

# Frequently Asked Questions about Child Support



---

## **What if my child's father (or mother) does not follow the court order to pay child support?**

If the other parent does not comply with a court order, you may ask the court to find the other person in contempt of court. Once the court issues a ruling finding them in contempt, the court can take a number of actions to encourage their compliance, including incarceration.

Your lawyer or the local child support enforcement office can file the appropriate papers asking that they be found in contempt. If you represent yourself, you can use forms available at [www.courts.state.md.us/family/forms/childsupport.html](http://www.courts.state.md.us/family/forms/childsupport.html). Forms are also available through the Pro Se Assistance Project at your local circuit court.

## **What happens if the non-custodial parent can't be found to be served?**

Once your complaint/petition is filed, you (or the local child support enforcement office) have 120 days to serve the papers. If the parent cannot be located in that time, the complaint/petition may be dismissed.

## **I can't afford to pay the filing fee. What should I do?**

If you cannot afford to pay the fee, you may request that the court waive the requirement that you pay the filing fee up front. If the court grants the waiver, then you can ask the court—either at a hearing or through a motion—to waive the fee altogether or order the other person to pay it.

To request the prepayment waiver, file a Motion for Waiver of Prepayment of Court Cost, DR32. The form is available at [www.courts.state.md.us/family/forms/dr32.pdf](http://www.courts.state.md.us/family/forms/dr32.pdf) or at the Pro Se Assistance Project at your local circuit court.





## 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.

## Can I get child support if the non-custodial parent is in jail?

Unless he/she has assets, like property or income from an outside source or from work-release, it is unlikely that support can be collected from an incarcerated parent. In some cases, the incarcerated parent will request that support be reduced or suspended until he/she is released.



## How long will it take for me to get my first child support check?

Estimated time—one to two months after the judge signs the order. This is how it works: after your hearing, the orders are forwarded to the judge for signature, unless exceptions are filed. After the orders are signed, an Earnings Withholding Order (EWO) may be sent by certified mail to the employer. Once the employer receives the EWO, they must begin withholding from the next paycheck. The parent ordered to pay child support is responsible for payment from the date the court determines payments are to begin, regardless of whether an EWO has been issued.

## If the other parent does not pay the child support owed, do I have to let him or her visit the children? OR, If I do not see my kids—do I still have to pay support?

Child support and visitation are not related to each other. If a parent does not pay child support the other parent must continue to follow any visitation order issued by the court.

## We have joint custody of the children. Why do I have to pay child support?

It is important that both parents contribute to the raising of their children, even in joint custody cases. The amount of child support charged to each parent depends upon the amount of time each parent spends with the child, as well as each parent's income and the expense of raising the child.

## Can I waive child support payments if I want nothing to do with the child's other parent?

No. Under Maryland law, the right to receive child support is a right that belongs to a child. The custodial parent cannot waive child support owed to the child.



## Other Resources

Local Child Support Enforcement Office  
[www.dhr.state.md.us/csea/local.htm](http://www.dhr.state.md.us/csea/local.htm)

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

People's Law Library  
[www.peoples-law.com](http://www.peoples-law.com)

A publication of the Maryland Judiciary. Provided by support of the Child Support Incentive Funds Committee, the Conference of Circuit Court Clerks and the Court Information Office.

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

Maryland  
Judiciary

