

# Understand Your Legal Issue

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Child Support (Eng

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## Child Support (English, Kreyòl Ayisyen, Português & Español)

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### Frequently Asked Questions

## **What is a child support order? Do I have one?**

A *child support order* is a **legal paper** that sets up parents' duties if the parents no longer live together. The order's purpose is to make sure a child's **living expenses**, such as housing, food, and medicine, are taken care of and divided fairly between the child's parents.

The order sets out:

- **How much money** is needed to support the child or children.
- **Who is responsible** for paying that money.

Child support may be given to non-parents that care for the child, but **only parents can be forced to pay child support**. The **parenting plan** lays out how the parents share **time** (custody, visitation) and other **responsibilities** for their children. It also shapes how the support is **divided** between the parents.

Florida guidelines lay out standard **support amounts** based on the parents' incomes and necessary expenses. **Other costs**, such as daycare, health insurance and care, and school tuition, may be added to the standard amount.

A court or the Florida Department of Revenue (DOR) **issues** child support orders. The judge or DOR then files the final order with the court's clerk and provides the parents with a copy.

## How do I get a child support order if I don't have one yet?

The Florida Department of Revenue (DOR) **oversees** child support orders. Families can apply for **free help** with their child support order through DOR's **Child Support Program**, which has offices throughout the state. If you fill out an application, DOR can help you get or change an order, establish the legal father, and get together the needed information.

If you are married: Before getting a child support order, you may first file for a **divorce**, called *dissolution of marriage* in Florida. Or you can request an order without asking for a divorce.

If you are not married: You must first identify the **legal father**, called a *determination of paternity*. If the father denies that the child is his, the father's name on the **birth certificate is not enough** to make him the legal father. The legal father is proved by:

- The father **admitting** the child is his, in writing or in front of witnesses; or
- A **DNA test**, which can be taken willingly or a court can order one

DOR also **collects** and **transfers** child support payments and acts to **recover** money when support payments are not made. You can contact the Child Support Program and find your local Child Support Office either online [here](#) or by phone at 1-800-622-KIDS.

## Should I hire an attorney?

It depends on your situation. **You do not have to have an attorney** to file the papers necessary to get a child support order, but many parents hire attorneys to help them. An attorney's help may be an **especially useful** choice if, for example, you believe that your ex-spouse or partner is hiding money to reduce what they owe or is otherwise trying to avoid paying child support.

## How much child support will I get?

The amount of child support you are owed is based on several things, many of which are **specific to you and your family**. Some things that affect the child support amount:

- How many children you have
- Your income
- The other parent's income
- Daycare costs
- Medical and insurance costs
- Educational costs
- Your child's special or extraordinary needs

You can get an **estimate** of the amount of child support you may be owed or may owe using the **child support calculator** found online [here](#).

The Florida Department of Revenue (DOR) oversees the **Child Support Program**. More information can be found on their website [here](#).

## Is this how much I will always receive?

Probably not. A **child support order** can and may need to be adjusted every few years because of the child's age and growing needs. A parent can ask for a **review** of the child support order because of a **change** in their child's needs or their ability to pay child support. If you have had a big shift in your **finances** (such as leaving your job or getting a new one) or **lifestyle** (such as remarrying, moving, or becoming injured or sick), you may want to request a review.

Note that the parent that must pay child support is **not allowed to stop paying** just because of a change in circumstances. The parent must first ask the court to review the order and get an **updated order** issued. Until a parent requests review, the amount of support owed is what is written in the existing order, even if the parent has since lost their job or been seriously injured.

## I have a support order. How do I make the other person pay?

If the other parent does not pay child support, you are still owed that money. By yourself or with an attorney, you can **file papers** with the court asking the judge to force the other parent to pay.

The Department of Revenue (DOR), which oversees the **Child Support Program**, has **several tools** for getting the child support you are owed from the other parent to you. You can see a [list of those tools on the DOR website](#).

Another option is to hire a private **collection agency**, which typically charges a fee based on the amount of money you are owed.

## How long will it take to get payments?

It depends. It may only take a few days if the other parent follows the child support order. But if they do not, getting current and late payments from the other parent can be complicated. It can take months or even years to collect all of the money you are owed, especially if the other parent regularly switches jobs or moves around.

## Will I get a lump sum for all the late support?

Probably not. Parents are often allowed to pay off any late child support over time, until they catch up on those payments. The parent who owes both late and current support payments may therefore pay only some of the late money each month in addition to their normal child support

payments.

## Can I make my children's other parent go to jail to make them pay?

The state only very rarely chooses the option of putting a parent in jail for failure to pay child support. This is partly because a jailed parent cannot work to earn money, which means they will not be able to pay child support. And if a parent is jailed for failure to pay child support, they often only have to pay some of the money they owe to get out of jail.

## How else can they be made to pay?

The state has a number of tools they can use to force a parent to pay overdue child support. A list of the tools used by the Department of Revenue (DOR), which oversees the Child Support Program, is available [here](#).

Some examples of ways the state and courts can encourage or take payment:

- Take money from their paycheck.
- Take money from their bank accounts.
- Take money from their federal tax refund.
- Take money from their worker's comp or reemployment benefits.
- Take money from their lottery winnings.
- Force them to sell things, such as their car or real estate property.
- Suspend their driver's license.
- Suspend their business, professional, and/or recreational licenses.
- Deny renewal of their federal passport.
- Report the debt to credit bureaus.

## Can I stop their visitation until they pay?

No. It is **illegal** for you to violate visitation and custody agreements without a court order. Although parents often make decisions about both child support and the parenting plan (setting out the rules for custody, visitation, and decision-making) at the same time, they are **two separate issues**.

If you do not follow your **parenting plan**, the judge may decide that you are in **contempt of court**. This means that you have refused to obey a court order, and the judge can make you **pay a fine** or even **put you in jail**. The other parent could also ask the judge change your visitation or custody rights if you keep your child from them. The judge may do either of these things even if the other parent has not made several child support payments.

Instead, you could ask the court to find the parent who has failed to pay child support in **contempt of court**. This is one of several ways the court can take or encourage child support

payments. However, the court usually will not take away a parent's visitation, at least not altogether, for owing child support.

## If my child is over 18, is it too late to get child support?

No. Child support is only owed for children under the age of 18, but once a child support order is set, the parent must pay all of the money. If a parent still has overdue child support when the child becomes an adult, **it must still be paid**. This is because there is **no statute of limitations** in Florida for collecting child support. A *statute of limitations* is a law that limits the length of time after something happens during which you have a right to ask the court to correct the wrong.

## Can I lower the amount of child support I have to pay?

Possibly. The court will only review and change a child support order if there has been a **substantial change** in circumstances since the current order was issued. If you believe that there has been a big enough change in your situation, you have to **file papers** with the court asking for your support payments to be lowered or suspended.

Some examples of changes that may be big enough to be "substantial" include:

- Losing your job or changing jobs.
- Not being able to work because of an injury or illness.
- Increased expenses because of an injury or illness.
- The child or children you were making support payments for are now living with you instead of the other parent.

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### Links:

[Child Support](#)

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