

**CAN I ASK THE COURT TO TAKE MONEY OUT OF THE PARENT'S WAGES?**

Yes, most of the time this is how support is ordered by the judge.

**CAN A PARENT'S TAX REFUND CHECK BE WITHHELD TO PAY BACK SUPPORT?**

Yes, if DSS is collecting the support.

**WHAT SHOULD A PARENT DO IF HE/SHE IS BROUGHT TO COURT FOR NOT PAYING?**

Take with you as much of the money that you owe as you can. If you have not been paying because you are out of a job through no fault of your own, you need to get a statement from your former employer, showing that you did not quit your job. If you have not been paying because of a physical disability, you need to get a doctor's statement explaining when your disability occurred, the nature of the disability, and how long you will be out of work because of the disability. Try to have a plan for catching up with the unpaid support.

**CAN A PARENT RECEIVING CHILD SUPPORT WAIVE OR EXCUSE BACK CHILD SUPPORT PAYMENTS?**

No, unless the family court changes the support order.

**DO SUPPORT OBLIGATIONS CONTINUE WHEN THE NON-PAYING PARENT IS IN JAIL?**

Yes, unless the Family Court changes the support order.

**WHAT IF A MAN DENIES THAT HE IS THE FATHER OF AN UNMARRIED WOMAN'S CHILD?**

The mother or custodian has to prove to the family court that he is the father. The family court may order blood tests.

**MAY PARENTS VISIT WITH THEIR CHILDREN IF THEY ARE BEHIND ON SUPPORT?**

Yes. Visitation and support are two separate issues.

**IF THERE IS A LOT OF VISITATION, CAN IT AFFECT THE AMOUNT OF SUPPORT?**

Yes, if a parent has court-ordered visitation with the children overnight for more than 109 overnights each year, there may be a reduction in child support payments.



This brochure was produced by the South Carolina Appleseed Legal Justice Center with funds provided by the South Carolina Bar Foundation's Interest on Lawyer Trust Accounts (IOLTA). This brochure is for information only. If you have problems with Child Support, you may want to contact your local legal services program by calling Legal Assistance Telephone Intake Service for a referral at 744-9430 in Columbia or toll free at (888) 346-5592 from other places in the state.

SC Appleseed fights for low income South Carolinians to overcome social, economic and legal injustice.

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## What You Need to Know About...



# Child Support

## CHILD SUPPORT FACTS

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### WHAT IS SUPPORT?

WHAT ARE SUPPORT PAYMENTS?

Support payments are payments made to a parent or other custodian of a child for necessities such as food, medical bills, education expenses, health insurance and day care.

### **WHO HAS A DUTY TO SUPPORT?**

The natural or adoptive mother and father of a child. Grandparents of a child born to parents either or both of whom are unmarried and less than 18 years of age may also have a duty to support.

### **HOW LONG DOES SUPPORT LAST?**

Normally, until a child reaches the age of 18. The court must issue an order to stop the support. If the child needs to finish their education or is handicapped, support may be ordered past age 18.

## **HOW DO YOU GET SUPPORT?**

### **WHERE DO YOU FILE FOR SUPPORT?**

The Family Court in the county where the parent from whom you are seeking support lives.

### **WHAT IF THE PARENT LIVES OUTSIDE SC?**

You can go to the Department of Social Services' child support division in your area, and it will work with the courts in the other state. Take all your court papers when you go to the office.

### **WHAT IF YOU GET FAMILY INDEPENDENCE (TANF)?**

If you receive welfare (Family Independence or TANF) for your child, you must seek support from the other parent through DSS. A DSS attorney will file a lawsuit seeking support from the absent parent.

### **CAN DSS HELP YOU IF YOU DON'T GET TANF?**

Yes. For information, call the central state office of the Child Support Enforcement Division, a division of DSS, at (803)898-9210. This office can help answer your questions about child support, and can refer you to the correct office if you need further help.

### **HOW IS THE AMOUNT OF SUPPORT DECIDED?**

The court must use the South Carolina Child Support Guidelines, or state in writing the reasons it is ordering a different amount. The Guidelines include both parents' incomes in setting child support awards. The income includes all money from wages, but does not include income of other family members or benefits such as Family Independence, SSI and food stamps. If a parent is voluntarily unemployed or underemployed, the court may order child support based on the income that parent could earn.

### **WHAT IF THE PARENT HAS OTHER CHILDREN TO SUPPORT?**

Parents must support all of their children. In setting the amount of support, the court will consider the child support a parent is actually paying for the benefit of other children because of an earlier court order. The court will also consider other children living in the home of either parent that the parent has a legal responsibility to support.

### **HOW WILL THE COURT KNOW WHAT INCOME AND EXPENSES THE PARENTS HAVE?**

The court requires both parents to fill out a financial declaration which shows all income and expenses. Keep copies of bills, paycheck stubs, and income tax records. Learn as much as you can about the other parent's finances.

### **CAN I ASK FOR HELP WITH HEALTH INSURANCE AND CHILD DAY CARE PAYMENTS?**

Yes. Provisions for health insurance coverage, division of noncovered expenses, and day care payments can be included in the order for child support.

### **CAN THE SUPPORT AMOUNT BE CHANGED?**

Yes. The court can increase, decrease, or end support if there has been a sizeable change of circumstances. You will need to get a lawyer to take the support matter back to court to show why it should be changed.

### **WHAT HAPPENS IF SUPPORT IS NOT PAID?**

If payments are made directly to the caretaker parent, then that parent should see a lawyer. If payments are made through the court, the clerk of court requires the person who is behind in their payments to come to Family Court to explain why the payments are behind and to catch up. Family court judges can find the parent in contempt of court if support is not paid. This means the parent can be put in jail or required to pay a fine or both. The court can also order support to be taken from the parent's pay check. Sometimes the Child Support Enforcement Division can help without going to court, using an administrative process.

### **WHAT IF THE PARENT MOVES TO TRY TO AVOID PAYING?**

The Department of Social Services' parent locator system can find workers through their social security numbers.