

CHILD SUPPORT



JOINT BASE ANDREWS LAW CENTER

Current as of January 2015

The state district courts grant child support whenever necessary in the best interest of a minor child. Support may be established even if the custodial parent does not request it. The court's objective is to ensure the best interests of the child are served.

CHILD SUPPORT GUIDELINES

Maryland, Virginia, and Washington, D.C., have implemented presumptive Child Support Guidelines in accordance with federal law. Child Support Guidelines begin with a determination of the "actual income" of each parent. Adjustments to actual income may be made for certain expenses, such as child and spousal support payments. The "basic child support obligation" is determined by applying the combined monthly adjusted actual income to a schedule. The schedule assigns obligation amounts based on the level of combined income and the number of children for whom support is sought. Once the basic obligation amount is determined, adjustments may be made to meet additional needs of the child, such as child-care expenses, extraordinary medical expenses, and the cost of special or private education and transportation between the parents' homes.

To rebut the Guidelines, courts may consider certain factors such as the parents' earning capacity, whether a parent is voluntarily unemployed, the special needs of the child, and other factors affecting the obligation, ability of the parents to pay child support, and the child's best interests.

OTHER CHILD SUPPORT ISSUES

Generally, child support, without an agreement or court order otherwise, ends on the child's 18th birthday. A judge, however, can extend the child support obligation until the child's high school graduation, so long as the child is not over 20 years old. A separation agreement or court order by consent may set a higher age, such as upon graduation from college or at age 21.

Child support CANNOT be withheld because visitation rights are being violated. While this may seem to be the most direct way of attempting to remedy a visitation problem, it is a remedy which is not recognized by the law and usually results in more difficulty. A parent with custody of a child, who refuses to allow visitation, which has been ordered by the court, is subject to judicial proceedings for contempt. The remedy for wrongfully withholding visitation is a matter for the court to decide and not a matter for "self help" remedies. Contact an attorney to file a complaint with the court if you are denied visitation with your child.

CHANGING THE SUPPORT OBLIGATION

The court may revise a child support obligation by increasing or decreasing the amount to be paid when a "substantial change in circumstances" is demonstrated. For example, if one parent is earning a great deal more or a great deal less, the child support can be adjusted. If the child has extraordinary medical expenses which did not exist at the time of the original order, such as for allergies, asthma, or orthodontics, child support could be increased for this reason. Additionally, special education expenses or private school tuition can sometimes permit a change in child support. As with the initial determination of support obligation, the court considers the financial ability of both parents and the child's needs.

ENFORCEMENT OF CHILD SUPPORT

In 1975, Congress established a child support enforcement system, which is capable of locating parents who are delinquent in making child support payments, and which provides local legal assistance by state officials. The system includes a parent locator service, which uses the records from the Social Security Administration and the Internal Revenue Service to locate delinquent parents.

Although the Air Force cannot enforce child support, federal law authorizes the pay of active duty, reserve, and retired members of the military and the pay of civilian employees of the federal government to be garnished (or attached) for the payment of child support.

In order to implement a garnishment or wage attachment against any military member or civilian employee of the Department of Defense, an income withholding order, or similar process, must be served on the Defense Finance and Accounting Service (DFAS) at the following address:

DFAS Cleveland
DFAS-HGA/CL
PO Box 998002
Cleveland, Ohio 44199-8002
1-888-332-7411 (toll free Customer Service)
(216) 522-6960 (fax number)

OTHER CONCERNS

If you were never married to the parent of the child and wish to ask for child support, you need to understand the implications of asking for child support as well. Requesting child support means that you are validating paternity, thereby entitling him to shared custody, visitation and other legal rights associated with being a parent.

WHERE/HOW TO FILE FOR CHILD SUPPORT

You must file for child support in your state of legal residence or your child's state of legal residence. A legal assistance attorney can help you determine your state of legal residence.

If you are located in Maryland, you can download the applicable forms at: <http://www.mdcourts.gov/family/formsindex.html> or learn more at: http://www.dhr.state.md.us/blog/?page_id=946. D.C. residents can download the child support packet at: <http://csed.dc.gov>. Virginia law allows child support orders to be made administratively. Thus, child support cases are handled by the Virginia Department of Social Services Division of Child Support Enforcement, and are not sent to court unless there are extenuating circumstances. For more information contact (800) 468-8894 and for needed forms visit: <http://www.dss.virginia.gov/family/dcse/>.

Our office cannot prepare or file the forms for you, but we can review them. If you have specific questions about forms, please set up an appointment with one of our legal assistance attorneys by calling (240) 612-5750.