



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES
(270) 798-4432



CHILD SUPPORT

How much child support one must pay.

The Army Regulation 608-99¹ governs child support, however it only applies if there is neither a written agreement about child support nor a court order on the matter. The amount of child support varies from case to case. The parents' shares of the support obligation are determined in proportion to their incomes² and the number of children involved. Each state has its own guidelines that set out how much child support should be paid. If you go to court, these rules will be used. They are also a good starting point if you are going to reach an agreement about child support outside of court through a written agreement. For independent research about child support guidelines for different states, go to www.supportguidelines.com. Tennessee guidelines may be found at <http://www.state.tn.us/sos/rules/1240/1240-02/1240-02.htm> and Kentucky guidelines may be found at <http://www.lrc.ky.gov/KRS/403-00/211.PDF>.

Extraordinary expenses.

There are some other aspects of child support in addition to the regular monthly payment. Educational expenses, medical expenses, and tax exemptions are also important matters of child support. If possible, try to reach an agreement on these with the other parent. If you cannot agree, the court can decide some of these issues. If one of the parents has medical insurance, that parent is usually required to keep it in place for the minor children. The remaining costs—uncovered health care expenses—are usually divided between the parents in a way that is fair. Often this means the parents divide these expenses equally or in proportion to their incomes.

Child support agreement between mother and father.

You may try to work out an agreement on your own regarding how much child support will be paid. There is no law that says that you must go to court to have child support decided. If you decide to do this, make sure you put the agreement in writing. This protects both parties. If you are the party making payments (the payor), make sure you keep a record of the payments you have made, either by keeping the checks or by setting up an allotment and keeping track of your LES. Note that if you do not put the agreement in writing and do not keep a record of payments, the other party (the payee) can go to court in the future and claim there was no agreement or that payments were not made and get back support. Depending on the number of years and children involved, this could run into tens of thousands of dollars.

Child support violations.

If you are not receiving child support, there are state agencies that can assist you. If you are a resident of Hopkinsville, Kentucky, you may contact the Child Support Enforcement Office (270) 887-9442. If you are a resident of Montgomery County, Tennessee, you may contact the Child Support Office, (931) 572-1663. Note that if there has been a failure to pay child support

¹ For more information about AR 608-99, see the "Family Support" information paper.

² Income includes wages, commissions, bonuses, overtime payments, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers compensation and unemployment insurance benefits, judgments recovered for personal injuries, gifts, prizes, alimony, income from self employment, and any kind of remuneration.

under a court order, that garnishment is a possibility.

Court-ordered child support issues.

Court-ordered child support amounts can be increased or decreased only if there has been a substantial change in the circumstances, such as a significant change in the nonresidential parent's gross income; change in the number of children the payor supports; a supported child becomes disabled, etc. A parent cannot reduce his or her child support payments when the children are visiting him or her. Only the court may consider a deviation from the original amount of support, unless there is a written agreement that specifically provides for a reduction during those periods.

The court can order that child support be paid through the court. This is helpful to both the payor and the payee since the clerk's office will have a record of all payments. However, this is rarely done in Kentucky.

Visitation rights.

The non-custodial parent is normally entitled to reasonable visitation rights with a minor child except in an extraordinary situation, such as when the noncustodial parent has a history of abusing the child. If child support is being decided during a divorce, it is fairly simple to deal with the issue of visitation at the same time. If however, child support is being handled separately (for example, if you are getting sued for child support), you will need to file a separate motion for visitation. If the child's other parent refused to let you visit your children, you may not stop sending child support. You should go to the court to rectify the situation.

Termination of child support obligation.

Child support in most states, without an agreement or court order stating otherwise, usually ends at the child's 18th birthday. Child support may end earlier if the child is emancipated, such as by joining the military, moving away from home or getting married. In Tennessee, parents are not required to pay for college once the child has turned eighteen unless there is an agreement between the parties to do so. In Kentucky, the child support obligation stops when the child has turned 18 or graduated from high school, as long as the graduation takes place before the age of 19.

More information.

You can find an information booklet about Tennessee Child support at http://www.tn.gov/humanserv/cs/cs_handbook.pdf and more information at <https://www.tennesseeanytime.org/tces/help.html> . In Montgomery County, you may also visit the Child Support Office at 93 Beaumont Street, Clarksville, TN 37040, (931) 572-1663. You can find more information about child support in Kentucky at <http://chfs.ky.gov/dis/cse.htm>. In Robertson County, you may visit the Child Support Enforcement office at 119 North Main Cross Street, Flemingsburg, KY 41041, (606) 845-3066.

For more information and assistance, you may contact the Fort Campbell Client Services Office, Building 2765 Tennessee Ave., across from the Military Courthouse, (270) 798-4432.