

Child Support

I. What is Child Support

Child support is the legal process in which one parent seeks to get or enforce a court order from the other legal parent to provide court ordered financial support for the care of a minor child. The parties need not have ever been married, dating or partnered. So long as the other parent is the biological parent (and for the father paternity has been established of the child) the court can order them to pay support. Normally, the non-custodial parent pays support to the custodial parent for the necessities of life for the minor child. There are however limited times when the disparity of income between parents is very large and a custodial parent could be ordered to pay the non-custodial parent so the child can maintain a standard of living between the households.

As a note and a practical matter the Petition for Support is normally filed simultaneously with a Petition for Child Custody. This is because how much support you obtain has a direct relationship to how many days you have custody and are required to provide food, clothing, shelter etc for your minor child/ren.

II. What Steps are Taken

Child support laws vary greatly by state and are extremely statutorily based but the general steps to obtain support will be as follows:

- 1- Fill out a Petition to Establish Child Support and complete the child support calculator
- 2- Make the number of copies as set forth by local court rules so you can provide a copy to court; copy for the other party, and a copy for yourself/client/petitioner;
- 3- File the paperwork with the court and pay the required fees;
- 4- Serve the papers on the other party by a registered process server; and
- 5- Appear at court to obtain court orders.

III. The Petition to Establish Child Support.

Many jurisdictions have the Petition to Establish Child Support form available either for free or a small fee at the Clerk of the Court or online. If the forms are available, they can be printed and filled out by the parties themselves and filed with the court. If your jurisdiction does not have the forms available, the litigant will likely need to hire a competent lawyer or paralegal to complete and draft the forms as they are very statutory based.

If the form is available it will need to be filled out in blue or black ink or typed.

How much support is awarded is based on the specific calculation the state uses. Most large counties have a child support calculator available online and you simply plug in the actual or estimated numbers for each parent. The calculator will then tell you what percentage of total support each parent is responsible for.

iv. The Petition for Support

The Petition itself tells the court what you are asking for and what relief you are seeking. It must include all the information about what is being requested by the petitioner. Every legal document will start with a caption. Here, the caption would look something like this:

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

	Case No.: _____
JOHN DOE, Petitioner, and JANE DOE, Respondent.	PETITION TO ESTABLISH CHILD SUPPORT

The caption normally starts with the name of the court in which you intend to file the petition. The name of the parties will be the individual who is asking for the support (the petitioner) and the party who they are seeking support against (the respondent). If this is the first time you and the respondent are in court together regarding any issues regarding the minor child(ren) you will be given a new case number. The case number is always included in the caption. If you have previously been a party to a family court matter with this same respondent and the same child/ren you would use the past case number.

The Body of the Petition:

The petition itself must include all identifying information of the petitioner and respondent. You will need to include the full name, address and phone number of both yourself and the party you are seeking support against. You will also need to fill out the full name and date of birth for any child for whom you are seeking support and where the child has been residing. Many states want a history of with which parent and where the child has been residing for a period of years.

Like any document filed with a court, the court must have jurisdiction to hear the case. You will need to tell the court why they have such jurisdiction. In many cases the court has jurisdiction simply because the minor child/ren reside in the state where you want to file for the statutory period (this will differ per state).

The Petition will require you to disclose how paternity was established. Paternity can generally be established by court order, by marriage, or by the parent being on the child's birth certificate. If paternity is not established, you must do so prior to seeking an order for child support.

In addition to the relevant background information every Petition for Support will include some sort of calculation of how much support you are seeking. Normally, this is accomplished by completing a worksheet for child support. Most states use a child support calculator as the basis for determining how much support is due. The worksheet would then provide the numbers to be put into the calculator. For larger counties, this worksheet is normally available online. The worksheet requires you to input specific financial information about both Petitioner and Respondent.

To accurately complete the worksheet, you will need to know certain pertinent information of both parties such as the monthly gross income of both you and the other parent and the cost of certain expenses for the minor child/ren such as the cost of health insurance and childcare. Often you do not know the exact numbers for the person you are seeking support against. In this instance, you can estimate the numbers for the other person. Most state forms have a box to check to establish if the numbers for the respondent party are actual or estimated.

You also need to know the number of days the custodial and non-custodial parent will have the minor child(ren). This is because the amount of money you owe directly correlates to how many days you parent the child and are expected to provide for them.

Once the numbers are entered the calculator will provide each parent's % of combined income and each parent's share of the total child support obligation. It is possible these numbers could be adjusted for costs associated with parenting time, educational expenses, extraordinary needs of a child and medical insurance premiums. However, courts tend to award support based on the child support calculator numbers.

The child support worksheet gets attached to your petition and is incorporated in your document by reference. The completed worksheet is now part of your petition and is

filed with the court. It is also common to request that support payments not be provided directly to the parent but shall be paid through a payment center. The date the payments should commence and when they are paid are normally also included.

In addition to the dollar value for support owed by each parent (and if not covered in another court order such as a divorce decree) many child support petitions also specify what parent will pay costs related to health insurance and non-covered medical expenses. The parties normally will be ordered to divide any uninsured medical, dental, or health expenses, reasonably incurred for the minor child(ren). This amount is normally divided in proportion to the parent's respective incomes. The order will normally specify what percentage the Mother and Father will pay of the expenses.

Following the body of the petition that sets forth what the parties support issues are the Petition will next make certain requests to the court. This is oftentimes followed by the language "wherefore." This is where you tell the court what specific relief you want to have ordered by the court.

Signature: The form needs to be signed and notarized under penalty of perjury telling the court everything you wrote in the form is correct.

Once filed the court will set a court date. At that date the court will enter orders on your Petition for Support. The order is what has legally binding significance and is what you will use to collect money from the Respondent.

A sample completed document might look something like this:

Person Filing: John Doe
Address (if not protected): 1234 Main Street
City, State, Zip Code: Phoenix, Arizona 12345
Telephone: 602-555-1234
Email Address: Getitdone@learning.com

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

In re the Marriage of:

JOHN DOE,

Petitioner,

Case No.: _____

**PETITION TO ESTABLISH CHILD
SUPPORT**

and

JANE DOE,

Respondent.

STATEMENTS THE COURT

1. INFORMATION ABOUT THE PETITIONER: Name: Address: Date of Birth: Occupation: Relationship to children for whom support is requested, the Primary Residence, who has Legal Decision Making and Parenting Time.

2. INFORMATION ABOUT OTHER PARTY, THE RESPONDENT: Name: Address: Date of Birth: Occupation: Relationship to children for whom they want support, the Primary Residence, Legal Decision Making and Parenting Time in place.

3. JURISDICTION and VENUE: This is the proper court to bring this lawsuit under State law because: The Respondent is a resident of State and it is the county of residence of the minor child(ren).

4. STATEMENTS ABOUT PATERNITY

A. PATERNITY WAS ESTABLISHED BY:

- i. Court Order for Paternity from this county or previously transferred to this county stating that _____ is the natural father of the minor child(ren) included in this Petition.
- ii. Both parents signing an Acknowledgment of Paternity through the Hospital Paternity Program or other means provided by law and a birth certificate listing the name of the father was issued as a result.
- iii. There is a DNA order for paternity

5. INFORMATION ABOUT MINOR CHILD(REN) FOR WHOM YOU WANT THE COURT ORDER(S):

6. INFORMATION ABOUT MINOR CHILDREN, including past 5 years residence:

A. Child's Name: Gender: Female Male Place of Birth: Date of Birth: Current Address: How long at this address: County: Lived with Mother Father Other (Name & Relation to Child): (If less than 5 years, provide 5 years previous address information for each child.) Previous Address: How long at this address: Lived with Mother Father Other: Previous Address: How long at this address: Lived with Mother Father Other:

B. Child's Name: Gender: Female Male Place of Birth: Date of Birth: Current Address: How long at this address: County: Lived with Mother Father Other (Name & Relation to Child): (If less than 5 years, provide 5 years previous address information for each

child.) Previous Address: How long at this address: Lived with Mother Father Other:
Previous Address: How long at this address: Lived with Mother Father Other:

C. Child's Name: Gender: Female Male Place of Birth: Date of Birth: Current Address:
How long at this address: County: Lived with Mother Father Other (Name & Relation
to Child): (If less than 5 years, provide 5 years previous address information for each
child.) Previous Address: How long at this address: Lived with Mother Father Other:
Previous Address: How long at this address: Lived with Mother Father Other:

7. INFORMATION ABOUT CHILD SUPPORT FOR MINOR CHILDREN:

To my knowledge there is no child support order for the minor child(ren) currently in
place and the court should order child support in this case.

8. OTHER EXPENSES: The parties should be ordered to divide between them any
uninsured medical, dental, or health expenses, reasonably incurred for the minor
child(ren), in proportion to their respective incomes.

REQUESTS TO THE COURT:

- 1- WHEREFORE, petitioner prays that the court enter an order for child support and
order that child support shall be paid by: (check one box) Mother OR Father; in
a reasonable amount as determined by the court under the State Child Support
Guidelines. The Child Support Worksheet is attached hereto. Support
payments shall begin on the first day of the first month following the entry of
support order. These payments, and a fee for handling, shall be paid through the
Support Payment Clearinghouse and collected by automatic Income Withholding
Order.
- 2- WHEREFORE, petitioner prays that the court enter an order for medical, dental,
vision care Mother should be responsible for providing: medical dental vision
care insurance. Father should be responsible for providing: medical dental
vision care insurance. Non-Covered Expenses. Order Mother to pay %, AND
order Father to pay % of all reasonable uncovered and/or uninsured medical,
dental, vision care, prescription and other health care charges for the minor
child(ren), including co-payments.

DECLARATION UNDER PENALTY OF PERJURY

I declare that the contents of this document are true and correct under penalty of
perjury.

Date Signature

Printed Name