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Child Support Age Limit Changed

Effective July 1, 2012

The Indiana General Assembly recently made a vital change to existing child support orders. The new law states: "The duty to support a child, which does not include support for educational needs, ceases when the child becomes 19 years of age..." This lowers the age for required child support payments from 21 to 19 years of age, effective July 1, 2012. This is a significant change in our law and parents must be cognizant of this change for planning purposes. The Indiana Court of Appeals has cautioned parents, however, not to unilaterally terminate child support payments on a child's 19th birthday because doing so could be improper to the extent that the support obligation is for educational needs that would survive his or her 19th birthday. Accordingly, if you have a child or children approaching or over age 19, consult a Cohen Garelick & Glazier family law attorney to discuss terminating or reducing child support, as well as to discuss the issue of college support, health insurance coverage and payment of uninsured medical expenses.

The rules regarding payment for college (known as educational needs orders) have also changed. If a child support order is issued **after** June 30, 2012 and the child seeks an educational needs order, he or she must petition for this order **prior** to turning 19. If the child support order was issued **before** June 30, 2012, then it would be best to petition

for an educational needs order before reaching age 19, although based on the new statute as well as recent case law, it appears possible to file the petition up until age 21.

As a reminder, the Indiana Child Support Guidelines, which determine child support payments through a standard calculation, changed effective January 1, 2010; among the changes was an increase in the cap on weekly income from \$4,000 to \$10,000. This change could result in greatly increased child support payments if the person paying the child support earns more than \$4,000 per week, but only if the person receiving child support has his/her attorney file a petition for modification of the existing child support order. Other changes included the treatment of health insurance premiums and Social Security and disability benefits.

You should review your child support agreement with your Cohen Garelick & Glazier family law attorney if your children are approaching age 19, if the child support you are paying or receiving has not been reviewed or modified since the new Guidelines were issued in January 2010, or if other circumstances have changed which might affect child support. Call (317)573-8888 or email your attorney directly; email addresses for all our attorneys appear with their attorney profile on www.cgglawfirm.com.