

ALIMONY

What is an alimony?

The law provides an **obligation for each parent to support children, education, according to resources**, those of the other parent as well as the child needs.

In case of parents' separation, one of the parent may ask the other to pay a sum of money aiming to the children support they have in common.

Caution: Alimony is not only for married couple.

How can I request an alimony?

- **In the frame of divorce procedure**, the family court judge will pronounce on the children custody and support by each parent. Thus, the parent with whom the children will live, could receive an alimony, for the education and child support.
- **Out of divorce procedure**, the parent having the children custody may seize directly, the family court judge to ask for alimony.

It is necessary to fill in the form cerfa n° 11530*04, enclosed with the resources statements, family responsibilities and submit it to the clerk of the family court judge. (*Cerfa is to download on the following link: <https://www.service-public.fr/particuliers/vosdroits/R15764>*)

How is the alimony evaluated?

The amount of the alimony will be established by the family court judge according to the parents' resources and the children needs. There is no scale, the judge is free in its assessment of the amount allocated.

The parents would have to communicate any vouchers about incomes, expenses to establish their resources and needs.

The judge may as well, confirm an amount proposed jointly by the parents, after having checked the protection of the child interest.

How to pay the alimony?

The terms of alimony payment are fixed by the judge.

The payment is usually made in the form of monthly payment of a sum of money.

It can take the form of a direct assumption of the costs incurred (cafeteria, free-time activities: sport, entertainment...), material contribution (housing) or a capital.

Do I still have to pay my child when turns eighteen?

When the child turns eighteen, alimony does not stop automatically.

The parents have the obligation to support the children until they acquire financial independence.

It is considered that the alimony is due until the end of the child studies, if unemployed and justifies serious job search or if disabled or suffering from an illness which deprives him of his autonomy.

From the age of majority, the child may himself seize the family court judge to require the alimony payment from his parents still together or not.

May I ask for a modification of the alimony?

If the financial situation of the parents and children change, the amount of alimony may be reassessed.

It is necessary to **drop a new request** before the family court judge.

This request can be submitted by the parent touching the alimony or the parent paying, for an increase or decrease amount.

What can I do in case of non-payment of the alimony?

In case of non-payment, the creditor parent can **make execute the judgement**.

Must give **notice the defaulting parent to settle the amounts due within a reasonable time**. This notice takes the form of a registered letter with receipt of acknowledgment recalling the obligations from the judgment and the sums due.

If the non-payment last, the creditor parent **must have recourse to a bailiff** to recover the sums due. This one could set up a direct payment procedure, seizure by pay or seizure sale.

The parent may request a bailiff for the legal aids in case of insufficient financial resources.

All or part of the legal costs (bailiff remuneration, expertise fees...) will be supported by the State.

In case of non-payment of the alimony, do not hesitate to get contact with la CAF in a view to receive family support allowance

(*under conditions,, Cerfa n° 12038*02 in <https://www.service-public.fr/particuliers/vosdroits/R1448>) or a recovery help <https://wwwd.caf.fr/wps/portal/caffr/aidesetservices/lesservicesenligne/faireunedemandedeprestation/aidearecouvrementdespensionsalimentaires>)*

Which judge is competent to assert my rights?

The judge of the **place of the family residence** is competent when the judgement deals with alimony and other request (children custody, exercise of the parental authority, etc.)

In the case where parents live apart, the competent judge is that of the residence of the parents with whom ordinarily resides minor children.

In the other case, it is the judge where the one who did not initiate the procedure lives.

However, when the dispute concerns **only alimony and child support**, the competent judge can be the one where the creditor spouse lives or the parent who is primarily responsible for children custody, even major.