



Child Support in a Jewish Divorce

This guide is written for women in the Orthodox Jewish community. While women are more likely to become victims of Get-refusal (where one spouse refuses to release the other in divorce), men can be victims as well. In addition, there are differences in how Jewish law surrounding divorce is understood in different communities. You should consult with your personal religious advisors for more information

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I am getting divorced. Can I get child support?

Under New York law, a child can receive child support until the age of 21. Sometimes child support can end earlier. Examples of when it can end earlier are if the child joins the military or gets married.

In general, the **custodial parent** receives child support from the non-custodial parent. The custodial parent is the parent primarily living with the child. If you and the other parent share custody, the parent who earns more usually pays child support.

Where do I go to ask for child support?

If your husband does not agree to pay child support, you can ask the **Beit Din** to address the issue. The Beit Din is the Jewish court. The Beit Din resolves disputes through a formal proceeding called a Din Torah. At the **Din Torah**, you will be asked to sign a **shtar berunin**. This is an agreement to go to **arbitration**. Arbitration is a process for settling a dispute. If you do not reach an agreement, the Beit Din will decide for you. Once you go to Beit Din for child support, you have very limited options if you disagree with the decision. See page 2 for more information. If the Beit Din has not issued a decision regarding child support, you can ask for child support in your civil divorce.

Do we have to use the Beit Din to resolve our disputes?

Some religious authorities say that Jewish couples must go to a **Beit Din** to resolve issues related to divorce, including child support. There are exceptions. For example, you may be able to go to civil court first if you have an immediate safety concern. You may also be able to get a **heter arkaos** from a rabbi in certain circumstances. A heter arkaos is a document that gives you permission to petition a civil court instead of a Beit Din. One example is if your husband refuses to go to a Beit Din.

Does it matter which Beit Din we use?

Yes. Standards, procedures, and values vary among Batei Din. Once you agree to a particular Beit Din, you will not be able to change your mind. Choose the Beit Din carefully. Some Jewish communities have an established local Beit Din. Other communities have many Batei Din to choose from. Depending on the circumstances of your case, you may be able to use a non-local Beit Din.

How do I start a Din Torah?

Either you or your husband can start the process. If you both agree to a Din Torah, you can contact a Beit Din to schedule one. If one of you does not agree, the other person can ask the Beit Din to send a **hazmana**, or summons. A summons is a document telling someone to appear in court.



How does the Beit Din decide the amount of child support?

It depends. Jewish law does not provide specific guidance on how Batei Din should decide child support. As a result, Batei Din vary in how they decide child support. Some Batei Din follow New York child support guidelines. Others do not. If a Beit Din does not follow these guidelines, its decision could later be challenged in civil court. See below for more information. Keep this in mind when choosing a Beit Din.

Can the Beit Din order any other expenses besides child support?

Yes. The Beit Din can decide who is responsible for paying certain expenses, such as:

- yeshiva tuition;
- camp tuition;
- bar/bat mitzvah celebrations;
- costs related to a post-high school year in Israel; and
- wedding expenses.

In addition, the Beit Din can order a spouse to make monthly ketubah payments to provide support. A ketubah is a Jewish marriage contract that defines a husband's responsibilities to his wife. Jewish law does not require maintenance, or alimony.

Will the Beit Din's decision be enforced in civil court?

Generally, yes. Most Beit Din decisions are binding and enforceable in both Jewish and civil courts. When you file for divorce in civil court, the court can **incorporate** the Beit Din's decision into your final judgment. Incorporate means to make part of.

I do not agree with the support award from the Beit Din. What can I do?

You can start a case in civil court if you believe the Beit Din's child support award is not fair. A civil court has the power to **vacate** the Beit Din's decision. Vacate means to cancel. The civil court can vacate the decision if it:

- Does not comply with New York laws regarding child support, and
- Is not in your child's best interests.

Keep in mind that it is very difficult to vacate Beit Din decisions. One reason why is because when you agree to arbitration in Beit Din, you agree to be bound by the Beit Din's decision. You may want to consult with an attorney familiar with the Jewish and civil legal systems before this process.



How will the judge decide whether to vacate the Beit Din's decision?

The court must decide if the Beit Din's child support award complies with New York laws and is in your child's best interests. In deciding this, the court looks at different factors. These factors include, but are not limited to:

- the information the Beit Din used to determine child support;
- the financial resources of each parent; and
- whether the support award is enough to provide for your child.

How is child support decided under New York law?

Under New York law, the amount of child support is based on a law called the **Child Support Standards Act**. First, the court determines the **gross income** of the two parents together. Gross income is the amount of money you earn before taxes are taken out. Some special expenses reduce your income level for child support, such as New York City income taxes and child support paid for another child. Note that the calculation may be different if both parents' combined gross income is above a certain amount. The amount changes regularly. As of March 1, 2022, the amount was \$163,000.

Once the court determines your total income, it uses the formula below to decide the amount needed to support the child. The court then assigns each parent a pro rata share based on their individual incomes. Pro rata means in proportion.

1 child	17% of your income
2 children	25% of your income
3 children	29% of your income
4 children	31% of your income
5 children or more	35% of your income

For more information, see the Family Legal Care guide "[Child Support Basics](#)," which is available at familylegalcare.org.



How do I start a child support case in the civil court system?

You must file a child support **petition**. A petition is a request in writing to the court. For more information, see the Family Legal Care guide "[Child Support Basics](#)," which is available at familylegalcare.org.





Can a civil court use Jewish law to determine the child support award?

No. Civil courts must use New York law to determine child support. The courts cannot use Jewish law.

Are there other ways that civil court and Beit Din differ?

There are many differences between civil court and Beit Din:

- Batei Din can conduct the Get ceremony. Civil courts cannot.
- Costs are usually higher in civil court if you hire a private attorney.
- Civil courts follow the laws of the state. Batei Din follow their own rules and regulations.
- Batei Din are more likely to consider expenses specific to Jewish families. Examples of these expenses are yeshiva tuition and bar/bat mitzvah costs.
- Batei Din are more likely to **impute** family contributions when determining individual incomes. Impute means to assign or attribute.
- Civil courts can enforce orders more easily. Batei Din have limited enforcement power.
- In certain types of cases, civil courts may provide attorneys to people who cannot afford representation. Batei Din do not have the resources to do this.
- Cases in civil court can take a long time, even a couple of years. Cases in Beit Din can end much faster.
- Civil court proceedings generally are open to the public. Most Beit Din proceedings are closed

What can I do if my husband does not pay child support?

If there is a Beit Din decision or court order for your husband to pay child support, he must comply. You can ask the civil court to enforce the child support award. If you already have a child support order from civil court, you can file a **violation petition**. A violation petition lets the court know that your husband is not paying support. If you have never been to civil court, you will need to start a new case or ask the court to address child support in your divorce.

Notes



What can the civil court do to enforce child support?

The court can issue a **money judgment**. This is a court order saying how much your husband owes. The amount will build up interest at 9% per year until he pays it off. You can also use the money judgment to seize, or take, his assets or to put liens on property he owns. If the court finds that he **willfully violated** the support order, he could be put on probation or in jail for up to six months. Willfully violating means not following the order on purpose.

The court can also order child support to be paid through the **Office of Child Support Services (OCSS)**. OCSS, which is sometimes called the **Support Collection Unit (SCU)**, is the government agency that collects child support. OCSS can also take actions against your husband for not paying child support. For example, OCSS can:

- Take the child support directly from his paycheck;
- Take his state or federal tax refund before he gets it;
- Suspend his driver's license or professional licenses;
- Freeze his bank account and take money from it;
- Prevent him from getting a new passport or renewing his passport if it expires; and
- Report him to credit bureaus, which can affect his credit score.

Call the New York Child Support Helpline at 1-888-208-4485 to learn more about OCSS services.

What other issues can the Beit Din decide in my divorce?

The Beit Din can resolve disputes about division of property, custody, and visitation. The Beit Din may require you to file its decision as part of an uncontested divorce in civil court.

For more information on civil divorce, see the Family Legal Care guide "[Uncontested Civil Divorce Basics](#)," which is available at familylegalcare.org.



Where can I go for help?

You can call One Step Forward at 1-844-673-5463. One Step Forward provides free support and resources to anyone going through the Jewish divorce process. You can also refer to the resources listed on pages 7-8 of the Family Legal Care guide "[Jewish Divorce Basics](#)," which is available at familylegalcare.org.

Need more help? Family Legal Care offers free legal information and advice on New York family law and court procedure.



Call our Helpline: 212-343-1122 or 800-696-8629 | Visit: familylegalcare.org