

Child Support

Information for Servicemembers & Veterans

Overview

The Division of Child Support Services (DCSS) is the (Title IVD) child support agency for Arizona. This division of Arizona's Department of Economic Security is represented by the Child Support Section of the Arizona Attorney General's Office, and in some counties, by the local county attorney. Any parent in need of assistance in establishing paternity, establishing support, modifying support or enforcing support may request assistance from DCSS. DCSS can also assist a nonparent caregiver who has physical custody of a child or children. DCSS and the Attorney General are committed to providing appropriate and expeditious services to those who serve or have served in the U.S. Military. Keep in mind, however, that cases involving servicemembers are often complicated by the fact that servicemembers move around frequently, and sometimes the state in which they currently reside does not have legal jurisdiction to take some actions. Every other state also has a child support agency. If you request assistance from DCSS, and DCSS determines that another state's agency is in a better position to assist you, they can assist you with reaching out to the other state.

Pre-Deployment

Has Paternity been established?

- If a couple is married when their child is born, the husband is the legally recognized father. However, when a child is born to parents who are not married, the law does not recognize the biological father as the legal father unless steps are taken to establish paternity. Paternity establishment allows you to provide your children with numerous benefits including military family benefits, veterans' benefits, social security benefits and inheritance rights. It also provides the legal foundation for a continued relationship between a father and his children. If paternity has not been established for your child(ren), you should consider doing it before you deploy. Establishing paternity will also lay a foundation for the court to make decisions about how the parents will share legal decision making and parenting time.

How can Paternity be established?

- Paternity can be established by both parents signing an agreement called a Voluntary Acknowledgment of Paternity. Many parents sign these at the hospital when the child is born. If you signed one of these, paternity has already been established. You can confirm that by checking the child's birth certificate or contacting the Hospital Paternity Program at DCSS.
- Paternity can also be established by both parents signing an agreement to be bound by the results of genetic testing. After the agreement is signed, the parents and the child or children participate in a simple test to determine paternity. If the results come back confirming parentage, the agreement and the test results are filed with the court, and a paternity order is issued.
- If one of the parents is unwilling to participate in either method above, a lawsuit can be filed in court to determine paternity. DCSS will provide that service for either parent who requests it. Once the lawsuit is filed, the court will order genetic testing.

Has a child support order been established?

All branches of the U.S. military have strong policies supporting the idea that servicemembers must support their families while serving in the military.

- One option for providing support is to set up a voluntary allotment from your military pay that will be distributed by the Defense Finance and Accounting Service (DFAS) to benefit children you need to support.
- You can also request that DCSS or the child support agency in the state where your child resides help you with establishing a child support order by agreement prior to your deployment.

Do you have an existing order for support that needs to be modified in light of your deployment?

Child support may be modified when there is a substantial and continuing change of circumstances. Modification of a support order may be necessary if either of the parents is deployed. The child support agencies around the country can assist in obtaining an appropriate modification. To obtain a modification:

- Collect information about what you expect to be paid during deployment.
- Act promptly to initiate a modification before deployment.
- You can contact DCSS for assistance. Let them know about your deployment date so they can expedite the matter as much as possible.
- Do not wait until you return from deployment because the law does not permit the court to make the modification of the child support order retroactive.

Limited Power of Attorney:

If you have an ongoing child support matter, you may want to consider giving someone a limited power of attorney to access your child support related records and communicate with the child support agency which is enforcing your case. You can contact your local JAG office for assistance with a Power of Attorney. The U.S. Armed Forces Legal Assistance directory is at:

- <http://legalassistance.law.af.mil/content/locator.php>

During Deployment

It is possible to stay in touch with DCSS by email during your deployment. However, you must set up the access. You may want to set up a password and PIN number before you deploy. Contact DCSS at:

- On line at <https://www.azdes.gov/DCSS>
- Call Customer Service at (602) 252-4045 or (800) 882-4151

A Voluntary Acknowledgment of Paternity can be done during deployment. Paternity can be established during your deployment. If there is no doubt about paternity, Voluntary Acknowledgment of Paternity forms can be done through the mail. If you want genetic testing, you might want to consider providing a test sample before leaving so that testing can be pursued after the child is born. If there is a need for a child support related court hearing, it may be possible to arrange for a telephonic appearance.

PostDeployment

- Update your information with DCSS or any other child support agency that you are involved with so that you can continue to receive important information about your case.
- Provide DCSS or other appropriate child support agency with new employer information, if applicable.
- Request a review of your case for modification if your circumstances have changed. This may include, but is not limited to, financial and custodial changes.
- If you are behind in your child support payments, contact DCSS for options to bring your account current. You can reach DCSS Customer Service at (800) 882-4151.

Frequently Asked Questions

<p><i>My child support order is in Arizona, and the parent with primary physical custody lives in Arizona. Because of my deployment, I need a modification of the order.</i></p> <p>OR</p> <p><i>I live in Arizona and my child support order is in Arizona, but the parent with primary physical custody lives in another state. Because of my deployment, I need a modification of the order.</i></p>	<p>The court in Arizona should have jurisdiction to make any adjustment necessary to the child support order required by your deployment. You may ask the Division of Child Support Services (DCSS) for assistance with a modification. Be sure to let DCSS know when you will be deployed so that the matter may be expedited as much as possible.</p> <p>This may require that you complete an application for services if DCSS is not already involved in your case.</p>
<p><i>I am being deployed from Arizona, but the other parent lives in another state. The order is from the State where the other parent lives, but it is being enforced by the child support agency in Arizona.</i></p>	<p>You may ask the Division of Child Support Enforcement (DCSS) for assistance with a modification made necessary by your deployment. Arizona may have to work with the other state's child support agency to pursue a modification. Be sure to let DCSS know when you will be deployed so that the matter may be expedited as much as possible.</p>
<p><i>My child support order is from another state, but the parent with primary physical custody doesn't live there anymore. The Arizona child support agency is not involved in enforcing my case, but I need a modification.</i></p>	<p>You should consider applying for child support services from the agency in the state where the other parent resides. Arizona probably has no jurisdiction to assist you with a modification. For a list of agency contacts nationwide, go to http://www.acf.hhs.gov/programs/css/resource/state-and-tribal-child-support-agency-contacts</p>
<p><i>I am the parent with primary physical custody, and I am being deployed. The child(ren) will live with the other parent while I am deployed. What should we do about the order?</i></p>	<p>You can contact the local DCSS office to assist you with an agreement or court action to modify or suspend the order during your deployment. This may require that you complete an application for services if DCSS is not already involved in your case.</p>
<p><i>I am the custodial parent, and I am being deployed. The child(ren) will live with someone other than the paying parent while I am deployed. How can I make sure that person receives the child support in my absence?</i></p>	<p>If you are receiving child support by direct deposit, you can change the deposit information to an account that the person would have access to or give them access to your account. If you are receiving child support by electronic payment card (EPC), you should make arrangements for that person to use the card. It is also possible to change from EPC to direct deposit. You may also want to give that person a limited power of attorney regarding child support so that they can get information regarding support payments while you are deployed. The child support can also be formally transferred to that person, if that person applies for services from DCSS.</p>
<p><i>I have returned from my deployment and have been discharged from the military. I have been unable to find civilian employment. I am very worried because my child support balance keeps increasing and I have no ability to pay it.</i></p>	<p>You should take immediate steps to modify your order so that the balance does not keep increasing while you seek employment. You can contact DCSS and they can either assist you with the modification or help you determine which state's agency can.</p>

Links to Other Resources

The Office of the Attorney General is involved in child support matters as legal counsel for the Department of Economic Security/Division of Child Support Services. However, it is prohibited by law from participating in matters of divorce/dissolution, custody/legal decision making or parenting time. If you have issues in this area, the following links may be helpful.

AZLawHelp.Org

Custody and Parenting Time:

- http://www.azlawhelp.org/documents/Custody_and_Parenting_Time_Guide.pdf
- http://www.azlawhelp.org/articles_info.cfm?sc=11&mc=1&articleid=68

Child Support:

- http://www.azlawhelp.org/articles_info.cfm?sc=3&mc=1&articleid=53

Divorce/Dissolution:

- http://www.azlawhelp.org/articles_info.cfm?sc=3&mc=1&articleid=7

Arizona Supreme Court site:

- <http://www.azcourts.gov/familylaw/Home.aspx>