

If you need a lawyer to answer your question or help you collect child support call the Alabama Lawyer Referral Service at 1-800-392-5660 or your local Legal Services Office.

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You can also contact your local Department of Human Resources for assistance.

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# Child Support Basics



## INFORMATION YOU NEED TO COLLECT CHILD SUPPORT

You need to know the name, address, Social Security number, date of birth, and place of employment of both the father and the mother. You also need the names, addresses, dates of birth and Social Security numbers of the children. This information will be used to fill out a Child Support Information Sheet for the court. (Form CS-47).

## **CHILD SUPPORT:**

### **MUST BE PAID**

The law in Alabama is that an obligation to pay child support cannot be waived. Neither parent can make an agreement to get out of paying child support. Your child has a right to support from both parents. It doesn't matter if a parent doesn't see the child. He or she still must pay child support.

### **USUALLY ENDS AT 19**

Child support in Alabama usually ends when a child turns 19. If the child is physically or mentally disabled (retarded) the child support may continue past 19. Also, before the child is 19, it can be arranged so that support continues to help your child get an education after age 19.

### **AMOUNTS ARE SET BY THE COURT**

The judge sets the amount of support that has to be paid by using a guideline chart based on the income of each parent. The guidelines don't have to be followed exactly if the judge has a reason for not following them.

The court uses the amount of money each parent gets from working (before taxes) or other sources to figure their income. Family Assistance, SSI and food stamps are not included in income. Non-cash income like free daycare or a military housing allowance are counted as income. If a parent is already paying child support for another child, that amount is subtracted from income.

If one of the parents is unemployed or not working full-time the court can still impute income to that parent.

This means the court can say what the parent could be earning a month if he or she was working and use that amount to figure out how much support the parent has to pay.

The parent must pay the full amount of child support every month. The court does not have to consider buying gifts, diapers, or clothes for the child as a part of child support. If the whole amount is not paid each month, there are several ways to get the support owed to your child.

### **ENFORCEMENT**

Child support can be enforced by the court through income withholding orders, garnishments, executions, license suspensions and contempt citations. To use these options you must know the name of the parent, where the parent works and lives, and the Social Security number of the parent. Contact your local Department of Human Resources, local Legal Services office or a private attorney for help in enforcing a child support order.

### **BANKRUPTCY**

Child support payments and back child support must be paid. They are not affected if the parent owing child support files for bankruptcy.

### **INCOME TAXES**

Child support payments are not deductible from income for income tax purposes for the parent who pays the support. The support payment is also not income the parent who is paid the child support. Generally, the custodial parent can take deductions and earned income tax credits for the child on his or her income taxes.