

50/50 Split Parenting Time

Illinois' child support guidelines were established at a time when custody was almost always awarded to mothers and "rights of reasonable visitation" were reserved for fathers. Visitation schedules of "alternate weekends" – two days out of fourteen and only two overnight visits in a month – were routine. Caring for the children so much of the time often proved financially crippling to many women. It was easy to justify the payment of support from the father to the mother.

Today, however, children of divorce often spend much more time with the non-custodial parent – often times the parenting schedule breaks down to a 50/50 division over the course of a year. At the same time, although disparities still exist, women are much more financially self sufficient.

If the children of a divorced couple spend the same (or nearly the same) amount of time with each parent, and both parents have the same (or nearly the same) financial resources, why should one parent pay child support to the other? To do so would only reduce the resources available to the children in the payor's household while providing a windfall to the recipient.

Illinois' child support law makes no specific allowance for balancing the needs of two divorced parents of equal means who equally supporting their children. Under the law, custodial or "residential" parents are to receive awards of child support and non-custodial or "nonresidential" parents are supposed to pay it. Under circumstances of parity, however, such an arrangement is unfair to the paying parent, reaps a windfall to the recipient, and creates a financial imbalance between the households that poorly serves the childrens' best interest.

Fortunately, attuned lawyers and Judges have recognized the unfairness of taking money from one parent and giving it to the other when they, for all practical purposes, otherwise are in equal positions.

In one case, for example, the court considered reducing child support payments where the father worked a night shift and watched the children during the day while the mother worked. The kids were with him Tuesday through Saturday each week, alternate Sundays, alternate holidays and for up to 30 days of vacation per year.¹

This article was written by the law office of Cowell Taradash, P.C., whose attorneys are familiar with the latest court decisions, recent changes in the law and even the tendencies of many judges. We can help. Contact us at 866.987.6723 or info@illinoisdivorce.com.