

Help Yourself



Child Support in D.C.

Each child is entitled to be supported by both parents, and all parents have a legal duty to support their children. Court-ordered child support is usually money, but may also include medical support, such as health insurance or assistance with medical expenses.

■ **Who can receive child support?** 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 need 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?** Generally, when the child lives most of the time with one parent, the parent who does not live with the child, or who visits the child, has a duty to pay child support.

■ **What if we have shared physical custody?** Even if the child lives with each parent at least 35 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 may 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 with someone other than a parent (a caregiver), that person has a right to receive child support from the parents. Caregivers may be grandparents, other relatives, godparents, or others. Caregivers may choose to pursue child support from one or both parents. A caregiver does not need a court order giving him or her legal or physical custody of the child in order to receive child support.

■ **When can I file a child support case?** You can file a child support case in D.C. anytime after the fourth month of pregnancy, but before the child turns 21 years old.

■ **What if we live in different states?** In most situations, the child support case must be filed where the parent who owes child support lives. For example, if the child lives with her mother in

D.C., but the father lives in Pennsylvania, the child support case would usually be filed in Pennsylvania. However, the case could be started in D.C. (usually through the Child Support Services Division (CSSD) of the Office of the Attorney General (OAG) for the District of Columbia) and then transferred to Pennsylvania, so that the mother 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 may have been 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); OR
- The noncustodial parent is personally served with the court papers in D.C.

■ **How much child support will the court order?** The D.C. Child Support Guideline is the law that determines the amount of child support that must be paid. The Guideline sets the presumptive amount. This is the amount that the judge must order in most cases. However, the parents can agree to a different amount, or under limited circumstances the judge can decide that a higher or lower amount must be paid.

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The Guideline is essentially a mathematical calculation. By law, only certain kinds of information are used to calculate the Guideline amount. They include:

- The gross income of both parents;
- The amount of any court-ordered child support paid by either parent for another child;
- The cost of the child's health insurance premiums and extraordinary medical expenses;
- The cost of reasonable childcare expenses for the child;
- The number of children in the child support case;
- The number of other biological or adopted children living in each parent's home; and
- The amount of time the child spends with each parent.

To figure out the Guideline amount of child support in your case, you can use the Child Support Guideline calculator at <http://csgc.oag.dc.gov/application/main/intro.aspx>.

■ **How long does child support last?** In DC, the duty to provide child support lasts until the child is 21 unless the child is emancipated. Emancipation can happen before age 21 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.

■ **Can the amount of child support be changed?** Yes. Either parent can file a motion to modify child support, asking the court to increase, decrease, suspend (stop for a period of time) or terminate (end altogether) the child support order.

The parent filing the motion to modify must show that 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 child support order amount must be different from the current order by 15 percent or more. Some things that may result in 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 cannot work because of health problems or receives 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.

■ **When should I file a motion to modify child support?** You should file a motion to modify child support as soon as there is a change in circumstances that may cause an increase or decrease in the child support order. If the judge grants the motion to modify, the new amount can start on the date you filed the motion, but not any earlier. For example, if you lose your job in January but do not file your motion to decrease until July, even if the judge reduces your child support order, you will still be responsible for paying the higher amount for each of the months from January until the date you filed in July. Or, if you are sent to jail but do not file your motion to suspend until you are released, you will still be responsible for paying the child support that was owed while you were in jail.

■ **How can I start a child support case or change a child support order?** There are three ways to start a child support case or change a child support order. You can (1) ask the Child Support Services Division of the Office of the Attorney General to file a case, (2) you can hire a private attorney to file for you, or (3) you can file on your own. To file on your own, you can get the necessary court pleadings at www.dcbbar.org/pleadings, or at the D.C. Superior Court Family Court Central Intake Center (500 Indiana Avenue NW, room JM-540), open Monday through Friday, 8:30 a.m. to 5:00 p.m.

■ **For more information**, you can visit the Family Court Self-Help Center, a free walk-in clinic located in the DC Superior Court, 500 Indiana Avenue, NW, in Room JM-570. The Center is open Monday through Friday, 8:30 a.m. to 5:00 p.m. The Center can explain the process to you, help you complete the proper legal papers, and direct you to other free legal resources. Visit www.lawhelp.org/dc for more information, including how to contact free legal assistance organizations, or call the D. C. Bar Legal Information Helpline at 202-626-3499 to listen to recorded messages about this issue.

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