



7th JMTTC Legal Assistance Information

Enforcing Child Support

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

1. Q. Help! I'm just separated from my husband and I need child support. What do I do?

A. Most Army legal assistance attorneys will prepare a separation agreement for you, but few are authorized to go to court for you. Instead, your military lawyer will help you obtain a private lawyer to represent you in court. In addition, each state has a Child Support Enforcement Agency (CSEA) which may be able to help you by locating the other parent, and locating child support orders. In most states, CSEAs are listed under the "Human Services Agencies" heading in the local government section of the telephone directory. If there is no separate listing, the local bar association, department of social services, welfare department, legal aid organization or district attorney's office should be able to give you the number. For overseas help, make an appointment with your nearest legal assistance office for a referral.

2. Q. I have custody of my child and my ex-wife is in the Army. If she fails to pay child support, where should I go for help?

A. The answer depends on a number of factors:

- a. If your situation is urgent, you should contact the soldier's commander first, as soon as the first payment is missed. Under Army Regulation 608-99, Army commanders must ensure that their soldiers comply with the support provisions of court orders and separation agreements. If there is no order or written agreement, then in most circumstances the soldier must still provide support based on the amount of BAH at the with-dependants rate appropriate for the soldiers rank.
- b. If the commander can't help you, or if the other parent is not in the military, then you should make an appointment with the legal assistance office to find out from an attorney there about your options in pursuing child support.

- c. If the other parent simply refuses to pay, your last resort is to obtain a court order. If the parent is bound by a prior court order or separation agreement to pay a certain amount, you may ask the court to enforce the order (by contempt of court, garnishment, seizure of property, wage assignment, etc.) or the agreement (by breach of contract). Delinquent child support payments may also be report on the delinquent parent's credit report.

If you have to go to court, you will almost certainly need a lawyer. You can hire a lawyer at your own expense, or you can use the services of the CSEA in your area (if you, or the other parent is in the U.S.), which may be able to represent you in court for free or for a very low charge.

3. Q. Can the other parent's paycheck be garnished for child support?

- A. Yes—state laws (but not the laws of foreign countries) do allow garnishment or wage assignment to provide child support out of the other parent's paycheck. You will need to get a court order from an American court that sets the amount of child support in order to then apply for involuntary allotment or garnishment.

4. Q. Can child support be paid through the court?

- A. Yes. This is the preferred method. Generally support will be paid through the CSEA.

5. Q. Can overseas courts enforce court orders for support?

- A. Yes, but only if the order itself was issued by that court or has been registered or filed with that court for enforcement. If a German court originally issued the support order, then that court can proceed to enforce it.

If you have any further questions, please see a legal assistance attorney as soon as possible. Our legal assistance offices stand ready, willing and able to help you.

Please call our offices for assistance.

Grafenwoehr Legal Assistance Office:

DSN: 475-7114

COM: 09641-83-7114

Vilseck Legal Assistance Office:

DSN: 476-2289

COM: 09662-83-2289