

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF THE

ATTORNEY GENERAL



Impact of Change in Custody on Child Support Frequently Asked Questions

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When custody changes, many parents or caretakers have questions about how it impacts child support. This brochure aims to answer those frequently asked questions.

Q. What is a natural parent? What are the duties of a natural parent?

A. A natural parent is either the biological mother or father of a child. A natural parent has the responsibility to meet the child's basic needs and provide financial, medical and other support for the child until the child reaches the age of twenty-one (21).



Q. What happens if only one parent has custody?

A. The parent without custody, the non-custodial parent, must financially support the minor child by paying child support, including health insurance coverage and/or cash medical support to the custodial parent. Child support will be calculated according to the custodial parent and non-custodial parent's income under the District of Columbia Child Support Guideline.

Q. How do the different types of custody granted by the Court affect child support awards?

A. There are various types of sole & shared custody that can be awarded. However, for purposes of child support, the child support guideline is based on the percentage of physical overnights spent by a minor child. When the child spends at least 35% or more physical overnights during the calendar year with each parent, the Court will calculate the child support award



based on the shared physical custody calculations under the guideline. If the child spends less than 35% of the calendar year with one parent, then child support will be calculated based on sole physical custody.

Q. What does third party legal custody or *de facto* parent mean?

A. Both are third party custody situations where the Court has granted custody to an individual who is not the natural parent. The third party legal custodian or *de facto* parent has the legal responsibility to make decisions regarding the child's health, education and general welfare.

Q. Is the natural parent still responsible for paying child support when custody is awarded to a third party legal custodian or *de facto* parent?

A. Yes. An award of custody to a third party or *de facto* parent does not terminate the parent and child relationship. This means the residual parental rights and responsibilities remain with the natural parents.

Q. What are residual parental rights and responsibilities?

A. Those rights and responsibilities including but not limited to the responsibility for support remaining with the natural parents after transfer of legal custody or guardianship of the minor.

Q. What if the Court grants or commits legal custody to Child and Family Services (CFSA)?

A. The Court has vested the responsibility for the care and maintenance of the minor child with CFSA.



Q. Does an award of legal custody to CFSA terminate the parent and child relationship?

A. No. An Order of "legal custody" to CFSA or a third party is secondary to the rights and responsibilities of any residual parental rights and responsibilities.

Q. Does this mean the natural parent keeps his/her residual parental rights and responsibilities?

A. Yes. The natural parent keeps those legal rights and responsibilities remaining after transfer of legal custody to CFSA, including but not limited to the right of visitation, consent to adoption, and determination of religious affiliation and the responsibility for support and maintenance.

Q. Do I have to still pay child support when legal custody is granted to CFSA?



A. Yes. Under D.C. Law, child support rights are assigned to the District of Columbia when the minor child is receiving assistance from CFSA. The natural parents would still keep his or her respective residual parental rights and responsibilities and would still be responsible for child support obligations to CFSA.

Q. What happens to my previous child support order if my child is committed to CFSA?

A. Your previous child support case would be closed. Any arrears would remain open and must be paid. CFSA would become the new custodial party and a new IV-D case would be opened. The original pay order would be transferred to the new IV-D case.

Q. What happens if the CFSA case closes?

A. If the child is returned home or moved to a new placement, the non-custodial parent would still be responsible for child support and the original pay order would be transferred to the new custodian.

Q. What is a permanent guardianship?

A. A permanent guardianship is created when the Court enters an order that gives the duty and authority to another adult to make important decisions in matters having a permanent effect on the life and development of the minor. A guardianship ceases when the minor becomes 18 years of age or marries. However, if the Court finds that it is in the child's best interest and if the child consents, the Court may retain jurisdiction of the guardianship until the child reaches 21 years of age.

Q. Does the appointment of a permanent guardianship terminate the parent and child relationship?

A. No. A Court order of permanent guardianship does not terminate the parent and child relationship. The guardian shall be the recipient of the child support payments.

Q. What happens if my parental rights have been terminated?

A. If your parental rights have been terminated, it means the Court has entered an order that completely severs and cuts off the parent and child relationship. Here, the natural parent whose parental rights were terminated shall not thereafter be responsible for child support.

Q. I am thinking of consenting to an adoption of my minor child? What will happen if I do this?

A. When a minor child is adopted, the parent and child relationship is terminated. Therefore, all child support obligations are ceased and cut-off from the natural parents.

Q. Will I still owe arrears after a termination of parental rights and the entry of an adoption?

A. Yes. If the natural parents owe support arrears prior to a Termination of Parental Rights or Final Decree of Adoption, they are still obligated to pay those arrears. However, they would not be responsible for support payments from the date of the Termination Order or Adoption decree forward.

Q. I would like to voluntarily relinquish my parental rights?

A. By free choice, you are releasing and giving up your parental rights. The child-placing agency has then accepted permanent care and guardianship of the minor child and may consent to an adoption of the minor child. The legal effect on child support would be similar to a termination of parental rights and/or adoption—the natural parents are no longer responsible for child support payments. However, the parents are still responsible for monthly child support or arrears owed prior to executing the relinquishment of parental rights.

Q. Do I have the same rights & responsibilities under the Domestic Partnership Act?

A. Yes, you would have the same parental rights as a natural parent. You would also be responsible for child support if you were in a domestic partnership at the time of conception or birth, or between conception and birth, and the child is born during the domestic partnership, or if the child was born within 300 days after the domestic partnership ends. Furthermore, all of the above custody changes would apply to you.

Any questions contact the Customer Service Team at (202) 442-9900.

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