

# CAN I DENY VISITATION WITH THE CHILDREN IF MY EX-SPOUSE IS NOT PAYING CHILD SUPPORT IN KENTUCKY?

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**Musselwhite Meinhart & Staples, PSC**



In Kentucky, child custody laws do not specify a specific age when a child can decide which parent he or she prefers to live with after the divorce. While the court may consider the child's wishes when deciding custody issues, the ultimate decision remains with the judge.

There are no winners in divorce but children are often considered the biggest "losers" because no matter how well parents may get along after the divorce, children will always be torn between two homes. They will never have both parents together in one home again.

In many cases, children are confused and frightened because they are unsure how the divorce will affect them. Some children believe that they are the reason why their parents are divorcing. Maybe if they had behaved better or earned better grades their parents would not have divorced. Making sure that your children understand that the divorce is not their fault and assuring your children that both parents will continue to be present in their lives after the divorce is very important. Because every child is different and each family is unique, the overriding consideration used by judges when deciding custody issues is, "What is in the best interest of the child?"

## CHILD CUSTODY AND VISITATION

With regard to child support, Kentucky has statutory Child Support Guidelines



that uses a formula for calculating child support.

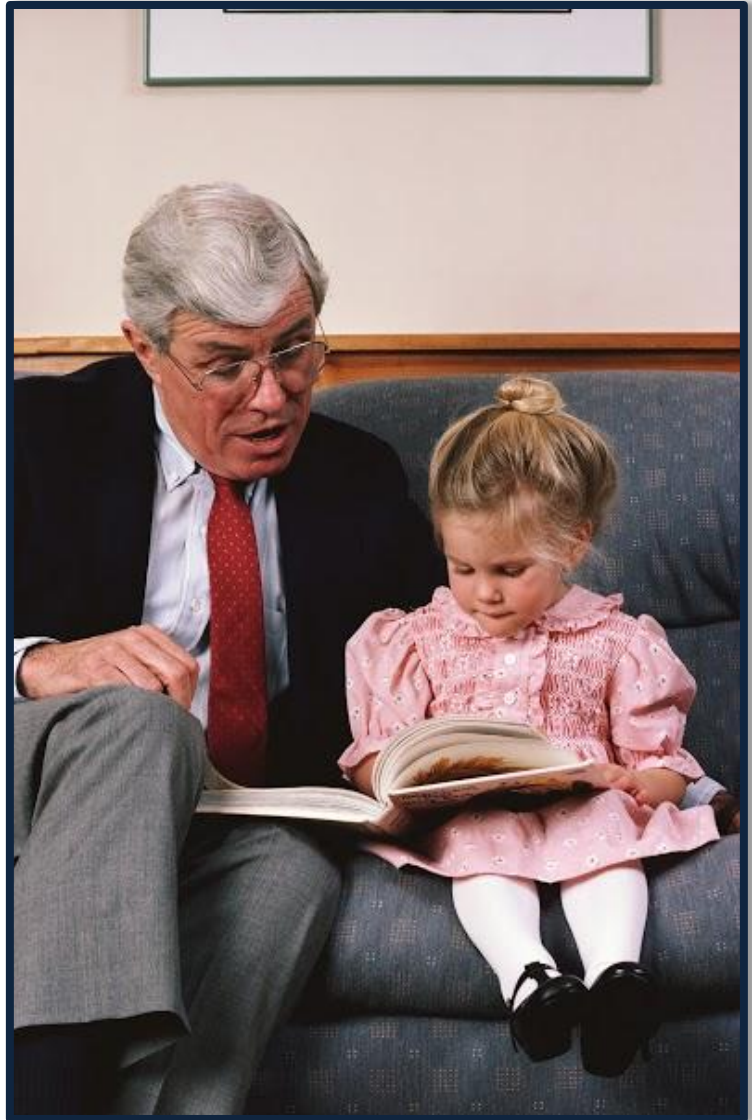
The court may deviate from the guidelines if extraordinary circumstances justify a deviation.

Kentucky child support laws recognize that both parents have a financial obligation to support their child. The

guidelines ensure that each parent continues to financially support their child

after a divorce. Once child support has been ordered by the court, only the court can suspend or modify the obligation.

Under Kentucky custody and support laws, child support and visitation are two separate issues. A child has the right to have financial support from each parent as well as having each parent play an important, active and continuing role in the child's life. Because it is so important for a child to have time with each parent, the court will not allow a parent to deny visitation based on the non-payment of child support. Denying visitation for not paying child support hurts the child the most. The child is deprived of having the emotional support of one of his or her parents.



## WHAT SHOULD I DO IF MY EX-SPOUSE IS NOT PAYING CHILD SUPPORT?

A parent who does not pay court-ordered child support can be held in contempt of court. However, a parent who denies visitation because the other parent is not paying child support can also be held in contempt of court. Courts do not accept non-payment of child support as a reason to deny visitation.



Rather than denying your ex-spouse his or her right to visitation with your child and possibly facing court sanctions for violating a visitation order, contact our office to discuss your legal options for collecting back child support. There are

options we have for collecting back child support and enforcing child support orders in the future.

## **CONTACT AN EXPERIENCED RADCLIFF AND ELIZABETHTOWN CHILD CUSTODY ATTORNEY**

***We've Helped Thousands of KY Families, we can help you!***

The family law attorneys of Musselwhite Meinhart & Staples, PSC have over 50 years of combined legal experience. Our attorneys understand the sensitive nature of child custody issues; therefore, they provide superior legal representation combined with a compassionate approach to dealing with difficult family law issues.

We represent clients throughout central Kentucky. Contact us at our Radcliff Office in Hardin County at **(270) 351-6032**, our Louisville Office in Jefferson County at **(502) 964-1968** or toll-free **at 1-800-754-HELP** to schedule a free consultation with one of our attorneys. You may also contact our office through our convenient [\*\*online contact form\*\*](#).

## About the Author



Paul Musselwhite, Carol B. Meinhart, Kimberly Staples, and Robert D. McIntosh are the experienced and knowledgeable attorneys that make up Musselwhite, Meinhart & Staples. With over 50 years of combined experience, they have been serving the legal needs of individuals, military service-members and families in Hardin county and all of central Kentucky with pride and dignity.

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