

## **C**an 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.

### **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.

### **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:  
[www.indygov.org/cgi-bin/courts/support.cgi](http://www.indygov.org/cgi-bin/courts/support.cgi)

### **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 go through the state child support office, and it will take longer.

### **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.

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

TANF benefits do not count as income in figuring out how much child support to order. The Court may estimate how much you could earn if you worked. 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 cooperate with your caseworker in getting child support, with some exceptions. 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.

### **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 cooperating if your cooperation 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 your local Indiana Legal Services office or a private attorney for help with your appeal.

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**TO SUBMIT AN APPLICATION FOR  
LEGAL ASSISTANCE, CALL ILS  
INTAKE:**

*Anderson:*  
1-877-323-6260

*Evansville:*  
1-877-323-6260

*Gary:*  
(219) 886-3161

*Indianapolis:*  
(317) 631-9410 or  
1-800-869-0212

*New Albany:*  
(812) 945-4123 or  
1-800-892-2776

*Bloomington:*  
1-877-323-6260

*Fort Wayne:*  
1-877-323-6260

*Hammond:*  
(219) 853-2360

*Lafayette:*  
(765) 423-5327 or  
1-800-382-7581

*South Bend:*  
(574) 234-8121 or  
1-800-288-8121

**ESPAÑOL 1-877-323-6260**

## Child Support

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**Indiana Legal Services, Inc.**

**This is for information only. It is NOT legal advice. For legal advice, contact an attorney or a Legal Services office.**

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**On the web at:  
<http://www.indianajustice.org>**