

Money Pros: Stepparents' income not usually part of formula for child support payments

New York's Child Support Standards Act dictates how basic child support and add-ons are calculated and paid

BY [JUDITH POLLER](#) / NEW YORK DAILY NEWS

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A common question in divorce: How does child support get calculated?

The Money Pros are standing by to take your questions.

Q: My daughter was divorced five years ago and her ex-husband left her when she was nine months pregnant. She is receiving child support.

The ex-husband got remarried. Does his new wife's income come into play when child support is calculated? My daughter is not married and takes care of the two children: a boy, 8, and a girl, 5.

Also, he doesn't pay for any extras without a fight.

Do you feel she may have to go back to family court to do the terms of the divorce over?

Bernard

A: When parents separate or divorce and the noncustodial parent (the parent with whom the children do not live most of the time) then remarries, the income of the new spouse, the stepparent, does not factor into or change the previously determined child support amount.

The only exception to this basic principal is in the event that the stepparent's contribution is necessary to prevent the child or children from needing public assistance or other assistance from the state. In that case, the stepparent's income may be taken into account.

With respect to your question about extras, New York's Child Support Standards Act (CSSA) dictates how basic child support and add-ons are calculated and paid.

The noncustodial parent pays the custodial parent the calculated amount of basic child support, which is to be used to support the children. In addition to basic child support, the CSSA also provides for add-ons.

These include health-care expenses, child-care expenses when the custodial parent is working or attending school and educational expenses.

Unless the parties specifically agreed to more extras in a written settlement agreement, or there is a court order providing for additional support, the basic child support and the add-ons must suffice to take care of the children.

If there is trouble collecting basic child support, including the add-ons, from the noncustodial parent, New York State's Support Collection Unit can help arrange for the child support payments to be taken directly out of the nonpayer's paycheck or unemployment check; send information on the nonpayment to the credit bureaus, which may affect his ability to get credit; seize tax refunds and lottery winnings; suspend his driver's license or even a professional license, or freeze his bank accounts.

Alternatively, it may be necessary to go back to court to enforce the support. In New York, child support arrears are not dischargeable in bankruptcy.

With respect to redoing the divorce, it is unlikely that she will be able to do that. However, if the child support was pursuant to a decision by the court and there has been a "change in circumstances" since the time of the order, she may try to seek to modify the terms of the child support provisions.

Judith Poller

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