**Child Custody-Wage Garnishment & Child Support**

**What the State of Idaho Can and Will Act Upon**

* If children are involved in a divorce proceeding and you cannot agree who should have custody, the court will determine custody issues. When parents are equally capable of caring and providing for their children, the law provides that joint legal and physical custody is in the best interest of the children, and if parents cannot agree, courts must design a schedule that is in the best interest of the children.
* Joint legal custody requires both parents’ cooperation in making decisions for the minor children.
* Sole custody is usually not favored and is granted only when circumstances are such that it is in the best interest of the children.
* Courts will put the best interests of the children above the desires of either parent.

***Wage garnishment & Child Support?***

* The State of Idaho can automatically garnish wages if there is a child support order regardless of whether or not someone is behind in child support payments. (I.C. § 32-1201) The spouse usually instigates a garnishment action, but the state can initiate action against someone on its own without prior notice to you.

***Paternity***

* If you have already acknowledged on a birth certificate the child’s father, Idaho recognizes it as a legal finding of paternity. (I.C. § 7-1106)
* If you are not married, you, the father, or the Department of Health and Welfare may start a paternity action. (I.C. § 7-1110) You have the right to request blood or genetic testing to determine paternity. However, you may be held responsible to pay for the tests as well.