



Help Yourself

Child Support in D.C.

Each child is entitled to be supported by both parents; all parents have a legal duty to support their children. A parent might provide support by taking care of the child's everyday needs for food, clothes, and a place to live, or by making a *child support* payment to the other person taking care of the child. Child support is usually money, but might also include medical support such as health insurance or assistance with medical expenses. It might also include help with such expenses as day care, school tuition, and after-school or summer activities.

■ How long does child support last?

In D.C. the duty to provide support begins when the child is born and continues until the child is *emancipated*. Emancipation usually occurs when the child turns 21 years old. But it can happen before then if the child gets married, joins the military, or becomes self-supporting. The emancipation age is set by the state that issued the first child support order. If D.C. issues the first support order, the emancipation age will be 21, even if the parents later move to another state where the emancipation age is younger.

■ Who can receive child support?

Any caretaker of a child may receive child support depending on the circumstances of the family. Generally, when the child lives most of the time with one parent, that parent has a right to receive child support from the other parent. A parent does not have to have a court order giving him or her legal or physical custody of the child in order to receive child support.

■ Who needs to pay child support?

Any parent can be required to pay child support depending on the circumstances of the family. Generally, when the child lives most of the time with the other parent, the parent who does not live with the child, or who the child visits, has an obligation to pay child support.

■ What if we have joint physical custody?

If the child lives with each parent at least 40 percent of the time, one parent might still need to pay child support. Generally, if the child spends approximately the same amount of time with each parent, the parent who earns more will need to pay child support to the other parent.

■ What if someone else, such as a grandparent, is taking care of the child?

Generally, when the child lives most of the time (more than 60 percent of the time) with someone else (a *caretaker*), that person has a

right to receive child support from the parents. This includes grandparents, other relatives, godparents, or another person. That person may choose to pursue child support from one or both parents. A caretaker does not have to have a court order giving him or her legal or physical custody in order to receive child support.

■ Are we required to have a child support order?

No. Parents can make private agreements about who will pay child support and the amount. If you make a private arrangement, it is a good idea to pay by check or money order so you have a record of how much you paid.

■ How much child support will the court require?

The D.C. Child Support Guideline is the law that determines the amount of money support that must be paid. The Guideline sets the *presumptive* amount, which means that in most cases, a standard amount will be ordered. However, the parents can agree to a different amount, or the judge can decide that a higher or lower amount must be paid. In some cases, such as when a child lives with each parent at least 40 percent of the time, the Guideline might not be applied. Instead a different formula may be used.

The Guideline is like a complicated math problem. By law only certain information is used to calculate the Guideline amount, including:

- ▲ The incomes of both parents;
- ▲ The number and ages of the children in the support case;
- ▲ The custodial parent's child care expenses for the child in the support case;
- ▲ The noncustodial parent's medical insurance expenses for the child in the support case;
- ▲ The noncustodial parent's child support orders being paid for other children; and
- ▲ The number and ages of biological and adopted children living in the noncustodial parent's home.

To figure out what amount to expect in your case, you can use the Child Support Guideline calculator at www.dccourts.gov/dccourts/superior/family/paternity.

■ **When can I file a child support case in the District?**

You can file a child support case in the District anytime after the fourth month of pregnancy, but before the child turns 21 years old.

■ **What if we live in different states?**

In most cases, in order to file in D.C., the parent who owes child support must live in D.C. For example, if the child lives with her father in D.C., but the mother lives in Pennsylvania, the child support case would usually be filed in Pennsylvania. However, it could be started in D.C. (through the Child Support Services Division of the Office of the Attorney General for the District of Columbia) and then transferred to Pennsylvania, so that the father would not have to travel to Pennsylvania.

In certain circumstances, you can file in D.C. against a parent who does not live here. The circumstances include:

- ▲ The child was conceived in D.C.;
- ▲ The noncustodial parent used to live in D.C. with the child;
- ▲ The noncustodial parent used to live in D.C. and, while living in D.C., paid prenatal expenses or other support for the child;
- ▲ The child lives in D.C. because of something the noncustodial parent did to cause the child to live in D.C.;
- ▲ The noncustodial parent consents to a child support case in D.C. (to show his or her consent, the noncustodial parent must appear in court or file certain legal documents in the child support case);
- ▲ The noncustodial parent is personally served with the court papers in D.C.

■ **Can the amount of child support be changed later?**

To change the amount of child support that must be paid under a court order, either parent can file a Motion to Modify Child Support. In a motion to modify, you ask the court to *increase* or *reduce* the amount of child support that must be paid. In some cases, a parent can ask that the child support order be *suspended* (stopped for a period of time) or *terminated* (ended altogether).

■ **How does the court decide whether the amount of my child support should be modified?**

In order for the court to grant a request to increase, reduce, suspend, or terminate child support, you must show there has been a *substantial and material change* in the parent's ability to pay or in the needs of the child. Generally, this means that the new order amount

must be different from the current order by 15 percent or more. Some things that might be a substantial and material change include:

- ▲ A change in custody arrangements;
- ▲ A job change, such as when either parent gets a new job, loses a job, or retires;
- ▲ A health change, such as when either parent has a short- or long-term disability;
- ▲ A change in the health of the child;
- ▲ A change in the public benefits received by either parent or the child;
- ▲ The incarceration of the parent who pays the support;
- ▲ The emancipation of the child.

■ **Don't delay in filing a Motion to Modify Child Support!**

The parent who pays child support must continue to pay the amount originally ordered until that order is changed by a judge. Either party can file a Motion to Modify Child Support. It is important to file as soon as there is a change in circumstances that might make the amount go up or down. Even if the change happened well before the motion was filed, generally the judge can retroactively change the amount of support back only to the date the motion was filed (not any earlier). For example, if you lose your job in January but do not file your motion until July, even if the judge reduces your child support, you will still be responsible for paying the higher amount for each of the months from January until the date you filed in July.

■ **How can I start a child support case, or change a child support order?**

You can consult an attorney about your case, or you can file your case yourself. You can get the necessary court *pleadings* (legal documents) at www.dcbbar.org/pleadings or at the D.C. Superior Court Family Court Self-Help Center (500 Indiana Avenue NW, room JM-570), open Monday through Friday, 8:30 a.m. to 5:00 p.m. (202-879-1471). The Self-Help Center staff can explain the process and help you fill out the pleadings. For more information on changing child support orders, see "Help Yourself: Child Support in D.C.: Starting a Case."

For more information, you can go to www.lawhelp.org/dc or listen to recorded messages about child support by calling the D.C. Bar Legal Information HelpLine at 202-626-3499.

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