



CHILD SUPPORT



The information provided in this document is meant for the sole use of Active Duty service members, retirees, their families, and those individuals eligible for legal assistance. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibilities vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

Frequently Asked Questions

Q. WHAT COURT DECIDES CHILD SUPPORT?

A. In North Carolina, the district courts hear child support cases. A child support case is usually heard in the county where the child is living. If the father lives in another state and North Carolina lacks any contacts with him, you may need to have the case heard there.

Q. CAN THE CHILD SUPPORT SERVICES OFFICE HELP ME?

A. Yes; the Child Support Services (CSS) office can help you in a variety of ways, including helping you establish paternity, establish child support orders, and enforce child support orders. You can visit their website [here](#).

Q. HOW MUCH CHILD SUPPORT SHOULD I RECEIVE IF I'M SEPARATED FROM MY SPOUSE?

A. There is no set amount that is "enough child support" in any given case. Child support varies according to the needs of the child or children, the incomes of the parents, the parents' reasonable needs and the accustomed standard of living of the child(ren), among other things. The standards for determining child support are found under General Statutes §50-13.4(c) and in guidelines established by the North Carolina Conference of Chief District Court Judge which can be viewed [here](#).

Q. WHO DECIDES HOW MUCH IS ENOUGH? WHAT IF THE OTHER PARENT AND I CANNOT AGREE ON THE AMOUNT OF CHILD SUPPORT?

A. If the two of you are able to reach agreement on a sum, that amount should be set out in a separation agreement that is signed by a state court judge. Courts must base the parent's child support obligations on this agreement rather than child support guidelines, unless "by greater weight of the evidence" the court finds the agreement to be unreasonable. If you do not agree, the court will follow guidelines established by the North Carolina Conference of Chief District Court Judge which can be viewed [here](#).

Q. WHAT IF I NEED MORE CHILD SUPPORT?

A. The Guidelines are flexible and allow for a child's special needs, extremely high or low income, and other factors the court finds to be important. Make a list of all monthly expenses for your household and apportion the expenses between yourself and the child or children. Be sure to set aside a certain portion of the rent, utilities and food for each child. You should also consider whether to apportion such expenses as car payments, gasoline and medical bills for each child. You must support the child or children, and you are the one who best knows the facts, needs and expenses. The judge can go outside the established guidelines, but it is up to you to prove the need for a variance from the guidelines.



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Q. WHEN MY CHILD IS VISITING MY EX-HUSBAND, CAN HE REDUCE THE CHILD SUPPORT PAID TO ME?

A. No. Unless the court order or separation agreement specifically provides for a reduction, the child support payment should remain the same.

Q. IF I CANNOT SEE MY CHILD FOR VISITATION, CAN I STOP PAYING CHILD SUPPORT?

A. Under North Carolina law, denial of visitation is not legal justification for withholding child support. Neither is lack of child support a legal excuse for refusing the other parent visitation rights. The parents do not have the right to try to link together these separate obligations. Even if a parent is not paying any child support, he may still visit his children. And even if a parent is not allowing visitation, the children are still entitled to child support.

Q. WHEN DOES CHILD SUPPORT STOP?

A. Child support, without an agreement or court order, usually ends at the child's eighteenth birthday, although it will continue beyond then if the child is still in high school, so long as the child is not over twenty years old. A separation agreement or court order by consent may set a higher age, such as upon graduation from college or at age twenty-one. Child support may terminate earlier or extend later but only under rare circumstances.

Q. CAN THE OTHER PARENT'S PAYCHECK BE GARNISHED FOR CHILD SUPPORT?

A. Yes. Under North Carolina law, garnishment of a paycheck for child support may be ordered by a court. Garnishment is a court proceeding that requires a lawyer or the help of the CSS.

Q. WHAT IF I NEED MORE CHILD SUPPORT IN THE FUTURE?

A. If the child support is set out in a court order, you may petition the court to increase child support if you can show that there has been a substantial change of circumstances since the date the order was signed. Such a change may consist of increased living expenses, inflation or an increase in the earnings of the other parent. Sometimes the parents can agree between themselves on a regular increase in child support. A presumption for modification exists when the order is over 3 years old and there is a 15% difference in income from the last order. If they wish, they can enter into an agreement that adjusts child support annually on the basis of, for example, the Consumer Price Index or the wage increases of the noncustodial parent. When the parents cannot agree, the court must resolve the matter, and the custodial parent must prove that present child support is inadequate.



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Q. CAN CHILD SUPPORT ALSO BE REDUCED?

A. Yes. The court has the power to modify child support upwards or downwards, so long as there has been a substantial change of circumstances since the entry of the original order. Thus, for example, a parent who just lost his job or has had a substantial pay cut could petition the court to reduce the child support payments that he is making.

Q. HOW IS CHILD SUPPORT COLLECTED?

A. Child support payments for North Carolina orders must be sent to NC Child Support Centralized Collections. Payments made on orders in other states will be forwarded by those states to NC Child Support Centralized Collections.

Q. ARE THERE ANY OTHER ASPECTS OF CHILD SUPPORT IN ADDITION TO THE MONEY PAID EVERY MONTH?

A. Yes. Matters such as medical expenses, tax exemptions and college expenses are also important parts of child support. You should try to reach an agreement on these with the other parent if possible. If you can't agree, then the court can decide the issues of medical expenses and tax exemptions; the expenses for a child's college education are beyond the court's powers.

Q. HOW DOES THE COURT DECIDE MEDICAL EXPENSES?

A. The court will order either parent with access to affordable health insurance for the child to purchase it. The amount paid by the parent for a child's health insurance will be added to the child support obligation and prorated between the two parents based on their respective incomes. The standard guidelines for child support include \$250 per child for the child's annual uninsured health expenses, but this can be altered by the court.

Q. WHEN CHILD SUPPORT IS DETERMINED BY THE COURT, WILL BOTH PARTIES' INCOMES BE CONSIDERED?

A. Yes. North Carolina law requires that the judge takes into account both parties' incomes in setting child support.

Q. I HAVE A GOOD ORDER FROM ANOTHER STATE, BUT THE NONCUSTODIAL PARENT HAS NOT PAID. HOW CAN I GET ENFORCEMENT?

A. Contact your local CSS office; your caseworker can help you request the other state to enforce the order.

Q. I HAVE A GOOD ORDER FROM ANOTHER STATE, BUT NEITHER OF US LIVES IN THAT STATE. IS IT STILL A GOOD ORDER?

A. Yes. Contact your local CSS office for help enforcing this order.

Q. WON'T CHILD SUPPORT BE SETTLED WHEN I OBTAIN A DIVORCE?

A. Divorce decrees do not necessarily settle child support matters, and a support order can be entered before or after a final decree of divorce in North Carolina.