
FREQUENTLY ASKED QUESTIONS ABOUT CHILD SUPPORT FOR PRIMARY CUSTODIAL PARENTS

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North Penn Legal Services

WHO IS RESPONSIBLE FOR SUPPORTING A CHILD?

Both parents have a duty to support their children. The primary custodial parent - that is, the parent having physical custody of the child or children more than 50% of the time - is normally entitled to support from the non-custodial parent. If the parents share physical custody equally, the parent with the higher income will usually be required to pay some child support to the parent with the lower income.

The duty to support ends when the child turns 18, or upon graduation from high school (whichever comes later), except that if the child suffers from an emotional, physical, or mental disability which prevents that child from being able to be self-supporting, the duty to support may continue.

As for college expenses, there is no obligation upon parents to provide aid for higher education beyond high school, or contractually agreed upon by both parties in a divorce settlement agreement.

IF I CANNOT COME TO AN AGREEMENT WITH THE NON-CUSTODIAL PARENT, WHAT STEPS DO I TAKE IN GETTING CHILD SUPPORT?

If you are unable to agree on support, you may file a complaint for support with the Domestic Relations section of the Court of Common Pleas. To make an appointment, call the Domestic Relations office for your county (check the table below for contact information).

After the complaint is filed, a conference will be scheduled. A domestic relations conference officer will review each party's financial circumstances and will encourage the parents to agree on the amount of child support. If an agreement is reached, an order will be entered by the court.

If an agreement is not reached, what happens next depends upon the county. Each Pennsylvania county has selected one of two different systems: a two-step or a three-step process. Both begin with a domestic relations conference officer and end with a judge, but the three-step process adds a hearing with a hearing officer in between. The system chosen by each county is listed below.

The law often changes. Each case is different. This pamphlet is meant to give you general information and not specific legal advice.

WHAT HAPPENS IF WE CANNOT AGREE AT THE CONFERENCE: IN “TWO STEP” COUNTIES

The conference officer will recommend to the court an amount of support. The court will then issue a temporary (“interim”) support order based on the conference officer’s recommendation. If you, or the other party, feel that the court’s interim order is unjust, you have twenty (20) days to appeal that decision. You must file a written demand for a new hearing with the court. You can do this by simply writing the caption of the case (the parties’ names and the case number) on a sheet of paper, with a brief statement that you want to appeal the court’s interim order. Then mail it to the clerk of the court or take it to the clerk’s office.

When an appeal is filed, the case will be scheduled for a new hearing before a judge within sixty (60) days. If no appeal is filed within twenty (20) days, the interim order becomes a final order. After that, the only way to get the support order changed is by filing a petition for modification.

WHAT HAPPENS IF WE CANNOT AGREE AT THE CONFERENCE: IN “THREE -STEP” COUNTIES

First, at the conclusion of the conference, the court will enter an “interim” order for support and give notice of the date, time, and place of a hearing before a hearing officer. (In some counties, the conference and hearing are scheduled for the same day.) If the defendant does not attend the conference, the interim order will be entered after which either party can ask for a hearing.

The hearing officer will hear the evidence and arguments and write a report with a recommended support order. That recommendation will be sent to the parties, and the court will issue an interim order based on the report. Each party will then have twenty (20) days to object to the hearing officer’s recommendation by filing written objections (“exceptions”) to the hearing officer’s report. Basically, you can object about whether particular evidence should have been admitted or not, about findings of fact, or about conclusions of law. The court will not hold a new hearing, but it will listen to legal arguments on the exceptions within sixty (60) days and then make its decision.

HOW IS THE AMOUNT OF THE SUPPORT ORDER CALCULATED?

Pennsylvania courts use a formula to calculate the amount of basic child support. These guidelines are based on the idea that the children of separated or divorced parents should get the same amount of support that they would have gotten if the parents lived together. The guidelines take into account the incomes of the mother and father and the number of children involved.

DOES THE COURT ALWAYS FOLLOW SUPPORT GUIDELINES?

The guidelines are designed to treat similarly situated parents and children in similar ways. When there are special needs and special circumstances, those should be considered, and changes should be made to the basic child support as needed. The conference officer must provide written findings of fact and an explanation of the reasons for making a change from the guidelines. These are some of the factors the conference officer should consider:

- (1) orders the parent may have to support other families;
- (2) household income coming from sources other than the parents;
- (3) the ages of the children; and
- (4) medical costs not covered by insurance.

HOW CAN I GET A FINAL SUPPORT ORDER CHANGED?

A court may modify a support order if you can show that there has been a significant change in circumstances since the support order was entered. These are examples of the kinds of changes in circumstances the court should consider:

- (1) changes in the employment status of either parent (for example a better paying job, or health care coverage). You are usually not entitled to a change in the support order if you are asking for the change because you voluntarily accepted a lower paying job);
- (2) substantial financial gains by either parent (such as lottery winnings or inheritance),
- (3) new income contributions by other members of the primary custodial parent's household , or
- (4) changes in child care expenses or medical expenses not covered by insurance.

Upon request, Domestic Relations will routinely review a child support order three (3) years after it was entered or last modified, even if there has not been a significant change in circumstances. To file a petition to modify the order, contact the Domestic Relations office in your county..

There may be a fee for filing a petition to modify, but you have a right to ask that the fee be waived if you cannot afford to pay it. If the Domestic Relations office refuses you the right to make a request, you may contact North Penn Legal Services for assistance at (877) 953-4250.

WHAT CAN DOMESTIC RELATIONS DO TO ENFORCE A COURT ORDER?

Ordinarily a court will require an income attachment when the order is first made; but, even if they did not, an attachment will certainly be made if the paying parent is more than a month late in making payments. Wages and most other kinds of income can be attached.

If there is an automatic income attachment, the employer of the paying parent must pay to the Domestic Relations Office the amount set forth in the support order. If the employer willfully fails to do so, he or she can be held in contempt of court.

If the paying parent willfully fails to comply with the support order, he or she can be held in contempt of court, which is punishable by fines and/or incarceration for up to six (6) months. The court will set an amount of support that must be paid so that the person could be released from jail before the end of the term of imprisonment for contempt.

There are others ways of collecting or enforcing orders. Past due support will be considered to be a judgment against you and can be collected just as is any other judgment. Under some circumstances, the law provides for the suspension of licenses - for example, professional, drivers, and hunting - as a means of enforcing collection of support. Tax refunds may also be intercepted.

FOR WOMEN ONLY: WHAT HAPPENS IF THE PERSON THAT I HAVE SUED FOR SUPPORT DENIES THAT HE IS THE FATHER OF THE CHILD?

If the person who is being asked to pay support denies that he is the father of the child, the court will require that the mother, alleged father, and the child submit to genetic testing. If the results of those tests indicate that there is a 99% or greater chance that the alleged father is the father of the child, then paternity of the child will be presumed and the court will make an order for support. If the results of the tests exclude the alleged father, then the action against him will be dismissed.

An action to establish the paternity of a child must be started before the child reaches 18 years of age and paternity must be established before an order for support can be entered.

WHO IS RESPONSIBLE FOR PAYING THE CHILDREN'S MEDICAL EXPENSES THAT ARE NOT COVERED BY INSURANCE?

The court will generally make some provision for health care coverage - by requiring one or both parents to get insurance coverage if it is available at reasonable cost. In addition to the basic child support amount, you and the non-custodial parent are each responsible for paying a fair share of your children's uninsured medical expenses. Normally, these medical expenses will be shared in proportion to the parents' relative income.

WHO IS RESPONSIBLE FOR CHILD CARE EXPENSES?

Reasonable child care expenses, if needed by either parent to keep a job or get the education needed to earn a living, are also the responsibility of both parents. Normally, the child care expenses will be shared in proportion to the parents' relative income.

WHICH COUNTIES USE THE TWO-OR THREE-STEP PROCESS?

<i>County</i>	<i>Process</i>	<i>Domestic Relations#</i>
Bradford	DR conference =>hearing officer=> Judge	(570) 265-4610
Carbon	DR conference =>hearing officer=> Judge	(570) 325-2179
Clinton	DR conference => Judge	(570) 893-4055
Columbia	DR conference =>hearing officer=> Judge	(570) 387-8870
Lackawanna	DR conference =>hearing officer=> Judge	(570) 963-6721
Lehigh	DR conference =>hearing officer=> Judge	(610) 7823185
Luzerne	DR conference =>hearing officer=> Judge	(570) 822-0600
Lycoming	DR conference =>hearing officer=> Judge	(570) 327-2395
Monroe	DR conference =>hearing officer=> Judge	(570)517-3845
Montour	DR conference =>hearing officer=> Judge	(570) 271-3031
Northampton	DR conference => Judge	(610) 253-3566
Northumberland	DR conference => Judge	(570) 988-4227
Pike	DR conference => Judge	(570) 296-6511
Snyder	DR conference => Judge	(570) 837-4229
Sullivan	DR conference => Judge	(570) 946-5481
Susquehanna	DR conference =>hearing officer=> Judge	(570) 278-4600
Tioga	DR conference =>hearing officer=> Judge	(570) 724-9330
Union	DR conference => Judge	(570) 524-8661
Wayne	DR conference => Judge	(570)251-9827
Wyoming	DR conference => Judge	(570) 836-8645