

● Introduction

Effective in 1984 and 1988, the federal government passed laws requiring every state to develop a uniform approach to the establishment, modification and collection of child support. Legislation was needed because many existing laws for the enforcement of child support either were not uniformly applied, or were simply ineffective. Child support orders varied greatly from case to case; and while many parents paid their child support fully and regularly, many others did not.

For these reasons, the new federal laws were designed to make possible the collection of appropriate amounts of child support, fully and on time, by deducting those support payments from the earnings of the parent who is obligated to pay--much like income taxes and union dues are withheld. While changes such as this have already helped bring about great improvement in the collection of child support, federal and state legislators will continue to review our child support laws, with an eye toward strengthening them in the future.

● When is child support ordered to be paid?

A court or support enforcement agency may set a child support order when married parents file for a divorce, dissolution, or legal separation; when unmarried parents are involved in a parentage action to establish who is the father; or in any other custody or support proceeding when the parents are living separately.

● How does the court (or agency) decide how much support to order?

Federal law requires that each state establish monetary child support guidelines. In Ohio, the cost of supporting the children is divided between the parents based on their earning ability as a percentage of their combined income. Ohio uses gross income as a basis for support orders. In addition to monetary guidelines, laws also require consideration of matters such as the physical condition of the child, special medical or educational needs, any type of handicap, the cost of day care, and health insurance costs when setting the amount of child support.

● Does child support under the guidelines pay the entire cost of

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supporting the child?

No. For example, a support order of \$35 weekly is less than the current federal tax exemption for a child. Both parents bear responsibility for supporting their child. The residential parent provides payment for all of a child's expenses that exceed the amount of support received from the other parent.

• How are day care costs during employment hours divided?

States differ in their guidelines for payment of day care costs. These costs are an integral part of caring for a child and in Ohio they are considered. They are included in the calculations of support.

• Who pays for medical, dental, and hospital expenses for a child?

The responsibility may be given to one parent or the other or the parents may be ordered to share in the payment of medical expenses according to a set formula. Federal law now requires that, under certain circumstances, medical insurance coverage be provided as part of a court or administrative child support order. Ohio is in compliance with this requirement and all support orders must include provisions for health insurance coverage.

• Why does child support have to be paid to a local agency?

Federal law requires that payments be made through a child support enforcement agency in order that accurate records may be kept of all payments made and received. This helps to prevent expensive disputes about how much was paid and when.

• What services does the enforcement agency provide?

To comply with federal and state law, the agency may:

- collect support, keep a record, and mail payment promptly to the custodial parent;
- notify the parent obligated to pay support when 30 days behind in the support payment;
- seek enforcement of child support by means of an income withholding order;
- initiate contempt of court charges;

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- seek criminal penalties;
- seek collection of back child support through an IRS collection (based on meeting minimum federal requirements);
- seek interstate enforcement if the parent obligated to pay moves out-of-state;
- establish liens on property;
- seek modification of a child support order where appropriate;
- seek to terminate support when a child becomes an adult;
- seek establishment of paternity of a child through genetic testing; and
- seek orders to provide for medical insurance coverage for a minor child.
- seek suspension of professional licenses (e.g. doctors, lawyers, etc.) as well as drivers' licenses.
- contact with private collection agencies to collect support.
- place arrearages on obligor's credit report.

• Is it wise to hire a private attorney to enforce or change a child support order?

Many parents prefer hiring a private attorney for advice on matters concerning child support, and to change or enforce a support order, if they are willing to pay their attorney's fees. It is important to remember that your state is required by federal law to provide services, if you qualify for and apply for them, at little or no charge to you.

• Why doesn't the child support enforcement agency handle visitation problems?

Federal law only requires the agency to handle certain child support issues. A non-custodial parent has the right to seek enforcement of a visitation order through a private attorney, or by filing a motion in court on his or her own. In Ohio, there is

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no agency to enforce visitation orders.

• May one parent prevent a child from seeing a parent who doesn't pay child support? NO!

Willfully denying court-ordered visitation rights may be considered contempt of court which is punishable by: a jail sentence, fine, attorney fees, and court costs. Also, if the parent who is denied visitation seeks a change of custody, the custodial parent's deliberate withholding of visitation rights may be an important factor to the court in deciding who will receive custody. There are legal remedies for the parent who does not receive child support payments. Depriving the other parent of visitation rights is not one of them.

It is important to a child's well being and development to maintain a relationship with both parents. If a child and parent are kept apart, they lose valuable time and the opportunity to share important events together. Hard feelings may develop between the parents, and a child may come to feel like a mere bargaining chip in a game played by the parents. There are instances when the court will determine that visitation is not in the best interest of the child.

• May a parent whose rights of visitation are denied withhold child support from the custodial parent? NO!

Just as the custodial parent may not deliberately disobey a court order regarding the other parent's visitation rights without serious legal consequences, the non-custodial parent may not willfully disobey a child support order. Denying support payments may be considered contempt of court which is punishable by: jail, fines, attorney fees, and court costs. Furthermore, if the parent who withholds support seeks custody, the deliberate non-payment of support may become an important factor in deciding that issue. The law provides remedies for denial or interference with visitation. Depriving a child of support is not one of them.

If support is withheld, a child is at risk of not having a suitable home, proper food, medical care, clothing or transportation. Again, hard feelings may develop between the parents, and the child may feel like a pawn in their game.

• How does a parent seek an increase or decrease in child support?

Federal law requires the local child support enforcement agency to seek

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support changes on behalf of parents who qualify for the agency's services. Support orders may be changed through administrative process, or by filing a motion in court.

• When should a parent seek an increase or decrease in child support?

There are certain laws as to when a child support order can be modified. If a parent's ability to pay household expenses or child support has been materially affected by a change in circumstances, the parent may qualify for a change in the support order. Federal law requires the child support agency to seek a change in support when either parent to a support order qualifies for such a change and applies for the agency's services in processing that request.

• Is there a limit as to how such child support may be withheld from income?

Federal law establishes a maximum amount of child support that may be withheld from an employee's income. Generally, a support deduction may not exceed sixty percent (60%) of an employee's net income (if single) or fifty percent (50%) of net income (if married).

• How do I locate the absent parent?

Federal law provides that the local child support enforcement agency may use the federal parent locator service, and state laws may allow the use of certain state agency records.

• How does child support differ from spousal support?

Whereas child support is for the support of a child, spousal support is for the support of a spouse or ex-spouse. It is vital that you determine as accurately as possible your financial needs or those of any minor child living with you. A parent must be realistic about income and expenses whenever child support or spousal support may be awarded. Terminating a marriage, no matter what the cause, is no reason for a parent to live in poverty who did not before, or to allow a child to live in poverty who did not before.

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• **Why is it important to determine who is a child's father?**

Every child should have the opportunity to know absolutely who the father is, to have a relationship with the father if it's in the child's best interests, and to receive financial and emotional help from that parent. A parent should want to establish parentage to provide the best available economic lifestyle for a child and the love and security that a two-parent or extended family can offer. A state needs to know who a child's father is in order to collect child support and the expenses of birth, if they were paid by taxpayers. Once parentage is established, should a parent die or become disabled, then the child may be entitled to receive Social Security or state benefits until the child becomes an adult. A further benefit of knowing a child's parentage is the information that can be obtained regarding genetic history, especially inherited medical conditions. There are relatively inexpensive scientific tests now in common use that are very accurate in determining parentage of a child.

• **Why does a parent have to pay child support if the custodial parent is receiving Aid to Dependent Children?**

One goal of federal government is that taxpayers not be required to support children whose parents are capable of supporting them. If a custodial parent is on public assistance, the other parent must pay child support through the local court or administrative agency. The agency then reimburses the state from the child support that is paid. When the custodial parent applies for A.D.C., an agreement must be signed for the state to collect any support paid. Failure by the custodial parent to turn over these child support receipts to the state may result in a criminal conviction.

• **Until what age is a child entitled to receive child support?**

Generally, a child is entitled to be supported until emancipated--that is, 18 years old and out of high school, or fully self-supporting, or married. Some parents, by agreement, may provide that child support be paid for the purpose of college or technical school education after a child is emancipated.

If your child has a handicap or special needs, it is critical that you give that information to your attorney or local child support enforcement agency. State laws and child support guidelines differ as to how long a custodial parent may be entitled to receive support under these circumstances.

• **What options for enforcement are available if a parent is self-employed?**

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It is much easier for child support to be regularly and fully collected from a parent who receives a regular paycheck from a known employer than from a self-employed parent who receives income from unknown third parties at unpredictable intervals. While many self-employed parents regularly and fully pay their child support, those who do not may make it very difficult for custodial parents to meet their children's financial needs. A custodial parent may ask the court or enforcement agency to order the other parent to post a cash bond, from which support can be taken if the self-employed parent fails to pay child support when due.

• Does a child support order over time remain enough to support a child?

It is probably unrealistic to expect one child support order to remain sufficient for a child's needs over a long period of time. Federal law now requires that every state periodically review its child support guidelines to ensure that the guidelines are consistent with the reality of supporting children. Furthermore, child support enforcement agencies are required to review child support orders in certain circumstances, without either party asking for a review. The clear intent of these provisions is that the state assumes responsibility for reviewing support orders, that it be done automatically, and that a child's standard of living be kept at the level of the parents' earning abilities.

• Budgeting

Whether or not you have ever prepared a budget, it is important that you know how to do so. To determine your income, check your tax returns and all attached schedules, W-2's, and pay stubs. With the help of a calculator, you can determine your income before and after taxes fairly accurately.

The Monthly Income and Expenses sheet is provided to help you prepare a budget.

MONTHLY INCOME

[1] Gross income from all sources: salary, wages, commissions, tips and overtime

\$ _____

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Deduct:

Federal income tax	
State income taxes	
City income taxes	
FICA/mandatory pension	
Union dues	

(add deductions)

[2] TOTAL DEDUCTIONS \$ _____

[3] Net income after deductions (subtract line [2] from line [1]) \$ _____

[4] Other income:

Rent	
Business	
Farm	
Spousal support	
Pension	
Interest	
Social Security	
Unemployment	
ADC	

(add other income) ALL OTHER INCOME \$ _____

[5] Total income available to meet expenses (add lines [3] and [4]) \$ _____

From Below-Monthly Expenses: lines [6] and [7]

[6] Total Expenses \$ _____

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[7] Monthly Debt Payment Total (add all credit card installments)
\$ _____

MONTHLY RECAPITULATION:

Net income after taxes is (from line [5]) \$ _____

Less expenses for myself and minor children (add lines [6] and [7]) \$

Amount available/needed \$ _____

Monthly Income

Monthly Expenses (Yourself and dependent minor children who live with you from this relationship.)

(For the following expenses, determine monthly expense for each category, then estimate a percentage of that expense which you feel fairly and accurately represents the amount for you and any minor dependent child living with you; i.e., your rent is \$450 monthly which you allocate as \$150 for you and \$150 for each of two children.)

	You	Child	Child	Child
Day care costs				
Child care (for				
Groceries				
School lunches				
Restaurant				
Clothing/shoes				
School uniform				
Sports outfits				
Vacation/camp				
Allowance				
School expense				
Medical/drugs				
Counseling				
Optical				
Barber/beautician				

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Barber/beautician				
Toiletries				
Entertainment				
Hobbies, books				
Lessons				
Tutor				
SUBTOTAL				

	You	Child	Child	Child
Mortgage/rent				
Home/insurance				
Home taxes				
Telephone				
Long distance				
Electric				
Gas				
Water				
Garbage removal				
Cable				
Lawn/snow				
Home maintenance				
Cleaning service				
Laundry				
Newspaper				
Car payment				
Car insurance				
Gasoline				
Parking				
Public transit				
Car repairs				
Hospitalization				
Life insurance				
Gifts				
Charitable contributions				

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Dues/clubs				
SUBTOTAL				

[6] Grand Total (all all subtotals) \$ _____

Credit card purchases, college loan, other long term debts not included above:

Name of Creditor	Monthly Items Purchased	Payments	Balance

[7] Monthly Debt Payment Total \$ _____

Based upon 1984 Child Support Enforcement Act, 42 U.S.C., Section 666 (b)(3); Family Support Act of 1988 (FSA), 42 U.S.C., Section 651 et seq.

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