

## Information about Support Orders For Recipients of Public Assistance or SSI

---

**I am receiving public assistance or SSI and cannot afford to pay any child support. Can I be required to pay child support?**

Yes. A Support Magistrate for the Family Court may require that you pay support, but in some cases you may be excused from paying support.

**How much could the Support Magistrate order me to pay?**

Generally speaking, the Support Magistrate is required by law to order non-custodial parents to pay some child support, even if the parent is on public assistance or SSI. The minimum child support order is \$25 per month. However, the \$25 per month order is a “rebuttable presumption”. That means that if there is a good reason why you are not working, the court can order less than \$25 per month, and can even order \$0. If the Support Magistrate feels you can work, income can be “imputed” and you can be required to pay more than \$25.

**Can the Department of Social Services deduct the amount of support I am supposed to pay from my public assistance grant or SSI?**

No, this is against the law.

**Can I be taken back to court if I don't pay?**

Yes.

**Will I have to go to jail if I am taken back to court?**

If you are receiving public assistance or SSI it is unlikely that you will go to jail for not paying a minimum child support order. Judges occasionally do sentence people who violate child support orders to serve time in jail. Usually these cases involve individuals who can pay, have not paid child support over a long time, owe thousands of dollars, and are not attending or find employment.

**Will the money I owe continue to accumulate while I am receiving public assistance or SSI?**

Yes. The amount you owe is called an arrearage. Arrearages can continue to accumulate up to \$500.

**How can these arrearages affect me?**

When you become employed, the Support Collection Unit of DSS, any attorney, or the Court may issue an income deduction to regularly take an amount directly from your wages until the arrearages are paid. As a result it may be in your interest to voluntarily make payments on the arrearages as soon as you are able to. An ‘income deduction order’ also can be used against other sources of income including Unemployment Insurance and Social Security Benefits. However, it

cannot be used against Supplemental Security Income (S.S.I.) benefits. You also may be petitioned back into court if you do not pay the arrearages after you stop receiving public assistance.

**Can my driver's licenses be suspended?**

No, not if you are in receipt of SSI or public assistance. You should furnish proof of SSI or public assistance to the Support Collection Unit if you are threatened with suspension of your license.