

## IMPORTANT FACTS ABOUT YOUR CHILD SUPPORT OBLIGATION

### How do I ask for my child support payments to be reduced?

You should contact the Child Support Enforcement Agency and ask them to review your situation. If a hearing is scheduled think about what you want the judge to know about you and your situation. Think about whether witnesses or documents will help you explain your situation. A checklist can be helpful. For example:

1. You will need to tell the judge about your financial situation and all sources of income. Bring bank records, check stubs or other documents to court to help explain how you are living and paying your bills; or
2. If you have recently lost a job, or if your hours have been cut or your pay has been cut, you will need to show the judge that your situation was beyond your control. In other words, you did not quit your job or agree to cut your hours or your pay; or
3. If you are disabled, you will need to bring medical records or documents to show you cannot work.

Be sure to bring any evidence you have that shows your income has decreased or the child's other parent's income has increased since the last child support order was entered. A significant increase in the other parent's income, while yours has remained the same or been cut, can sometimes be the basis for a reduction in child support payments.

### What if I have been sued for "Contempt of Court" for not paying child support?

"Contempt of court" is when you do not follow a court order. If you have been sued for contempt of court because you are not paying child support, you should call the court clerk right away. When you call the clerk ask if the court will appoint a public defender to help you. The clerk will tell you how to apply for a public defender and whether you have a deadline to do so. If you apply on time, meet the court's income rules and face any risk of jail time for not paying child support the court must appoint an attorney to help you. If the court says you do not qualify for a public defender, you will have to hire a private attorney or handle the court hearing on your own.

### What if my Driver's License has been suspended for not paying child support?

If your driver's license is suspended because you did not pay child support the Bureau of Motor Vehicles (BMV) cannot give it back or "reinstate your license" until the Child Support Enforcement Agency has cleared your child support account.

There are two ways to get your license back:

1. Pay the full amount of child support due; or
2. Contact the Child Support Enforcement Agency which issued the suspension and make payment arrangements that you can afford to bring the account current.

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You may have to pay reinstatement fees to the BMV before your license can be returned to you. You should not drive any motor vehicle, even for a short distance, while your license is suspended. If you are stopped even for a minor traffic violation, and the police discover you are driving while your license is suspended, you could face more severe penalties and fines.

If you believe the Child Support Enforcement Agency has made a mistake or if you disagree with the amount of child support that is owed, you may need to a private attorney to help you.

### **Can my child be adopted if I don't pay child support?**

**Warning:** If you: (1) fail to pay child support for one year or more; OR (2) fail to communicate with your child for one year or more, then your child can be adopted without your consent. This would terminate your parental rights permanently. You should seek legal help right away if an adoption is filed.