

# What is Child Support?



## Child Support:

Money paid by a parent to help meet the needs of a child.



## Non-Custodial Parent

- The parent with whom the child does not live
- Sometimes called the “absent parent.”

## Custodial Parent

- The person with whom the child lives.
- This may be another relative or person besides a birth or adoptive parent.

## Terms You Should Know

- **Establishment of Paternity:** The legal process through which paternity of a child is established by a court (or through legitimization in probate court). Note: Once you admit paternity or it is established by DNA testing, you cannot go behind that determination.
- **Genetic Testing or DNA Testing:** Genetic identification through tissue typing for paternity determination.

## Terms You Should Know

- **Child Support Payment:** The amount of support specified in a child support order which could include a payment toward arrears or back support.
- **Arrears:** Unpaid past due support.
- **Guidelines:** Rule 32 of the Alabama Rules of Judicial Administration used to establish a child support obligation. All Alabama Judges and the Child Support Division must use the guidelines to establish child support obligations.

## Terms You Should Know

- **IWO:** This is an **income withholding order** which means your child support can be deducted directly from your pay check by your employer.
- **Gross Income:** includes income from any source, and includes, but is not limited to, income from salaries, wages commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, gifts, prizes and preexisting periodic alimony. This is all pre-tax income. Gross income does not include means-tested public assistance programs such as TANF, food stamps or SSI.

## Terms You Should Know

- **Retroactive Support:** In Alabama, parents have a duty to support their children from the time of their birth until they reach the age of majority, regardless of whether the parents are married or paternity has ever been established. If either of the parents does not provide adequate support at any time before a support order is entered, that parent can be required to reimburse the State or the custodial parent for the support that should have been paid during that period of time.

## Terms You Should Know

- **Enforcement:** Action taken to collect child support, spousal support and/or medical support.
  - If a non-custodial parent fails to make payments in an amount equal to one month's support payment, the State must initiate income-withholding or take any appropriate action to ensure compliance.
  - This can include filing a contempt action, placing a lien on property or bank accounts, suspending driver's licenses, suspending passports, reporting to credit bureaus or charging interest on unpaid balances.
  - In some cases, a criminal action may be filed.

## Retroactive support

- Parents have a duty to support their children from the time of birth until they reach the age of majority, regardless of whether the parents are married or paternity has been established.
- If either parent does not provide adequate support at any time before a support order is entered, he/she may be required to reimburse the State or the custodial parent for the support that should have been paid during that period.
- In paternity cases, that can be up to 2 years preceding the filing of a paternity action, or back to the birth of the child if the child is less than 2 years old when the action is commenced. The amount is based on the needs of the child and the income of the parents during the time in question.

## Age of majority

### **In Alabama – 19 years old**

unless he/she otherwise becomes self-supporting  
(i.e. marries or joins the military)

## Establishing paternity

- When a child is born to unmarried parents, a legal relationship between the father and the child must be established before a court will order child support.
- This legal finding is an **ADJUDICATION**. In other words, you must be legally declared to be the father of a child.

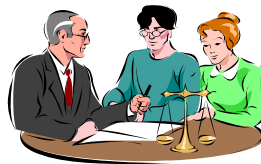
## Who or what is DHR ?

- **DHR** or the **Department of Human Resources** is the agency responsible for coordinating all child support services. These services include finding absent parents, establishing paternity, establishing support orders and enforcing current child support orders.



## Attorney for the State

- This person, usually from the District Attorney's Office, is responsible for providing legal assistance to DHR in child support cases in court.
- This attorney **does not** represent the custodial parent or the non-custodial parent. The attorney represents the State of Alabama.



DHR provides services to all families,  
regardless of their financial situation.



## Why establish paternity?

- Provides the child with a needed identity:
  - **Who am I?**
  - **Where did I come from?**
- Provides a health history for medical care
- Helps to establish entitled benefits such as social security, health insurance or inheritance benefits.
- Financial support



## How is support figured?

Alabama uses an “income share model” to figure child support (also known as Rule 32) using these factors to determine your child support obligation:

- \* Combined gross income of mother and father
- \* Pre-existing child support orders
- \* Cost of health insurance
- \* Cost of day care

## What now?

*Now that I have a child support order, what must I do?*

- Pay on time and be consistent
- Notify DHR if you have any change in employment or address or anything that might change the circumstances of your order.
- **DO NOT** send the Custodial Parent money directly! It **must** be paid through DHR.
- Any money given to the CP directly or the child directly will be considered a **gift**.

## Visitation

- Unfortunately, neither DHR nor the District Attorney's Office may assist you with visitation issues.
- A separate petition must be filed through the Clerk's Office asking for the Judge to grant a visitation schedule. You may do this on your own or hire an attorney to represent you.
- Child support and visitation issues are totally separate from each other: Just because you are not visiting with your child does not mean you may withhold support.
- A child is entitled to be supported regardless of whether you are visiting.

## Consequences for non-payment

- Contempt of Court
- Jail Time
- License Suspension
- Passport Suspension or Denial
- 12% interest rate
- Negative Credit Reporting
- Tax Intercept



## Remember ...

If something happens to you beyond your control – such as a layoff or accident – and you are unable to make your payments as ordered, it is **your** responsibility to notify the Court, DHR or the District Attorney's Office.



## Reasons for modifications

Some reasons that you or DHR may ask for your order to be modified/ changed:

- A child emancipates or dies
- Your income changes drastically (up or down)
- Your health insurance changes
- Day-care changes or is no longer needed
- The child requires extraordinary care
- Custody changes

## More on modifications

- If 3 years have passed since the date of your order, you may ask DHR to review your case for modification.
- If it has not been 3 years, you must file a request through the Clerk's Office in the County in which your order was established.
- Fees: The Clerk will charge you a filing fee to file paperwork through that office. DHR does not require a fee.

## Contact us

- For additional information you may contact our office at (251) 937-0253.
- Our office hours are Monday – Friday 8:00 am to 4:30 pm.
- We are located at 101 Courthouse Square, Bay Minette, AL 36507.

**Children are our greatest asset!**

We must make sure they are supported and protected!

