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CHILD SUPPORT

1. A FEW WORDS ABOUT THIS BOOKLET

This pamphlet is intended to provide a brief overview of child support. If you need more detailed information, we encourage you to discuss your specific situation with a legal professional. The attorneys in the base legal office cannot represent you in court. There are various Legal Referral Services in Colorado that can help you in your search for a civilian lawyer. Please refer to last page of this pamphlet for *Helpful Contact Information*.

2. WHAT IS THE CHILD SUPPORT ENFORCEMENT PROGRAM?

According to its website, the mission of the Child Support Enforcement Program is to "assure that all children receive financial and medical support from each parent. This is accomplished by locating each parent, establishing paternity and support obligations, and enforcing those obligations." Child Support Enforcement Units exist for each county in Colorado to assist with obtaining and enforcing child support orders. You can locate your local Unit at the following website: <https://childdupport.state.co.us>

3. HOW CAN I COLLECT CHILD SUPPORT?

The process of getting child support involves three steps. First, establish paternity. If you were not married to the father when the child was born, this is the first step you need to take. Second, get a child support order. You will need a support order to determine how much money your child will receive. Finally, collect support. If you are having trouble getting the money established by the child support order you will want to contact your local Child Support Office.

The information provided in this document is meant for the sole use of Active Duty service members, retirees, their families, and those individuals eligible for legal assistance. The information is general in nature and meant only to provide a brief overview of various legal matters. Rights and responsibility vary widely according to the particular set of circumstances in each case. Laws can vary across states, services, and civilian jurisdictions and laws are changed from time to time. Do not rely upon the general restatements of background information presented here without discussing your specific situation with a legal professional.

4. HOW TO ESTABLISH PATERNITY?

Establishing paternity is a legal way of identifying the father of a child born to unmarried parents. This is important for both the father and the mother, and for your child's future. If the child's mother is not married when the child is born, the child does not have a legal father. If you weren't married to your child's father when s/he was born, either the father or the mother can take steps to establish paternity. The process may begin at any time, until the child becomes an adult.

Establishing paternity gives a child born outside of marriage the same legal rights as a child born to married parents. Children with legal fathers are entitled to benefits through their fathers that may include Social Security benefits, veteran's benefits and inheritance rights. Children may also benefit by knowing their biological family's cultural, medical, and biological history.

There are three ways to establish legal paternity: (1) get married, (2) sign a voluntary acknowledgment form or parentage/paternity affidavit or (3) go to court.

Getting Married to Establish Paternity

If the mother and natural father decide to marry before the child is born, the marriage may create what is called a "presumption of paternity." Unless a parent or some other interested party later challenges that presumption, the man will be considered the legal father of the child.

But remember, it is necessary to establish paternity if you plan to get married after the baby is born. Plans may change, so it is important to give a child a legal father from the beginning.

Sign a Voluntary Acknowledgement Form or Parentage/Paternity Affidavit

The process of establishing paternity is easier when the father agrees that he is the legal father. If both parents agree to sign the Voluntary Acknowledgement form or Parentage/Paternity Affidavit, the birth certificate will name the father.

A hospital, midwife, or birthing clinic staff person will help you complete the form, answer questions, and submit the paperwork. Most hospitals, midwives, and birthing clinics can also notarize the form for you. This means that they confirm the form is valid. This form becomes legal once it is notarized and filed at the office of Vital Records or Office of Health Statistics for your state.

If you sign at your child's birth, you will not need to pay a fee to file the affidavit form. There may be a small fee to later add the father to the child's birth certificate.

If you do not sign the form when the child is born, you can do it at a later date. You can get the form at the hospital, local health department, child support office, county Registrar of Local Records, County Clerk's Office, or the state Office of Vital Records.

This option should be used only when both the man and the mother are sure that the man is the only possible natural father of the child.

Going to Court for Establishing Paternity

This is used when the alleged father refuses to voluntarily acknowledge paternity. The process may determine if a man is the legal father of the child. If the father is given legal papers to appear at a genetic test or in court and he doesn't show up, paternity may be established by default.

Sometimes a parent may want proof that the man is the biological father of the child before he is named the legal father, and either parent may request genetic testing. The court will issue an order establishing paternity. This may require a genetic test. Most tests take a swab in the mouth from the inner cheeks of the child and each parent. It does not hurt, and they do not take blood for paternity tests.

Each state may have different requirements for establishing paternity, and some situations may be more complicated. For example, if the mother was married to another man. If you need help establishing paternity, contact your local child support office.

5. HOW TO OBTAIN A CHILD SUPPORT ORDER?

You need a child support order to determine how much money your child will receive. To get this process started and get assigned a caseworker, you need to contact your local child support office. Caseworkers in these offices will help you collect child support no matter where the other parent lives. They work with attorneys, law enforcement agencies, and family and domestic courts. They can help you establish paternity and find a missing parent. The court will then help determine how much child support you can collect based on how much the other parent can afford.

If you already receive public benefits (Temporary Assistance for Needy Families), then you are required to apply for child support (unless the other parent is abusive). Your caseworker can help you get the paperwork started.

Once you file for child support the non-custodial parent will be told by the child support enforcement office that you are seeking support for your child. Your caseworker will ask him/her to come in for an interview or let him/her know you are getting a child support order.

6. HOW TO COLLECT THE CHILD SUPPORT?

In most cases getting a monthly support check for your child goes fairly smoothly. Once the court establishes the amount, the other parent regularly provides support. However, when a parent is missing or doesn't want to pay, all states have child support enforcement offices that help. They will track down the parent and order them to pay. There are many ways to get the other parent to pay. These include: withholding income; withholding unemployment benefits; withholding disability benefits; taking money from bank accounts; taking money from tax refunds; and vehicles and other property.

If the other parent is not paying the required support checks, be sure to contact your Child Support Office.

HELPFUL CONTACT INFORMATION

El Paso County Bar Association's Lawyer Referral Service: (719) 636-1532
Colorado Legal Services: (303) 837-1321
Legal Aid Foundation of Colorado: (303) 863-9544
Metropolitan Lawyer Referral Service: (303) 831-8000
Denver Bar Association: (303) 831-1309

Other Helpful Websites:

<https://aflegalassistance.law.af.mil>

[http://www.denbar.org/index.cfm/ID/1102/DBA/For the Public](http://www.denbar.org/index.cfm/ID/1102/DBA/For_the_Public)

<http://coloradolegalservices.org/co/homepage.html>

<http://www.legalaidfoundation.org/legal-services/>

Child Support Enforcement Program- Colorado Department of Human Services

1575 Sherman Street, 7th floor

Denver, CO 80203

Phone: 303-866-4300

Fax: 303-866-4360

Federal Office of Child Support Enforcement -Administration for Children & Families

U.S. Department of Health and Human Services

Denver Regional Office

1961 Stout Street, Office 926

Denver, Colorado 80294-3538

Phone: (303) 844-3100

Fax: (303) 844-1188

Head Start Toll Free: 1-866-204-4117

E- mail: region8@acf.hhs.gov

<http://www.acf.hhs.gov/programs/cse/>

Some basic information on child support obligations is also available from Colorado Legal Services Corporation at <http://www.coloradolegalservices.org/co/homepage.html>. Click on "Legal Information" and then "Family and Children".

In Colorado, a child support obligation is calculated from the Schedule of Basic Child Support Obligations. Information on these guidelines and worksheets for calculating child support obligations are available at www.courts.state.co.us.