

Child Support

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What is child support?

Child support is money that one parent pays the other parent to support their children. The parent who receives the money is the parent with whom the children live most of the time.

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Can I get child support for my child?

You should be able to get child support from your child's other parent if you have primary residential custody, in other words, if the child lives with you most of the time.

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What if I was not married to the other parent?

Even if you were not married to the other parent when the child was born, you can still ask for child support. But if the other parent says he is not the child's father, the court will order a paternity test.

Ask your County Attorney's Child Support Division to help you ask for child support.

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Can I get child support if I care for someone else's child?

Yes. If you have legal residential custody for that child, you have the right to ask for child support. The County Attorney's Child Support Division (or a private lawyer) may be able to help you get support from the child's parents.

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When should I ask for child support?

Ask for it as soon as possible. The court can only give you child support back to the date you first asked for it.

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How do I ask for a child support order?

If you are involved in another family, juvenile, or Circuit Court case at this time about the child, you may ask the court for a child support order as part of your other case.

If you are *not* involved in another court case at this time, talk to your County Attorney's Child Support Division. They can help you:

- Get your first child support order, or
- Enforce any order that you already have.

If you receive KTAP or medical assistance, they may help you for free.

Or you can ask for a child support order yourself. You have to fill out and file a court form. (Ask the court clerk for a *pro se* motion form.)

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Can I hire my own lawyer to help me with my child support case?

Yes. You can hire your own lawyer. A lawyer can help you get a support order, or help with past due support. If the other parent did not obey an existing court order, that parent may be ordered to pay your lawyer's fees.

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How much child support will I get?

The amount of support you get depends on:

- Both parents' incomes,
- Who the child lives with,
- Expenses paid by either parent for child care, health insurance, dental insurance, or child support for other children, and
- Kentucky laws regarding child support, called Guidelines.

In most cases, judges follow the Guidelines. But if there are special circumstances, a judge may increase or decrease the Guideline support amount.

To see how much child support you might be able to receive, contact your local County Attorney's Office. Ask to speak to someone in the Child Support Division.

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Can I get KTAP *and* child support?

If you receive welfare for your child, the state will subtract the amount of welfare you receive from the child support check, then send you the rest of the money, if there is any left over.

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How soon before I can start getting child support?

It depends on many things, including:

- If you know where the other parent is,
- If the other parent is working,
- If the other parent agrees that he is the legal father and is willing to pay child support,
- How much child support is owed, and
- How many other child support cases the prosecutor's office is working on.

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Who will send me my child support payments?

It depends. If there is a wage assignment in your case, your checks will come from Frankfort, KY.

If there is no wage assignment, your local County Attorney's Office may be in charge of collecting the support for your case. If so, they will send you the payment. They will make a record of the amount and date of payment. It may take a week or more to send you the check. If the other parent lives out of state, they may need extra time to process the support payment.

Important! Make sure the Child Support Division has your current address so they will know where to send your checks.

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Can the other parent make the child support payments directly to me?

You can ask the court to allow you to receive child support payments directly if:

- There is no wage assignment order at this time for your case, and
- You do not receive welfare benefits (or other state assistance) for your child.

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Does the Child Support Office have a deadline to process my case?

Yes. Federal law says the Child Support Division must start your case or get an order within 90 days of finding the other parent.

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What happens if a parent does not pay?

The law says the other parent **must** pay the child support ordered. If the parent does not pay, there are things that the courts and state agencies can do to make the other parent pay.

They may:

- Take money out of the parent's paycheck (called a wage assignment),
- Take tax refunds due the other parent,
- Report the other parent to credit bureaus,
- Place a lien on the parent's real estate or automobiles,
- Suspend the other parent's driver's or professional license, or
- Send the other parent to jail.

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Who can help me make the other parent pay?

You can:

- Contact your County Attorney's Child Support Division,
- Hire a lawyer for your case, or
- Ask the court yourself for the support you are owed. You will have to fill out and file a request. Ask the court clerk for a *pro se* motion form.

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How do I ask the court for help?

Ask the Child Support Division for help.

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Do I *have* to get a child support order?

Maybe. You have to ask for a child support and/or medical insurance order if:

- You apply for or receive KTAP, or
- You apply for or your child has a medical card.

If you do not receive KTAP, but you have a medical card, the state will ask the court for a medical insurance order for the children. That means the other parent would have to get health insurance for the children, if it is reasonably available.

If you do not receive KTAP, you do not *have* to ask for a child support order. But you can if you want one.

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Do I *have* to help my KTAP caseworker and the Child Support Division get a child support order?

Yes. If you receive KTAP or medical assistance, you must help them get a child support order for

your case.

You may be asked to:

- Go to court.
- Go to the Child Support Division, and give them any information that helps the child support case. That includes information for a paternity case, if you were not married to the child's other parent.

If you do not help get a child support order, you may lose some or all of your KTAP and medical benefits (but your children will not lose theirs). If this happens, you have the right to fight that decision (appeal). See: [How can I appeal a decision to end or reduce my KTAP benefits?](#)

Exceptions: They will **not** make you help get the child support order if you have a very good reason, such as:

- You are afraid the other parent may hurt you or the child,
- The other parent was abusive to you or the child, or
- Your child is the result of incest or rape.

Tell your caseworker as soon as possible. You will have to fill out some forms. And, your caseworker may ask you for proof, such as a domestic violence order or your sworn statement.

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How can I appeal a decision to end or reduce my KTAP benefits?

If you disagree with the Child Support Division's decision to end or limit your benefits, you can file an appeal. Here's how:

- The Child Support Division will mail you a notice saying your KTAP benefits will be reduced or ended.
- Look at the date on the notice. You have 10 days to ask for an appeal.
- Ask for an Appeal in writing, and keep a copy for your records.
- In your letter, you can also ask to keep your benefits until your appeal is decided.

Appeals can be complicated. It's best to get help from a lawyer as soon as you get the appeal notice.

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What if I am not a U.S. resident or citizen?

Even if you are not a U.S. citizen or resident, you still have:

- A right to get child support, and
- A duty to pay child support.

It is *not* illegal to receive child support, even if you are not a legal resident. And it won't hurt your chance to become a U.S. resident or citizen later.

If you owe child support, but do not pay, it may count against you later if you apply for residency, citizenship, or refugee status.

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