

Fathers & Families Sues to Stop New Massachusetts Child Support Guidelines

Boston, December 31, 2008. Fathers & Families has filed suit in federal district court in Boston to stop the scheduled January 1 implementation of new child support guidelines. The suit seeks a temporary injunction until a full hearing can be held, and will be heard before Judge D. P. Woodlock on Monday, January 5 at 10:00 AM.

Fathers & Families' attorney Gregory Hession of Springfield argues that the new guidelines were not formulated using the actual costs of raising a child, as required by federal law, and are thus "arbitrary and capricious." The pleadings before the court assert that the process used to put together the new guidelines violated the due process and equal protection rights of the payors of child support, as protected under the United States Constitution. Additionally, the state bypassed the normal legislative process by having a secret committee prepare them and a judge declare them to be law, in violation of the Massachusetts Declaration of Rights.

The new guidelines will cause almost all child support orders to increase substantially, causing middle class custodial parents to enjoy a standard of living almost double that of non-custodial parents, even after taking into account the costs of raising children. In some cases, child support orders will triple, even in cases in which the payor is poor and the child is economically comfortable because the custodial parent earns over \$100,000. And in high income cases, the child support order for one child could be over \$47,000.

Fathers & Families Executive Director Ned Holstein, MD, served on the commonwealth's Task Force that recommended the new guidelines, but authored a minority report dissenting from the main recommendations. Dr. Holstein said, "Kids want to live with both parents after divorce, and we want them to be well cared for in both homes. But these new guidelines will create a 'castle versus a hovel' situation for kids. These increases are radical and unexplained. They come at the worst possible moment, just as people are losing jobs or suffering declining incomes. Our lawsuit is a way of saying, 'Let's pause and reconsider the wisdom of these controversial changes at this moment.' Not only was the process wrong, but the outcome will do harm to children."