unemployment rate there began to creep upward.

To explain why they can no longer pay as much per month, the parents, typically fathers, cite layoffs, cutbacks in work hours and the loss of homes to foreclosure. Presented with documentation of falling incomes and rising expenses, judges often have little choice but to grant the downward adjustments, even in the face of protests from mothers struggling to support children.

Magistrate Matthew Troy, a stocky, gregarious man with a white horseshoe mustache who is one of 15 judges hearing such cases in Manhattan Family Court, said the decisions can be brutal. "It's not a trickle down — it's a direct route," he said of the effects, especially in poor families. "Everybody who relies on the father gets hit."

The reductions force some families to apply for welfare for the first time, while others become increasingly dependent on food stamps or risk eviction when they come up short on rent.

“In many cases, it’s devastating,” said C. A. Watts, the director of the district attorney’s family support division for Clark County. “Some of the parents absolutely depend on that money coming in. It’s a domino effect. The custodians need the money to feed and clothe the children. If the money stops, it puts a burden on the custodial parent, and they have to come up with funds another way. They’re not going to let their children starve.”

The amount of child support varies based on individual family circumstances, but New York State begins with these guidelines: A noncustodial parent generally pays 17 percent of gross income for one child, 25 percent for two children and up to 35 percent for five or more children, as well as a share of child care, medical and education expenses.

“We see everything,” said Peter Passidomo, chief of the state’s 125 support magistrates. “High income, low income, across the board. It’s just like in an intact family where the income earner has lost the job.”

Though Family Court in New York is open to the news media, names of the parties are typically not revealed.

Judge Troy, who has been a Family Court judge since 1999, said that in recent weeks he had seen a former [Lehman Brothers](#) executive whose \$7 million in stock had disappeared, leaving him unable to pay his child support. And then there was the divorced couple whose combined income had surpassed \$400,000 — until they both lost their jobs and were scrambling to figure out how to pay two private-school tuitions on roughly \$800 a week in unemployment benefits.

Most, though, are more like the man who went from a decent-paying factory job to working in food service during Mets games in Queens. Judge Troy lowered his monthly payment for his three teenagers to \$50 per month, from \$686. Otherwise, he feared, the father would be unable to meet his obligation and face a more drastic punishment: jail.

“It wasn’t his fault he lost his job,” Judge Troy said. “I don’t want to throw a guy like that in the clink.”

The Saks salesman, on the other hand, whose 19-year-old daughter was asking for support for the first time, was ordered to pay \$544 a month. (New York allows child support to be paid for dependents beyond age 18.)

In the case of the father who could not buy a birthday present for his son, Mr. Troy agreed that \$315 a month — or 23 percent of his \$16,640 salary — was too much. But the child’s mother, over speakerphone from her home in Georgia, angrily protested that she was already paying \$1,800 a month for the child’s expenses.

“He is capable of getting another job,” she said. “I see no reason for him to get any kind of modification of

his child support.”

The judge ultimately took the woman off speaker, and instead spoke quietly into the telephone to calm her down. He lowered the father’s payments to \$50 a month (about 4 percent of his gross income).

“Somebody’s got to make the call,” Judge Troy said after the hearing had adjourned. “That’s the call I’m making.”

Mr. Passidomo said magistrates throughout the state have grown increasingly concerned about the volume and breadth of the modification requests. Upstairs from Mr. Troy, in Room 8C3, Magistrate Sudeep Kaur said she sees herself as “very strict about reducing child support,” but lately has had little choice in a spate of cases in which fathers have come to her after losing their jobs.

“It really has to be something beyond their control,” she said.

Lisa J. Marks, the director of Child Support Enforcement in Milwaukee, said her office has seen an influx of noncustodial fathers who have lost jobs in sales, construction and the service industry.

“We have seen individuals who have had fairly good income, and it’s not there any more,” she said.

“It’s really a teetering issue for child support offices,” Ms. Marks said. “You have one party who is really desperate because they’re not getting the full amount of support. And their expenses have increased, and their hours are probably decreasing.”

On the flip side are the fathers, and “they don’t have a job at all anymore,” she said. “You try to maintain fairness.”

The court will typically order fathers to pay a portion of their unemployment benefits in child support. But if their unemployment runs out, and they have no income, the court will temporarily resort to what is called “open support,” Ms. Marks said. What that means, she explained, is “you don’t have to pay any child support.”

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