CHILD SUPPORT IN PHILADELPHIA COUNTY

What is Child Support?

A child support order is a written order signed by a judge stating a specific amount of money to be paid at specific times for the care of a child. It may also include information about who is responsible for health insurance for the child. **If you receive public assistance benefits, you may be required to file for child support. See the brochure *Domestic Violence and TANF Support Requirements.***

Who may file for Child Support in Philadelphia?

In order to obtain child support, you must show that the child lives primarily with you. This requirement is called *standing*. You do not need a custody order to file for support.

You must also show that the Philadelphia court is the proper court to hear your case. This requirement is called *jurisdiction*. You may show jurisdiction in one of two ways: 1) you live in Philadelphia; or 2) the person from whom you are seeking child support lives or regularly works in Philadelphia.

How do I file for Child Support?

There are several ways to file for child support:

In person at Philadelphia Family Court, 1501 Arch Street:

Court personnel will assist you in preparing your petition in the Intake Unit on the 8th floor.

OR

You can download the petition, complete it yourself, and file it at the Office of the Clerk of Family Court on the 11th floor.

OR

If you are filing a support action against someone in another state or county, you will file your petition in the Intergovernmental Affairs Filing Unit on the 12th floor.

OR

Child Support Website: You may file online through the PA child support website.

This brochure is meant to give you general information and not legal advice.

What to bring when filing:

- Name and address of the person against whom you are filing;
- Name and birth date(s) of the child(ren);
- Social Security Numbers for everyone involved in the case.

Cost: There is no up-front filing fee and the cost (**$40.25**) is usually billed to the payor when the court issues a support order.

What happens after I file?

You and the person from whom you are seeking support (the opposing party) will be sent a Notice to Appear in Court on a specific date for a pre-trial conference with a Hearing Officer.

How is the amount of support decided?

State regulations provide a formula, known as the "Support Guidelines," that courts use to calculate the amount of support to be paid. These guidelines instruct courts to look at the combined income of the mother and father and the number of children for whom support is sought. The goal is to ensure that each child receives the same amount of support that they would if the parents lived together. Once that amount is determined, the parties' individual incomes are compared to the Guideline amount to determine the percentage of support for which each party is responsible.

What is income for the purpose of determining child support?

In general, when determining income for the Guidelines, the Court looks at the actual income of a party as well as that party's earning capacity (potential to earn money based on work experience and education). The Court will also consider whether the person who must pay support is also paying child support for other children. Public benefits, such as TANF or SSI, are not considered income for the purposes of the Guidelines.

For assistance from the court, call Customer Service at 215-686-4007 or go to the website www.humanservices.state.pa.us/CSWS/index.aspx

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What should I bring to the pre-trial conference?

You should bring the original and 2 copies of:

- Tax Return with W-2
- Current order, if there is one;
- Documentation of child care expenses, school tuition, and extracurricular expenses
- Proof of your income for the last six months;
- Proof of available medical coverage;
- A completed income and expense report (included with your Notice to Appear).

What happens at the pre-trial conference?

If paternity has not been established, the Hearing Officer will ask for an acknowledgment of paternity or order genetic testing, as appropriate. Once paternity has been established, the Hearing Officer will examine income information from both parties and set the amount of support to be paid based on the support guidelines. **If the parties agree** to the amount of support, it becomes an Order of the Court and is signed by a Judge. **If the parties do not agree**, the Guideline amount becomes a Temporary Order and the case is referred to a Support Master for a hearing.

What happens at the Support Master's Hearing?

At this hearing, the parties will have a chance to explain why they agree or disagree with the amount of support set by the Hearing Officer. The Support Guidelines are assumed to be correct. Therefore, if you disagree with the amount of support, you must show a reason why they are not correct such as: special circumstances of the child, earning capacity not met, additional income available. The Master will file a report regarding his/her decision along with a proposed order. If there are no objections, the Master's report becomes final.

What if I disagree with the Order?

- If you do not agree with the master's proposed support order, you may file exceptions. The exceptions must be filed in person or mailed. They must be received by the court within 20 days after the date the proposed support order was mailed to you. Check the envelope for the mailing date. You cannot fax them.

In your exceptions, you must explain in writing why you think the master's proposal is wrong. After the exceptions are filed, there will be a hearing before a judge. You will need to explain to the judge what the master did wrong. The judge will issue a final order.

- If you disagree with the judge's order, you may file an appeal in Superior Court within 30 days of the date of the court order. Appeals are very complicated. You may want to talk to an attorney if you decide to appeal to Superior Court.

How do I get Child Support once I have an Order?

You will not receive child support directly from the person who owes it. That person sends payments to the Pennsylvania child support system. After Pennsylvania receives the payments, it distributes them to you.

Most new child support orders require wage attachment unless a reason can be shown why wage attachment should not be done.

If you are not receiving your payments, you can go to the Establishment and Enforcement office for assistance. It is located in Family Court at 1501 Arch Street, 12th Floor.

There are a number of options available to enforce support orders if the other party is not complying with the order, including filing a contempt petition. There is no charge for a contempt petition.

What if I want to change my Order?

Orders are reviewed automatically once every 3 years. You may, however, request a review before that time if your circumstances have changed. If you wish to request a review or change the order, you must file a support modification petition.

The process for modifying support is similar to the initial filing. At the hearing on the modification, you must show that there has been a significant change in circumstances and that the change was not voluntary.

Legal representation may be available from:

PHILADELPHIA LEGAL ASSISTANCE
215-981-3800
PHILADELPHIA BAR ASSOCIATION'S LAWYER REFERRAL AND INFORMATION SERVICE
215-238-6333