



## General Information About Child Support and Non-Citizens

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### **What is child support?**

Child support is a payment of money one parent receives when it is caring for a child. The payment is paid by the parent who is not caring for the child.

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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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### **How do I get or enforce a child support order?**

You should contact the Child Support Division of your local prosecutor's office. This office will help you get a child support order for the first time or get the other parent to pay the child support that he or she is supposed to pay. This office can also help you establish paternity. If you receive TANF or Medicaid, the prosecutor will help you free of charge. Otherwise, the prosecutor will help you for a one-time \$25 fee. 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.

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### **Will the Prosecutor's office help me if I am undocumented?**

They should help you. This is still being addressed in different parts of the state. If the prosecutor's office will not help you, you should contact Legal Services or another attorney for assistance.

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### **Does receiving child support have any effect on my ability to obtain legal residence?**

No. Child support is not welfare and should have not effect on your ability to get a Green Card.

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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 following website may help you estimate your child support [Child Support Calculator](#)

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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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### **What happens if a parent fails to 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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### **If I don't pay child support for my kids, will it hurt my immigration status?**

If you are a legal resident, failure to pay child support could prevent you from becoming a U.S. citizen. If you are not a legal resident, failure to pay child support could make it very difficult for you to obtain certain types of relief which require "good moral character" or are based on discretion (e.g. cancellation of removal, adjustment of status, registry, voluntary departure).

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### **What if I get TANF benefits?**

TANF is "Temporary Assistance to Needy Families," also called welfare. If you are receiving TANF, any child support ordered by the court will go to the State, not to you, unless your support is more than your TANF. Note: You must generally 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.
- Going to court.

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