

CHILD SUPPORT OVERVIEW



Child Support Generally

- Natural and adoptive parents must support their child until age 18 through child support. Child support normally consists of a monthly cash payment to the parent who has the child(ren) living with him or her most of the time (custodial parent) to help cover the costs of raising a child.
- Additional costs may be covered through a child support order, such as child care expenses and medical costs not paid by insurance. Additionally, a breadwinner spouse may also pay spousal support until a divorce is granted unless the spouse seeking support was “at fault” in causing the separation.
- If a parent is receiving cash assistance, obtaining the support benefits needed may allow them to go off of cash assistance altogether, preserving eligibility to obtain cash assistance in the future.
 - **IMPORTANT:** If you are getting cash assistance benefits from the welfare office and you get a support order that allows you to go off assistance, the county domestic relations office must redirect the support payment from the welfare department to you immediately after they stop your cash assistance. If you do not stop getting your support directly, contact Northwestern Legal Services right away.
- A parent may not eliminate a support obligation in bankruptcy, and willful failure to pay support may lead to fines and even imprisonment.

When Should You File for Support?

- The custodial parent is entitled to support from the noncustodial parent. The custodial parent must file for support with the Domestic Relations Section of the county Court of Common Pleas (DRS) in the county where he or she is living. DRS can also help if the noncustodial parent lives in another Pennsylvania county or another state.
 - Special rules apply where one parent has the child(ren) more than 40% of the time.
- When applying for child support, a complaint for child support must be filed with the court.
 - These forms can be found at: www.humanservices.state.pa.us/CSWS/index.aspx
- If the mother of the child is unmarried, DRS will need proof of the child’s paternity unless the father has already signed an acknowledgment of paternity. If the father denies paternity, DRS will order a blood test. The father must pay for the test if his paternity is confirmed and the mother must pay for the test if the test fails to confirm paternity.
- DRS will schedule a support conference and send notices with the date and time to the parents. This support conference will decide the amount of support that the noncustodial parent will pay. Pennsylvania has child support guidelines to calculate how much a parent should pay. These guidelines can be found at www.pacode.com or within rule 1910.16-3 of the Rules of Civil Procedure.

- **IMPORTANT:** The United States charges a \$25 annual fee each year for open child support cases that receive at least \$500 in child support payments if the custodial parent has never received cash assistance. Some counties also charge a filing fee.
- If you do not agree with the results of the support conference, you can file an appeal or an “exception” within 20 days. If an appeal is filed by either parent, a hearing is held in front of a judge, who decides how much child support may be paid.
 - **IMPORTANT:** Some counties differ on the timeline for filing an appeal so make sure to check your local rules or consult our office (Example: Erie county appeals must be filed within 10 days).

When should You File to Change Your Support Order?

- If you already have a support order, you may want to have it modified if there is a change of circumstance, such as: (1) the income of either parent significantly increases or decreases; (2) the child now has significant or continuing medical expenses; (3) there are changes to child care costs or medical insurance changes; (4) the parents are now living together; (5) the child starts living with the noncustodial parent or a third party; (5) the noncustodial parent is incarcerated.
- DRS will also review all support cases every three years to make any appropriate modifications.

How do You Get Your Child Support Order Enforced?

- In most cases, support payments are taken directly from the wages of the person obligated to pay support. If you are not getting your support and the person ordered to pay is earning wages, make sure the court is attaching those wages.
- If a parent falls behind in child support, the domestic relations office can increase the income attachment, take federal income tax refund checks, personal property, and bank accounts.
- If your child support order is not being enforced:
 - Be an investigator- if you can give the support enforcement office timely, accurate, information about the person who owes you support, you are more likely to get the support you deserve; and
 - Be persistent in asserting your right to support but avoid rude or angry behavior when speaking with the enforcement officer.

Please use the information found in this pamphlet carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of this pamphlet.

**To apply for help from Northwestern Legal Services
Call 1- 800-665-6957; In Erie Area 814-452-6957
Or Online at WWW.NWLS.ORG**