

How Can I Begin to Receive Child Support?



Do I need to hire an Attorney for a Child Support Matter?

Although you are not required to have an attorney represent you, it is often advisable. You may apply for assistance from the local support enforcement office. For a small one-time fee, they will assist you in obtaining or enforcing a child support order.

That office's attorney will file the necessary papers and appear at court hearings. Although their attorney will not represent you directly, they represent the interests of the local enforcement office, which are normally the same or very similar to your interests.

You should probably seek assistance of the local enforcement office or hire your own attorney if:

- the case is contested;
- the other side has a lawyer;
- you cannot locate the other parent to serve him or her with your papers; or
- the father is not willing to admit that the child is his.

You should hire your own attorney if you have contested issues other than child support that need to be resolved such as custody, visitation, divorce, alimony, marital property or domestic violence.

How Is Child Support Calculated?

Child support is based on the idea that both parents have a duty to provide financially for their children. Child support is calculated using a formula established by law called the Child Support Guidelines. Total child support is based on the combined gross income of both parents. Each parent is responsible for a portion of that total, based on the percentage of income they earn.

When child support is determined, the court also considers health insurance costs, support paid for other children, alimony paid or received, day care expenses, medical expenses and other expenses such as private school or transportation.

The law assumes that the portion of support assigned to the custodial parent will be spent providing a home, food, clothing, etc. for the child or children in their care. The non-custodial parent must pay their share of the child support obligation to the custodial parent.



When Does Child Support Begin, How Long Does It Last?

The court may order child support from the date the complaint (request for child support) is filed with the court or from a later date the court determines is appropriate.

Child support may last until one of the following events occurs:

- the child turns 18 and is not enrolled in high school;
- the child turns 19 or is 18 years of age and has completed high school, whichever is earlier;
- the child dies;
- the child marries; or
- the child becomes self-supporting.

If a child is disabled, the child support may continue indefinitely.



What about Health Insurance for My Child?

The court can order either parent to cover a child under their medical plan, if health insurance is available at a reasonable cost through work or another organization (a union, for example).



Other Resources

Local Child Support Enforcement Office
www.dhr.state.md.us/csea/local.htm

Pro Se Assistance Project
(assistance for the unrepresented)
www.courts.state.md.us/family

Family Law Hotline
800-845-8550

Legal Forms Helpline 800-818-9888

Domestic Relations Forms and Instructions
www.courts.state.md.us/family

How Can I Start My Child Support Case?

You can start your child support case in one of three ways:

- apply for assistance at your local child support enforcement office. That office will contact the other parent to begin the process. If the other parent does not agree to pay, the local support enforcement office has a lawyer who will file the papers required to start a court case and will participate in any hearings;
- hire a lawyer to represent you; or
- represent yourself. Forms and information are available to assist you. See www.courts.state.md.us/family or visit the Pro Se Assistance Project at your local circuit court.

How Do I Begin?

If you want to begin receiving child support on behalf of a child, you must first file papers with the court to request child support. The court will hold a hearing to decide:

- if the other person is the child's parent;
- if the other person is required to pay child support or provide other assistance for the child; and
- how much he or she must pay each month.

What Does "Establishing Paternity" Mean?



Before a person can be ordered to pay child support, it must be proven that they are, in fact, the mother or father of the child. A woman whose name appears on the birth certificate is considered the child's biological mother.

Determining the child's biological father may be more difficult. We call this process "establishing paternity." If a child is born to a woman who is married, the law assumes that the woman's husband is the father of the child. If the husband believes he is not the father and he demonstrates that he has good reason to believe so, the court may order a paternity (DNA) test.

If the woman was not married to the child's father at the time the child was born, it may be necessary to prove he is the child's father. In

these cases, the court may likewise order the parents and child to submit to a paternity test. The court will then review the results of the test and issue an order declaring who is the child's father. If the child's father signed an Affidavit of Parentage in the hospital where the child is born, the law assumes he is the father and no paternity test is necessary.

Can the Child Support Amount Change?

Either parent can ask the court to change the amount of the child support order if there is a material change in circumstances.

Some common reasons for a change in child support include a significant change in income or expenses or incarceration of a parent.

The court can only change child support from the date the request for the change was filed with the court.



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For additional copies, contact the Department of Family Administration, Admin. Office of the Courts, 580 Taylor Avenue, Annapolis, MD 21401 410-260-1580.

