

## Child Support

Child support refers to payments made to a parent for the children's necessities such as food, medical expenses, education (including private schooling, resources for special-needs children, and even college tuition), health insurance, day care and living expenses. If you have questions or problems regarding child support, please call (518) 218-7100 24 hours, 7 days a week or email [support@tullylegal.com](mailto:support@tullylegal.com)

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To Whom Child Support is Paid

Child support is paid to the parent with primary physical custody

of a child in common. In cases where the two parties are not married, the paternity of the father may need to be established in court prior to the entry of an order of support. In cases where physical custody

is shared, child support could be owed to the parent with the lower income.

#### Court Jurisdiction

Matters of child support are usually handled in Family Court of the County in which the children reside. However, in divorce cases, decisions regarding child support can be made in the Supreme Court in the County the parent(s) reside.

#### Duration of Child Support

Typically child support is paid until the child reaches age 21, unless the child is emancipated earlier.

#### Amount Determination

In New York, child support is based on a formula and guidelines pursuant to the Child Support Standards Act (CSSA). These guidelines consider the number of children the parent has a legal responsibility to support and that parent's income. To set a different amount, either higher or lower, there needs to be a compelling reason to deviate from the CSSA.

#### Child Support Modification

The amount of child support can be modified. The Court can increase, decrease, or end support if there has been a legally recognizable change of circumstances. Other expenses such as day care or health insurance can be included in an order for child support. If either parent is experiencing extreme financial hardship the Court may modify the order. In addition, if the court-ordered custody or visitation

agreement changes significantly, child support may be modified. The restriction or blocking of visitation is not a valid reason to stop paying child support. Likewise, if a parent is behind on child support, it is not a valid reason to stop visitation. Child support and visitation are two separate matters and serve two different purposes.

#### Unable to Pay Child Support

Sometimes there are extenuating circumstances where you are unable to pay your child support. Since child support is court imposed, it is not wise to simply stop paying. If you are unable to pay, call your attorney to develop a course of action. To avoid possible jail time it is best to contact an attorney as soon as possible. If you can properly establish extreme financial hardship, the Court may temporarily change the child support order. The Court can order that support be taken directly out of a paycheck through the Support Collection Unit (SCU). If the support collection unit is collecting the support, a parent's tax refund check could be held if they are behind with support payments. Moving out of state will not allow a parent to avoid paying child support. Voluntary unemployment (i.e. quitting your job) is also not a valid reason to stop child support.

#### Refusing to Pay Child Support

Unless there is a Court order directing otherwise, child support should be paid. If you are entitled to child support and the other parent is refusing to pay, do not retaliate by withholding

visitation, or getting into a physical or verbal confrontation. Contact your attorney as soon as possible. If you do not have a support order, but have a support agreement, a Court can help enforce the terms.

### Child Support and the Military

Here at Tully Rinckey, we also understand the nuances of how employment with the military may affect your child support obligations. We understand that income for service members is reflected differently than for typical W-2 or 1099 wage earners. The most popular City / Village / Town Courts our lawyers serve:

Albany, Altamont, Amsterdam, Berne, Bethlehem, Brunswick, Clifton Park, Cohoes, Colonie, Coeymans, Delaware, Duanesburg, East Greenbush, Fulton, Glens Falls, Glenville, Gloversville, Grafton, Greene, Guilderland, Hoosick, Hudson, Johnstown, Malta, Mechanicville, Menands, Montgomery, Nassau, New Scotland, Rensselaer, Rensselaerville, Rotterdam, Saratoga, Schenectady, Schoharie, Schodack, Scotia, Troy, Ulster, Voorheesville, Warren, Washington, Watervliet