

Indiana Legal Services, Inc

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Relationship between Visitation and Child Support

Visitation and child support are two separate issues. A parent cannot refuse to pay support because she is not getting visitation. A parent cannot refuse visitation because she is not getting child support.

[Note: You can click on the question to go directly to the answer to that question, or you can scroll down the page to see all the questions and answers].

My ex is not paying child support. Do I have to give him visitation?

My ex is not giving me my visitation. Can I stop paying child support?

My ex wants to stop paying child support and stop visiting our child. If we both agree, can we stop the child support and visitation?

If I visit my child often, do I pay less child support?

My ex is not paying child support. Do I have to give him visitation?

Yes! If the court ordered that he have visitation, you must give him visitation even if he is not paying child support. Child support and visitation are two separate issues. You can't stop the visitation because he isn't paying child support. (You can go back to court to ask the court to make him pay the child support).

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My ex is not giving me my visitation. Can I stop paying child support?

No! If the court ordered you to pay child support, you must pay the child support even if you are not getting visitation. Child support and visitation are two separate issues. (You can go back to court to ask for your visitation).

My ex wants to stop paying child support and stop visiting our child. If we both agree, can we stop the child support and visitation?

You should go back to court to make any changes to the child support and visitation order. If you don't go back to court, the current order will be in effect (even if the two of you have agreed to

something else). The court will generally not let the parents agree to stop the child support order. The child support is for the benefit of the children, and the court will not usually let the parents agree to stop paying child support.

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If I visit my child often, do I pay less child support?

Maybe. Beginning January 1, 2004, Indiana now has a Parenting Time Credit. The more overnights per year that a non-custodial parent has with the child, the higher the Parenting Time Credit. This means that the non-custodial parent will pay less child support the more he or she spends overnights with the child.

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