December 28, 1987

ERRATA

REFERENCE: ALL-COUNTY LETTER NO. 87-155

The Child Support Information Handbook, PUB 160, is attached to replace PUB 106 that was inadvertently sent with All-County Letter No. 87-155.

TABLE OF CONTENTS

	Page
Introduction	1
Legal Assistance Alternatives	2
Opening a Case	4
Child Support Enforcement Services	5
Finding the Absent Parent: Location	7
Establishing Fatherhood: Paternity	8
Establishing the Support Order: Obligation	9
Enforcing the Support Order	11
Working Across State Lines: Interstate Cooperation	18

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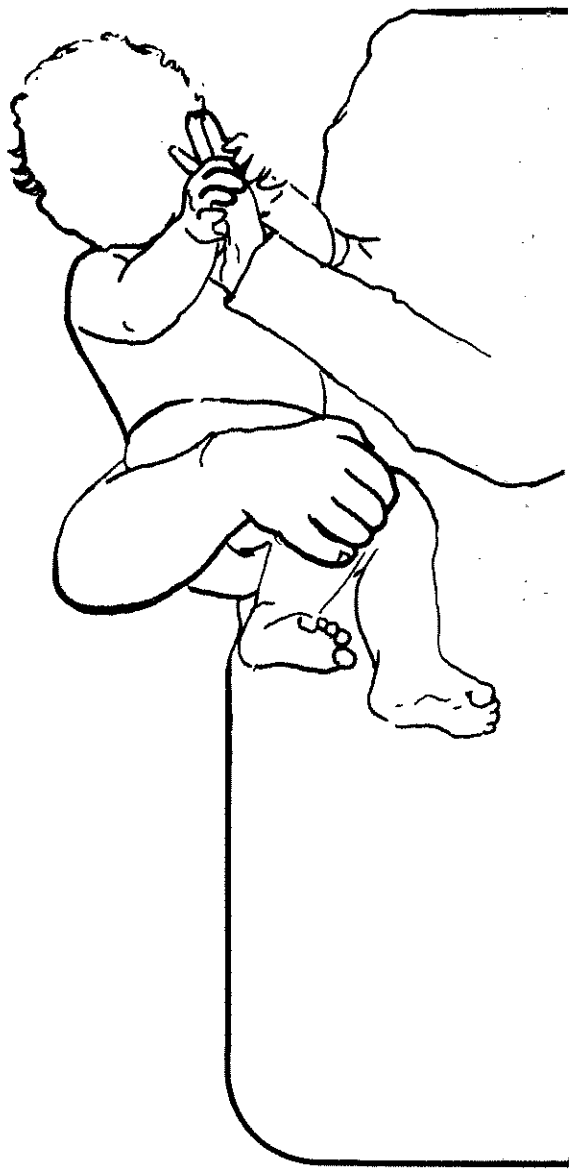


Summons	A notice and warning given to a person when he/she is sued.
URESA	The Uniform Reciprocal Enforcement of Support Act, which permits enforcement of support orders between two jurisdictions.
Visitation	The right of the noncustodial parent to visit or spend time with his or her child(ren).
Wage Assignment Order	A court order by which automatic deductions are made from wages or income to pay child support.
Welfare	See "Public Assistance".
Writ of Execution	A court order directing the Sheriff or Marshall to seize property to satisfy a court judgment.

Modification	A court order which changes the terms of an earlier court order.
Motion	A request to the court for an order.
Non-custodial parent	Person who does not live with or have legal custody of the child(ren).
Obligated parent	The parent under legal duty to pay child support.
Obligation	Amount of money to be paid as support by the absent parent and the way it is to be paid.
Offset	Amount of money taken from the absent parent's state and/or federal income tax refund, unemployment insurance, or lottery winnings to satisfy a child support debt.
Order to show cause (OSC)	A court order telling a person to appear in court and to explain why a certain order should not be entered.
Paternity judgment	Legal determination of who is the father.
Plaintiff	Person who brings a legal action or law suit.
Probation	A period of time during which the sentence of an offender is suspended and he/she must comply with certain terms and conditions of good behavior.
Probation Officer	The county officer charged with the responsibility of supervising those persons on formal probation.
Public Assistance	Money given to a person or family for living expenses from the State/Federal Aid to Families with Dependent Children Program (welfare, AFDC).
Registration	The URESA process by which an order issued by one court can be used in another jurisdiction.
Stipulation	An agreement between the parties to an action which the court makes into an order or judgment.

INTRODUCTION

All children have a legal right to be supported by both parents.

In California, nearly one million custodial parents are receiving child support services through county district attorney child support programs. Of these cases, over 300,000 involve parents who are behind in paying court-ordered child support. This represents over $1 billion in unpaid child support. Too many children must do without because absent parents do not provide them with adequate financial help.

This booklet is written to help families understand procedures and processes for the collection and payment of child and spousal support. What follows is a general guide; the policies and procedures in each county may vary.

Default judgment	Decision made by the court when the defendant fails to answer.
Defendant	Person against whom a law suit is started.
Disregard	A person receiving AFDC will also receive, every month, the first $50 of the current month's support payments collected from the other parent.
Federal Parent Locator Service (FPLS)	A service operated by the U.S. Department of Health and Human Services to assist the state in locating absent persons for the purpose of obtaining child support payments.
Felony	An offense punishable by imprisonment in state prison.
Garnishment	A legal proceeding whereby a part (up to 50%) of a person's wages is withheld and applied to payment of a child support debt.
Intercept	See "Offset"
Judgment	The official decision or finding of a court upon the individual rights and claims of the parties to an action.
Jurisdiction	Legal authority which a court has over particular persons and certain types of cases within a defined geographical area.
Legal father	A man who is seen by the law as the male parent.
Levy	The taking of property by a Marshal or Sheriff with a writ of execution.
Lien	A claim upon property to prevent sale or transfer until a debt is satisfied.
Long-arm statute	A law which allows one state to claim personal jurisdiction over someone who lives in another state.
Misdemeanor	An offense where the punishment can not be greater than one year in the county jail, a fine or both.

GLOSSARY

Absent parent — The parent who does not live with or have custody of the child, but does have responsibility for paying child support.

AFDC — Aid to Family with Dependent Children (welfare). See public assistance.

Agnos Act — The Agnos Child Support Standards Act of 1984 tells how much child support should be paid. The amount to be paid is based on the income and earnings of each parent.

Arrearages — Unpaid child support payments for past periods owed by a person who has been ordered to pay.

Assignment of support rights — A person gives up all of his or her child support rights to the county in exchange for AFDC (welfare).

California Parent Locator Service (CPLS) — A service of the Department of Justice which helps locate an absent parent.

Certified Copy — A copy of a court document which the court clerk has said, in writing, is a true and correct copy of the original copy.

Complaint — Written document filed in court in which the person starting the action names the persons involved and states the facts of the case and the relief wanted.

Contempt — Disobeying a court order when a person has the ability to comply.

Custodial parent — Person with legal custody and with whom the child lives; may be a parent, other relative or someone else.

Default — Failure of a defendant to file an answer in a court case within a certain number of days after being served with a summons and complaint.

LEGAL ASSISTANCE ALTERNATIVES

There are three primary alternatives: private attorneys, legal clinics, and the District Attorneys/Family Support Offices.

Private Attorneys

A private attorney can provide personalized services particularly with experience in Family Law. Such attorneys can give as much time to a case as is necessary to do an effective job. The biggest drawback is expense. The attorney will charge for the time required for personal interviews, telephone calls, necessary legal research, court appearances, and the preparation of pleadings. If the parent with the child(ren) cannot afford an attorney, the other parent may be ordered to pay reasonable attorney's fees and court costs. However, it is up to the judge to decide how much, if any, of the legal fees the other parent may be ordered to pay.

Legal Clinics

Services offered in a legal clinic may be less personal than those given by a private attorney. However, the costs are likely to be lower. Legal clinics may charge for services based on the actual time spent on a case or may work on a contingency fee basis.

For more information on either type of service, look in the yellow pages under "Attorneys" specializing in Divorces, Adoptions, and Family Law or "Attorney Referral Services."

District Attorney/Family Support Office

The Family Support Office will represent the interests of the minor child(ren) in child support actions. Services available from the District Attorney/Family Support Offices are:

1. Determining who the parents are.
2. Locating a child's parents for the purpose of establishing child support and/or paternity.
3. Establishing and enforcing a court order to pay child support.
4. Collecting child and spousal support payments.
5. Establishing or continuing medical support.

There are limits to the services provided by the Family Support Office. The office cannot perform the following duties:

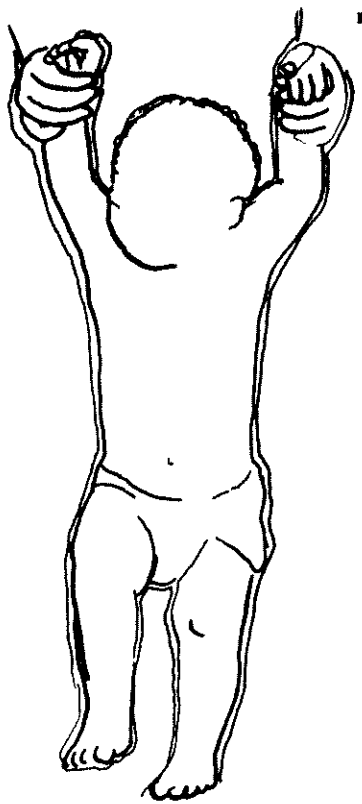
1. Resolve custody and visitation disputes.
2. Prevent harassment/handling of restraining orders.
3. Handle divorce proceedings.

There is no application fee in California. The Family Support Office does not charge for the services provided to applicants. However, some other states do charge for these services.

Telephone numbers for Family Support Offices can be found in the county government listings at the front of most local telephone directories. These numbers are listed under "District Attorney."

FOR MORE INFORMATION

The Department of Social Services can provide information regarding a group that may be of assistance to you. The statewide toll-free number is 1-800-952-5253.



rapidly depends on the characteristics of the case, the quality of information received, the amount of staff and other resources they have to devote to it, and what priority they assign to it. These are matters over which the Family Support Division has little or no control other than periodic prompting through calls and letters.

40. AS SOON AS THE OTHER PARENT IS NOTIFIED ABOUT ENFORCEMENT, HE/SHE MOVES. HOW WILL I EVER BE ABLE TO COLLECT SUPPORT?

It is difficult to enforce child support payments when the other parent continually moves to avoid paying. You can help your case if, whenever you learn that the other parent has moved or has a new job, you bring this information to your Family Support Office as soon as possible.

41. I HAVE A CALIFORNIA SUPPORT ORDER. THE OTHER PARENT NOW LIVES IN ANOTHER STATE. I KNOW HE/SHE HAS LAND AND OTHER ASSETS IN CALIFORNIA. CAN THE FAMILY SUPPORT OFFICE HELP ME COLLECT ON THE PAST DUE AMOUNT?

Yes. The fact that the other parent now lives somewhere else does not prevent the Family Support Office from reaching those assets in California.

42. I HAVE A CALIFORNIA SUPPORT ORDER. THE OTHER PARENT NOW RESIDES OUTSIDE CALIFORNIA. I ASKED THE FAMILY SUPPORT OFFICE TO TRY TO HELP ME COLLECT MY MONEY. THE JUDGE IN THAT STATE LOWERED THE PAYMENT AMOUNT. IS THAT LEGAL?

Yes. While most court orders are enforced in the amount specified, the other state is not bound by the amount set in the original order. The other state may make a different order, depending upon the other parent's circumstances.

43. CAN PATERNITY BE ESTABLISHED FOR MY CHILD IF THE FATHER LIVES IN ANOTHER PART OF THE COUNTRY?

Yes, but it is difficult to establish paternity across state lines because most states are different. Frequently, blood tests will be ordered to help the court in the other state determine paternity.

WORKING ACROSS STATE LINES: INTERSTATE COOPERATION

UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT (URESA)

URESA deals with child support cases where one parent lives in one state and the child and the other parent live in another. States are now working together to help each other in locating absent parents, establishing paternity, and establishing, modifying, and enforcing support orders.

By law, state enforcement agencies **must** cooperate with each other in handling requests for assistance. It is not a simple matter for one state to establish and enforce the court orders of another state. Each state has an independent court system with varying laws, practices and traditions.

38. **I KNOW THE ADDRESS OF THE OTHER PARENT IN ANOTHER STATE, AND THE FAMILY SUPPORT OFFICE SENT A PETITION TO ESTABLISH MY SUPPORT ORDER THERE. THAT WAS THREE MONTHS AGO, AND STILL NO SUPPORT PAYMENTS. WHAT IS WRONG?**

    It is unusual to receive payments on a URESA petition in less than six (6) to nine (9) months. The other state may not be able to serve notice on the other parent due to incorrect address information. If a hearing is necessary, it may take a while to get a court date. Continue to keep in touch with your Family Support Office to provide any new information you may have about the other parent.

39. **I HAVE HAD TO WAIT SEVERAL MONTHS FOR THE FAMILY SUPPORT OFFICE TO GET A REPLY TO ITS REQUEST FOR LOCATION ASSISTANCE IN ANOTHER STATE. WHY DOES IT TAKE SO LONG TO GET AN ANSWER?**

    Even though they try to be responsive, most enforcement agencies have a very high demand for their services and they have to set priorities among the cases they receive. A state's ability to act

OPENING A CASE

Whether you go to a private attorney or the Family Support Office, you will be asked to provide as much of the following information as possible:

Full legal name and address of the parent who is obligated to pay support.

Date of birth, and physical description or photographs of the other parent.

Other parent's Social Security Number. Find this by reviewing old pay stubs, income tax returns, credit/loan applications, bank checking/savings account, insurance or health records, or military or union records. If you don't have one of these documents, and your name was also on the form, you can usually get a copy by writing to the appropriate agency.

Child(ren)'s birth certificates.

Your child support order.

Your marriage license or certificate, if you have one.

Your divorce decree or separation agreement, if you have one.

Name and address of the current or most recent employer of the other parent.

Names of friends and relatives of the other parent and organizations to which the other parent might belong.

Information pertaining to income and other assets: pay slips, tax returns, bank accounts, cars, boats, R.V.s, investments or property holdings.

The more complete, reliable and accurate the information, the easier it is to collect child support for your child.

CHILD SUPPORT ENFORCEMENT SERVICES

The remainder of this booklet describes how the District Attorney/Family Support Offices operate. If you do not understand some of the terms, a glossary is provided in the back of this booklet.

WHO CAN GET SERVICES

Any parent who needs help in locating the other parent, establishing paternity, establishing a child support order or collecting child support payments can apply for child support enforcement services.

If you are receiving Aid to Family with Dependent Children (AFDC), you have automatically assigned to the Family Support Office your right to receive all current and past due child support. Any payments collected on your behalf (except the first $50 of current support collected each month) go toward paying back the State and Federal governments for AFDC payments made to your family. If you have been receiving AFDC and then stop receiving AFDC, the Family Support Office must, by law, continue to enforce the support order for five (5) months. At the end of five (5) months, if you do not want the continued services of the Family Support Office, you must notify the office in writing that you no longer desire assistance.

Federal regulations require the Family Support Office to open cases and establish accounts at the request of either parent.

Support payments must be paid to the agency specified in the court order (usually the Family Support Office) for the parent to receive credit. GENERALLY, NO CREDIT WILL BE GIVEN FOR PAYMENTS MADE TO THE CUSTODIAL PARENT OR FOR IN-KIND PAYMENTS SUCH AS PURCHASE OF CLOTHING, SCHOOL SUPPLIES, RENT, etc. Paying through the Family Support Office will ensure an accurate record of payments. Payments should always clearly identify the case number and by and for whom the payment is made.

It is important for both parents to keep accurate records of payments made and received.

35. CAN THE OTHER PARENT'S CREDIT RATING BE AFFECTED IF BACK CHILD SUPPORT IS OWED?

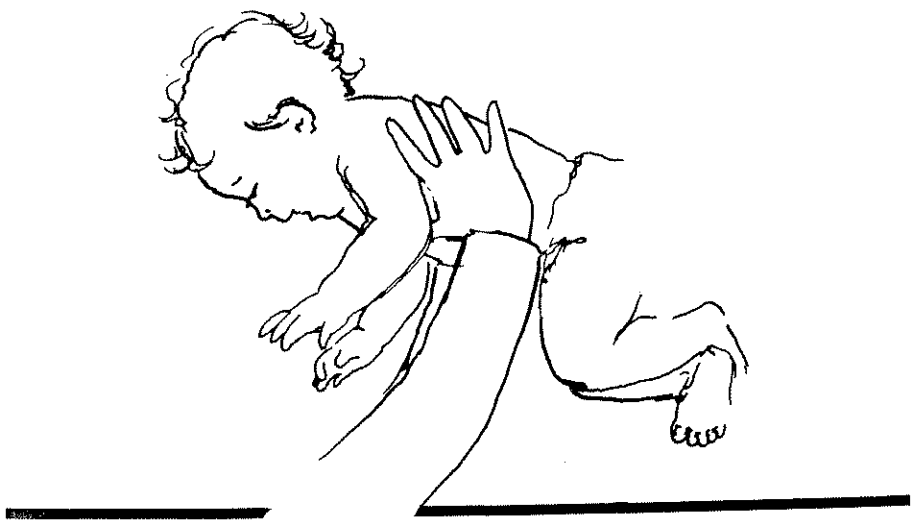
Yes. State law says this information must be provided to credit agencies if they ask for it and the other parent owes more than $1,000. The other parent must be notified **before** the information can be provided.

36. THE OTHER PARENT DOES NOT WORK REGULARLY AND REPEATEDLY FALLS BEHIND IN HIS/HER CHILD SUPPORT PAYMENTS. IS THERE ANY WAY THE COURT CAN ESTABLISH PAYMENTS?

Yes. In some cases, the parent may be required by the court to post security, a bond or other guarantee to cover support obligations. These may be money or property.

37. THE OTHER PARENT OWES UNPAID CHILD SUPPORT. CAN THE COURT DO ANYTHING TO MAKE HIM/HER PAY?

Yes. There are many legal remedies available. Some of these are: civil and criminal contempt actions, writs of execution, wage assignment, liens, posting of security, and other guarantees. The Family Support Office can explain these to you.



29. **THE OTHER PARENT RETIRED FROM THE MILITARY. CAN HIS/HER MILITARY RETIREMENT CHECK BE GARNISHED FOR BACK CHILD SUPPORT?**

Yes. It is possible to garnish the wages and most disability benefits of active, reserve and retired members of the military and federal government civilian employees.

30. **THE OTHER PARENT WORKS FOR THE FEDERAL GOVERNMENT AND WAS RECENTLY TRANSFERRED AND STOPPED MAKING PAYMENTS. WHAT CAN BE DONE?**

A wage assignment can be obtained and served on the Payroll Office for the government agency. The support payments will then be deducted from the other parent's paycheck.

31. **CAN PAST DUE CHILD SUPPORT BE TAKEN FROM THE STATE INCOME TAX REFUND?**

Yes. Once a year, the Family Support Office submits a list of all absent parents who owe back child support of more than $100. This list must be sent to the State in August.

32. **CAN FEDERAL INCOME TAX REFUNDS BE TAKEN THE SAME WAY?**

Yes. At the same time each year, the Family Support Office also submits a list of absent parents who owe back child support. The State then sends the list to the Internal Revenue Service (IRS). Federal requirements are: in AFDC cases the overdue minimum amount is $150, and in non-AFDC cases, $500.

33. **HOW DOES THE OTHER PARENT FIND OUT THAT HIS OR HER STATE AND/OR FEDERAL TAX REFUND WILL BE TAKEN?**

The State or Federal Office will notify the absent parent with a notice in October. The notice specifies the amount owed and the amount to be taken. It also says whom to contact if the person wants to contest the offset.

34. **THE OTHER PARENT LOST HIS/HER JOB AND IS COLLECTING UNEMPLOYMENT COMPENSATION. CAN CHILD SUPPORT PAYMENTS BE TAKEN OUT AND SENT TO ME?**

Yes. Up to 25 percent of the unemployment benefits can be taken, but it must be shared by the other parent's children who do not live with the other parent.

1. **I AM APPLYING FOR AFDC. DO I HAVE TO ASK FOR CHILD SUPPORT FROM THE CHILDREN'S OTHER PARENT?**

As a condition of eligibility for AFDC, you must cooperate with the Family Support Office in identifying and obtaining child support from the other parent.

2. **WHAT DOES IT MEAN TO COOPERATE WITH THE FAMILY SUPPORT OFFICE?**

It means you must provide any information or documents needed by the Family Support Office to establish and/or locate the parent, and to collect support payments for your child. If you do not do these things, you must have "good cause" for not doing so. "Good cause" means having an acceptable reason for not cooperating with the Family Support Office.

3. **WHAT HAPPENS DURING AN INTERVIEW?**

You will be asked to provide information about the other parent (see page 3 under **OPENING A CASE**).

4. **WHAT DOES IT MEAN TO "ASSIGN" MY SUPPORT RIGHTS?**

It means you are giving the county the right to keep any support money they collect for you. The county will then use that money to pay back any AFDC payments that have already been given or will be given to you. If you do not cooperate in "assigning your support rights", you will not get any AFDC money for yourself. Your children will still be able to get a smaller AFDC grant, but instead of sending the check to you, the county will have another person manage the AFDC payments to meet your children's needs.

5. **MY CHILDREN AND I NEED FINANCIAL ASSISTANCE NOW. THE OTHER PARENT LEFT US 10 YEARS AGO. WILL THEY STILL TRY TO FIND HIM/HER?**

By law, the Family Support Office will attempt to locate the other parent. The longer the parent has been gone, the more difficult it may be to locate him/her, but attempts will be made.

6. **IF THEY CANNOT FIND THE OTHER PARENT, DOES THAT MEAN I CANNOT GET AFDC?**

No. As long as you have cooperated with the Family Support Office, AFDC payments will be made to you while the Family Support Office attempts to locate the other parent.

7. I WANT THE FAMILY SUPPORT OFFICE TO ENFORCE MY COURT ORDER. IS THE INFORMATION I PROVIDE OPEN TO THE PUBLIC?

The Family Support Office files are not open to the public. Most of the information is protected by state and federal laws regulating its release. In general, the information from the files will not be released, except as authorized by current law or by court order.

FINDING THE ABSENT PARENT: LOCATION

To get an order for support, to establish paternity, or to enforce that order, the Family Support Office must know where the other parent lives or works.

8. WHAT IF THE OTHER PARENT CANNOT BE FOUND LOCALLY?

Using the Social Security number, the California Parent Locator Service (CPLS) will check the records of other state agencies like motor vehicle registration, unemployment insurance, income tax and law enforcement. If the CPLS search finds that the parent has moved to another state, it can ask the other state to search. At the same time, it can send a request to the Federal Parent Locator Service (FPLS).

9. WHAT WILL HAPPEN AFTER I GIVE THE FAMILY SUPPORT OFFICE THE CURRENT ADDRESS OF THE OTHER PARENT?

The Family Support Office will verify the address, then may ask the parent to come to the office for an interview or to give notice that legal action may be taken.

10. THE OTHER PARENT OF MY CHILD IS IN THE MILITARY, BUT I DON'T KNOW WHERE THAT PARENT IS STATIONED. CAN THE FAMILY SUPPORT OFFICE FIND THAT PARENT?

Yes. Current address information can be obtained from the federal government.

However, the Family Support Office usually will not start enforcement action until the other parent has not made a payment during the month. It is also **very** important to remember that how long payments are behind may dictate the enforcement action to be used. Some enforcement actions, like contempt hearings and criminal prosecution, require a longer period of being behind in payment and a pattern of non-payment, than some of the other enforcement actions described in this booklet.

25. IS THERE A NEW CALIFORNIA LAW THAT MAKES WAGE ASSIGNMENTS FOR CHILD SUPPORT MANDATORY?

Yes. California law now provides for mandatory wage withholding on all cases where an order is obtained and/or modified after January 1, 1987, unless the other parent can show good cause why it should not be done. If the other parent misses a payment equal to one (1) month support, the wage assignment is mandatory.

26. HOW DO YOU GET A WAGE ASSIGNMENT?

The other parent can agree to the wage assignment or the Family Support Office can request the court to issue one. Before a wage assignment can be effective the other parent must be employed earning a wage or salary. The location of the other parent and the identity of the employer must be known.

27. THE OTHER PARENT DOESN'T LIVE IN CALIFORNIA. CAN I GET A WAGE ASSIGNMENT?

Yes, provided the other parent's workplace is known.

28. THE OTHER PARENT IS IN THE MILITARY. CAN CHILD SUPPORT PAYMENTS BE DEDUCTED FROM HIS/HER PAYCHECK?

Under federal law, military allotments for child and spousal support can be either voluntary or involuntary. That means if a service member is not paying a support obligation and will not agree to have the payments taken out of his or her paycheck, the Family Support Office will obtain a wage assignment and serve it on the appropriate military branch. A military official (usually the Finance Officer) will then take the payments out of the paycheck. There are, however, limits on how much money can be taken out, which depend on how much the other parent makes.

23. **THE OTHER PARENT IS IN JAIL. CAN I GET SUPPORT?**

It depends. The other parent continues to owe child support, and past-due support may continue to build up. But unless there are other assets, like property or wages from a work-release program, it is unlikely that support can be collected.

ENFORCING THE SUPPORT ORDER

The main purpose of the Child Support Enforcement Program is to make sure that child support payments are made regularly and in the correct amount.

When the other parent doesn't pay the entire amount or doesn't pay at all, enforcement action is required.

In reviewing the file for the best method of enforcement, the Family Support Office's first concern is in getting a regular payment plan for ongoing support. Collection of arrearages is the secondary concern. Picking the best method of enforcement is based on all the information about your case like past payment history, the date when the last payment was received, where the other parent is, how much income there is, and what kind of assets exist.

The Family Support Office will try to get voluntary payment from the other parent. Sometimes, regular and full payments are received in response to regular monthly billings, from voluntary wage assignments or telephone reminders.

Whether or not the other parent has assets (like money in the bank, a car or house) which could be used to pay back child support will often determine the success of the action taken. There are limitations to taking a car or a residence for payments of support.

24. **WHEN IS THE OTHER PARENT DELINQUENT IN CHILD SUPPORT PAYMENTS?**

Most child support orders set a time when the other parent is supposed to pay child support.

ESTABLISHING FATHERHOOD: PATERNITY

If you want the father to assume legal responsibility for his child, it is important to establish paternity.

A permanent support order cannot be established for a child until either the alleged father admits paternity or it is otherwise proven that he is the father. If the man will not admit that he is the father, blood tests will be ordered and/or the case may go to trial. The longer you wait, the less likely it is that he will admit he is the father and it will be more difficult to prove paternity in court.

11. **WHAT ARE THE BENEFITS OF ESTABLISHING PATERNITY?**

Once paternity is established, the child obtains legal rights and privileges of a child born within a marriage. Among them may be rights to inheritance, rights to the father's medical and life insurance benefits, and to social security and veterans' benefits. It also is in a child's best medical interests to know who his or her parents are. Many diseases, illnesses and birth defects are passed to children by parents.

12. **WHAT WILL THE FAMILY SUPPORT OFFICE NEED TO KNOW TO TRY TO ESTABLISH PATERNITY?**

The Family Support Office needs as much information as you can provide about the alleged father and facts about your relationship with him, your pregnancy, and the birth of the child. They will want to know whether he ever provided money for the child, or in any other way admitted — through letters or gifts — that the child was his. A picture of the child and the alleged father together is helpful, as well as information from others who could confirm your relationship with him.

13. **WHAT IF HE DENIES HE IS THE FATHER, OR SAYS HE IS NOT SURE?**

Paternity can be determined by the evidence presented to the court, including blood tests of the mother, the child and the alleged father. These tests can exclude men who are not the father and can indicate the likelihood of paternity of a man who is not excluded. This is one reason why so few paternity cases go to jury trial.

14. **IS THERE AN AGE LIMIT FOR THE BLOOD TESTS TO BE DONE ON A CHILD?**

No. Children of any age may be tested. However, many Family Support Offices will not test the child before the age of six (6) months. The blood may be taken locally. Most of the time it takes four (4) to eight (8) weeks to get the results.

15. **DESPITE THE BLOOD TESTS, THE ACCUSED FATHER STILL SAYS HE IS NOT THE FATHER. WILL THE CASE BE CLOSED?**

No! If the blood tests show that it is likely that he is the father the matter will be set for trial and paternity will be decided by a trial. If the issue of paternity is to be tried, then the Family Support Office will have to do additional investigation to prepare for trial. Once the Family Support Office believes that it is prepared for trial, it will request the court to set the date for trial. The entire process could take from six (6) months to over a year.

16. **THE FATHER OF MY CHILD SAID I WOULD NEVER GET A PATERNITY JUDGMENT ON HIM BECAUSE HE'D JUST LEAVE THE STATE. WHAT HAPPENS IN THIS CASE?**

If the accused father is found and handed a formal complaint, the local court will make a decision on the paternity question. At the same time, a court order to pay child support may be issued. This order can be enforced by all other states.

17. **WHY SHOULD LEGAL PATERNITY BE ESTABLISHED IF THE FATHER HAS NO MONEY TO SUPPORT THE CHILD?**

When the father starts working, he will be able to support the child. Having paternity established, even if child support isn't presently ordered, means collecting child support will be easier later.

18. **WHAT HAPPENS AFTER PATERNITY IS ESTABLISHED?**

The Family Support Office will attempt to establish a support obligation.

ESTABLISHING THE SUPPORT ORDER: OBLIGATION

A child support order will be established based on the other parent's ability to pay and finance the needs of the child(ren).

The Family Support Office and the court will follow The **Agnos Child Support Standards Act of 1984** (California Civil Code, Sections 4720 through 4732), or other similar guidelines will be used to decide how much child support will be paid. The Act provides a standard formula which will be followed in all cases.

If you do not already have a court order, a complaint will be filed with the court asking for a reasonable amount of child support. If the Family Support Office obtains a court order for you, the court order will be made payable to the county. If the location of the other parent is known, support orders can usually be obtained within 90 days.

19. **I AM SURE THE OTHER PARENT IS WILLING TO PAY SUPPORT. CAN WE MAKE AN AGREEMENT BETWEEN OURSELVES AND PRESENT IT TO THE COURT?**

If the Family Support Office is handling your case, the answer is no. However, you and the other parent can work together with the Family Support Office to work out an agreement.

20. **MY SPOUSE AND I ARE WORKING OUT A JOINT CUSTODY AGREEMENT. HOW WOULD THE COURT DECIDE THE AMOUNT OF CHILD SUPPORT FOR EACH OF US?**

That depends a lot on the terms of your agreement. The court will look at each parent's ability to pay and the needs of the child. If you get AFDC, the court cannot reduce the amount of support because of visitation or shared custody arrangement.

21. **MY EX-SPOUSE HAS REMARRIED AND HAS ANOTHER FAMILY TO SUPPORT. HOW WILL THIS AFFECT THE SUPPORT THAT MY CHILDREN ARE DUE?**

The courts have generally decided that even though the other parent has a second family, it does not mean that the responsibility to the first family goes away. However, the court may lower the amount of the court order if extreme financial hardship is shown. You or the Family Support Office must be notified first, and given an opportunity to defend why the amount should not be lower.

22. **CAN THE OTHER PARENT BE REQUIRED TO INCLUDE OUR CHILDREN UNDER THE GROUP HEALTH INSURANCE AVAILABLE WHERE HE/SHE IS EMPLOYED?**

Yes. Medical support must now be included in any child support order if the medical coverage is available at little or no cost. This applies to both AFDC and non-AFDC cases.