

Indiana Legal Services, Inc

Using the law to fight poverty, empower clients, and improve access to justice.

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General Information About Child Support

If you are taking care of a child, you should be able to get child support from the other parent. Read about how to get a child support order.

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Can I get child support for my child?

Yes, if you are caring for a child you should be able to get child support from the child's other parent. However, if you were not married to the child's other parent, you must first establish paternity for the child.

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Can I get child support if I am taking care of a child, but it is not my child?

Yes. However, you may first have to show that you have a legal right to be caring for that child.

You can contact your local prosecutor's office or a private attorney to determine whether you should try to get a child support order from the child's parent or parents

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How do I get a child support order?

You have to get an order from a court. You should contact the Child Support Division of your local prosecutor's office to help you get a child support order for the first time. (This office can also help you establish paternity, or get the other parent to pay the child support that a court has already ordered).

You can also hire a private attorney to help you get your child support. If the other parent is not following a court order to pay child support, that parent may be ordered to pay your attorney fees.

If you are already going through a divorce or a paternity action, the court will issue child support orders in those cases.

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How much child support will I get?

The court uses a child support worksheet and standard guidelines to figure out how much child support to order. The worksheet is based on the parents' incomes and other expenses such as child care, education, and health insurance. The amount of support will also depend on how much the non-custodial parents visits the child.

The judge will make the final decision on how much child support to order; however, the judge will usually follow the child support worksheet and standard guidelines.

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How soon will I get my child support?

Every child support case is different. It depends on whether you know where the other parent is, whether he/she is employed, whether he/she is willing to pay child support, how much child support he/she owes, and how many other cases the prosecutor's office is working on.

Under federal law, the Child Support Office must get a child support order or at least start the proceedings within 90 days of finding the other parent.

Once the other parent starts paying child support, there can be delays in getting the checks. If the other parent lives in another county or state, the checks must be go through the state child support office, and it will take longer.

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Can the other parent pay the child support directly to me?

The child support payments will have to be made in the way the court ordered. Generally, the court orders the payments to go through the county clerk's office. This helps keep track of what was paid and when. If the court orders the payments to go through the clerk's office and instead, the parent pays the support directly to the other parent, those payments may not count as child support.

If payments are made through the county clerk's office, then the clerk will keep record of payments made. After a payment is made, the clerk will send that payment on to the person who is supposed to be receiving child support. The person who is receiving child support will need to make sure the clerk always has his or her current address.

There is a small annual fee that the person paying support will have to pay to the clerk's office for processing the child support payments.

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What happens if a parent doesn't pay support?

You can get help from the prosecutor's office, or hire a private attorney to try to get the support that is owed to you. You could also file a petition in court yourself. You should probably contact the prosecutor's office first. The prosecutor can do several things to collect support from people who don't pay it. The prosecutor can have money taken out of their paychecks, take their tax refunds, report them to credit bureaus, place liens on any real estate or vehicles that they own, suspend any driver's or professional licenses that they have, or ask the Court to put them in jail.

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Do I have to get a child support order?

Generally, it is your decision whether or not to get a child support order for your child.

HOWEVER, you are obligated to get a child support order if you are getting TANF. You generally must cooperate with your caseworker in getting child support. You have to cooperate by:

- going to the child support office if they ask you to;
- giving all information to the child support office that could help them get child support;
- getting paternity established for your child if you were not married to the child's other parent; and
- going to court.

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What if I don't cooperate in getting child support?

If you don't cooperate, you and your child could lose some or all of your TANF benefits. You also

may lose your Medicaid benefits, but your child will not lose his or her Medicaid.

There are some situations in which you don't have to cooperate in getting child support. These are called "good cause exemptions." You have good cause for not getting a child support order if getting a child support order would hurt the child. You have the right to tell your caseworker that you have good cause for not cooperating, but you must give your caseworker evidence to prove that you have good cause. Examples of good cause might be if the child's other parent was abusive to you or the child, or if you became pregnant as the result of rape or incest. If you lose your TANF or Medicaid after you tell your caseworker that you have good cause, you have a right to appeal. You should get a notice in the mail that explains how to appeal. If you don't get one, ask your caseworker. You should appeal right away, and you may want to contact an attorney for help with your appeal.

If you are receiving TANF, any child support ordered by the court will go to the State, not to you, unless your child support is more than your TANF.

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