



Child Support: What Every Mother and Father Should Know

Legal cases involving money, divorce, or child custody historically have been some of the most painful and emotional in our courts of law. Child support cases involve all three issues. Although a large majority of child support cases involve a father's ability or willingness to pay support, everyone pays a cost in this emotionally-charged arena. Knowing the rights and responsibilities of child support arrangements can help avoid potential confrontations.

Parents facing child support obligations, whether as a custodial parent or a supporting parent, should be aware of Mississippi's child support laws to protect themselves and prepare for any potential changes in their situation. Assuming the typical roles of custodial mothers and supportive fathers, each should be knowledgeable of several points of law.

State and federal laws consider paying child support a serious responsibility. With only 69 percent of all child support awards actually paid nationwide, federal and state governments have aggressively stepped up their child support enforcement efforts. A supportive parent's unwillingness to pay child support can result in a wage withholding order against his/her salary or a punishment of up to two years in jail. However, if the supportive parent is destitute and unable to pay, the court may not sanction him/her.

A parent's responsibility for paying child support is to the child, not to the ex-spouse. Therefore, a change in marital status by the mother or father or the birth of additional children in a second marriage may not affect the original obligation. In turn, a custodial parent cannot usually deny visitation to the supportive parent for any reason, including late support payments.

Child support responsibilities usually end when the child turns 21 years of age, enters the military, gets married, becomes self-supporting or is adopted by a third party. A parent can seek a reduction in his/her child support payments if his/her salary decreases. Conversely, the court may order an increase in child support payments if the supportive parent's salary increases substantially.

Although the custodial parent's gender is becoming less relevant, most divorce courts award custody of any children to the mother--along with a great deal of responsibility. As the custodial parent, the custodial parent has the legal responsibility to assure that all of the supportive parent's child support payments benefit the child, not herself/himself. However, usually the court or the child--not the supportive parent--can request an accounting of how the custodial parent spends those payments.

Any modifications to a child support arrangement can occur only through the courts and not by a verbal agreement between the parents. A custodial parent may ask the courts for additional support money from the supportive parent as the child ages, to adjust for inflation or because of a child's increased medical expenses, including braces.

While awareness of the finer points of the law are important, a mother and father should remember above all that each has a moral responsibility to their child. The law recognizes that just as both mother and father were involved in the creation of the child, both parents, even if apart, should actively participate in the support and care of that child.