

**-CHILD SUPPORT-**  
**The most commonly asked  
questions and answers  
by  
Non-Custodial Parents**



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**BECOME INVOLVED IN YOUR  
CHILD'S LIFE**

**AND  
SECURE YOUR CHILD'S FUTURE**

## ESTABLISHMENT OF AN ORDER

**Q. How does the court determine how much I should pay in child support per week?**

**A.** The court will review the gross income of both parents and mandatory deductions such as: medical premiums, payment of another child support order, or supporting additional minor dependents. A judicial guideline states the monthly child support order for the combined gross income. You will be ordered to pay a percentage of that monthly obligation based upon your gross income.

**Q. What if I am supporting another family? Will the court take that into consideration?**

**A.** The court will review the fact that you are supporting a second family. You will be given a credit on the child support worksheet. The income of your present spouse or the parent of the child with whom you live, will also be reviewed in these cases.

**Q. Will the court give me credit if I provide medical coverage for my child(ren)?**

**A.** Yes. The court will determine how much of your premium cost is for medical coverage of your child. This will be deducted from your monthly gross income, thereby reducing your share of the monthly obligation. If the medical coverage is over 5% of your gross income, you will be required to pay a cash medical order instead of providing medical coverage.

**Q. The mother of my child is complaining that she does not receive her child support from the state fast enough. Can I just pay her directly?**

**A. Unless the court has specifically told you to pay directly to the custodial parent you should not do so. You will not be given credit for these payments and will run up past due support balances which could result in enforcement action.**

**Q. What if I am in the service? How will the child support be taken out of my military pay?**

**A. The military will deduct the amount of your child support order. Present them with a copy of your order. If you do not have a child support order, you should arrange for a military allotment of the dependency benefit payable to the Rhode Island Family Court.**

### **CHANGE IN CIRCUMSTANCES**

**Q. There has been a change in my financial situation and I cannot pay the child support ordered. What should I do?**

**A. You may file a motion for relief to modify the order, at the Rhode Island Family Court, 1 Dorrance Plaza, Providence, RI 02903. You will be given a hearing date to present the facts to the court. You are obligated to notify the other party of the motion.**

**Q. How do I stop my child support order if I gain custody?**

**A. You may file a motion to modify as described in the above answer.**

**Q. Must I continue to pay child support if I move to another state?**

**A. Yes. The court order continues until the court orders otherwise. Just because you have moved does not relieve you of the obligation to pay your child support. A new wage withholding order may be mailed to your new employer once you advise this agency of the name and address.**

**Q. Will I be relieved of my child support order if I file for bankruptcy? Will I be excused from past due child support?**

**A. No. You will not be relieved of your child support order. You must file a motion with the Rhode Island Family Court and the court will determine if your order should be suspended. The past due child support is not discharged in bankruptcy. You may, however, be exempt from certain enforcement actions.**

**Q. I have been ordered to provide medical coverage but it is too expensive with my new employer. What should I do?**

**A. You should file a motion to modify immediately requesting that the court suspend the medical order. You may be ordered to pay cash medical.**

**Q. Do I still have to pay child support if my parental rights have been terminated?**

**A. If this has happened you should file a motion to have your order suspended. The court will decide whether the motion should be granted. As with all court orders, if you do not file a motion to suspend, the order will continue to run.**

**Q. Will I be relieved of my child support obligation if I am incarcerated for a crime?**

**A. If you are incarcerated, you should file a motion to suspend the order. You may request a writ of habeas corpus so that you may be escorted to attend the court hearing, or you may be given a video hearing. It is within the court's discretion whether to suspend your child support order depending upon the facts of your incarceration. As with all court orders if you do not file for a motion to suspend the order will continue to run.**

**Q. If a constable is looking for me to serve child support papers, does that mean he will arrest me and place me in jail?**

**A. Absolutely not. If a constable is looking for you to serve papers for an upcoming court date he has no authority to arrest and detain you. If, however, there is an outstanding body attachment for your arrest, he may arrest and detain you.**

**Q. What if an emergency comes up and I cannot make my court date?**

**A. You must contact the Family Court clerk's office and child support agency immediately. If the information is available it will be read on the record regarding your absence. If you fail to appear in court and have not contacted the office, it is likely that a body attachment will be ordered. You should present yourself on the very next court date and show your reason for not appearing, for example: obituary for a death in the family or physician's note to document illness.**

**Q. I missed a court date. Is there a body attachment outstanding for my arrest?**

**A. More than likely there is a body attachment outstanding. If there is a body attachment issued for your arrest, present yourself at the next court session to avoid imprisonment and explain to the court the reason for your inability to appear at the last court date. They will give you a slip of paper to carry, which will show that the body attachment has been withdrawn.**

## FILING A MOTION

**Q. Does the court have a motion to reduce or stop my child support order that I can fill in the blanks and complete?**

**A. Yes.** There is a fill in the blank Motion for Relief form available at the Rhode Island Family Court Reciprocal and Domestic Office. You can state your facts on that motion. They will assign you a court hearing date and provide you with all necessary forms. There is also a support order modification and review, and adjustment kit at the Office of Child Support Enforcement Agency.

**Q. Must I hire an attorney to help me file a motion?**

**A. No.** It is not necessary to hire an attorney to suspend your child support order. Many obligors represent themselves at court. This is a decision you must make for yourself. Keep in mind that the attorneys for the child support agency cannot legally represent you, nor do they legally represent the custodial parent. The attorneys represent the State of Rhode Island.

**Q. Will the court take into consideration my living expenses?**

**A. Certain expenses must be considered by the court. They are medical premiums, a pre-existing child support order, and cost of other children. The court may deduct other costs such as: extraordinary medical expenses, mandatory union dues, and other debts.**

**Q. I buy my children diapers and formula. Can I be given a credit from my child support payment?**

**A. No. While helpful, diapers, formula, or clothing are not court ordered support. You must still pay your child support.**

#### **WAGE WITHHOLDING**

**Q. Is the child support order deducted directly from my paycheck?**

**A. Yes. The law requires that child support be deducted directly from your pay and be payable directly to Rhode Island Family Court. This is called wage withholding.**

**Q. The court told me that my child support would be taken out of my paycheck but I just received my check and it wasn't taken out. What should I do?**

**A. Until you actually see the child support taken out of your check, you must make payments directly to Rhode Island Family Court 1 Dorrance Plaza, Providence, RI 02903. If several weeks go by without the child support being withdrawn, contact the Child Support Agency so that another wage withholding form can be sent to your employer.**

**Q. What if I am fired from my job or change jobs?**

**A.** You must contact the Child Support Enforcement office or Rhode Island Family Court to change employment information and to have a new wage withholding form prepared for your new employer. The law states that you are under a duty to notify this agency of any change in employment. The employer is also under obligation, by law, to notify this agency of any termination of employment and any new employees hired. Of course, if your income has changed you must file a motion to modify your child support.

**Q. What if I am not making enough money for the child support to be taken out?**

**A.** Your employer is instructed to only take out 60% of your disposable earnings, 50% if you are supporting another child. To change the order you must immediately file a motion to modify your child support order. Until the court reduces, or stops your order you must pay the difference between the amount your employer was garnishing and the amount the court ordered.

**Q. Can my boss fire me because of wage withholding?**

**A.** There is a law in Rhode Island that prohibits an employer from firing an employee because of a wage withholding order. There are penalties if this law is violated. Contact this agency if you believe this has happened to you.

**Q. What if my child moves in with another guardian shall I continue paying child support?**

**A. You should file a motion to modify the order immediately. In the meantime, continue to pay child support.**

**Q. If the mother of my child remarries; will I be relieved of the child support orders?**

**A. No. The stepfather of your child has no legal obligation to support your child.**

**Q. I recently became eligible for social security disability benefits; do I file a motion to stop my child support order?**

**A. If you are now receiving supplemental social security (SSI) benefits your child support order will probably be suspended. You must file a motion to suspend your order and bring proof of benefits to the court. If you receive social security disability insurance (SSDI) benefits the court will determine the changes in child support. You must file a motion to suspend and bring proof of benefits to court. You should notify the child support enforcement agency if the custodial parent receives a lump sum settlement from the social security administration.**

### **MEDICAL**

**Q. I was ordered to provide medical coverage for my child but I recently changed jobs. Must I still provide it?**

**A. Yes. You are under court order to provide medical coverage until that order is terminated. By law, you are under an obligation to inform this agency of any change in insurance information. Once the employer notifies this agency of all its newly hired employees and your name appears indicating you have a valid medical order,**

we will send a notice to your employer advising him/her to place the child under the least expensive plan available. You have to option to file a motion with the court objecting to this action.

**Q. Should I provide the mother of my child with a medical card?**

**A.** You should provide the medical card immediately so that she can begin using your coverage instead of using the state medical or paying on her own.

**Q. If I have been ordered to pay medical coverage but it's too expensive with my new employer what should I do?**

**A.** You should file a motion to suspend immediately requesting that the court suspend the medical order.

### **ENFORCEMENT**

**Q. What happens if I stop paying child support?**

**A.** There are many enforcement actions provided by law. Many of these actions are automatic and administrative rather than court action. Read the notices carefully and follow the instructions provided for relief. The following are some of the enforcement actions this agency takes:

- Drivers license suspension
- Credit bureau reporting
- Placing liens on: bank accounts, real estate, personal injury and workers compensation settlements
- Passport denial
- Motion to adjudge in contempt and requesting incarceration.

**Q. How do I notify the custodial parent about the court hearing?**

**A. If you know the custodial parent's mailing address you may send a copy of the motion by certified mail. Bring the return receipt or green card to the court hearing. If you do not know the address complete the mail request form provided to you at the clerk's office. This agency will assist you in notifying the custodial parent but will not give you that confidential information.**

## **RESPONSIBILITIES**

**Q. What are my responsibilities?**

**A. It is your responsibility to:**

- **Appear at court hearing when served to appear**
- **Notify this agency of any change in address or employment within 10 days**
- **Pay your child support as ordered**
- **File a motion whenever there is any change in circumstances**
- **Notify your new employer of your child support order**
- **ABOVE ALL, BE A PARENT TO YOUR CHILD!**

**For More Information, Contact:**

Rhode Island Department of Administration  
Division of Taxation  
Child Support Enforcement Legal Unit  
77 Dorrance Street  
Providence, RI 02903  
(401) 222-2847  
FAX (401) 222-3835