



OFFICE OF THE STAFF JUDGE ADVOCATE
101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
CLIENT SERVICES OFFICE
2765 TENNESSEE AVENUE
FORT CAMPBELL, KENTUCKY

Child Support

Child Support issues are state-specific and wholly dependent on state law. This general information is meant to serve as a guide and does not fully explain the laws of every state.

Help with Child Support. The first thing you should do is contact the Child Support Office in the county where the child resides, or where the payor parent resides. These agencies can: locate parents, establish paternity, help establish child support orders, enforce child support orders, and secure and enforce medical support orders.

- Tennessee locator: <http://www.tn.gov/humanservices/article/child-support-office-locator>
- Kentucky locator: <https://csws.chfs.ky.gov/csws/>

How much child support one must pay. Army Regulation (AR) 608-99¹ provides regulations for child support when there is no written agreement or court order. 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. *Both Tennessee and Kentucky require that BAH and BAS be included in the guideline calculation when determining income.*

Local state guidelines may be found at:

- Tennessee at <https://www.tn.gov/humanservices/for-families/child-support-services/child-support-guidelines.html>
- Kentucky at <https://csws.chfs.ky.gov/csws/>

Extraordinary expenses. There are some other aspects of child support in addition to the regular monthly payment. Educational expenses, job training, special needs, 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),

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.

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 request back support.

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 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, as the time the children are and are not with the payor parent are already figured into the 12-month child support calculation. 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.

Child support violations. Contact the agencies listed in the first paragraph to report violations of court-ordered child support.

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 simple to deal with the issue of visitation at the same time. However, if child support is being handled separately (for example, if you are getting sued for child support), you will need to file a separate petition 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, ends when the child reaches age 18 or graduates from high school with his or her regularly scheduled class, whichever comes second. Child support may end earlier if the child is emancipated, such as by joining the military, moving away from home or getting married. Laws of the state that issued your child support order govern when your child support obligation is terminated.

More information. If you have any questions concerning these matters, please come to the Client Services Office (Building 2765) 2765 Tennessee Avenue, Fort Campbell, KY 42223. Office hours are Monday, Tuesday, Wednesday from 0900 to 1600 hours, on Thursday from 1300-1600, or on Friday 0900 to 1500 (we close for lunch every day from 1145-1300).