



*Updated November, 2018*

## **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 Program<sup>1</sup> is a successful intergovernmental partnership and a key component in promoting economic stability for children and 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 parent owing support pays a set amount at recurring intervals and the parent receiving support can depend on a predictable amount, neither of which may have been possible prior to the establishment of the support order. In cases where the child is supported through state aid (either Temporary Assistance to Needy Families (TANF) or foster care), child support collected from the parent(s) is used to offset the cost to the state of supporting the child.

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 may include:

- Families in which the child was born out of wedlock;
- Parents are married but separated and not divorced;
- Parents are divorced but there is no support order; or
- Custodial party is not a parent and an order needs established for both parents to provide support.

Child support services are available to both parents, and obtained by filling out an application for services from the local child support agency or through a referral from a sister agency.

In FY 2017, child support agencies across the country established over 12 million child support orders.<sup>2</sup> States establish orders based on the laws and procedures of the individual state.

Establishment of support orders are through either a judicial or an administrative process. Administrative orders (those established by the state Child Support Program) carry the same weight and effect as judicial orders (those established by a court), afford due process rights to

---

<sup>1</sup> Created by Title IV-D of the Social Security Act.

<sup>2</sup> FFY2017 OCSE Preliminary Report.





both parents, and are entitled to full faith and credit across the country. Orders typically include an amount for current support, 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 court/hearing process. This is often preferable, as some research shows that participation by both parents in the process to establish the amount of the order leads to better compliance with the order and involvement of the parent paying support in the child's life. Child Support Programs have the opportunity to connect with both parents and using the state's established Child Support Guidelines, develop a support order which provides a unique opportunity to ensure an ongoing financial obligation, and create a culture of support and involvement of both parents in the life of their child. To read an NCSEA position paper on setting current child support based on the parent's ability to pay, please go to [http://www.ncsea.org/documents/Ability\\_to\\_Pay-final.pdf](http://www.ncsea.org/documents/Ability_to_Pay-final.pdf).

The Bipartisan Budget Act of 2018 increased the annual collection fee from \$25 to \$35. The law also revised the amount that the state must collect and disburse to the family before imposing the collection fee from \$500 to \$550. The implementation and application of this fee varies from state to state; however, this fee is assessed on all state IV-D cases that have not received assistance under the former AFDC program, the state or Tribal TANF program, or Medicaid.

