

COVID-19: Daycare is Closed. Does My Child Support Obligation Change?

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Due to the current COVID-19 (Coronavirus) pandemic, many childcare providers are closed. One of the factors considered by a court in determining the appropriate amount of child support is the cost of work-related childcare. If there is no work-related childcare cost, or it has materially changed, a parent can petition the court for the modification of child support to reflect the child's current actual financial needs. You should consider, however, whether seeking to modify child support based on a (hopefully) short-term closure of daycare is worthwhile, particularly if you intend to pay an attorney to assist you.

To modify a child support order, the party requesting the modification must show there has been a "material change in circumstances" since the entry of the support order. The cessation of work-related childcare expenses due to the current pandemic could be considered a material change in circumstances by the court. The closure of daycare, however, does not automatically change the terms of a child support order. The child support order will need to be modified by the court, which requires a petition or motion to start these proceedings.

A modification of child support can be retroactive, but only to the date a petition was filed with the court and diligently served on the opposing party, and not before. It remains unknown how long social distancing measures will need to be in effect, or when daycare providers will resume normal operations. You should balance the need to move quickly against the possibility that by the time you get your matter heard by the Court, this situation may have passed, and daycare will be open again.

You should consult with a family law attorney to explore whether modifying child support due to a change in daycare makes sense for you. If you have further questions, or need assistance in modifying child support, contact one of our highly experienced domestic relations attorneys at Bean, Kinney & Korman, P.C. at (703) 525-4000. We practice in Virginia, Maryland, and the District of Columbia.

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