SYNDICATE LEGAL ADVISORY SERVICES

CHILD SUPPORT / CHILD SUPPORT ENFORCEMENT

Syndicate Legal Advisory Services – *Child Support / Child Support Enforcement*

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Team of:
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Nationwide, Child support orders usually last until the child turns 18 years old or 19 years old if they are still a full-time high school student. Most states determine the child support amount based on an income-based guidelines. **More specifically, to determine the amount of child support, the court will look at:**

- How much money the parents earn or have the ability to earn;
- How much other income each parent receives (e.g., alimony or unemployment benefits);
- How many children the parents have together;
- How much time each parent spends with their children;
- Each parent's tax filing status;
- Whether the parent supports any children from other relationships;
- Health insurance expenses;
- Mandatory union dues;
- Mandatory retirement contributions;
- The cost of sharing daycare and uninsured health-care costs; and
- Other relevant factors.

Note that the amount of child support a parent is ordered to pay usually decreases as time-share increases.
A support order may also require the parents to share the costs for certain things like traveling between the parents, childcare to allow for the custodial parent to obtain work or educational skills for employment, and reasonable healthcare expenses. Lastly, while the guidelines above may determine the support amount, parents can also agree to a different amount of child support as long as the court approves that the child's needs are met.

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Collecting child support when the obligated parent refuses to pay is an emotional and trying process. If the other parent pays only a portion or does not pay at all, enforcement action is necessary. We can assist you in making sure child support payments are regularly made and in the correct amounts.

Enforcement actions. Once you have obtained a valid order for child support, and the other parent refuses to pay, you may enforce the payment in several ways.

- **Wage withholding.** The best and most effective method of child support enforcement is by garnishing the wages of the obligated parent. The laws of most states require a mandatory and immediate wage assignment in connection with all support orders. At the time the support order is made, the wage assignment is given to the place of employment of the obligated parent. The employer must honor the wage assignment and deduct child support from salary or wages, but without any repercussion to the obligated parent/employee being garnished. Wages will be withheld unless he or she: 1) can show good cause why it should not be done, or 2) has an alternative arrangement for child support.

- **Liens.** Once a child support order is established by the court, an Abstract of Support Judgment may be recorded as a lien where the obligated parent owns a house. After it is recorded, the parent that is owed child support has an interest in the property so they may collect unpaid child support from it. If the obligated parent tries to sell it or refinance the property, they may not until the lien is paid in full to you.

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- **Interception of funds.** If an obligated parent refuses to pay court-ordered child support, their funds may be intercepted to pay past due child support or "arrears." Types of funds that can be intercepted include, but are not limited to: federal and state income tax refunds, social security, unemployment funds, state disability insurance, worker's compensation, and lottery winnings.

- **Health insurance.** Pursuant to a child support court order, a National Medical Support Notice (NMSN) provides notification to the obligated parent's employer to enroll a child in the parent's health insurance plan. It authorizes a deduction of health care premiums from the parent's earnings.

- **Credit reporting.** When an obligated parent fails to pay child support, credit-reporting agencies will be notified on a monthly basis of their failure to pay. This generally adversely impacts the obligated parent's overall credit score.

- **License suspension.** Owing back child support may result in the obligated parent's licenses being revoked to encourage compliance. Example of the types of licenses include: drivers and recreational licenses and licenses for doctors, lawyers, contractors, teachers and truck drivers.

- **Suspension of passport.** Child support arrears are reported to the U.S. State Department. They may deny the parent's passport renewal or request.

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- **Contempt proceedings.** An obligated parent may become in contempt of court if they fail to pay child support and the court determines they have the ability to pay and refuse to do so.
- **Bankruptcy.** An unpaid child support debt cannot be discharged in bankruptcy when an obligated parent files.
- **Withholding visitation.** When your ex-partner owes child support, you may not withhold visitation of the child. It is an understandable reaction, but it puts you in contempt of court for violating a court order.
- **Child support enforcement defense.** We have experience in obtaining the best possible outcome for your special circumstances. We can assist non-custodial parents in Child Support Enforcement proceedings, which can include restoring your suspended or revoked license. We assist you in requesting accountings and correct errors that may be present in your child support calculation. We you to ensure that your child support payments are true and accurate.

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