

Handout 2: Frequently Asked Questions about Child Support

Please note the terms custodial parent, (that is, the parent who lives with a child and has primary day-to-day responsibility for that child) and non-custodial parent (that is, the parent who does not live with his or her child and does not have primary day-to-day responsibility for that child) are not gender specific. For example, a custodial parent may be a child's mother or a child's father. However, for the purpose of this course and in answering the following questions, it is assumed that the father is the non-custodial parent.

What is child support?

Every child is entitled to financial and emotional support from both parents. This is true even if the child's parents do not live together and were never married. New Jersey State law states that parents are responsible for the financial support of their children. Even if a parent has never lived with the child or does not live with the child now, that parent must make child support payments to the parent or other person or agency who is taking care of the child.

What is the Child Support Enforcement Agency?

The Child Support Enforcement (CSE) agency helps custodial parents (CPs) collect child support payments, and it takes action against non-custodial parents (NCPs) who should pay child support but are not doing so. There are offices in every county in New Jersey. Every state has child support offices, and many foreign countries do as well. States and foreign countries help each other establish child support orders and collect support payments. Note that the Family Divisions and County Welfare Agencies (CWAs) assist with obtaining child support orders. The CSE agencies assist with collecting and enforcing child support orders.

If the father of a child is not married to the child's mother, how can he be named the legal father of the child?

Even if the man and the child's mother know that he is the biological father, the man is not acknowledged as the legal father, unless he does certain things—even if his name is on the birth certificate. For example, both the man and the child's mother can complete a form titled, Certificate of Parentage, Voluntary Acknowledgement Form. This form can be completed after the child is born, at a hospital, a clinic, a child support office, in family court, at a County Welfare Agency (CWA), or at the local registrar of vital statistics in the municipality in which the child was born.

Why should a man legally acknowledge paternity?

The most important reason for a man to legally acknowledge paternity is to show respect for his child. The child will know that the man cared enough to become his or her legal father. Also, the child will be able to receive any benefits that may be available to the father, such as health insurance through the father's employer and money from Social Security.

What if the man is not sure or does not think the child is his?

If the man is not sure or does not think the child is his, he should **not** sign the Certificate of Parentage form. The man or the child's mother can start a court action to decide the issue of paternity. If this action is taken, the man will have to appear in court.

If a man is the legal father of a child for whom support is being sought, when does he, as the non-custodial parent (NCP), have to go to Court?

The NCP, the custodial parent (CP), or other person or agency caring for the child can go to court for child support. The court order will set the amount of the child support obligation. If someone other than the NCP starts the court action, the NCP will receive two documents: a petition and summons. The petition shows that someone has asked for child support and has asked the Court to issue an order. The summons orders the NCP to come to court, details the location, date, and time of the hearing, and specifies what documents and information he must bring with him.

What happens at court?

When an NCP goes to court, he is not required to hire an attorney for the hearing, but he can choose to do so. If necessary, a hearing will be held to determine if the NCP is the father. A hearing will also result in the establishment of the child support obligation, that is, the amount the NCP will pay for child support. The order will also include health-care provisions. In general, the NCP should bring his latest tax returns, W-2s, paycheck stubs, and any other documentation of income.

How does the Court determine the amount of the child support obligation?

To ensure that the amount an NCP is ordered to pay is fair, the Court uses a standard guideline that takes into account the income of both parents. In this state, the New Jersey Child Support Guidelines are used to calculate the amount required to adequately meet the financial needs of the child, based on the combined income of both parents. The parents each contribute a share of that child support amount based on their respective percentage share of their combined income. For example, if the NCP's annual income makes up 65% of the parent's combined annual income and the guidelines-calculated child support amount is \$150 per week, the NCP's child support obligation will be \$98 per week. The purpose of the guidelines is to ensure that both parents share the financial and health-care responsibilities of raising their child. The guidelines assert that child support is the continuous duty of both parents, that children are entitled to share in the current income of both parents, and that a child should not be deprived of support because of a divorce or out-of-marriage birth. Remember, the NCP will not be ordered to pay an amount that is unfair **under the law**.

What happens after the court hearing?

When the judge or Child Support Hearing Officer signs an order, the NCP will receive a copy. The order will tell the NCP the amount to be paid, the date the payments start, and where to send the payments. If the NCP is employed, the child support agency will send the employer a notice to withhold the amount of child support from the NCP's paychecks and to send the payments to the New Jersey Family Support Payment Center (NJFSPC).

Will the amount that the NCP owes change?

The amount the NCP owes for child support may change over time based on cost-of-living adjustments (COLA) and changes in the amount of money the NCP earns. COLA reviews occur automatically every two years. An NCP or a CP may also file a motion with the Court to have a change (modification) made to the child support order. However, any modification must be based on a **substantial change of circumstances**.

What does the NCP do if he wants to change something?

If there is a change in the NCP's income, or if there are circumstances that affect the NCP's ability to pay child support, he should go back to court immediately and file a motion. The motion is filed with the Court that originally issued the child support order. **Remember, however, that a modification must be based on a substantial change of circumstances.**

What happens if the NCP does not pay what he is ordered to pay?

The NCP's obligation to support his child begins when the child is born. The CSE agency keeps track of the money the NCP owes. An amount owed by the NCP that has not been paid is called **arrears**. If the NCP has arrears, the CSE agency will take steps to collect that money. Those steps can include, but are not limited to, taking the NCP's tax refund, intercepting lottery winnings, taking bank accounts, suspending the NCP's driver's license, notifying the credit-reporting agencies, and issuing bench warrants for the NCP's arrest.

How does the NCP contact the local child support agency or obtain more information?

For more information on child support or to find the contact information for the local county offices, NCPs can visit the New Jersey Child Support website at www.njchildsupport.org, or call the main phone number for New Jersey Child Support 1-877-NJKIDS1.