



FORT SILL LEGAL ASSISTANCE



CHILD SUPPORT BASICS IN OKLAHOMA

How much child support should I receive if I am separated from my spouse?

In the absence of a court order or written separation agreement, the Army expects Soldiers to provide support at the amount described in AR 608-99. Refer to the Fact Sheet for AR 608-99.

May I receive a greater amount of support than that required by AR 608-99?

If you and your spouse agree on a greater amount and include that amount in a written agreement, that will be binding. If the parties cannot agree, you may petition the court for an order to determine what amount the Soldier will be required to pay. A military attorney may not represent you, but Legal Assistance will help you obtain a civilian attorney upon your request.

If my spouse fails to pay child support, whom should I contact?

You can contact the Soldier's commanding officer or the Legal Assistance Office. You may hire a private attorney to collect this for you. Oklahoma also offers child support services through state funded offices. With these state offices, additional support enforcement options are available such as attaching tax refunds, lottery winnings, etc. In general, if there is no court ordered support, it is faster to go through military channels. If there is a court order of support, it is faster to go through civilian and state channels.

How do I know how much child support am I entitled to receive?

The Oklahoma legislature has mandated the use of child support guidelines to determine the amount of support each parent owes the child. The guidelines vary according to the income of both parents and the number of children. If unusual family circumstances exist, the court may deviate from the guidelines. You should check with an attorney to determine the amount that will be due.

When my child is visiting the other parent, may he or she reduce the child support paid to me?

"Parenting Time Adjustments" to support are allowed by the state guidelines when a child spends significant time with the parent paying the support. Such adjustments to support should be indicated in the court order of support.

If I cannot see my child for visitation, may I stop paying child support?

No. Denial of visitation is not a legal justification for withholding child support and lack of child support is not a legal excuse for refusing a parent visitation rights.

When does child support stop?

Under Oklahoma law, child support is payable until the child reaches age 18. If the child is regularly attending high school, child support will continue until the child graduates or reaches age 20.

Can the other parent's paycheck be garnished for child support?

Yes. Under Oklahoma law, you may get a court order requiring someone who holds property or money due the non-paying parent to turn that asset over to you. Usually, we speak of garnishing wages. You may garnish up to 65% of a wage earner's net salary. Another option is to seek a court ordered wage assignment in the original decree or upon later application. This is an order to an employer to pay, on a regular basis, an amount equal to child support directly to the person entitled to the support on a regular basis.

Can the Army withhold money from a Soldier's paycheck without garnishment?

Yes. If the Soldier is behind in court-ordered payments in an amount equal to at least two months of child support, the military may withhold child support by involuntary allotment. The pay center must be furnished a written certification of the arrears by an official such as a court clerk, judge or a social services worker.

May child support be increased/decreased in the future?

Child support may be modified with a petition to the court when there has been a substantial change of circumstances since the date the order was originally signed. Examples of such a change might be increased living expenses, job loss, loss of income, or a promotion/pay raise.

Can child support be paid through the court?

Courts in Oklahoma prefer payments to be paid through the state's Central Child Support Registry and not through the court. The important point to remember is to keep accurate records of payments regardless of how the payments are made.

Is child support mine or the child's?

Child support is meant to be used in supporting the child. Ordinarily, you will not have to account for how you spent the child support you receive if the needs of the child are being met. If the child's basic needs are *not* being met, the court may require you to document how you spent the child support.

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This Information Paper provides only basic information and is not intended to serve as a substitute for personal consultation with a Legal Assistance Attorney. To schedule an appointment with a Legal Assistance Attorney, please contact the Legal Assistance Office at (580) 442-5058. The Fort Sill Legal Assistance Office is located on the 4th Floor of Building 4700 (Welcome Center) at 4700 Mow-Way Road, Fort Sill, Oklahoma 73503.