

Telephone Triage Checklist ~ Family Law

Incoming Call: “*I want to collect child support.*”

Example #1 – Establish a child support order, parents are married

Staff: Is there a current order for child custody and visitation?

Caller: No.

Staff: Are you married to the other parent?

Caller: Yes.

Staff: Do you want to file for a dissolution of marriage?

Caller: Yes. (If “No”, staff may inform the caller that they may file a Petition for Custody and Support.)

Staff: Do you believe that the other party will consent to what you will request regarding child support, custody and visitation?

Caller: No. (Advise caller that if there is an immediate need for a child support order an Order to Show Cause and a Petition for Dissolution may be filed concurrently.)

Staff: Inform the caller that without a request for temporary orders or a stipulation they will not have an enforceable child support order until a judgment has been signed in their dissolution action.

Workshop: Dissolution with Children I – to file for a dissolution and to establish child support orders.

* * *

Example #2 – Establish a child support order, parents are not married

Staff: Is there a current order for child custody and visitation?

Caller: No.

Staff: Are you the custodial or the non-custodial parent?

Caller: Custodial. (If the caller is the non-custodial parent, the initial filing process is the same.)

Staff: Were you married to the other parent?

Caller: No.

Staff: Did the Father sign a Voluntary Declaration of Paternity?

Caller: No. (If “Yes”, inform the caller that they have the option of filing a Petition for Custody and Support.)

Staff: Do you believe that the other party will consent to what you will request regarding child support, custody and visitation?

Caller: Yes. (If “No”, and there is an immediate need for a child support order advise that an Order to Show Cause and a Petition to Establish Parental Relationship may be filed concurrently.)

Staff: Inform the caller that without a request for temporary orders or a stipulation they will not have an enforceable child support order until a judgment has been signed in their parentage action.

Workshop: Parentage – to establish parental relationship and child support orders

Example #3 – Modify a DCSS child support order

Staff: Is the Department of Child Support Services involved in your case?

Caller: Yes.

Staff: Are you the custodial parent?

Caller: Yes.

Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?

Caller: Yes.

Staff: Have you contacted your case worker with DCSS?

Caller: Yes, my case worker referred me to you. (If the caller has not yet contacted their DCSS case worker, refer the caller to DCSS to request an "in-house" child support modification.)

Staff: Inform the caller that even if they are currently not employed or working part-time, they will be imputed a full time minimum wage earning ability.

IF the caller is the non-custodial parent:

Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?

Caller: Yes.

Staff: We can schedule you for an appointment to fill out papers to modify your support order. You will need to bring in proof of your current income (disability, unemployment, current wages, etc. If timeshare changed, bring you current order.

Alert! In some situations, staff should run a support calculation before beginning the modification papers. It may not be beneficial for the obligor to request a modification of support.

Workshop: Notice of motion – to modify a current child support order

* * *

Example #4 – Modify a non-DCSS child support order

Staff: Is the Department of Child Support Services involved in your case?

Caller: No.

Staff: Do you have a current order for child support?

Caller: Yes.

Staff: Has there been a substantial change regarding the other party's or your income and/or timeshare?

Caller: Yes.

Staff: Inform the caller that even if they are currently not employed or working part-time, they will be imputed an ability to earn full time minimum wage. The court will make an exception of there is a temporary disability, but they will need to provide proof of disability.

Workshop: Order to Show Cause – to modify a current child support order