

**GOVERNMENT OF THE
DISTRICT OF COLUMBIA**

**OFFICE OF THE
ATTORNEY GENERAL**



**INCARCERATED PARENTS
AND EX-OFFENDERS**

FAQs

CHILD SUPPORT SERVICES DIVISION

441 4th Street NW

550N

WASHINGTON, DC. 20001

PHONE: (202) 442-9900 FAX: (202) 724-3710

**WHAT CAN I DO AT MY
SENTENCING HEARING TO
MODIFY MY CHILD SUPPORT
ORDER?**

In 2005, the District of Columbia enacted a law entitled "Notice at Sentencing of Child Support Modification." The law allows all non-custodial parents (NCPs) who are being sentenced for 30 days or more for a criminal offense (non-child support criminal issues) to seek a modification of their child support order(s). The law also applies to NCPs whose probation is being revoked and who are facing a sentence of 30 days or more.

Federal law prohibits an NCP to retroactively file a motion to modify a child support order after being released from prison. The motion must be filed at the time of sentencing or during imprisonment.

Any motions to modify can only be granted from the filing date of the motion and forward.

A child support order may not be subject to modification if the NCP is found to have an ability to pay support while incarcerated or is incarcerated for non-payment of child support order.

**IF I DO NOT SEEK A MODIFICATION
DO I STILL HAVE TO PAY?**

Yes. The new law does not automatically suspend support obligations when non-custodial parents are sent to jail or prison.

**ONCE I'M RELEASED, WHAT
SHOULD I DO ABOUT MY CHILD
SUPPORT ORDER?**

Contact the Child Support Services Division (CSSD) immediately and provide our office with your current address and updated financial information. If appropriate, CSSD will file a motion to reinstate your order. Depending on your current financial information, the order could be the same or higher or lower.

WHAT ARE THE BENEFITS TO MODIFYING MY ORDER WHILE INCARCERATED?

There is no way to change or modify your child support arrears (back child support) once they are on the books!



**HOW CAN I ESTABLISH
PATERNITY IF I'M
INCARCERATED?**

It's easy. The paternity establishment process is available to parents if the parents are not married or in a domestic partnership at the time of birth, conception, or anytime in between. Both the biological mother and biological father may sign an Acknowledgment of Paternity (AOP). This process is strictly voluntary. (This is not a DNA test.) The AOP may be completed at CSSD, Vital Records, or the hospital.

**CAN YOU CHANGE YOUR MIND
AFTER YOU HAVE FILED THE
ACKNOWLEDGMENT OF
PATERNITY?**

Yes. Either parent may rescind the Acknowledgment of Paternity by completing a rescission form and filing it with CSSD or Vital Records within 60 days of the last notarized signature.

If you are not sure if you are the child's father, a genetic test can help determine the identify of the genetic parent. **YOU SHOULD NOT SIGN THE AOP IF YOU STILL HAVE QUESTIONS OR DOUBTS ABOUT BEING THE CHILD'S PARENT.**

**CAN CSSD REFER ME TO SERVICES
TO HELP ME GET BACK ON MY
FEET AFTER I'M RELEASED?**

YES! CSSD has several programs that can assist you. Call today to see if you qualify!

FATHERING COURT

A program that offers Fathers who have not been making child support payments in the District of Columbia for a long time a chance to make a fresh start.

The Fathering Court offers job training, counseling, jobs, and support to get lives back on track. Fathers will be educated, counseled, and encouraged to place the needs of their children first.



Usted puede solicitar **totalmente gratis servicios de interpretación por teléfono o en persona, así como pedir que se le traduzcan algunos documentos. Si tiene alguna pregunta sobre este documento, por favor llámenos al (202) 442-9900.**

IMPORTANT REMINDERS

CSSD encourages all non-custodial parents to explore their right to a modification should they become incarcerated. If your order is modified to reflect



the actual ability to pay while in prison, you will leave prison with less child support arrears owed. This will allow your re-entry into society to be much easier.

FOR FREE LEGAL ADVICE

Please contact the Family Self-Help Center, a free walk-in service that provides unrepresented people with general legal information in a variety of family law matters.

Moultrie Courthouse
500 Indiana Avenue, N.W.
Room JM-570
Washington, D.C. 20001
Phone: (202) 879-1471

