When Mediation Can Help
Assisting child support families can be complicated, even when your  
first priority is creating the best  
outcome for their children. One of those complex  
situations is when noncustodial parents owe a large  
amount of debt for many years to the custodial  
parent. In 2020 in New York City, more than 84,000  
child support cases, including some fathers with  
more than one child support case, owed the custodial  
parents a total of $1.85 billion. The mean amount  
owed was $21,970 – a considerable sum. A lot of  
this debt may be uncollectable because it has  
accumulated over time when high child support  
orders were not aligned with the low income of  
unemployed and underemployed noncustodial  
parents. And a portion of this debt is due to the 9%  
interest charged on court-ordered arrears.

This burden of debt has a huge effect on the family. According to the research  
cited in a 2020 publication from Ascend at the Aspen Institute “Child Support Policy Fact Sheet: Reducing Arrears”: Large child support arrears, in and of themselves, create a barrier to low-wage employment. They substantially reduce formal employment, earnings, and ongoing child support payments. Indebtedness can also create a barrier to father involvement. It can increase friction between parents, increase paternal depression and alcohol use, reduce contact between fathers and children, and get in the way of effective parenting.

Custodial parents – who understandably wish to be  
paid their overdue child support – may not be aware  
how the past-due amount and growing debt is interfer-  
ing with the other parent’s regular payment of  
child support and involvement with their children. One of the advantages for custodial parents of agreeing to reduce this debt is that it can lead to consistent child support payments now and in the future.

Mediation services, with free and low-cost options available through OCSS, can provide a way forward for these hard conversations to take place between custodial and noncustodial parents along with an impartial mediator. Mediators are trained to listen, to be fair, and to keep the discussion safe and productive.

Reducing debt can benefit both parents and their children.

Lowering Debt – Pay It Off
We are pleased that during the pandemic we were  
able to offer noncustodial parents the opportunity to  
reduce their child support debt owed to the NYC  
Department of Social Services (DSS) by matching  
their payments during March and April totaling $200  
or more. We lowered the amount to participate in  
Pay It Off from $500 to $200 and extended the  
program from two weeks to two months this year.  
From March 2 to 16, 2020, 507 noncustodial parents  
signed an agreement to pay and got their DSS debt  
lowered by an equal amount. They reduced their  
DSS debt by an average of $6,415. We don’t have  
final figures on the 2021 Pay It Off program, but as  
of May 20, we had 774 eligible Pay It Off agree- 
ments. That’s 53% more than in 2020, despite the  
adverse economic impact of the COVID-19 lock- 
down with widespread layoffs and lost income.  
Encouraging noncustodial parents to pay their DSS  
arrears has also benefited custodial parents; in the past an average of 22% of Pay It Off payments has been distributed to custodial parents. Thanks for your partnership as trusted messengers in connecting your clients with our debt reduction programs.

Stop Debt from Building Up!
We have redoubled our efforts to reach noncustodial  
parents who would qualify to have their child  
support order lowered. An order that is set higher  
than the parent’s ability to pay, usually a default  
order, guarantees that debt will accumulate. In  
addition, the backlog of hearings in Family Court  
with the pandemic has delayed parents’ access to the  
judicial process to modify their orders. We would  
like to assist noncustodial parents in decreasing their  
child support order with our new MOTS (Modifying  
Orders Through Stipulation) program. If you have  
clients who could benefit from MOTS, please refer  
them to us at dse.csweb@dfa.state.ny.us. We see  
MOTS as an opportunity to engage with parents, to  
allow them to discuss their order on the phone with a  
customer service worker outside of court, and to  
expedite the process of establishing or modifying  
their order by reviewing their documents and the  
stipulated agreement based on standard child support  
guidelines. Typically, one court hearing will ensure  
that parents understand their legal rights, and the  
Support Magistrate will issue an Order on Consent.