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Quick Facts: Support Order Establishment

This Quick Facts guide provides information about the role of the National Child Support Program in establishing child support and medical support orders.

The Child Support Enforcement Program¹ is a successful federal-state partnership and a key component in promoting economic stability for families. Establishing support orders is one of the primary goals of the child support program.

The establishment of a support obligation is the first step toward financial security for a family and the collection of support by the child support agency. The order provides a structure in which the non-custodial parent can begin paying a set amount of support and the custodial parent can depend on a predictable amount, neither of which might have been the case prior to entry of an order. In cases where the child is supported through state aid (either Temporary Assistance to Needy Families (TANF) or foster care), child support collected pursuant to an order is used to offset the cost to the state.

While private attorneys establish support orders in divorce cases, the child support program fills in the gap for those cases where private attorneys are not involved. These cases could include families in which the child was born out of wedlock, cases in which the parents are separated, but not divorced, or cases in which the custodial party is not a parent, and an order needs to be established for both parents to provide support. Child support services are available to both parents, and may be obtained by filling out an application for services from the local child support agency.

In FY 2015, child support agencies across the country established over 1.0 million child support orders. Orders are established based on the laws and procedures of the individual state. Orders might be entered through a judicial process or an administrative process. Administrative orders carry the same weight and effect as judicial orders, and afford due process rights to both parents and are entitled to full faith and credit across the country. Orders typically include an amount for current support and a provision for medical support, and may include a judgment for retroactive support to cover the period before the order went into effect.

Many states give parents the opportunity to agree to a support order without going through a formal adversarial process. This is often preferable, as some research shows that participation by both parents in the process to establishing the amount of the order leads to better compliance with the order as well as involvement of the non-custodial parent in the child's life. Since child support agencies have the opportunity to connect with both parents, establishing a support obligation provides a unique opportunity to not only establish an ongoing financial obligation, but also to create a culture of compliance and involvement of both parents in the life of a child. To read an NCSEA position paper on setting current child support based on the

¹ Created by Title IV-D of the Social Security Act.





obligor's ability to pay, please go to http://www.ncsea.org/documents/Ability_to_Pay-final.pdf

7918 Jones Branch | Suite 300 | McLean, VA 22102
t: 703.506.2880 | f: 703.506.3266
www.NCSEA.org

