

CHECKLIST

Legal Strategies to Address Child Support Obligations

Request that the court or agency not refer the father to child support enforcement services when reunification may be a goal.

- Argue that under federal law it is within the state's discretion to recover child support in child welfare cases.
- Argue that the state should exercise this discretion when it conflicts with case-planning goals relating to reunification.
- State that to do otherwise would be contrary to the child's best interest.

Argue that agency case plans cannot be derailed by imposing child support recovery mechanisms.

- Argue that if reunification with the father is a goal, pursuing a government-owed debt directly conflicts with federal law regarding agency efforts to provide reunification services.

Combat any attempts by the state to terminate a father's rights based on his failure to pay child support.

- Argue that this would unconstitutionally deprive the father of his due process right to the care, custody, and control of his child.

Identify other legal strategies to oppose collecting child support.

- Oppose the amount of the child support order because it conflicts with case-planning goals or the child's best interest.

- Challenge the assignment of child support rights to the government as an involuntary assignment by the child to the state.
- Raise concerns under the Administrative Procedures Act in state-funded child welfare cases where the government continues to collect child support to reimburse its costs, even if there is no federal provision supporting it.

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