

Indiana Legal Services, Inc

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What if I am behind in my child support payments?

If you do not pay child support as ordered by the court, you can be brought back to court. Read this article to see what can happen to you, and what you should do.

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What can happen to me if I am behind in my child support payments?

If you do not pay child support that the court has ordered you to pay, the court could find you in contempt of court. The court could order your employer to take part of your paycheck to pay for the child support. (If you are currently supporting a spouse or another dependent child and you are behind in support, up to 55% of your check can be garnished. If you are not currently supporting a spouse or another dependent child and you are behind in support, up to 65% of your check can be garnished). If you are found to be in contempt of court, you also could lose your driver's license or other professional license, your tax refunds could be taken, a lien could be placed against your car or your home, and you could be reported to a credit bureau. If you are behind by a lot of support and the court finds you willfully failed to pay, the court could put you in jail.

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I have to go to court because I am behind in my child support payments. What should I expect?

You should make sure to go to court on the date the court ordered. If you do not appear, the court could issue a warrant for your arrest.

You can ask the court to appoint an attorney to represent you if you can't afford to hire an attorney. The court must give you an attorney if there is any chance that you may be put in jail for contempt and you cannot afford to hire an attorney. If there is no chance that you will be put in jail for contempt, the court does not have to appoint an attorney for you, although you can still ask for one. If the court mentions the possibility of you serving jail time, you should certainly ask the court to appoint an attorney for you.

If you are unable to get an attorney, you should still go to court on your own. You can try to show the court that you were not able to pay the child support. You may want to do the following:

1. Collect any proof of income that you have had since the last time you were in court. This evidence might include tax returns, paycheck stubs, or unemployment/TANF receipts.
2. Make a list of all employers, their addresses, and the dates of your employment since the last time you were in court.
3. If you are unemployed or have had periods of unemployment, make a list of every place you have looked for work since the last time you were in court, including names, addresses and dates that you applied for jobs.
4. Make a list of all your essential living expenses that you have had since the last time you were in court. These might include your rent or other house payments, utilities, medical expenses, food expenses, and transportation expenses.
5. If you have not been able to work because of a disability, bring a note from your doctor explaining what your disability is and that it prevents you from working.

The above information should be as specific as possible and should be written down so that you can refer to it when you are in court.

The Court is going to want to know that you have been trying to pay support. Therefore, if you can afford to do so, you should try to pay some money toward your support, even if it is less than your weekly amount.

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I lost my job because I am sick. Do I still have to pay child support?

If you can't pay your child support because of illness or unemployment, you can ask the court to change the amount of support. The court can change the support order if the court finds there has been a substantial change in circumstances. If the court does not change your support order, then your current order remains in effect.

If you have a serious illness that will last for at least a year, you could also apply for Social

Security Disability (SSD) or Supplemental Security Income (SSI). If you get SSD, you and your dependent children may get payments from the government. Sometimes the court will allow SSD payments to your dependent children to count toward your child support obligation. If you get SSI, then the court cannot make you pay child support.

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What if I stopped paying support because my child came to live with me?

If your child comes to live with you, you should notify the court and ask the court to stop your child support order. If you don't, you may still have to pay child support even though your child was living with you.

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My child is living on her own and I don't think I should pay support anymore. Can I stop paying?

Even if you think the child should not get support anymore (because the child is too old or living on her own), you should not stop paying support until the court gives its approval. You will need to notify the court that you believe your child is and that your child support obligation should stop. If you owe back support, the court can order that you continue paying the back support even if the court says your child is emancipated.

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My child just turned 21. Can I stop paying child support?

Usually you can stop paying child support when your child turns 21 if you are current on your child support. However, if your child support order is for more than one child, you should not stop paying part of the order without the court's approval. You will need to go back to court and explain that one of your children has turned 21 and you would like your support order to be lowered.

The court can order you to pay child support for a child older than 21 if that child is disabled.

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I stopped paying support because my ex won't let me visit my kids. Can I still be held in contempt of court?

Yes! Child support and visitation are two separate things. You can't stop paying support because you aren't getting visitation. Your ex can't stop visitation because you aren't paying child support. You must continue paying your child support as the court has ordered you to do. You can go back to the court to try to get the visitation going.

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