



The FindLaw Guide to Getting Child Support Payments

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Raising a child is hard enough without having to worry about child support payments. If you are a custodial parent and want to know how you can enforce your rights to receive child support, here is some information that can help.

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Introduction

Custodial parents may be entitled to receive a monthly allowance, or child support, from the other parent to help cover the child's expenses. But do you know how to start the process to receive the payments that are critical to raising your child? This is where FindLaw and its directory of attorneys can help you.

Eligibility for Child Support

Only custodial parents are eligible to receive child support payments. This is the parent who has primary physical custody of the child and cares for the day-to-day needs of the child. In cases of joint custody, where a child spends equal time living with both parents, one parent may still be required to pay child support to the other. This is especially likely if there is a large disparity in the parents' incomes.

However, being a custodial parent of a child will not itself guarantee that you will receive child support. A number of other legal and practical issues must be considered including whether you can locate the other parent, if paternity is established, and whether a court issued a child support order. If you are having trouble determining your eligibility to receive child support payments, [FindLaw can help get you started](#).

Amount You Can Receive

Each state has legal guidelines that help establish the amount of child support that must be paid to the custodial parent. The specifics of each guideline differ from state to state, but they are all generally based on the parents' incomes, living expenses, and needs of the children. Often, the guidelines calculate the amount of child support as a percentage of the paying parent's income that increases with the number of children being supported. If there are good reasons, most states allow some variance from the guidelines.

What Child Support Covers

There is a growing misconception that child support should only cover a child's bare necessities, such as food and clothing. In truth, child support is meant to cover a broad range of expenses including school fees, entertainment, medical expenses, and extracurricular activities. Some states may even require noncustodial parents to pay the college expenses of a child even after the child has reached the age of majority.



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Child Support Agreements and Orders

Payment of child support and the amount of child support that is to be paid can come about in one of three main ways:

- Informal negotiations between the parents (usually with attorneys).
- An out-of-court alternative dispute resolution (ADR) proceeding like mediation.
- A court orders it.

If parents are willing to work together informally to resolve all issues related to child support, they can negotiate an agreement with or without the assistance of attorneys. This is the cheapest and easiest way to resolve the issue.

If there are major differences in opinion, ADR like mediation and arbitration may prove to be a beneficial route. ADR tends to be less adversarial and more casual than the traditional court setting, and may facilitate early settlement. An additional benefit is that parents may play an active role in resolving key decisions, instead of having a judge make those decisions.

If informal resolution is not possible, a court may step in and set the terms of child support by issuing a child support order. The court order basically commands the parties to take some action or face penalties.

Modification of Child Support

Once a child support order or agreement is in place, the payment amount may be increased or decreased under certain situations. Most often, a substantial change in circumstances can lead to a modification like changes in income of the parent who is supposed to pay support. Changes in the circumstances of the child can also be a reason for modifying support, such as if the child requires orthodontic work or new school expenses. In some states, support orders may be reviewed automatically every few years to set support consistent with the parents' current income and the support guidelines.

STOP

Should I Talk to an Attorney?

If you are a custodial parent and looking to get child support and need advice on determining if you are eligible and how much you can receive, you may want to speak with a family law attorney. An effective lawyer can also help you reach an agreement with your spouse and modify child support orders.

You can locate a family law attorney now by visiting www.findlaw.com and choosing among several quality-assured lawyers in your area.

For More Information

Regarding child support and other family related issues, please visit our website at <http://family.findlaw.com>

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