

GETTING CHILD SUPPORT

WHEN THE CO-PARENT IS ABUSIVE

Defining Domestic Violence

When most people hear the words “domestic violence,” they think of physical or sexual violence. But some partners never physically attack their victims. People who abuse find ways to control without physical violence by using threats, shame, insults, and isolation. They may also use money and resources to control by denying access to money, a car, telephone, or legal documents - making it hard to leave or stay away.

People who abuse can use threats about getting sole custody of the kids or withholding child support as a way to maintain their control.



Disclosing Domestic Violence to a Child Support or Benefits Caseworker

If you don't already have a protection order, you may want to consider getting one. If you have a protection order, show it to the workers every time you visit an office for public assistance, child support, or other public benefits. However, you don't need a protection order for public agencies to provide safe options for their services.

If you disclose domestic violence, caseworkers will be better able to explain your options to safely access child support or public benefits.

Ask how they will keep your information confidential before you tell them about your safety concerns. Agency workers must keep your information confidential except case workers may be required to report to child protection any information about child abuse or about domestic abuse if the child was present or harmed during a domestic violence incident.

Caseworkers may also be connected to other community services that can help with emergency shelter, housing, transportation, employment, mental health services, and other resources to support your family. If not, we encourage you to reach out to your local domestic violence advocacy program.

KNOW YOUR OPTIONS

Getting Child Support:

The process for seeking child support is different in every state. Below are some key considerations.

Notification to the other parent:

The other parent may receive a notice when a case is being opened that may contain your contact and other information. Ask when and how the other parent will be notified.

Consider confidentiality:

Ask how to request that the court keep your contact information confidential from the co-parent, on the national child support database, and on all other court documents.

Paternity (DNA) testing:

A DNA or paternity test may be required to determine legal fatherhood (paternity).

Consider the co-parent's reaction:

They may get angry that they have to be tested. It may trigger feelings of jealousy of other romantic partners or anger that they are being treated “unfairly.”

Consider safety:

Ask about safety modified options for getting a DNA test.

Interacting with the co-parent:

You may be asked to meet with the other parent in a child support office or at the courthouse.

Consider alternatives:

Ask if you can participate in meetings by phone or video conference. Ask to schedule your meeting on a different day than the meeting with the co-parent.

Consider security:

Courthouses tend to have higher security than child support offices.

Ask:

1. What safety options are available to get into and out of the courthouse?
2. What security exists in the courthouse and courtrooms?
3. Are there separate waiting areas where you won't have to see the other parent?
4. How will security be notified of your safety concerns?
5. Can you bring an advocate from a domestic violence program or a friend for support?

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Change in existing parenting arrangements:

Consider your current arrangements:

A child support action may include a discussion and review of current child custody labels or formal or informal parenting arrangement. Some states include parenting time (visitation) when determining child support order amounts. In some states, a child support order may include custody and/or visitation (parenting time), which could change your current arrangements. Ask your child support worker or advocate what happens in your state and county.

Consider the process:

Ask what happens if you and the other parent disagree on visitation (parenting time). This may lead to ongoing court proceedings, legal fees, continued contact with the co-parent, and potentially unsafe parenting arrangements.

Consider the lasting impacts:

If this process ends with an agreement you don't like, returning to court to change the agreement is more challenging.

Collection of Child Support:

Consider the reaction of the co-parent:

Ask the worker or an advocate what might happen if the co-parent doesn't pay support. Also consider whether the co-parent may ask for more parenting time just to decrease their support obligation.



An Alternative to Seeking Child Support:

Good Cause Exemptions

If you read these considerations and thought this process would be unsafe for you and your children, all states have a “good cause exemption” option.

Good cause exemptions let you receive the public benefits you need without going through the child support process. Ask your benefits caseworker about the application process. If your benefits caseworker determines you are not eligible, ask your child support worker.

Your child support worker can also determine if your case should be closed for good cause if there is fear of future domestic violence to you or your child.

Changes in Your Situation

You can update information about your safety concerns at any time, even if you hadn't disclosed any safety concerns before or if you have new concerns.

Contact an Advocate

If you need to talk to someone immediately about safety when getting public assistance or child support, or if your agency worker is unable to help you, contact:

[National Domestic Violence Hotline](https://www.nvape.org/)

1-800-799-7233

[StrongHearts Native Helpline](https://www.stronghearts.org/)

1-844-7NATIVE

You can also call your local domestic violence program for information in your area. Advocates are available 24/7/365 to talk confidentially with anyone experiencing domestic violence, seeking resources or information, or questioning unhealthy aspects of their relationship.