

INTRODUCTION TO DOMESTIC RELATIONS

Domestic Relations Section is part of the Family Court.

The Family Court is a division of the Montgomery County Court of Common Pleas. The Family Court is the part of the court system which is there to help you work out problems such as divorce, support for children and spouses, temporary and permanent alimony, division of marital property, custody of children and protection from abuse.

This manual explains how the Domestic Relations Section of the Family Court works. Although it has other duties, the Domestic Relations Section is mainly responsible for working with families to establish and collect support for children and spouses.

The Domestic Relations Section is made up of judges, administrators, hearing officers, domestic relations officers, an attorney, and various technical and clerical people. The staff of the Domestic Relations Section is assisted by a large computer system which is used to track cases, keep financial records, and is a tool which helps in the enforcement of support orders. The employees in the Domestic Relations Section are trained to help people make the best decisions possible about support and related issues. They recognize that these decisions are often emotional and difficult to make.

When the people involved, whom the court refers to as "the parties", are unable to agree about support, the Domestic Relations staff will recommend an amount of money, insurance coverage, etc. to the parties and to the Judges of the Court. These recommendations are based on the law and on much training and experience of the staff.

CONTACTING THE DOMESTIC RELATIONS SECTION:

Our Location

Montgomery County Domestic Relations Section
Box 311
One Montgomery Plaza
Norristown, Pennsylvania 19404-0311

Click [here](#) to go to Area Map of Downtown Norristown

For a map to Domestic Relations, visit [MAPQUEST](#).

PHONE NUMBERS/FAX NUMBERS/E-MAIL:

Main Number:

(610) 278-3646 or 1-800-771-2467 (to reach a client service worker)

AVR:

(610) 278-3646 or 1-800-771-2467 (computer information - touch-tone service required)

Fax Number:

(610) 239-9637

E-mail

CSMontgomery@PACSES.com

You may call Domestic Relations to speak to a Client Service Representative about your case at any time Monday through Friday 8:30 AM - 4:15 PM. Or you may come to Domestic Relations and be seen by a Client Service Representative between 8:30 AM and 4PM. Client Service Representatives can help explain how your support order affects you, research your case if there are problems, and mail forms or other information if necessary. Client Service Representatives also can help explain how support payments are applied to your account (however, we recommend that clients view our web site, where there is a detailed description of how Domestic Relations' Computer System - PACSES - automates the distribution of support payments.

Please supply your 9 digit PACSES case number and Social Security number for all telephone calls, letters

and office appearances. Your "9 digit PACSES case number" appears on every piece of mail and support check you receive from the Domestic Relations Section.

PLEASE DO NOT TELEPHONE OR WRITE TO ANY JUDGE OR HEARING OFFICER ABOUT YOUR CASE. JUDGES AND HEARING OFFICERS ARE NOT PERMITTED TO GIVE ADVICE OR DISCUSS CASES OUTSIDE THE COURTROOM OR HEARING ROOM. CONTACT DOMESTIC RELATIONS WHEN YOU NEED HELP WITH YOUR CASE.

Representation By An Attorney

In all matters scheduled by the Domestic Relations Section, you have a right to have an attorney present, but it is not required. Attorneys can give you helpful advice about legal matters related to your case. The decision is yours as to whether or not you choose to have an attorney with you when you come to Domestic Relations.

Occasionally, a person may be provided an attorney by the Court at no charge. This most often happens when cases involve parties who are in different states or counties and in cases in which there is a question about the paternity (who the father is) of the child.

If you want to have a lawyer, but do not know one, you may seek one through the [Montgomery County Bar Association's Lawyer Referral Service](#).

Support:

What is Support?

The term "support" is usually defined as money paid by an individual in order to help provide food, clothing, shelter, and other necessities for his or her dependents. The term "dependents" refers to the spouse and/or children that a person is legally bound to support.

Therefore, in Domestic Relations, "support" can refer to two separate financial obligations: child support and spousal support.

Types of Support

Child Support is defined as support and medical coverage for dependent children.

Spousal Support is, on the other hand, support for a dependent spouse provided when the parties are married, but living apart.

Alimony Pendente Lite (APL) is an order for temporary support granted to a spouse during the pendency of a divorce or annulment proceeding. The purpose of APL is to permit a dependent spouse to prosecute or defend the action.

Medical Coverage and Other Expenses: There are other types of support besides money which may be requested during a support action. The plaintiff, who is the person filing for support, may request that medical and hospital coverage for him/herself and their children be provided by the defendant, who is the person being asked to pay support. This request is limited by the kind of coverage available and its cost to the defendant. A plaintiff may request that the defendant help contribute toward all medical, dental and prescription expenses not covered by insurance. The defendant may be required to pay for a share of day care expenses for the children, which would allow the plaintiff to work or attend school. Plaintiffs receiving TANF benefits will, by law, be considered as "non-cooperative" if they are unable to provide information sufficient to serve notice on the defendant or to proceed under the Federal Parent Locate System.

Who May Request Support?

The law in Pennsylvania states that the "custodial parent" (the parent that the child lives with), any adult or agency caring for a minor child, or any married individual living apart from his/her spouse may request support from the absent parent or spouse. The law states that both parents have an obligation to support their children, but the monetary amount of the support obligation depends on many factors. The most important factor is the net income of each parent. The way that the Domestic Relations Section determines net income is described later in this manual. Both parents are expected to support their children as much as they are financially able.

The parent who has custody of the child more than 50% of the time claims the child as a dependent for income tax purposes. This can be changed only if the custodial parent (the one with whom the child lives) fills out and submits IRS form 8332. This form allows the absent parent (the parent with whom the child does NOT live) to claim the child as a dependent. Parents cannot claim a child as a dependent if more than half of the child support came from a third source, such as public assistance.

Generally, a child has the legal right to receive support until his or her 18th birthday, or until graduation from high school. Parents may also be required to pay child support for a child that has been placed outside of the home by a Juvenile Court Judge or child welfare agency, such as Montgomery County Children and Youth Services. In those instances the local county is the plaintiff, and both parents are expected to reimburse the county as much as they can afford, as determined by state guidelines.

How to Apply for Support

If you wish to begin a new support case, add a child to a present active case, or reopen an old case, you must appear at Domestic Relations in person for an Intake Interview.

Please note: Everyone must have an Intake Interview. Allow 1-2 hours for your Initial Interview. Please remember that due to the client volume we can only see clients Monday through Friday from 8:30 AM to 2:00 PM. If you come after 2:00 PM we can not guarantee that you will be seen that day. Please be aware the longest wait time will be between the hours of 11:30am and 1:30pm. If you plan to arrive during these hours, plan to be in our office for a minimum of 2 hours. You may be asked to return at a later date for your Intake Interview.

Preparing for Your Intake Appointment

Before you come in to open your case, gather as much of the following information as possible to bring with you to your interview. This will allow for your case to be processed and scheduled in a timely manner.

1. Social Security cards/numbers for yourself, your children and the absent parent.
2. Birth certificates for the child or children.
3. Photo identification for applicant (yourself).
4. Current address of absent parent(s).
5. Employer name and address for yourself and absent parent(s).
6. Proof of paternity if applicable.
7. Proof of medical insurance coverage (medical cards).
8. Marriage License/Divorce decree.
9. Protection from Abuse Order (if applicable).
10. Proof of custody (caretakers).
11. All sources of income for absent parent (SSI, veteran's benefits, unemployment compensation, second job, etc).
12. A photograph of the absent parent.
13. The drivers license number of the absent parent.
14. Custodial Parent must provide their latest W-2 and most recent pay stub.
15. Proof of Daycare costs (If Applicable)

For questions or concerns before your interview, please call: (610) 278-3646

Your Intake Interview

You can expect to spend about an hour completing the Intake Interview in order to receive the best possible service. You will then be seen by an Intake Interviewer who will prepare a support complaint and answer any questions you may have about your case. You will also be scheduled for a Support Conference to determine how much the absent parent will be mandated to pay for support. The date of the Support Conference will be approximately 4 to 8 weeks from the date of the interview.

Note that support complaints are sometimes sent to another county or state because the absent parent lives there, but that it is not always necessary to do so. There are federal and state laws that can allow us to address a case in Montgomery County, regardless of where the absent parent lives. The Intake Interviewer will discuss this issue during your interview if appropriate, and will determine if the case will be sent to another court. If the case is sent to a court outside Pennsylvania, the other court will establish and enforce the support order and send the payments to our office. In such cases, you are not required to go to the other court for any hearings. These actions are called "[Interstate/reciprocal/UIFSA cases](#)." You may file your complaint in Montgomery County or if:

- You and the child live in Montgomery County.
- The defendant lives in Montgomery County.
- The defendant is regularly employed in Montgomery County.

If the absent parent lives in a nearby county, you may go to that county and file a support action in their Domestic Relations Section. Montgomery County will not be involved in the action, and you will have to attend hearings in their court as scheduled.

It is generally desirable to have both parties in a case report to the same court. If circumstances allow you to file a case directly with the court that will be hearing the matter (often the court where the defendant lives or works), we encourage you to do so.

Locating the Absent Parent

Domestic Relations cannot file a complaint without the valid address of the absent parent. If you do not know the absent parent's current address, Intake staff will work on your case based on the information that you are able to provide. You may be called at a later date to provide more information. The Domestic Relations office uses a variety of sources in attempting to locate an absent parent. Some of these sources include federal and state tax information, driver's license, credit bureau and public assistance information, and employment information.

If a valid address is located, you will be contacted again to come in and complete the complaint. If the absent parent cannot be located, your case may, unfortunately, be closed based upon a lack of necessary information.

Your Support Folder

When you leave your Intake Interview, you will be given an envelope containing copies of all the paperwork that you signed, along with other handouts, including this handbook. You will always receive copies of documents filed and orders entered. Keep these and all subsequent documents together for your records. Refer to them any time you contact Domestic Relations about your case. If you need to acquire a copy of any of these documents in the future, there is a charge of \$1.00 per page.

Preparing For Your Office Visit

1. Make sure you know exactly where you are to appear, and arrive on time.
2. Be sure to bring whatever mail you have received from Domestic Relations with you when you come to the office.
3. Know and understand the reasons why you are there, and be prepared to tell Domestic Relations staff exactly what you are asking for.
4. Always be honest. Failing to tell the truth is a crime, and could cause the Domestic Relations staff to doubt your truthfulness in general.
5. Although these matters may be very upsetting to you, focus your attention on the purpose of your appearance. Present the facts as you know them. Remember, staff members are here to serve both parties, and are trying to do what is in the best interest of all.
6. Bring all information with you that will help to prove your position (receipts, bills, income information, etc.).
7. Bring all completed forms and all papers and letters which the court may have sent you in advance.
8. Make two (2) copies of all materials you bring with you. One copy will be for the Domestic Relations files and one copy for the other party.
9. Always keep a file or special envelope with all your records.

Conference and Hearing

Once a support complaint has been "filed" (which means the paperwork is completed and officially recorded), both parties will receive "conference notices" (an official order by the court to attend the conference), as well as various forms requiring information. On the day of the conference you should report to Domestic Relations at least fifteen minutes before the scheduled time of your conference, bringing with you the information you were directed to bring (see below). When both parties have reported to the receptionist that they have arrived, your case will be heard. Depending upon individual circumstances, even if one party fails to appear, the case may proceed. (See "[If Only One Party Appears](#).") The conference may last up to one hour.

Things to Bring to the Conference

Both parties will be ordered to bring their previous year's income tax returns and payroll stubs for the past six months. They should also bring medical insurance cards, insurance policy numbers, benefits booklets, and any other things that will help the officer make the best decision. Self-employed people must bring business records and financial statements. People who receive unemployment or worker's compensation disability or pension benefits must bring proof of the amount they receive. You will have received in the mail, along with the court hearing notice, an income and expense statement (income is how much you earn; expense is how it is spent). This form must be filled out and brought with you to the conference. Please do not bring children to the conference unless paternity of the child needs to be established.

What Happens at the Conference

A Domestic Relations conference officer will guide you through the conference. The purpose of the conference is to give the parties an opportunity to decide what amount and what type of support will be paid. The conference officer will use the income information which the parties and their employers have provided to determine the net (after taxes) income of each party. The amount of support each party may be required to pay is based mostly on both parties' net monthly incomes, how much each is capable of earning, and/or reasonable needs.

In Pennsylvania, support amounts are determined by using written support guidelines, which are the same in the whole Commonwealth of Pennsylvania. Click here to get a copy of the [Pennsylvania Support Guidelines](#). Copies of the guidelines are also available from the Domestic Relations office at a minimal cost, or can be found in the Montgomery County Law Library, located in the basement of the Court House.

Although guidelines are used to determine the support amount, every case is also affected by individual circumstances. Some of the items which may be considered in deciding a support amount are:

1. MONTHLY NET INCOME - This is determined by averaging the monthly gross income (before taxes) over a six month period (when possible), and subtracting from it the mandatory (must be taken) deductions. Monthly gross income includes overtime, tips, bonuses and commissions. Federal, state, and local taxes, social security deductions, medical insurance costs that benefit the children and other spouse, mandatory retirement contributions and union dues are subtracted from gross income to arrive at the net monthly income.
2. FLUCTUATING (CHANGING) INCOME - Adjustments in support orders will not be made for normal changes in earnings. Support orders for seasonal employees such as construction workers, are ordinarily based on an average of one year's earnings.
3. EARNING CAPACITY - In certain circumstances, if a party who is able to work chooses on his or her own a lower paying job or fails to work at all, he or she will be considered to have an income equal to his/her earning potential. This also may be true when a party voluntarily (on his or her own) quits work or is fired for misconduct.

4. RETROACTIVE EFFECT - Support orders are usually made retroactive (go back) to the date that the support complaint is started. Credit may be given for voluntary payments made between the filing date and the date of the support order. Proof may be required to show that these voluntary payments were made. Therefore, it is suggested that any voluntary payments be made by check. The court will decide the retroactive arrears (amount of back support owed) and require a payment on the arrears in addition to the payment of the regular support amount.

5. DEVIATION (ADJUSTMENT) - The guideline figures may be adjusted for circumstances such as unusually high fixed bills, the age of the children, a duty to support other children and/or spouse, etc.

6. MORTGAGE PAYMENT - The guidelines assume that the spouse who is living in the marital residence (the family home) will be solely responsible for the mortgage payment, real estate taxes and homeowner's insurance. The support order is based on this belief, unless it actually states otherwise. Therefore, if the party who is NOT living in the home is paying the mortgage, real estate taxes or insurance, and is found to owe support to the party who is living in the home, credit may be given for paying those expenses.

7. CHILD CARE EXPENSES – Reasonable child care costs are the responsibility of both parents. The guidelines provide that child care expenses be divided proportionately between the parties based upon their incomes.

8. PRIVATE SCHOOL EXPENSES - The support guidelines do not consider the costs of private school tuition. If a private school is a reasonable need of the child because of the child's special needs, or the parties' prior standard of living, the support award may be adjusted so that the parents share the expense proportionate to the parties' incomes.

9. DIRECT CONTRIBUTION OF NON-CUSTODIAL PARENT - The support guidelines assume that the non-custodial parent has regular contact with his/her child. Therefore, adjustments to the guidelines will only be considered if the defendant spends an unusually great or small amount of time with the child or pays an unusually high or low amount of the expenses of the child (i.e. if the defendant has the child overnight 40% of the time or more) or pays an unusually high or low amount of the expenses of the child.

10. MEDICAL SUPPORT - The law requires that both parties provide medical support for the children, if able. Therefore, when a support Order is issued through Domestic Relations, it may require the plaintiff and the defendant to have medical insurance for the children/plaintiff and to pay part of the medical costs not covered by insurance. Most recent support orders provide for medical support. Also, the law requires that uncovered medical expenses be divided proportionally between the parties according to their incomes. However, the support guidelines assume that the first \$250.00 per person of un-reimbursed medical expenses will be paid by the custodial parent. If your Order does not include it, you may petition to have your Order modified (changed) to add medical support. (For more complete information on medical support, please read ["Medical Support - A Guide Toward Understanding Medical Support"](#).)

11. COLLEGE EXPENSES FOR ADULT CHILDREN - In the past, college support was allowed by case law for adult children. This case law was overturned in the case of Blue v. Blue. The Legislature, in response to the Court's decision in Blue, enacted legislation that took effect June 2, 1993. On October 10, 1995 this statute was declared unconstitutional. Therefore, the Domestic Relations Section can pursue college support for adult children only in limited circumstances. For further information, please contact an attorney.

12. EFFECT ON T.A.N.F. RECIPIENT (a person who receives Temporary Assistance for Needy Families receives a welfare grant for a child) – The Department of Public Welfare (DPW) requires everyone who receives a T.A.N.F. grant to file for support against the non-custodial parent. The person who receives T.A.N.F. must assign (give over) his or her rights to support to the DPW. This means that all money collected from the non-custodial parent on the support order will be turned over to the DPW. If the support award is higher than the total benefits received from the DPW, then the custodial parent and children may no longer receive public assistance and will directly receive all money from the support order. Any arrears (back support) owing to DPW at the time the custodial parent takes the children off welfare must still be paid to the DPW.

Establishing Paternity

If an alleged father (the man who was named as father) appears at a support conference and denies that he is the father of the child, the conference can go no further until paternity is established. (Paternity tests generally are not allowed for a child born while the parties are married to each other.) If appropriate, the Domestic Relations Section will arrange for the parties and the child to have paternity testing by a medical technician at the Domestic Relations Section to test whether or not the man is the father of the child.

The laboratory will test the genetic samples to determine how likely it is that the man is the father. After the testing is completed, the results of the tests are sent to both parties and are reviewed with the alleged father. If the alleged father agrees that he is the father of the child, he will sign a document that he is the father, then a conference will be scheduled to determine the amount of support. If the alleged father continues to deny paternity after receiving the genetic test results, the case will be scheduled for further proceedings by the court.

An alleged father may receive a free attorney following the paternity test review by requesting one, if the court decides that he cannot afford an attorney. Counsel (an attorney) for the Domestic Relations Section represents mothers in paternity cases. If the man is found to be the father by the Court, the Court will usually order that he pay for the genetic test costs and the court costs.

If Only One Party Appears

If the plaintiff (the person asking for support) fails to appear for a scheduled conference, the case may be dismissed. However, if the plaintiff is on public assistance, the case will continue in his/her absence and the Department of Public Welfare will be notified that the plaintiff has failed to cooperate. This could result in the plaintiff being taken off public assistance.

If the Domestic Relations Section was given the address of the defendant's employer before the conference or hearing, the income information will be requested directly from that employer. This provides the necessary "proof of earnings".

Before a support order can be entered, the law requires proof that the person against whom the support claim is made (the defendant) has been given notice of the claim and a date to come to a conference or hearing. If receipt of that notice can be proven and the defendant (the person being asked to pay support) fails to appear, and if it has been determined how much the defendant earns, a support order may be entered. Otherwise, the proceedings will be delayed, and the defendant may be sent a notice of warrant for arrest for his or her failure to appear.

FAILURE TO APPEAR AS DIRECTED BY THE COURT IS A SERIOUS MATTER WHICH COULD RESULT IN FINES, IMPRISONMENT OR BOTH.

Hearing

If the two parties cannot come to an agreement at the conference, a hearing will be scheduled. The officer may enter a temporary Order called an Interim Order, for 100% of the recommended amount if this is a new case. The support case then will be scheduled to be heard by a hearing officer. A hearing officer is a lawyer appointed by the judges of the Family Court to take testimony on support cases, and make decisions regarding the amount of support. The hearing will usually be held about six to eight weeks after the conference.

The hearing will be tape recorded, and all rules of court will apply. The hearing officer will review the conference officer's recommendation and notes, take testimony if necessary, review documents, and apply the guidelines and the law of Pennsylvania. Factors previously described in this manual will be taken into account. Following the hearing, and after considering the issues, the hearing officer's recommendation will be mailed to the parties. The recommendation will contain the amount of support the defendant is to pay and will also contain any other issues related to support.

Either party may file an appeal (called *exceptions* to the recommendation), within ten days of receiving the recommendation.

Exceptions to the Hearing Officer's Recommendation

Either party may file exceptions to the hearing officer's recommendation. Exceptions allow the parties to argue before a Judge of the Family Court that the support Order is improper. This appearance before the Judge is called "Argument Court". Meanwhile, the hearing officer's recommendation becomes an order of court, which both parties must follow until the Judge rules on the case and enters the final order.

Usually exceptions are filed by one or both of the parties' attorneys, but it is possible to file them yourself. If you file exceptions, and the hearing was recorded, you must pay for the tape of the recorded hearing to be transcribed (typed). Once the tape is transcribed, the Domestic Relations Section schedules a hearing date for Argument Court. The parties or their attorneys file written summaries of their position (briefs) to the judge. On the date of the Argument Court hearing, the parties or their attorneys argue their clients' position, then, after reviewing all of the evidence, the judge gives a final decision.

IF EXCEPTIONS ARE NOT FILED WITHIN 20-DAYS, THE RECOMMENDATION WILL BECOME A FINAL ORDER OF COURT. IF EXCEPTIONS ARE FILED, THE RECOMMENDATION WILL BECOME A TEMPORARY ORDER.

Pennsylvania Support Collection & Disbursement Unit

What is SCDU?

Beginning August 1, 1999, the Montgomery County Domestic Relations Section (DRS) no longer collects support payments or issue support checks. Instead, the Department of Public Welfare's State Collection and Disbursement Unit (SCDU) will do this work. Federal and State laws require this change.

ENFORCEMENT of SUPPORT ORDERS

There are **several methods** which can be used to enforce a support order. Effective July 1, 1990 all cases automatically require a wage attachment order. This is a court order which directs the defendant's employer to subtract the amount of support from the defendant's paycheck and pay this amount directly to the Domestic Relations Section within 10 days. Wage attachments also can be used on unemployment compensation, worker's disability, and some pension benefits.

If payments are not being made despite the wage attachment, or if the defendant is not paying the full amount as ordered, the case is eligible for enforcement action. A notice of non-compliance is mailed monthly to defendants who fail to make regular support payments or have not made a payment in 30 days.

This notice reminds the defendant of his or her duty to pay, and of the legal problems caused by failure to pay support. If the defendant continues to not make payments, he or she is in violation of the court Order, and contempt of court procedures may be started. This includes a **Contempt Conference** to determine whether or not the defendant is in contempt of Court. Through these contempt proceedings a defendant can be forced to find employment, make a lump sum payment, or be put in jail by order of a Judge after a finding of willful contempt at a Contempt Hearing.

In addition, **federal income tax refunds** may be intercepted(taken)and applied to back support. The Domestic Relations Section will automatically apply for an IRS Tax Refund Intercept on all qualifying cases. To qualify for the IRS intercept program, all of the following eligibility requirements must be met:

1. Only child support can be collected. Your support order must be for child support only. However, spousal support may be included if the same order includes support for both spouse and child(ren).
2. There must be at least \$500.00 in past-due child support payments (or \$150.00 if arrears owed to welfare) and 1 month of arrears (or 3 months of arrears if arrears are owed to welfare) for a case to qualify for IRS Intercept. Any money owed to welfare will be paid first from any IRS tax refund received. "Retroactive" arrears (those arrears which occur between the time the case is started and the time the money Order is entered) cannot be collected by IRS Tax Refund Intercept. Each month, the PACSES system automatically submits eligible cases for IRS Intercept.
3. The child must be under 18 years of age as of December 31st of the tax year you are applying for.
4. We must have the correct social security number of the person who owes the child support payments.

If you have any questions about the IRS intercept program, write:

DOMESTIC RELATIONS SECTION
Attn: IRS Intercept Coordinator
Montgomery County Domestic Relations
P. O. Box 311
Norristown, PA 19404-0311
or call: (610) 278-3646

If a defendant owes back support (arrears) Domestic Relations may report him or her to the **Credit Bureau**. The plaintiff does not have to request this action, because it is done automatically by the PACSES system. In order for this to happen the defendant must be at least 60 days in arrears. The defendant's arrears are then reported to the credit bureau. This, in turn, affects the defendant's credit rating.

Any past due support becomes a **lien automatically**. If the person who owes the support is buying, selling, or refinancing real property and owes past due support, the automatically resulting lien would normally have to be paid in full before he or she would be allowed to buy, sell, or refinance the property. Title companies, banks, and mortgage companies routinely contact the Domestic Relations Section to verify if the person involved in a real estate transaction owes any past due support, and if so, how much.

According to law, any child support payment that is not paid when due automatically becomes a judgment after thirty (30) days. This means that the judgment will have full force and effect like any other judgment of court, and will be enforceable in this or any other state. This judgment will end when all past due support has been paid. Domestic Relations keeps an account of all support payments made under court Order. The records of the Domestic Relations are used to determine the amount of the judgment.

A judgment becomes a lien against property and can be enforced for past due support against such defendants who are selling or refinancing property. That lien would normally have to be paid in full before they would be allowed to sell or refinance their property.

Note: Also, Title companies are required to receive a certification of balances due.

Driver's License Suspension: Recent changes to the law allow for suspension of driver's licenses if a payor is delinquent in the payment of his or her support debt. Click [here](#) for more information.

Modifying (Changing) a Support Order

If the parties agree to modify (change) their support order they may sign and file an agreement for modification at Domestic Relations. If there is no agreement, one of the parties may file a "[Petition to Modify](#)", asking the Court to schedule the matter for a conference to determine whether or not the support Order should be changed.

If you want to modify (change) an existing order (and the other party does not agree) you must file a petition in the Docketing Section of the Domestic Relations Section. You may file a petition on your own or consult your attorney. This petition must state the reason that you are requesting a change in the support Order. Forms are available [here](#) or in the Docketing area of our office if you want to file a petition on your own to modify your present support order. Click [here](#) to view how to file a Petition to Modify.

A support order can be changed by petition only if there has been a substantial change of circumstances (important events or problems that happened) since the order was made. Some reasons why your support Order may be changed are:

1. The parties have reconciled (gotten back together) and are living together.
2. The parties have reached an agreement and the plaintiff (the person receiving child support) is not on public assistance.
3. The income of one or both parties has greatly increased or decreased.
4. There are extraordinary (unusual) and ongoing medical expenses that were not present at the time the last order was made.
5. A child on the support order is over eighteen years old and is no longer attending school.
6. The increased age of the child or other factors cause increased expenses.
7. A.P.L. or spousal support is no longer required because a final decree in divorce has been granted, and all economic claims have been settled.

Changes to support orders usually become effective no earlier than the date that the modification petition is filed. This means that, unless you were unable to file the modification petition because of happenings that were beyond your control, changes to support orders cannot be applied to the time period before you filed the petition. Therefore, it is very important for the parties to petition the court as soon as possible after experiencing a change in circumstances. Any changes to a support order will be retroactive (go back) to the date the Petition to Modify was started, unless otherwise agreed upon by the parties.

Parties may suspend (stop) a support order at any time if they both agree, as long as the children are not on welfare. If the parties do not agree, one of them may petition to have the support order suspended. To suspend the order the parties may come to Domestic Relations and sign a suspension order. The support order will be stopped once the suspension order is signed by a Judge.

If a petition must be filed to request that the order be suspended, a conference may be held to make that decision.

Review of a Support Order

According to federal regulations, you are entitled to (have a right to) a review of your case once every three years. Parties may request a review of their order every three years, to determine if a change in their order would be proper. You must file a petition to request a "three year review." Forms are available in the Docketing Unit of the Domestic Relations Section. If your case is eligible, you may have to come to a conference.

Medical Support

What is Medical Support?

The term "Medical" includes reasonable expenses for medically necessary services and supplies such as:

- Co-pays and Deductibles (for Orders effective 4/1/99)
- Surgical
- Dental
- Optical Services
- Orthodontics (for Orders effective 4/1/99)
- Prescriptions

Services that are NOT Covered (unless specifically stated in your Order) are:

- Chiropractic Services
 - Cosmetic Surgery
 - Psychiatric/Psychological Services
-

Guidelines for Medical Coverage

Parties must provide each other with the following:

1. Name of the health care coverage provider(s);
2. Any applicable identification numbers or cards;
3. Address to which claims should be mailed;
4. All documentation regarding guidelines and participating health care providers, including a copy of the benefit booklet or coverage contract.
5. Five copies of any claim forms.

If the child or spouse receives Medical Assistance (ACCESS, Mercy or other State funded medical coverage) parties may be required to provide health insurance.

Parties may be responsible for birth related expenses.

Communication and Cooperation Between Parties is Essential!

How to get payments for medical expenses

- Parties must follow the insurance company rules. All bills must be submitted to all available insurance plans. If a claim is denied by the insurance company for failure to follow their rules, the other party cannot be made responsible for the share of the cost.
- Documentation must be provided to show that the first \$250.00 per person/per calendar year has been met.
- The party with the Medical bills should send copies of the bills and insurance statement to the other party by regular mail as well as certified mail or a certificate of mailing. The exact amount owed and to whom, should be clearly stated. (Medical Data Sheet on the back of this brochure may be used). A certified mail receipt card will be returned to the sender as proof the bills were received by the Obligor. Please keep this mail receipt.
- The party who is responsible to pay the bill should send the payment to the other party by check or money order so payment can be verified.

Enforcement of medical payment

If full payment or payment arrangements have not been made within 30 days, notify the Domestic Relations Section by sending:

- *Copies of the medical bills.*
- *Insurance company statements*
- *Verification that the \$250.00 per person/per calendar year deductible was paid.*
- *Copy of the certified mail receipt and/or certificate of mailing.*
- *Completed [MEDICAL DATA SHEET](#)*

Completed Medical Data Sheets and supporting documentation should be mailed to :

Montgomery County Domestic Relations Section
Box 311
One Montgomery County Plaza
Norristown, Pennsylvania 19404-0311

The Domestic Relations Section will contact the party responsible for payment and establish a schedule for repayment or schedule an enforcement hearing.

This guide is intended to be instructive as to the general procedures of the Montgomery County Domestic Relations Section and should be used for informational purposes only.

Interstate Cases: UIFSA

Regardless of where the parties live, the simplest way for us to administer a support case is as a "local case." In a "local case", the local court - the Montgomery County Court of Common Pleas, for example - is the "single point of contact" for the parties in resolving all support issues pertaining to the administration of the support order.

However, although support cases can - and generally should - be administered as "local cases" (even if one of the parties lives out-of-state), there are times when it is better - even necessary - to administer a case as an "Interstate Case." When administering a support case as an Interstate case, another Court or tribunal is involved. Administration of Interstate cases is governed by legal rules established by U.I.F.S.A. (The Uniform Interstate Family Support Act).

U.I.F.S.A. law has been adopted by all of the U.S. States and Territories, including Puerto Rico and Guam.

Click the following link to find out more about [Interstate Case Processing and U.I.F.S.A.](#) - following this link will let you view the Processing Interstate Cases/UIFSA web-based training module hosted by the Federal Office of Child Support Enforcement (O.C.S.E.).

Glossary

(This is a list of words or phrases which are found in this reference and their meaning.)

Argument Court – the hearing level at which a support case is decided by a Judge when there is disagreement at both the conference and the Hearing Officer hearing.

Arrears – back support owed.

[AVR](#) (Automated Voice Response) system – a telephone system hooked up to the Domestic Relations PACSES computer which gives payment and other information without requiring the client to wait to speak to someone (available 24 hours/day, 7 days/week); the operator can be reached through this line also (during normal business hours).

Case Number – the 9-digit number given to a PACSES support case when it starts. This number is used for your case alone.

Complaint – the name of the document that begins a support case.

Compliance Officer – An employee of the Domestic Relations Office who holds Contempt Conferences and takes other enforcement actions when defendants are not following the support Orders.

Conference – the meeting held with an employee of the Domestic Relations Office and the parties to get information and agree about the amount of support to be paid, and make decisions about any other parts of a support Order.

Conference Officer – a Domestic Relations employee who holds support conferences (see above).

Credit Bureau Reporting – sending a report to credit reporting agencies informing them of defendants who owe over 60 days in arrears.

Contempt Conference – a conference in which the Defendant must explain why he or she is not following the Support Order and where he/she must agree to the recommendation written by the Compliance Officer and signed by the Judge. The contempt conference is held in the Domestic Relations office. If no agreement is reached at the Contempt Conference, the matter is scheduled before a Judge at a Contempt Hearing.

Contempt Hearing – a hearing before a Judge in a Court Room to determine if a defendant willfully failed to comply with a support Order.

Defendant – the person who is the "absent parent"; the one who pays support; also called the "non-custodial parent."

Dependents – the person or persons (spouse and/or children) whom someone is bound by law to support.

Enforcement Court – a hearing in which the Defendant must explain why he or she is not following the Support Order and where they must agree to the recommendation written by the Compliance Officer and signed by the Judge. The hearing may be held in the Domestic Relations office and/or before the Judge in a Court Room. Also known as a "Rule Hearing".

Exceptions – a document filed, usually by an attorney, stating why the recommended Order of the Hearing Officer is not acceptable.

Genetic Testing – Testing used to establish paternity.

Hearing – an official Court meeting before a Compliance Officer, a Hearing Officer or a Judge.

Hearing Officer – an attorney appointed by the Court to hear support cases when there has not been an agreement at the Conference; in some counties this person is called a "Master."

Interstate - see [U.I.F.S.A.](#)

IRS Intercept – the action of taking a defendant's IRS tax refund for the purpose of paying support arrears.

Judgment – When a defendant owes back support it is automatically a *judgment*. This judgment can be filed in the Prothonotary's office and become a lien on the property owned by the defendant. This procedure may be used if a defendant is not paying on the Support Order.

Lien – past due support automatically becomes a legal claim on the property of the person owing arrears.

Local Case – a case in which both parties are under the control of the Montgomery County Court.

Member ID Number – a 10-digit personal identification number used to identify you as a member in a PACSES case or cases.

Modifying an Order – changing an Order, such as raising or lowering the amount of support, or adding or subtracting a dependent.

MSO (Monthly Support Order) – All Support Orders are converted to a monthly amount (MSO) on the PACSES system.

Notice of Non-compliance – a notice to the defendant that the support Order is not being followed; usually sent if there has been no payment for 30 or more days.

PACSES (Pennsylvania Automated Child Support Enforcement System) – a large, statewide computer system which is used to track cases, keep financial records, and to automate the enforcement of support orders.

Parties – the adult people involved in the support case.

Paternity – legally being the father of a child.

Plaintiff – the person who asks for support; the one who starts the case, the one with whom the child lives; also called the "custodial parent."

Reciprocal Case – a case in which one of the parties is under the control of a court other than Montgomery County. See [U.I.F.S.A.](#)

Retroactive Arrears – back support that happened between the time the Plaintiff started the support case and the time a money Order starts.

T.A.N.F. – Temporary Assistance for Needy Families: cash welfare grant for children.

[U.I.F.S.A.](#) - Uniform Interstate Family Support Act - governs administration of Interstate Support cases.

Wage Attachment Order – an Order of Court telling an employer to take a certain amount of money from the defendant's pay for support, and requiring the employer to pay the support directly to the Domestic Relations Section.