

Cohen, Wolf buy
UI building for
new law offices



An Invitation
Cohen and Wolf, P.C.
 cordially invites you to celebrate
the Opening of its New Office
in the former United Illuminating Building
115 Broad Street, Bridgeport, Connecticut
Thursday, November 11, 1983 4:30 to 7:30 PM

Child Support and Alimony Orders During COVID-19 Health Crisis

04.07.2020

In recent weeks, millions of individuals across the country have lost their jobs due to the sudden onset of COVID-19 and varying types of “shelter in place” orders that have been issued by state and federal authorities. As a result, we have received many questions from clients about the status of their child support and alimony orders.

- “Are support orders still in place during the COVID-19 health crisis?”
- “What happens if I lose my job and cannot make my support payment?”
- “My ex has not paid child support since the end of February and has indicated a job loss; how do I enforce the support order?” Unfortunately, the COVID-19 health crisis has caused unprecedented global uncertainty that affects individuals, families, employers, and the court system. As a result, not every question has a guaranteed, or simple, answer at this time. Nor is there an identified timeline as to when courts will be hearing motions for modifications, or when courts will be actively enforcing support orders that are not being followed. While we expect that every situation will be evaluated by a court on its own merits, the following guidelines are important to keep in mind as you make weekly or monthly financial decisions for your family.

First and foremost, court ordered child support and alimony orders in Connecticut are to be followed unless and until they are modified by the Court. If child support and alimony orders are not being followed, a motion for contempt may be filed.

Although it remains possible to file a motion to modify or a motion for contempt, neither motion will likely be heard until this crisis is over, as the courts are operating in a limited capacity.

If you have experienced a substantial change in financial circumstances, but your motion for modification won't be soon considered due to court closures and limitations on the matters that can be heard at present, does that mean it's not worthwhile to file it?

The answer depends on your situation and whether your change in financial circumstances is likely to be temporary or long-term, or if you are a furloughed employee, as the court has the ability to enter orders retroactively under certain specific circumstances. In other words, let's assume you are required to pay \$300/week in support. If you properly file and serve a motion for modification on April 5th, but your motion is not considered by the Court until July, and the court determines in July that you were entitled

to a reduction of \$200 per week (making your actual obligation \$100/week), the court may also decide that your modification will apply retroactively to April 5th, which would result in savings of thousands of dollars.

If you are the recipient of support payments and they are not being made, knowing that a motion for contempt won't be soon considered, does that mean it's not worthwhile to file such a motion?

The answer depends on the circumstances. In order for a motion for contempt to be successful, there must not only be a clear and unambiguous court order that is not being followed, but there also must be proof that it is being willfully violated. Does the payor have the ability to comply? Is the payor making good faith efforts to comply, either in whole or in part?

If you (or someone paying you support) lose your job during the COVID-19 health crisis, there are a few things you should consider before filing a motion.

(1) Are you/the payor eligible for unemployment benefits and supplemental unemployment benefits?

(2) Are you/the payor eligible for personal loans at low interest rates?

(3) Can you/the payor seek other employment, even if it is in a different industry than your/the payor's skill set? When making efforts to seek alternative employment, keep a detailed list of prospective employers. This may be needed in court to address any potential contempt issues.

(4) What can the support recipient do to reevaluate individual and familial spending to determine how much is actually needed during this time – i.e. families should not be taking vacations, school sponsored sports and other activities are either cancelled or postponed and may not require payments, extra time at home may decrease the need or the frequency of household or landscaping services etc?

(5) Can you reach a temporary agreement, either to suspend or modify the amount to be paid during this time, at least until you are able to get into Court?

Because these guidelines are somewhat subjective, and likely only temporary, parents should first attempt to work together to find ways to compromise if either parent should lose their job due to the COVID-19 health crisis. If you cannot work out a compromise on your own, your lawyer may be able to assist you or make suggestions. In addition, although courts are presently unavailable for any issues that the court system has not deemed an emergency, many mediators are offering their services to resolve issues telephonically or by video conference. These services can be a good alternative to filing motions to modify that have no current timeline on when they will be heard or adjudicated in court.

We're here to help

Within Cohen and Wolf's family law group, all of our attorneys and paralegals are working remotely right now and are available to answer your questions or assist you with specific questions, if you should need

assistance. Please reach out to us directly if we can be of help. We are happy to schedule phone consultations or videoconferencing consultations. Stay well!

Pro Bono Assistance during COVID-19 health crisis

Cohen and Wolf's Family Law Group is dedicated to giving back to the community. As part of that commitment, our group handles 5-10 pro bono family law cases each year. For the balance of this calendar year, in response to the COVID-19 crisis, it is our goal to accept an additional 10 pro bono cases from clients who have specific needs for assistance due to this crisis.

PRACTICE AREAS

Family Law