

Do I have to Keep Paying Child Support If I lose My Job?

The stress of losing a job is tremendous under any circumstances. When you are a single parent or a parent in a blended family, the impact can be even greater. People often wonder if they have to continue to pay child support when they lose their job.

In California, the general answer is yes. If there is a court order regarding child support, the amount of child support paid each month is a court order and you must continue to comply with the order, even if you lose your job or experience a reduction in income.

Failing to pay ordered child support in California can result in serious consequences, including interest, penalties, attorney's fees loss of driver's license, interception of tax refunds, and loss of professional licenses.

However, you can modify the amount of child support you are ordered to pay by filing a motion with the court to modify child support.

In California, the amount of child support ordered by the court is calculated by a mathematical formula that factors in the amount of time each parent spends with the child and the income of the parents.

In an "intact" family, the loss of a job or income by one parent will impact the whole family. The same is true when the parents are not sharing a household. However, changes in child support are NOT automatic; you must file a request to modify child support with the court.

Likewise, if you receive child support from the other parent and you lose your job or otherwise suffer a reduction in income you may be able to increase the amount of child support you receive. Again, this will not happen automatically but will only occur when you request a modification.

If you are able to reach an agreement with the other parent regarding a change in child support during the time of economic hardship, it may be a good idea to record this agreement with the court.

A Family Law attorney can assist you in requesting a modification or in recording an agreement regarding a change to child support.

One word of caution, prior to requesting a modification of child support from the court, whether an increase or decrease, you should know whether the current order is consistent with "guideline" support. If the current order is higher or lower than the guideline amount, a request for modification may have the net effect of increasing a support order you are seeking to reduce or reducing an order you are seeking to increase.

A Family Law Attorney can assist you in calculating guideline child support for your specific circumstances so that you can make an informed decision.

Please contact The Law Office of Kimberly Kirkpatrick at sandiegofamilylawcenter@yahoo.com for assistance.