

DIVORCE

MAGAZINE

special
feature

A good divorce

Divorce professionals in Southern California answer common questions about how to reduce the financial and emotional costs of your divorce.

"If we each have the kids 50% of the time, is it true that neither of us will have to pay child support to the other?"

No, this is not true. The courts determine child support, at least in California, based on two factors: income and time with the children. The special needs of the child or children may also be taken into consideration.

In terms of ability to pay, the courts look at overall income, not just the paycheck. For instance, if a person is living for free in a parent's condo, has a large inheritance, is drawing down in

principal on an asset, or has a hefty stock portfolio, the court may also view these as sources of income and use them to calculate child-support awards. Sometimes, the court may look at a party's earning capacity and impute that income to that party.

Let's assume, in a case where time is split 50/50 between the parents, that the husband is making \$200,000 a year and the wife nothing. Does that mean he will be forced to pay child support? Probably, but if the wife has traditionally worked and contributed to the family's

financial "pie" instead of staying home to raise children, the court may consider the wife's earning capacity.

There is no one clear answer when it comes to child support; every case is uniquely different. This is so even in California where, typically, child-support awards are based on a formula.

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