



## Child Support

Child support is a court-ordered payment made by one parent to another for the financial benefit of their child or children. It's intended to cover the child's basic needs, including food, shelter, clothing, education, and medical expenses.

### How is Child Support Determined?

Several factors influence the determination of child support, including:

1. **Income of Both Parents:** The income of both parents, including wages, salary, bonuses, commissions, and other sources, is considered.
2. **Child's Needs:** The child's needs and standard of living before separation
3. or divorce are considered.
4. **Custody Arrangements:** The amount of time each parent spends with the child or children can impact the child support calculation.
5. **Other Dependents:** Obligations to support other children or dependents may also affect the child support amount.
6. **Healthcare Costs:** Health insurance premiums, medical expenses, and childcare costs are typically factored in.

### Child Support Enforcement

If a parent fails to pay court-ordered child support, there are enforcement mechanisms in place to ensure compliance. These can include wage garnishment, interception of tax refunds, suspension of driver's licenses or professional licenses, and even contempt of

### Legal Assistance

Parents involved in child support matters often seek legal assistance to navigate the complexities of family law, ensure their rights are protected, and reach fair agreements. Legal aid services are available for those who cannot afford private representation.

### How much will I pay in child support?

1. **Determine Combined Parental Income:** This involves calculating the total income of both parents. This typically includes wages, salaries, bonuses, commissions, and other sources of income.

2. **Subtract Deductions:** Deductions such as FICA (Federal Insurance Contributions Act) taxes may be subtracted from the combined parental income to arrive at the adjusted income.
3. **Allocate Percentage:** Once the adjusted combined parental income is determined, a percentage of that income is allocated for child support based on the number of children. The percentage typically increases with the number of children, as more children require more financial support.
4. **Consider Additional Factors:** Depending on the jurisdiction, additional factors such as healthcare costs, childcare expenses, and other special needs of the child may be factored into the calculation.
5. **Apply Guidelines:** Many jurisdictions have specific child support guidelines or formulas that help determine the appropriate amount of child support based on the parents' income and the needs of the child.

<b>Number of Children</b>	<b>Support Percentage</b>
<b>1</b>	<b>17%</b>
<b>2</b>	<b>25%</b>
<b>3</b>	<b>29%</b>
<b>4</b>	<b>31%</b>
<b>5</b>	<b>35%</b>

Once that percentage of income is calculated, each parent will be responsible for their pro rata share, which is determined by dividing each parent's adjusted income by the adjusted combined parental income.

A Final Support Order may also include additional payments for childcare and healthcare and one parent may be ordered to provide health insurance.

### **Do I need an Attorney?**

As with any court proceeding, you may hire an attorney to represent you. Unfortunately, court-appointed attorneys are not provided to either party when establishing or modifying a Final Support Order. If you need help, you may call your local Legal Aid office to see if assistance can be provided.

### **How do I make a support payment?**

Your payment should be made to the other parent directly unless your Support Order directs you to make payments through the Support Collection Unit "SCU" or by some other method.

### **What if child support is not being paid?**

If your child support goes unpaid, you can file a Support Enforcement/Violation Petition in Family Court. The purpose of the Enforcement/Violation Petition is to bring the matter before the Support Magistrate so action can be taken to ensure arrears and future

payments are made. The Support Magistrate may order payments be made through the SCU if not already, order a lump sum be paid to cover arrears, or increase payments over a period of time until arrears are paid.

### **Are there any penalties for not paying child support?**

If you repeatedly fail to pay child support you are at risk of having your driver's license or business/professional licenses suspended, bank accounts and tax refunds seized, and passport revoked. If it is found that you willfully and voluntarily choose to not pay child support, you may be jailed up to six (6) months for contempt of court. In these cases, you may qualify for a court-appointed attorney if you are income eligible.

### **Can a Final Support Order be modified?**

Either party can request a modification of their Final Support Order every three (3) years. To request a modification sooner, there are two options:

- **“Substantial Change in Circumstance”** - “Substantial change in circumstance” is a broad term and may apply to situations such as developing a chronic/debilitating illness, being laid-off from work, or even incarceration if the crime is not for unpaid child support or committing a crime against the other parent.
- **Income change** – Either parent can request modification of the Final Support Order if there has been at least a fifteen (15) percent increase or decrease in either party's income.

### **How long must I pay child support?**

Child Support Orders stay in effect until the child turns twenty-one (21) years old or is emancipated. A child is emancipated when they are living on their own supporting themselves (does not include being away at college), married, or in the military. If a child has a severe disability requiring continued parental care, a parent can apply to have the child support order extended until the child is twenty-six (26) years old.

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