



*CALIFORNIA
FAMILY
LAW*

CHILD SUPPORT

*Prepared by Jennifer E. Drury, Attorney at Law and
Susanna V. Pullen, Attorney at Law and Certified
Family Law Specialist*

www.drurypullenlaw.com



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Author: Bennett Reichard

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CHILD SUPPORT

OVERVIEW

Each parent is legally responsible for providing for the financial needs of his or her child. Regardless of separations or divorce, both parents must fulfill his or her child's support needs according to his or her ability.

When separation occurs, a parent must ask the court to make an order for child support. These payments are typically required to be made until a child turns 18. Exceptions to this include children still completing high school at 19 and adult children who are incapacitated and unable to earn a living.

To begin receiving child support payments, a parent will need to ask a court to make an order.

CALCULATING CHILD SUPPORT

In California, there is a statewide guideline for calculating child support payment amounts.

When parents are unable to reach a mutual agreement on this figure, a judge will decide the amount based on a pre-determined calculation.

Some factors that the child support calculator uses to determine payment amounts are:

- How much money the parents earn or can earn
- How many children the parents have together
- How much time each parent spends with their children (time-share)
- Support of children from other relationships

CALCULATING CHILD SUPPORT

CONTINUED

Determining income to calculate child support payments is based on a parent's "net disposable income." Specifically, this refers to the parent's income after state and federal taxes as well as other deductions. Additionally, the court does not include income from CalWORKs and SSI (Supplemental Security Income). Finally, the court will also calculate a time-share through the number of hours per day a parent spends with his or her child. In general, child support payments decrease as time-share increases.

Child support may also order the parents to share the costs of:

- Childcare to allow the parent to work or to get training or schooling for work skills
- Children's reasonable health-care expenses
- Children's educational needs and other special needs

FALLING BEHIND IN CHILD SUPPORT

If a parent falls behind in child support payments, there is accumulating interest in addition to the balance owed. The interest rate on late child support is 10 percent per year of missed payments. If a parent owes arrears (past-due child support), it is possible for his or her potential wage garnishment to include an amount above the monthly child support. But even if that parent is paying off his or her arrears, interest is still continually added to the balance.

There are very serious consequences for a parent not paying child support, including the potential to be put “in contempt of the court” by a judge. This can lead to jail time and is a last resort enforcement tool.

MODIFYING CHILD SUPPORT

Although child support payments are court-ordered, modifications can be made over time.

In general, changes to child support payments are made when there is a significant change to:

- His or her income
- The other parent's income, or
- The amount of time that each parent spends with the child

After a request is made to alter the amount of child support payments, the court will make its decision based on the current circumstances involving income and time-share. If you are not sure whether this change will lead to an increase or decrease, you can ask the family law facilitator in your county or a private attorney such as the family law attorneys at Drury Pullen, APLC, to help calculate the estimates for you before filing papers to go to court.

MODIFYING CHILD SUPPORT

CONTINUED

If a parent receiving child support payments remarries, the new spouse's income does not generally affect the amount of child support. The only instance of a new spouse's income having an effect on child support payments, is in the new tax filing status used in the calculator.

If a parent is responsible for paying child support and has a new family to support as well, he or she is still legally obligated to financially support the children from his or her previous relationship. However, this addition of a second family is an example of a circumstance where a court might decide that parent's ability to pay has changed.

ENDING CHILD SUPPORT

In general, court-ordered child support payments end when the child turns 18 years old. If the 18-year-old is still a full-time high school student and lives with a parent, child support ends when your child graduates or turns 19, whichever occurs first.

Child support also may end when the child:

- Marries or registers a domestic partnership,
- Joins the military,
- Is emancipated, or
- Dies

Parents may agree to support a child longer than the original court order requires. Additionally the court may also order that both parents continue to support a disabled adult child that cannot support himself or herself.

THE LOCAL CHILD SUPPORT AGENCY (LCSA)

The local child support agency (LCSA), located in every county, is a county agency that provides the public with day-to-day services establishing and enforcing child support orders made by the court.

The LCSA is where you can get help to:

- Open a new child support case;
- Establish parentage (who the parents of a child are);
- Find parents so they can pay child support;
- Request medical support orders from the court;
- Enforce child support orders; and
- Modify child support orders

RESOURCES FOR CHILD SUPPORT INFORMATION

The California Child Support Services website has information on many topics, including:

- How to find a parent;
- How to establish parentage (paternity);
- How to get, change, and enforce a child support order;
- How to get and enforce a medical support order; and
- How to collect child support payments

The Local Child Support Agency in your county can help you get child support even if you do not get public assistance. It can help you raise or lower child support and enforce a child support order. The LCSA cannot help with child custody, visitation, or a divorce.

The Superior Court Family Law Facilitators can help you to locate your county's Family Law Facilitator

Families Change is an online guide for families going through separation and divorce. There are 3 versions; one for parents, one for children, and one for teens and pre-teens. The guides provide information on dealing with the changes, feelings and emotions during a divorce or separation.