

Child Support

Just the mention of child support conjures up images of lawyers, judges, and endless legal expenses. Nevertheless, of all the considerations in a divorce none equals the importance of determining the correct amount of child support.

Some divorcing couples come to an agreement on child support. It is always best to seek legal advice from an attorney before entering into such an arrangement. For those that do not agree, a court must determine the amount to be paid. Most jurisdictions have a formula that the court applies. Some Judges consider one third of the paying parent's gross income plus an additional \$150.00 to \$200.00 for each additional child per month as a minimum.

The amount to be paid is not clearly stated in child support laws. The law simply states the child must be maintained in the style to which it is accustomed. It is this vague pronouncement in the law that leaves parents and some Judges pondering the amount of child support to award.

Once the amount of child support has been determined, by agreement or court order, there arises the question of collection and enforcement. Many resources exist to facilitate the collection of child support. The parents may agree between themselves and have the non-custodial parent authorize a bank transfer once a month. Alternatively, the child support-paying parent may send the payments by other means. The court may order the paying parent to send the payments to the court and the court will forward the payments to the custodial parent. Some states require that payments be sent to the Child Support Enforcement Agency for that state if the custodial parent is receiving public assistance.

If the child support agreement is in default, the custodial parent may attempt collection by several processes. The first is to speak with the parent in default. If this does not resolve the problem then the next step would be to retain a professional (i.e. lawyer, child support enforcement agency, etc.).

Most states have authorized the State Attorney General to enforce child support payments. The Child Support Enforcement Division of the State Attorney General's Office has numerous tools at its disposal to encourage compliance with child support orders.

The office of the Attorney General may bring a civil suite in state court for the collection of child support owed. The Attorney General's office has the power to suspend any license issued by the state to the parent in default, including driver's licenses. In extreme cases, the Attorney General may move the court proceedings from civil to criminal court. The non-complying parent runs the risk of being charged with "Criminal Non-Support". In most states, this charge is a felony punishable with jail time in the state penitentiary.

Many people think of child support as punishment for the non-custodial parent. This is far, far from the truth. Firstly, child support is meant to provide a certain measure of food, clothing and shelter for the child. Secondly, child support is intended to keep children off public assistance and thereby easing the burden on taxpayers.

The parent receiving the child support payments is, by definition, in a fiduciary position. Great care must be exercised to ensure that the funds are expended only for the benefit of the beneficiary.

At the minimum, a custodial parent seeking child support should consult with an attorney. At the first consultation, the parent should bring the following:

- * Birth record of the child(ren)
- * Prima fascia evidence of paternity (marriage document or birth record)
- * Name and current address of absent parent
- * Current place of employment of absent parent
- * Social Security Number of absent parent
- * A DNA test should be requested if the child was born out of wedlock

Every child deserves a loving caring family. Sometimes that is not possible. At the least, the child should have a safe, warm place to sleep and healthy nutritious food. To this end child support exists.

About the Author

Pancho Villa - a bleeding heart liberal Revolutionary. Work with nature - plant a tree for more oxygen and less pollution.

