

Information for Expecting Single Service Members... Child Support, Custody, Paternity, Adoption

CHILD SUPPORT

Should you decide to seek child support from the biological father of your child, you may do so in three ways:

1. *Retain civilian counsel.* Hire a civilian attorney to help you establish child support through a civil court proceeding.
2. *Initiate a case through the Child Support Enforcement Agency.* Contact Onslow County Child Support Enforcement Agency and make an appointment with a case worker to go over your options. You will need basic information regarding the father of the child, such as his name, address and where he is employed. The Child Support Enforcement Office will file a complaint on your behalf and represent you in court proceedings to establish child support. Regardless of where the father resides, you can file your child support case in the State of North Carolina if your child is a resident of this state. Child support payments will be routed through Central Processing in Raleigh, NC. The Onslow County Child Support Enforcement Agency can be reached at: (910) 938-3563
3. *Negotiate a Voluntary Support Agreement.* Both parties may sign a “Voluntary Support Agreement” in which the father of the child agrees to pay an amount established by agreement of the parties and/or to provide health insurance. The voluntary support agreement can be initiated by visiting the Onslow County courthouse and going to the Child Support Clerk’s Office. The clerks will assist you to fill out the form. The clerk will then present the form to a judge for signature, thereby creating an actual court order for child support. The process is very informal. The Onslow County Child Support Clerk’s Office can be contacted at: (910) 455-4458

Child Support Amounts. Every state, including North Carolina, has established guidelines for judges and child support agencies to use in determining the appropriate amount of child support. You can also use the guidelines to decide what amount you want to agree to in negotiating a voluntary support agreement. Judges seldom deviate from the guidelines and must have a very good reason for doing so. Over 90% of all child support decisions adhere to the state guidelines. Guidelines for North Carolina can be found on line at <http://www.ncchildsupport.com/parents.jsp>. The website also has an easy-to-use child support calculator to determine the child support amount likely to be ordered by a judge under the facts and circumstances of your case.

To calculate the presumptive amount of child support, go to the website and click on “CSE Guidelines” on the left. Then select the appropriate worksheet; the vast majority of cases will be worksheet A. You will then be asked to fill in numerical values for income and other matters. Be sure to use GROSS income (before taxes) for both parents, which will include the servicemember’s Basic Allowance for Subsistence (BAS) as well as Basic Allowance for Housing (BAH). The BAH should be included in service member income **even if s/he has been provided government quarters instead of a cash amount of BAH.** The house that the government provides has a value equal to the BAH and that value must be calculated as part of the gross income. Once you have filled in the correct monetary values, you can direct the on-line application to calculate the guideline amount for your case.

CUSTODY

Generally, until custody is established by court order, both parents have equal rights to the minor child. But who are the parents? More to the point, who is the father? If the child is born during marriage, the law presumes that the husband is the father, unless proven otherwise. When the child is born out of wedlock, paternity is established by court order or “Affidavit of Parentage,” discussed in the paternity section below. Either parent can file a custody complaint in civil court. A civilian attorney can assist with this process. The clerk’s office does not provide forms for custody cases, nor will the military legal assistance office provide in court representation on such matters.

The military legal assistance office can provide advice concerning custody. Further, some installation legal assistance offices, including Camp Lejeune, can assist you to prepare a Parenting Agreement, a contract between the parties as to their parental rights and responsibilities. If custody is NOT contested between the parents, and a Parenting Agreement is executed, you can take the next step and obtain a court order establishing custody through consent. You will need civilian counsel, who will file a custody complaint on your behalf. Afterwards, the parties will execute a “Consent Order” agreeing that the terms of the Parenting Agreement should now have the force of a court order. If a consent order is not feasible (the father can’t be located or chooses not to participate in the proceedings), then it may become necessary for the person filing for custody to attend a short hearing and testify as to the basic facts.

If the parties can not agree on custody and the matter is therefore contested in North Carolina, the parties must attend mediation, unless good cause can be shown why there should not be any mediation. The mediator helps the parents come to an agreement regarding custody, visitation and other relevant issues, such as access to school records. If the parents are able to reach an agreement in mediation, the mediator prepares a Parenting Agreement which is signed by the parents and is later by a Judge. If mediation is not successful, the parties are free to have their case heard in court. Contested custody cases are expensive, time consuming, and very stressful.

PATERNITY

If you are married at the time your child is born, the law presumes that your husband is the father of the child. Furthermore, the Marine Corps Order concerning dependent support [chapter 15, MCO P5800.16A] also presumes that the husband is the father of the child born during marriage and imposes upon him the duty to provide financial support for the child unless there is a contrary court order or agreement.

However, if you are unmarried, you will need to have paternity established for your child by court order or by the father signing an “Affidavit of Parentage”. This document is usually signed at the time of the birth in conjunction with preparation of the birth certificate. If the father chooses to sign an Affidavit of Parentage at a later date, the parties should contact the local child support enforcement agency. Once executed, the child support enforcement agency will transmit the document to NC Vital Records and the father’s name will then be added to the child’s birth certificate.

If the father of the child refuses to sign the affidavit, you may have to institute a paternity case in civil court. You will need the assistance of an experienced attorney to have the court order

paternity testing and establish by court decree that a certain person is the father of the child. You may be required to pay half of the testing costs.

If you are unmarried and are also seeking to have child support established through a Child Support Enforcement Agency, you may request in your child support complaint that the defendant/father be required to submit to paternity testing. This method tends to be more efficient and less expensive for the parties.

ADOPTION

Many installation legal assistance offices, including the Camp Lejeune office, provide assistance concerning consensual step-parent adoptions. If you need information concerning adoption by a person other than a consenting step parent, you will need to obtain a civilian attorney with experience with adoptions. The Legal Assistance Office can help with such referral.

If you have other questions regarding adoption, please contact Onslow County Department of Social Services at (910) 455-4145.

RESOURCES

Military Legal Assistance Services

- Camp Lejeune Legal Assistance Office (910) 451-7085
Walk-ins conducted Tuesday and Thursdays beginning at 7 am. (Those who are existing clients or who are in grade 04/ E9 and above may make an appointment.)
- New River Legal Assistance Office (910) 449-6169
- Cherry Point Legal Assistance Office-(252) 466-2311

On Line Information

- Joint Armed Forces Legal Assistance website: <http://legalassistance.law.af.mil/>
 - NC State Bar LAMP (Legal Assistance for Military Personnel): <http://www.nclamp.gov/>
 - BAH Calculator: <http://www.defensetravel.dod.mil/perdiem/bah.html>
 - NC Child Support Calculator: <http://www.ncchildsupport.com/parents.jsp>
 - North Carolina General Statutes: <http://www.ncga.state.nc.us/gascripts/Statutes/StatutesTOC.pl>
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| Chapter 48: Adoptions | Chapter 50: Divorce, alimony, child support |
| Chapter 50A: Jurisdiction of custody cases | Chapter 110: Child Welfare (including child support, affidavit of parentage) |

Lawyer Referral Services

- North Carolina Bar Association Lawyer Referral Service-1-800-662-7660
- Out of State Lawyer Referral Services. The American Bar Association posts each states lawyer referral service at: <http://www.abanet.org/> (Click on "Public Resources / Find Legal Help)

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