

What happens if a parent doesn't pay child support?

If a parent falls more than 3 months behind in paying child support, the domestic relations office can suspend the parent's driver's license, hunting or fishing license, or any professional license. The domestic relations office can also take any lottery winnings, federal income tax refund checks, personal property, and bank accounts that belong to the parent.

A parent who willfully fails to pay child support can also be charged with contempt of court, fined, and sent to jail for up to six months. A parent who is sent to jail can often get work release and make support payments while in jail.

Can a support order be changed?

A support order may be changed if there is a substantial change in a parent's circumstances—for example, an increase or decrease in income.

Parents are required to report changes in circumstances to the domestic relations office within seven days. A parent who believes that the other parent has not reported a financial improvement can ask for a hearing.

In order to ask for a change in a child support order, the parent must go to the domestic relations office and fill out the proper form. Afterwards, a conference will be scheduled.

In addition, state law allows a parent to have a support order reviewed every three years, without having to show changed circumstances.

How is child support handled if I am receiving public assistance?

If you are receiving public assistance, the child support payments go directly to the Department of Public Welfare (DPW). Then, each month, DPW sends you a "pass through" check for a portion of the current support that was paid that month, up to \$50. If the person paying support misses a month, you do not get a "pass through" check for that month even if he or she makes the payment later, unless the delay happened because the person's employer was late in sending DPW a support payment that had been deducted from the

person's wages. If the person pays support before it is due, you get a "pass through" check for the month in which it was due.

Remember that in most cases you can only get cash assistance for a lifetime maximum of 60 months. If you have income from a job or another source, getting child support may make it possible for you to go off welfare at least for a while. Then you can save some of your 60 months in case you need them later. If you leave welfare for a job, in many cases you can still get medical assistance, food stamps, and help with child care expenses. If you go off cash assistance, your child support checks must be immediately redirected to you. If this does not happen, call your local Legal Services office or the child support liaison at your county assistance office.

REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure 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 the brochure.

Pennsylvania Legal Aid Network, Inc.
118 Locust Street
Harrisburg, PA 17101
(800) 322-7572
www.PALegalAid.net

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Revised 08/08 This public information pamphlet was edited by Neighborhood Legal Services Association and produced by Pennsylvania Legal Aid Network, Inc.



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Public Information Pamphlet #2

How long must parents pay child support?

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What if a parent has support obligations in more than one household?

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■ BOTH PARENTS have a financial responsibility to support their children. Usually, the parent with whom the children live receives support payments from the other parent. The duty to support a child exists whether or not the parents are married. Even a parent who is denied visitation must support the child. A parent cannot refuse visitation just because child support has not been paid.

How long must parents pay child support?

The duty to support a child continues until the child is 18 years old or graduates from high school, whichever is later. In situations where the child is disabled this duty may continue beyond age 18. A parent usually does not have to pay college expenses for a child who is over 18 unless this has been agreed upon as part of a divorce case.

How do I get a child support order?

To get a child support order, file a complaint for support in your local county domestic relations office. You do not need a lawyer to do this.

The domestic relations office will give you a form to fill out. Then a conference will be scheduled. At the conference, both parents must give a conference officer information about their income and expenses. The conference officer will make a recommendation about how much child support must be paid. The court will adopt this recommendation as a temporary order, but either parent can file an appeal within 20 days after the order is mailed. If either parent files an appeal, a hearing is held in front of a judge, who decides how much child support must be paid.

How much child support must be paid?

The amount of support is based on the income of both parents (or the amount each is capable of earning) and the number of children involved. The court uses statewide support guidelines unless a parent shows that this amount is not fair under the circumstances.

The guidelines start by setting a basic amount which should be spent on the children's needs. This amount is based on the combined income of both parents. The amount of child support owed by the parent who does not have custody depends on the percentage of the combined income that parent earns. For example, if the parents should be spending \$600 a month on their children's needs, and the person who does not have custody is earning 2/3 of the combined income, then he or she will have to pay \$400 a month (2/3 of the basic amount) as child support. This amount can be reduced if the children spend 40 percent or more of their overnights with the person who is paying support. You can get a copy of the guidelines from your domestic relations office.

Cash assistance and SSI benefits are not counted as income. To figure out a parent's net income, start with the monthly gross income and subtract:

- federal, state, and local income taxes;
- F.I.C.A. (Social Security) payments;
- payments to a retirement plan that the employer requires the parent to make;
- union dues;
- health insurance premiums for the children or the other party;
- alimony paid to the other party.

If a parent's net monthly income is less than \$748, the court will usually assume that he or she can pay very little support. The court may order the parent to try to find a job.

What if a parent has support obligations in more than one household?

Sometimes, a person who is being asked to pay support has other children, too. In such a case, the court will use the support guidelines to figure out how much support the children in each household should get. If the total amount of support for the households together is more than half of the parent's net income, then the court may reduce the amount of support. The children of each family must be treated fairly, and no family can be given preference.

Can a parent be ordered to pay for a child's health insurance and medical expenses?

The law requires the court to deal with health insurance for the children in every child support case. If one of the parents can get health insurance for the children at a reasonable cost at work, he or she will be ordered to do so. If both parents can get health insurance through work, then the parent who does not have custody will be ordered to get the health insurance. If neither parent can get health insurance at a reasonable cost at work, the court will order one or both of the parents to get other health insurance for the children, if this is possible at a reasonable cost. The cost of the insurance, and any uncovered medical expenses, are divided between the parties in proportion to their net incomes.

Can a parent be ordered to help with child care expenses?

Yes. When the parent who has custody of the children needs child care in order to work or go to school to learn job skills, the other parent can be ordered to pay part of this expense. This is true even if the parent is getting subsidized child care.

What if a man denies that he is the father of a child?

If a man denies that he is the father of a child, the domestic relations office may schedule blood tests for the man, the child, and the child's mother. Any denial of paternity must occur early otherwise there may be a presumption that the man is the father. In some situations, the man is presumed to be the father regardless of what the blood tests show. A case to establish that a man is the father of a child must be started before the child turns 18.

Can support payments be taken directly out of a parent's paycheck?

In most cases, the court automatically orders a wage attachment as part of the original support order. This means that the parent's employer is required to take the support money directly from the parent's paycheck and send it to the domestic relations office.