

Enforcing an Order

Child support orders, whether new or modified, entered on or after January 1, 1994, are subject to immediate income assignment (income withheld directly from the paycheck). Income assignments are handled through DCSS, but you must file for services with DCSS and provide a copy of the order before they will act upon the income assignment.

What can you do if child support is not paid?

It is important to keep accurate records of all support payments you receive. In cases where child support payments have been ordered but are not being made, you can file an application for services with DCSS and/or file a Motion for Contempt. If the non-paying parent is in contempt, the court may do any or all of the following:

- order payments be made through DCSS (after you get this order, you must apply for services with DCSS if you have not already done so, and send them a copy of the order),
- order the non-paying parent to be jailed until support is paid,
- order the non-paying parent to pay your costs and attorney's fees,
- order the employer to deduct the support from the non-paying parent's paycheck,
- intercept the parent's tax refund,
- take other legal steps to get child support.

Just one piece of the process...

Remember that in almost all cases a request for child support is made as just one piece of the overall process. Usually, an allocation of parental rights and responsibilities or divorce is the context in which child support is evaluated. Make sure that you carefully consider all of the implications of going forward with any legal action before filing with the court. Divorce and parental rights actions both require the completion of many other kinds of forms, and orders made will have far reaching effect.

What you need to do:

If you are involved in any case involving children, whether it is a divorce, a parenting case, a petition to establish support, or a petition to establish paternity, you will be expected to file the documents necessary to allow the judge to make an order for child support. You will have to file the following forms:

- a Financial Affidavit- which will give the Judge information about both parent's income and assets,
- a Child Support Worksheet- which shows the Judge what the guideline's amount of child support should be,
- a Uniform Support Order (USO)- which shows how much the child support order should be, how it will be paid, whether or not there are any amounts past due; how the children will receive health insurance, and whether or not there is alimony.

You will file these forms at your first court hearing. Fill out the Financial Affidavit, and complete the Child Support Worksheet with information from the other side's Financial Affidavit. If you do not have the other side's Affidavit in advance, you can either use any information you already have to complete the worksheet, or you can wait until you get to court when you and the other side will exchange Financial Affidavits. The USO will be filled out from the information contained in the worksheet.

Unless you and the other side enter into an agreement, it is likely that you will have different numbers in your worksheets and USOs. The judge will resolve any differences you may have when s/he makes your order.

The [DCSS website](#) has lots of information about seeking child support and modifying existing orders.

Try Also Reading...

- [Parents' Rights - A Place to Start](#)
- [Parental Rights and Responsibilities](#)
- [Whether to File a Petition for Parental Rights and Responsibilities](#)
- [Child Support](#)
- [Parenting Plans](#)
- [Medical Support](#)
- [Paternity and Child Support](#)
- [Residential Responsibility](#)

- Modification of Parental Rights & Responsibilities

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