

CHILD SUPPORT HANDBOOK

for Custodial Parents



NYC

Human Resources
Administration
Department of
Social Services

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INTRODUCTION

If you are a single parent (or guardian) raising a child alone in New York City, you know how difficult it can be, especially if the other parent isn't helping out financially. But under the law, that parent must pay child support and we can help you get it.

WHO WE ARE

THE OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE) works with New York City families, regardless of income or immigration status, to ensure that children receive financial support from both parents. OCSE helps custodial parents (Parent, relative, or guardian who lives with and is the primary caretaker of a minor child) to understand the child support program and provides services throughout the process. OCSE assists noncustodial parents (Parent who does not live with and is not the primary caretaker of a minor child) by offering programs to help them meet their child support obligations and manage their child support cases.

The child support process is a partnership between OCSE and Family Court. Many people think that OCSE and Family Court are part of the same agency. Although they share the same goal of improving the lives of New York City children through the formal child support system, they are two different organizations, with different functions.

The Office of Child Support Enforcement (OCSE) is part of the New York City Human Resources Administration (HRA), an agency of the City of New York. The child support process starts when a custodial parent files an application for services. OCSE will locate the noncustodial parent, serve a summons, and establish paternity. After the child support order is established in Family Court, OCSE monitors, collects, and distributes the payments. If payments fall behind, OCSE has the authority to enforce the child support order through administrative means.

FAMILY COURT is part of the New York State Unified Court System. The court's role in the child support process starts when a parent, guardian, or the Department of Social Services (HRA in New York City) files a petition for paternity and/or child support. The court is responsible for establishing new child support and medical support orders, and modifying existing ones. If payments fall behind, a violation petition may be filed in court. When that happens, the court has the authority to enforce the child support order through judicial means.

CHILD SUPPORT IS IMPORTANT

The noncustodial parent is obligated to pay support until the child reaches age 21. Child support payments can help you meet your child's daily needs and provide your child with a more secure financial future. Noncustodial parents who pay child support are more likely to take an interest in their children's lives and spend more time with them. Their children tend to stay in school longer, get better grades, and have fewer behavioral problems.

Even if the noncustodial parent cannot afford to pay child support right now, you should still get a child support order. The order will be based on current income but can be changed in the future if circumstances change. OCSE has employment programs to assist those who cannot afford to pay child support because they are unemployed or have low-paying jobs. The Support Magistrate may require an unemployed noncustodial parent to seek employment or participate in an employment program called STEP (Support Through Employment Program) at the time of establishing the order.

Once the noncustodial parent starts to get paid on a regular basis, OCSE can automatically collect child support payments from his/her paycheck and forward them to the custodial parent.



The Child Support Process

Applying for Child Support

Custodial parents who are applying for or receiving cash assistance or Medical Assistance Only (MAO) are automatically referred to an OCSE Borough Office for child support services. Cooperating with child support is required in order to get full cash benefits and/or Medicaid for their household.

Custodial parents who are not applying for or receiving cash assistance or MAO should apply for child support services at the OCSE Family Court Support Services (FCSS) Office located in the Family Court in the borough where they live. Any adult who is living with and caring for a minor child may apply for child support services. It is not necessary to have legal custody.

OCSE will need documents that help locate the noncustodial parent and prove your relationship and your child's relationship to the noncustodial parent. Bring as much of the following information as you can:

- Noncustodial parent's social security number or Individual Tax Identification Number (ITIN)
- Birth certificate for each child to be listed on the petition
- Marriage certificate, divorce decree or separation papers, if applicable
- Acknowledgment of Paternity or Order of Filiation from Family Court, if applicable
- Noncustodial parent's address and phone number(s)
- Name and address of noncustodial parent's employer
- Recent photograph

If you don't know the whereabouts or social security number or ITIN of the noncustodial parent, bring the following information to help us identify and locate him/her:

- Date and place of birth
- Last known address
- His/her parents' names (including the mother's maiden name)

Locating the Noncustodial Parent

Many custodial parents know where the other parent lives or works when they come to our office. If that information is not available, OCSE will search computer databases to find the noncustodial parent's current address and employer.

The noncustodial parent may be the father or the mother. In cases where the person taking care of the child is not a biological parent, both the mother and father are considered noncustodial parents who are obligated to pay child support. OCSE can locate missing parents who live or work in other states. Let us know immediately if you learn of new information that will help us locate the noncustodial parent.

Establishing Paternity

When a child is born to unmarried parents, paternity (legal fatherhood) must be established before a child support order can be issued:

- Establishing paternity gives your child benefits that may include social security, military allowance, pension, child support, health insurance, and the right to inherit from the father.
- Paternity can be established in the hospital as soon as the baby is born, or any time before reaching age 21. If both parents agree, they can sign an Acknowledgment of Paternity (AOP) form, which becomes a legal document once it is filed with the Department of Health and Mental Hygiene (DOHMH). Paternity can also be established at a hearing in Family Court. Either parent can file a petition for a paternity hearing.
- If there is a question about the identity of the father, low-cost DNA testing is available through New York state-certified laboratories. For more information and a referral, contact the OCSE Outreach and Paternity Unit at 929-221-5008. If you have a scheduled date to appear in Family Court for a child support hearing, you cannot request DNA testing on your own. The Support Magistrate will order a DNA test if it is needed to establish paternity.

Serving a Summons

After a petition for paternity and/or child support is filed, the noncustodial parent must be notified by summons of the date and time of the child support hearing and the requirement to show up. Upon request, OCSE will provide summons service, usually by mail, at no cost to you. If you prefer, you may handle it on your own by having someone you know serve the summons. You may not serve the summons yourself.

Going to Court

The Support Magistrate will listen to testimony and review the income and expense information of both parents. That information will be used to calculate how much support the noncustodial parent must provide.

- Family court is set up so that you can represent yourself. You do not need a lawyer, but you may hire one if you wish.
- Both parents must show up at the hearing. If the noncustodial parent does not show up at the hearing or does not provide enough information about his/her income, the Support Magistrate may adjourn the hearing and reschedule it for another date. In that case, the custodial parent must show up at the next court hearing or the case may be dismissed. The Support Magistrate may proceed without the noncustodial parent present and establish a default order if there is proof of summons service.
- If either parent disagrees with the child support order, a written objection may be filed with the Court Clerk's office within 30 days from the date of the order or 35 days from the date the order was mailed to the parties. The other parent will have a chance to answer the objection. A Family Court judge will review the case file and make a decision.

DOCUMENTS YOU WILL NEED

- Completed Financial Disclosure Affidavit
- Proof of income and assets such as pay stubs, tax returns, bank accounts, and other investments and property holdings
- Proof of household expenses such as rent and food
- Proof of medical, child care, and education costs

PRESENTING YOURSELF IN COURT

- Arrive on time
- Dress appropriately
- Come with a prepared list of important points and stick to them since time is limited
- Speak when it is your turn; do not speak directly to the noncustodial parent

Child Support and Medical Support Orders

In order to make child support orders in New York State fair and consistent, the Child Support Standards Act sets the basic child support amount at a fixed percentage of the parents' income. Unless there are documented reasons not to, the Support Magistrate must use these percentages in deciding how much child support the noncustodial parent has to pay. Using these percentages ensures that children benefit from the same standard of living they would have if their parents were living together.

HOW THE AMOUNT OF THE ORDER IS CALCULATED

Under the law, the basic support amount that the noncustodial parent has to pay is a percentage of his/her gross income minus NYC taxes, social security and Medicare deductions, and any child or spousal support actually paid to another family, and depends on how many children are involved.

Income includes salary from a job, worker's compensation, disability payments, unemployment benefits, social security payments, and many other forms of income. It does not include cash assistance or SSI.

This percentage is used for all cases where the parents' combined income does not exceed \$143,000. For combined income above \$143,000, the Support Magistrate can choose whether or not to use the percentage guidelines, and may consider other information in setting the full support amount.

1 child.....	17%
2 children.....	25%
3 children.....	29%
4 children.....	31%
5 or more.....	at least 35%

WHAT THE CHILD SUPPORT ORDER INCLUDES

- Obligation amount based on the New York State Child Support Standards Act.
- Medical support, which includes health care costs for the child like health insurance premiums, deductibles, and co-payments; medical support costs are divided between the two parents, according to their incomes. Either parent may

be required to enroll the child in a health insurance plan, if it is available through his/her job. The insurance must be available at a reasonable cost to the employee and the medical services must be available where the child lives.

- Reasonable education and day care expenses for the child may also be included in the child support order. These expenses are usually divided between the two parents, according to their incomes.

Collecting Child Support Payments

Your child support order will be made payable to OCSE's Support Collection Unit. We will collect the noncustodial parent's payments on a regular basis, usually through payroll deductions. The child support payments will be forwarded to you electronically, by direct deposit to your bank, or through the New York State EPPICard Debit MasterCard program. Checks will be sent only in hardship cases.

If you move, it is important to give OCSE your new address so that we can contact you and ensure that you do not miss any payments.

You may be charged an annual service fee of \$25. The fee applies only to custodial parents who have never received cash assistance benefits in any state. The fee will be collected if at least \$500 in support is collected for you during the federal fiscal year (October 1–September 30). The fee will continue to apply in each federal fiscal year where \$500 or more is collected.

OCSE cannot provide collection and enforcement services if you have an order that is payable directly to you. You may request a Change of Payee from Direct Payment to Payable through the Support Collection Unit at the FCSS Office in the Family Court in your borough. A Change of Payee can be done on any child support order issued by New York State Family Court or Supreme Court, without a court hearing.

Enforcing the Child Support Order

Enforcement means taking appropriate actions to collect past due child support and ensure current and future payments. The enforcement process begins when the order is made payable to the Support Collection Unit (SCU) and ends when the order is terminated and any arrears are paid up. When payments fall behind, there are a number of enforcement tools that can be used to collect payments.

Some enforcement actions are administrative. This means that a court hearing is not required. OCSE has the authority to enforce orders using these methods. These include:

- Increasing the amount of regular collections to reduce the child support debt (arrears)
- Seizing money from bank accounts, income tax refunds, lottery winnings and insurance settlements
- Suspending driver's licenses
- Reporting unpaid child support to credit reporting agencies
- Referring cases to the New York State Department of Taxation and Finance for collection of child support debt
- Denying new and renewed passports
- Denying new and renewed New York City business and professional licenses, permits, registrations and certificates. NYC licensing agencies include, but are not limited to, the Taxi and Limousine Commission, the Department of Consumer Affairs, the Fire Department, and the Police Department

Other enforcement actions are judicial. This means that a court hearing is necessary and you may be required to attend. Judicial enforcement methods include:

- A violation hearing. This may result in any of the following:
 - Money judgment with interest added on
 - Lien on any owned property
 - Cash undertaking (cash deposit up to three years' worth of child support payments) to guarantee payment of future child support
 - Participation in an employment program
 - Suspension of state-issued professional, business, and recreational licenses. State licensing agencies include, but are not limited to, the Departments of Education, State, and Environmental Conservation, the Office of Court Administration, and the Liquor Authority
- Incarceration
- Referral for criminal prosecution

Changing the Amount of the Child Support Order

CHANGING THE ORDER AMOUNT THROUGH FAMILY COURT

Either parent may file a petition in Family Court to modify (change) the amount of the child support order if there is a substantial change in circumstances, which may



be defined as an unreasonable and unplanned change in circumstances, or the needs of the child are not being met. The Support Magistrate will review the new information presented and decide if a change should be made.

The following additional standards for modification apply to child support orders established on or after October 13, 2010.

- Three years have passed since the order was entered, last modified, or adjusted.
- There has been a change in either parent's gross income by 15% or more since the order was entered, last modified, or adjusted. Any decrease in income must be involuntary and the parent claiming decreased income must have made diligent attempts to find work commensurate with his or her education, ability, and experience.
- Incarcerated individuals may file a modification petition due to a substantial change in circumstances as long as their incarceration is not due to non-payment of child support or an offense against the custodial parent or child.
- Any change to the order will go back to the date that the petition was filed in court, not the date that the change in circumstances took place.

CHANGING THE ORDER AMOUNT THROUGH THE OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE)

Child support orders may be increased with a Cost of Living Adjustment (COLA) without going back to court. Only custodial parents whose child support orders are paid through OCSE can get a COLA. The amount of the COLA is based on yearly changes in the consumer price index for urban areas (CPI-U), which tracks the prices of items like food, clothing, housing, transportation, fuel, and medical expenses.

COLA may be added to a child support order when the yearly increases in the CPI-U add up to at least 10% from the date the order was established or last modified. It can take four to five years to reach the required 10% increase in the CPI-U. Cash assistance clients automatically receive the COLA when their child support cases become eligible. Non-cash assistance clients are notified by mail when their cases meet the requirements for a COLA. They must respond to the notice in order to receive the increase.

In some cases, OCSE may lower child support orders and/or arrears for low-income noncustodial parents whose orders are payable to the Department of Social Services (family is current or past recipient of cash assistance). Noncustodial parents may find out if they meet the program requirements by visiting the OCSE Customer Service Walk-In Center at 151 West Broadway, in lower Manhattan.

Terminating the Child Support Order

In New York State, the noncustodial parent is obligated to pay support until the child reaches age 21. Under certain circumstances, child support orders may be terminated by the court before age 21:

- Child becomes emancipated—moves out and becomes self-supporting, gets married, or joins the military
- The noncustodial parent gets custody of the child. In that case, you may be ordered to pay child support to him or her
- You get back together with the other parent and form one household

Once the order is terminated, you may still be entitled to receive child support if the noncustodial parent's payments were not up to date and he/she owes arrears.

Divorce and Child Support

In New York State, divorce cases are heard in Supreme Court. A divorce decree, stating the terms of the divorce, is issued. The divorce decree may include a child support order. The amount of the child support order can be decided between the two parents and their lawyers, or the Supreme Court judge hearing the case. If the judge determines the obligation amount, he or she will base the order on the same New York State Child Support Standards Act used in Family Court. You can request to have the child support order payable to OCSE and use our services for collecting and enforcing payments.

MAIL a complete copy of the divorce decree, indicating a child support order payable to OCSE, to:

OCSE, c/o Accounts Maintenance Director
PO Box 830
Canal Street Station
New York, NY 10013

YOU WILL RECEIVE AN APPLICATION for services in the mail to complete and return to:

OCSE, c/o Family Court Support Services Director
PO Box 830
Canal Street Station
New York, NY 10013

or

BRING YOUR DIVORCE DECREE to the OCSE FCSS Office in the Family Court in your borough and apply for child support services in person. The divorce decree should indicate a child support order payable to OCSE.

The support order amount will be entered into our system as it appears in your Supreme Court divorce decree. Either parent may file a petition to modify the child support order if their circumstances or the needs of the child change. If your divorce decree states that Supreme Court retains jurisdiction, then you must go back to Supreme Court to request the modification. If the order states that Supreme Court grants concurrent jurisdiction to Family Court, or does not mention jurisdiction at all, you may go back to either court.

You can go directly to Family Court to file an application for child support services if you have a divorce decree that does not include a child support order or you have not started the divorce process in Supreme Court yet. Once you have filed papers in Supreme Court and have a date for an upcoming hearing, you cannot request a child support hearing in Family Court.

Custody and Visitations

Custody and visitation are not discussed at the child support hearing and are not included in the child support order. OCSE believes that noncustodial parents are more likely to pay child support if they have a satisfactory agreement in place for seeing their children. A parent who needs help with custody and visitation problems may file a petition in court for a custody/visitation hearing. At the hearing, judge/referee may refer the parents to mediation services. If a satisfactory agreement is reached through this court-referred mediation process, the judge/referee will make the agreement into a court order. If an agreement is not reached, the case will be returned to the court and the judge/referee will decide how to resolve the issues.

Mediation services are also available without a court referral. Parents may contact any of the following organizations directly for free or low-cost mediation services:

- New York Peace Institute 212-577-1740 / 718-834-6671
- Center for Mediation & Training 212-299-4302
- Community Mediation Services 718-523-6868
- Parent Help 800-716-3468 (a federally funded confidential telephone helpline for parents living apart)

Domestic Violence and Child Support

When most people hear the words “domestic violence,” they think of physical violence. However, in some cases, abusers never physically attack their victims. Other forms of abuse or ways to control victims include emotional, sexual, and financial abuse. Many abusers use money as a means of control. An abuser can deny a victim access to money, or housing, or a car, making it difficult to leave or stay away. Abusers can use threats about child support to control their victims. In addition to threatening physical violence, an abuser may say you will never see a dime of child support if you leave or that you will lose custody if you ask for child support.

If you are applying for or receiving cash assistance, you are required to cooperate with child support to get full benefits for your family. But if there is a danger of domestic violence, you should tell the Job Opportunity Specialist (JOS) in the Job Center or the child support caseworker of your fears and you may be excused from that requirement.

If you are not applying for or receiving cash assistance and the noncustodial parent has abused you or your children, you can decide if you want child support services. Many domestic violence victims are nervous about collecting child support, but want to go forward with a support case because they need the money. Regardless of the situation, many victims feel that both parents should be responsible for the children they have together.

- If you decide to go forward, you can always change your mind.
- When you go to court to file a petition for child support, let the child support worker and State Family Court staff know of your fears. They will work with you to ensure privacy of case information and security in the court. You can request that the court:
 - Remove your address and employment information from petitions, notices, and any other court forms
 - Not tell the other parent where you live or work
 - Allow you to leave the court separately from the other parent
 - Order that any DNA testing needed to establish paternity be conducted on different dates
 - Refer you to domestic violence services
- Once you have a child support order, OCSE can provide administrative enforcement without your involvement. If your situation becomes dangerous and you are concerned for your safety or that of your children, you can ask OCSE to close your case at any time.

If you are experiencing domestic violence, or know someone who is, help is available. The New York City Domestic Violence Hotline (800-621-HOPE) provides information on counseling, shelters, services for children, and legal assistance.

Information for Cash Assistance and Medical Assistance Clients

You will be scheduled for an interview at an Office of Child Support Enforcement (OCSE) Borough Office if you are applying for or receiving cash assistance or Medical Assistance Only (MAO), or need to have a newborn child added to your cash assistance case. At the interview, a child support worker will ask you questions about the noncustodial parent (parent living outside of the household). Your benefits may be reduced if you fail to keep your appointment or fail to provide documentation and information about the noncustodial parent.

Documents You Will Need

Documents/information you will need for your OCSE Borough Interview:

- Completed application that you were given along with the appointment notice
- Noncustodial parent's social security number or Individual Tax Identification Number (ITIN)
- Birth certificate for each child to be listed on the petition
- Marriage certificate, divorce decree, or separation papers, if applicable
- Acknowledgment of Paternity or Order of Filiation from Family Court, if applicable
- Noncustodial parent's address and phone number(s)
- Name and address of noncustodial parent's employer
- Recent photograph

If you don't know the whereabouts or social security number or ITIN of the noncustodial parent, the following information will help us identify and locate him/her:

- Date and place of birth
- Last known address
- His/her parents' names (including the mother's maiden name)

Cooperating with Child Support

You are required to cooperate with OCSE in order to get full benefits for your family. If you fail to provide the information requested, you may be sanctioned, which means your cash assistance benefits may be reduced by 25% and you may lose Medicaid for yourself. These sanctions can be lifted at any time by bringing the required information and documents to the Borough Office where you were interviewed.

In some situations, there are good reasons not to cooperate. You may be allowed a good cause claim for the following reasons:

- You fear physical or emotional abuse from the other parent for yourself or your child(ren)
- Your child came from a pregnancy due to incest or rape
- You are working with an adoption agency to have your child adopted

Let the child support worker know if one of these situations applies to you. You will be referred to a domestic violence counselor if your claim is a result of physical or emotional abuse. The counselor will decide if you have good cause and are eligible for a full or partial waiver, which means you may not have to cooperate with some or all of the child support requirements right now.

Going to Court

You will be expected to attend the child support hearing if your case is referred to court. There will be a lawyer at the hearing to represent the Department of Social Services (Human Resources Administration (HRA) in NYC), the agency that files the petition on behalf of children who are on cash assistance. But you should still be prepared to answer some questions. If your cash assistance or MAO case closes before the hearing date, you should still go to the hearing. The Support Magistrate can establish paternity and/or a child support order if both parents are there. Raising a child is expensive and both parents should share the cost.





How Much Child Support You Can Get

- The first \$100 (\$200 for two or more children) collected each month in current child support will be forwarded to you in addition to your cash benefit. This is your bonus or pass-through payment and is available on your EBT card. In most cases, the rest of the money collected is used to pay back HRA for your cash benefits. If you already had a child support order before applying for cash benefits, you may be entitled to “family arrears payments.” Ask your Job Center or child support worker if that applies to you.
- Any child support payments you receive directly from the noncustodial parent, while you are receiving cash assistance, must be turned over to HRA. Keeping these child support payments is considered welfare fraud.
- If the amount of child support collected is more than your benefits, you may be able to close your cash assistance case and still be entitled to SNAP benefits (food stamps), Earned Income Tax Credit (EITC), child care, and Medicaid benefits.

Getting Child Support Once You Leave Cash Assistance or MAO

- Once you are no longer receiving cash assistance or MAO, all payments from the noncustodial parent for current child support will be forwarded to you. We will continue to make sure that payments are made regularly and on time, at no cost to you.
- In some cases, OCSE will still have the right to keep child support payments owed from the time when your family was receiving cash assistance. This will only happen after you are paid everything owed to you based on your child support order.
- If you did not have a child support order while you were receiving cash assistance, but now have information that will help us collect child support for your family, let us know immediately by calling the Child Support Customer Service Help Line at 888-208-4485. If we are able to locate the noncustodial parent, you will be contacted so you can go to Family Court and file a petition to establish an order.

Child support payments added to a job and other work supports—such as the Earned Income Tax Credit (EITC), Supplemental Nutrition Assistance Program (SNAP; formerly called food stamps), Medicaid, and subsidized child care—can help you become financially independent and support your family.

Child Support Contact Information

- General information about the child support program.
- Help with your child support case, including change of address.
- Provide information that will help us collect child support for your family.

CALL

New York State Child Support Customer Service Help Line

Speak with a representative

Monday – Friday, 8:00 a.m. – 7:00 p.m.

Automated information*

7 days a week/24 hours a day

888-208-4485

866-875-9975 TTY (Hearing Impaired)

New York City Office of Child Support Enforcement Outreach Services Unit
Information about paternity, DNA testing, community outreach events, and employment services

Monday – Friday, 9:00 a.m. – 5:00 p.m.

929-221-5008

VISIT

New York City Office of Child Support Enforcement

Customer Service Walk-In Center

151 West Broadway, 4th Floor

New York, NY 10013

Monday – Friday, 8:00 a.m. – 7:00 p.m.

Bring a photo ID

WRITE

New York City Office of Child Support Enforcement

PO Box 830

Canal Street Station

New York, NY 10013

WEBSITES

NY State Division of Child Support Enforcement (DCSE)

www.childsupport.ny.gov

NYC Office of Child Support Enforcement

nyc.gov/hra/ocse

*For account information, you will need the PIN number that you were assigned for your account, and your social security number. If you do not remember your PIN, call the Child Support Customer Service Helpline at 888-208-4485 to request your PIN. To verify your identity, you will be asked to provide your name, account number, social security number, and address. If you prefer, you can request a PIN by sending a letter that includes your name, account number, social security number, address and signature. Mail your request to the following address:

Attn: PIN

NYS Child Support Processing Center

PO Box 15365

Albany, NY 12212-5365

Child Support Office Locations

TO APPLY FOR CHILD SUPPORT SERVICES

APPLICANTS RECEIVING CASH ASSISTANCE. You will automatically be given an appointment to meet with a child support worker in an OCSE Borough Office if you are applying for or receiving cash assistance or Medical Assistance Only (MAO). All Borough Office locations are open Monday – Friday, 9:00 a.m. – 5:00 p.m. If you have more information about the noncustodial parent after your interview, call the office where you had your appointment.

BRONX

Bronx Borough Office
Serving the Bronx
894 Garrison Avenue
Bronx, NY 10474
929-252-4100

BROOKLYN

Brooklyn Borough Office
One MetroTech Center, North, 6th Floor
Brooklyn, NY 11201
929-221-7620

MANHATTAN

Manhattan Borough Office
Serving Manhattan/Staten Island
115 Chrystie Street, 3rd Floor
New York, NY 10002
212-334-7604

QUEENS

Queens Borough Office
Serving Queens (except the Rockaways)
One Honeywell Street, 6th Floor
Long Island City, NY 11101
718-784-6979

STATEN ISLAND

Staten Island residents receive services in the Manhattan Borough Office

ALL OTHER APPLICANTS. Visit the Family Court Support Services Office (FCSS) located in the Family Court in your borough if you are not applying for or receiving cash assistance or Medical Assistance Only (MAO). All offices are open Monday–Friday, 9:00 a.m.–5:00 p.m.

BRONX

Bronx County Family Court
900 Sheridan Avenue, Lower Main Floor
Bronx, NY 10451
718-590-3924/3432

BROOKLYN

Kings County Family Court
330 Jay Street, 12th Floor
Brooklyn, NY 11201
718-246-7962/68

MANHATTAN

New York County Family Court
60 Lafayette Street, 1st Floor
New York, NY 10013
212-385-8218/19

QUEENS

Queens County Family Court
151-20 Jamaica Avenue, 4th Floor
Jamaica, NY 11432
718-725-3148/49

STATEN ISLAND

Richmond County Family Court
100 Richmond Terrace, Basement
Staten Island, NY 10303
718-720-2906

FOR PARENTS WANTING HELP WITH AN EXISTING CHILD SUPPORT CASE. If you need help with your case once you have a child support order, including change of address, visit:

OCSE CUSTOMER SERVICE WALK-IN CENTER

151 West Broadway, 4th Floor
New York, NY 10013
Monday – Friday, 8:00 a.m. – 7:00 p.m.



Sample Child Support Order

PART A F.C.A. §§ 413, 416, 433, 438, 439, 440,442-447, 471; Art.5-B, **Family Court Act laws that govern the court hearing** 4-7 11/2002 **Form number and date of issue**

At a term of the Family Court of the State of New York, held in and for the County of Richmond, at 100 Richmond Terrace, Staten Island, NY 10301, on October 4, 2004 **Court address and the hearing date**

PART B **PRESENT: Family Court, Support Magistrate**
In the Matter of a Support Proceeding

Custodial Parent, SSN: XXX-XX-XXXX, Petitioner,

– against –

Noncustodial Parent, SSN: XXX-XX-XXXX, Respondent.

Parties involved

File #: XXXXX
Docket #: F-XXXXX-XX
CSMS #: XXXXXXXXX **Child support case and court identifying information**

ORDER OF SUPPORT **Type of order**

PART C NOTICE: YOUR WILLFUL FAILURE TO OBEY THIS ORDER MAY RESULT IN INCARCERATION FOR CRIMINAL NON-SUPPORT OR CONTEMPT. YOUR FAILURE TO OBEY THIS ORDER MAY RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE, STATE-ISSUED PROFESSIONAL, TRADE, BUSINESS AND OCCUPATIONAL LICENSES AND RECREATIONAL AND SPORTING LICENSES AND PERMITS; AND IMPOSITION OF REAL OR PERSONAL PROPERTY LIENS.

SPECIFIC WRITTEN OBJECTIONS TO THIS ORDER MAY BE FILED WITH THIS COURT WITHIN 30 DAYS OF THE DATE THE ORDER WAS RECEIVED IN COURT OR BY PERSONAL SERVICE, OR IF THE ORDER WAS RECEIVED BY MAIL, WITHIN 35 DAYS OF THE MAILING OF THE ORDER.

Filing an objection

The above-named Petitioner having filed a petition in this Court on June 22, 2004, alleging that **Noncustodial Parent** is chargeable with the support of:

Name	Date of Birth
Child's Name	XX/XX/XXXX

Noncustodial Parent having appeared before this Court to answer the petition, having been advised by the Court of the right to counsel, and to show why an order of support and other relief prayed for in the petition should not be granted; and **Noncustodial Parent** having admitted the allegations of the petition; and the matter having duly come on to be heard before this Court;

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, the Court finds that: **Noncustodial Parent** is the **Noncustodial party**, whose pro rata share of the basic child support obligation is \$XX.XX weekly for the following child:

Name Child	Date of Birth	Social Security #
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And the Court finds further that: The **Noncustodial party's** pro rata share of the basic child support obligation is neither unjust nor inappropriate;

Noncustodial Parent is currently unemployed; **Noncustodial parent's employment status**

NOW, after examination and inquiry into the facts and circumstances of the case and after hearing the proofs and testimony offered in relation thereto, it is

PART E ORDERED AND ADJUDGED that effective January 28, 2005, **Noncustodial Parent** is chargeable with the support of the following person(s) and is possessed of sufficient means and able to earn such means to provide the payment of the sum \$XX.XX weekly to **Custodial Parent**, by certified check or money order payable to the Support Collection Unit, such payments to commence on January 28, 2005, for and toward the support of **Noncustodial Parent's** children, allocated as follows:

Effective date of the child support order (Your date will be different)

The person who will receive the child support payments

Name children:	Social Security #	Date of Birth	Amount
Child		XX/XX/XXXX	
		Total Child Support:	\$XX.XX weekly

Notice to inform Agency of any change in your residence, employment, etc.

PART E
cont'd

ORDERED that the payor, custodial party and any other individual parties immediately notify the Support Collection Unit of any changes in the following information: residential and mailing addresses, social security number, telephone number, driver's license number; and name, address and telephone numbers of the parties' employers and any change in health insurance benefits, including any termination of benefits, change in the health insurance benefit carrier or premium, or extent and availability of existing or new benefits; and it is further

ORDERED that this Order shall be enforceable pursuant to Section 5241 or 5242 of the Civil Practice Law and Rules, or in any other manner provided by law; and it is further

ORDERED that **Noncustodial Parent** pay additional expenses as follows:

Expense/Payee	Payment	Payable
Unreimbursed Health Related/ Custodial Parent	XX %	Via SCU
Child Care/ Custodial Parent	XX %	Direct

Expenses in addition to the basic child support amount:
-Medical
-Child care
-Education

IT IS FURTHER ORDERED that all payments payable through the Support Collection Unit shall be mailed to: Support Collection Unit, PO Box 15363, Albany, NY 12212- 5363;

Where to send payments until they come through your job

PART F

IT IS FURTHER ORDERED that a copy of this order be provided promptly by the Support Collection Unit to the New York State Case Registry of Child Support Orders established pursuant to Section 111-b(4-a) of the Social Services Law; and it is further ORDERED that this is a \$XX per week order of support from 10/8/04 until it increased on 1/28/05.

Summary of court findings

NOTE: (1) THIS ORDER OF CHILD SUPPORT SHALL BE ADJUSTED BY THE APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER THIS ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED, UPON THE REQUEST OF ANY PARTY TO THE ORDER OR PURSUANT TO PARAGRAPH (2) BELOW. UPON APPLICATION OF A COST OF LIVING ADJUSTMENT AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT, AN ADJUSTED ORDER SHALL BE SENT TO THE PARTIES WHO, IF THEY OBJECT TO THE COST OF LIVING ADJUSTMENT, SHALL HAVE THIRTY-FIVE (35) DAYS FROM THE DATE OF MAILING TO SUBMIT A WRITTEN OBJECTION TO THE COURT INDICATED ON SUCH ADJUSTED ORDER. UPON RECEIPT OF SUCH WRITTEN OBJECTION, THE COURT SHALL SCHEDULE A HEARING AT WHICH THE PARTIES MAY BE PRESENT TO OFFER EVIDENCE WHICH THE COURT WILL CONSIDER IN ADJUSTING THE CHILD SUPPORT ORDER IN ACCORDANCE WITH THE CHILD SUPPORT STANDARDS ACT.

Cost of Living Adjustments (COLA)

PART G

(2) A RECIPIENT OF FAMILY ASSISTANCE SHALL HAVE THE CHILD SUPPORT ORDER REVIEWED AND ADJUSTED AT THE DIRECTION OF THE SUPPORT COLLECTION UNIT NO EARLIER THAN TWENTY-FOUR MONTHS AFTER SUCH ORDER IS ISSUED, LAST MODIFIED OR LAST ADJUSTED WITHOUT FURTHER APPLICATION OF ANY PARTY. ALL PARTIES WILL RECEIVE NOTICE OF ADJUSTMENT FINDINGS.

(3) WHERE ANY PARTY FAILS TO PROVIDE, AND UPDATE UPON ANY CHANGE, THE SUPPORT COLLECTION UNIT WITH A CURRENT ADDRESS TO WHICH AN ADJUSTED ORDER CAN BE SENT, AS REQUIRED BY SECTION 443 OF THE FAMILY COURT ACT, THE SUPPORT OBLIGATION AMOUNT CONTAINED THEREIN SHALL BECOME DUE AND OWING ON THE DATE THE FIRST PAYMENT IS DUE UNDER THE TERMS OF THE ORDER OF SUPPORT WHICH WAS REVIEWED AND ADJUSTED OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THE ORDER REGARDLESS OF WHETHER OR NOT THE PARTY HAS RECEIVED A COPY OF THE ADJUSTED ORDER.

Dated: October 4, 2004

ENTER

Family Court, Support Magistrate

Name and seal of Support Magistrate

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

Glossary of Key Terms

A

ABSENT PARENT | Person who is absent from the home and is legally responsible for providing financial support for a dependent child. (Also referred to as the noncustodial parent, the nonresident parent, and the respondent in court case.)

ACCRUAL | Sum of child support payments that are overdue.

ACKNOWLEDGMENT OF PATERNITY (AOP) | Form that establishes the paternity (legal fatherhood) of a child through a voluntary process, without going to court. It must be completed and signed by both parents.

ADDITIONAL AMOUNT | Also called Add Amount. Amount to be paid by income execution in addition to the regular child support obligation in order to satisfy the delinquency on an account.

ADJOURNMENT | Temporary postponement of the hearing until a specific date in the future.

ADMINISTRATIVE PROCESS | Method by which support orders are enforced by OCSE instead of by courts and judges.

AFFIDAVIT | Written statement of fact made voluntarily under oath.

ALLOCATED CHILD SUPPORT ORDER | Order that lists each party of the order (children, spouse) with a specific amount assigned for each dependent.

AMEND | Change to a legal document.

ARREARS | Amount of child support that is overdue and unpaid.

ASSIGNMENT OF SUPPORT RIGHTS | Person agrees to turn over to the State any right to child support payments that accrue while in receipt of cash assistance in exchange for cash assistance and other benefits.

B

BASIC CHILD SUPPORT OBLIGATION | Amount of the child support order based on a fixed percentage of parental income, before medical support and expenses for child care and/or educational expenses are added on.

BONUS PAYMENT | Cash assistance recipients with child support orders may receive up to \$100 per month (\$200 if there are two or more children receiving child support) of the child support collected in the same month that it is owed. (See also *Pass-Through Payment*.)

BURDEN OF PROOF | Duty of a party to produce the greater weight evidence on a point at issue.

C

CASH ASSISTANCE | Government benefit providing financial support for very low-income individuals and families, administered in New York City by HRA (Human Resources Administration). Cash assistance is delivered to clients electronically by EBT (Electronic Benefit Transfer).

CASH UNDERTAKING | As the result of a court hearing, a noncustodial parent may be ordered to pay a cash deposit to OCSE's Support Collection Unit of up to three years' worth of child support payments. Payments can be taken out of this deposit if the noncustodial parent fails to pay support regularly.

CHANGE OF CIRCUMSTANCES | Unexpected change in noncustodial parent's financial situation due to injury, illness, or sudden loss of employment which affects their ability to pay their court-ordered child support; grounds for filing a downward modification in court.

CHANGE OF PAYEE | Allows for private child support payments to be sent to OCSE for processing, record keeping, distribution, and enforcement.

CHILD SUPPORT STANDARDS ACT (CSSA) | Legislation passed in 1989 to make child support orders fair and consistent throughout New York State by standardizing the formula for calculating basic child support orders.

COLA | Cost of Living Adjustment. Increase to a child support order, without a court hearing. COLA is based on changes in the Consumer Price Index for Urban Areas (CPI-U), which keeps track of day-to-day living expenses like food, clothing, housing, etc.

CONCURRENT JURISDICTION | An order which allows more than one court to make decisions about and modify a child support order. This may happen with New York State Supreme Court and Family Court.

CONSUMER CREDIT PROTECTION ACT (CCPA) | Federal law that limits the amount that may be withheld from earnings; it takes into consideration: net income after mandatory taxes are taken out, the amount of arrears owed, and if an additional family is being financially supported.

COURT ORDER | Legally binding document issued by a court of law. A court order related to child support will include how often, how much, how long and what kind of support the noncustodial parent must pay and whether an employer must withhold support from their wages.

CPI-U | Consumer price index for urban areas (CPI-U). Tracks the prices of items like food, clothing and housing on an annual basis. Cost of Living Adjustments (COLA) are based upon the yearly changes in the CPI-U.

CUSTODIAL PARENT (CP) | Parent, relative, or guardian who lives with and is the primary caretaker of the child or children.

CUSTODY | Legal determination that establishes with whom the child shall live: the mother, father, or other adult.

D

DECREE | Judicial decision of a court.

DEFAULT ORDER | Child support order issued when the noncustodial parent fails to provide sufficient information or fails to appear in court, and proof of summons service has been provided.

DELINQUENCY | An amount of money due on a child support case but not paid.

DEPENDENT | A child who is under the care of someone else. Most children who are eligible for child support are dependents.

DIRECT PAY ORDER | Child support order is payable directly from the noncustodial parent to the custodial parent.

DISBURSEMENT | The paying out of collected child support funds to custodial parents or to the Department of Social Services if the client is receiving cash assistance.

DISMISSAL WITHOUT PREJUDICE | Petition is dismissed now but may be taken up at a later date in court. For example, there is no summons service.

DISMISSAL WITH PREJUDICE | The facts of a petition are found to have no merit and the case is absolutely dismissed from court. For example: DNA proves that the respondent is not the biological father.

DISPOSABLE INCOME | Amount of income left over after taxes and Medicare, FICA, and pension plan payment deductions are taken out.

DNA TEST | Analysis of inherited factors to determine if a particular man is the child's father; DNA samples are taken from inside the cheek of the father, mother, and child using a specially designed swab.

DOCKET NUMBER | Number assigned by the court to identify the case.

E

EBT | Electronic Benefit Transfer. Method by which the New York State Office of Temporary and Disability Assistance (OTDA) delivers cash and SNAP (food stamp) benefits to recipients. Benefits are accessed using an ID card and PIN.

EMANCIPATED | A child is not living with his/her parents and has a source of income, or is in the military, or is married.

ENFORCEMENT | Application of remedies to obtain payment of a child or medical support obligation contained in a child support order. Examples of remedies include seizure of assets, suspension of driver's license, denial of U.S. passport, etc.

ESTABLISHMENT | Process of proving paternity and/or obtaining a court order to put a child support obligation in place.

F

FAMILY COURT SUPPORT SERVICES (FCSS) | Division of OCSE that handles the intake of local non-cash assistance child support cases.

FAMILY SUPPORT ACT | Law passed in 1988 that mandates immediate wage withholding on child support orders and requires states to use guidelines to decide the amount of support for each family.

FEDERAL PARENT LOCATOR SERVICE (FPLS) | Computerized national location network service that helps states locate noncustodial parents by matching database information; FPLS can provide information helpful to establishing custody, paternity, and child support and for adoption and foster care issues.

FINANCIAL DISCLOSURE AFFIDAVIT | Document given to both parties in a child support case, requesting detailed financial, wage, and expense information. Used by the court to determine child support, medical support, child care, and other parts of the child support order.

FINDINGS OF FACT | Notes and calculations used by the Support Magistrate in establishing a child support order.

G

GARNISH | Legal proceeding under which part of a person's wages and/or assets are withheld for payment of a debt like child support.

GOOD CAUSE | Legal reason for which a cash assistance applicant or recipient is excused from cooperating with child support.

H

HEARING | Legal proceeding held in front a judge. The judge at a child support hearing is called a Support Magistrate.

I

INCOME | Any regular form of payment to an individual, regardless of source, including salaries, commissions, bonuses, unemployment insurance, worker's compensation, disability, pension, or interest. Cash assistance and SSI benefits are not considered income.

INCOME EXECUTION (IEX) | Administrative process by which a noncustodial parent's child support payments are deducted directly from his/her wages or other income and sent to the Child Support Collection Unit. May be referred to as wage withholding, garnishment, or payroll deductions.

INTERCEPT | Method of securing child support by taking a portion of non-wage payments made to a noncustodial parent. Non-wage payments subject to interception include tax refunds and lottery winnings.

INTERSTATE CASES | Cases in which the dependent child and noncustodial parent live in different states and where two states are involved in some child support case activity, such as establishment or enforcement.

J

JOB CENTER | Entry point for people seeking cash assistance. Provides on-site access to job search, training, and placement and benefits like Medicaid and SNAP (food stamps). OCSE receives referrals from Job Centers for clients who are required to cooperate with the child support program.

JUDGMENT | Official decision or finding of a judge or Support Magistrate.

JURISDICTION | The legal authority which a court or administrative agency has over particular persons and over certain types of cases, usually in a defined geographical area.

L

LEGAL FATHER | Man who is recognized by law as the male parent of a child. In order to be recognized as the legal father, paternity must be established if the parents are not married to each other.

LIEN | Claim upon property to prevent sale or transfer until a debt is paid up.

LOCATE | Process by which a noncustodial parent is found, for the purpose of establishing paternity and establishing and/or enforcing a child support obligation.

LONG ARM JURISDICTION | Legal provision that permits one state to claim personal jurisdiction over someone who lives in another state.

LOTTERY INTERCEPT | Process by which a noncustodial parent's lottery prize winnings are sent to the Office of Child Support Enforcement to satisfy past-due support obligations.

M

MEDICAL ASSISTANCE (MEDICAID) ONLY (MAO) | Form of public assistance that provides benefits to recipients only in the form of medical, rather than financial, assistance.

MEDICAL SUPPORT | Legal provision for medical coverage to be included in a child support order.

MODIFICATION PETITION | Formal written application to a court requesting a change in an existing child support order.

MONEY JUDGMENT | Specific amount of arrears set by the Support Magistrate, in a formal judgment, which accrues 9% interest annually. A money judgment may be filed with the County Clerk's Office.

N

NATIONAL MEDICAL SUPPORT NOTICE (NMSN) | Notice sent to the noncustodial parent's employer requiring that health insurance coverage be provided, where available.

NEW HIRE REPORTING | Program that requires all employers to report newly hired employees to the New York State Directory of New Hires for possible enforcement of child support and medical support obligations by wage deductions.

NONCUSTODIAL PARENT (NCP) | Parent who does not live with and is not the primary caretaker of a minor child.

NOTARIZE | To certify something, such as a signature, on a legal document as authentic or legitimate by affixing a stamp and signature.

NUNC PRO TUNC | Latin meaning 'now for then' – it refers to changing the date of an order, judgment, or filing of a document, back to an earlier date.

O

OBJECTION | Written claim, disagreeing with specific items in an order. Must be filed within 30 days of receipt of the order.

OBLIGATION AMOUNT | The amount of child support that the noncustodial parent is required to pay.

OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE) | Division of the Human Resources Administration responsible for obtaining and enforcing child support orders for families living in New York City.

ORDER | Written and signed direction of a Support Magistrate or judge.

ORDER OF FILIATION | Court order that establishes a legal father.

ORDER OF PROTECTION | Court directive that prohibits contact/communications by one party to another party.

ORDER ON CONSENT | Order agreed to by both parties in an action. At a child support hearing, the parents may agree to an order amount that is different from the Child Support Standards Act guidelines.

P

PARENT LOCATOR SERVICES | Computerized network of state databases used to locate respondents in child support cases.

PARTY | Person or organization directly involved in a legal matter.

PASS-THROUGH PAYMENT | Cash assistance recipients with child support orders may receive up to \$100 per month (\$200 if there are two or more children receiving child support) of the support collected in the same month that it is owed; also called bonus payment or child support “disregard.”

PATERNITY | Legal determination of fatherhood. Paternity must be established before child support or medical support can be ordered.

PATERNITY PETITION | Formal written application to a court requesting judicial action to determine legal fatherhood of a specific man for a specific child.

PAYEE | Person or organization in whose name child support money is paid (for example, the grandmother).

PAYOR | Person who makes a payment, usually a noncustodial parent or someone acting on his/her behalf. Also known as the obligor.

PETITION | Formal written request to a court to initiate a court action.

PETITIONER | Person or organization that files a formal request to initiate a court action.

PIN | Personal Identification Number. Unique identification number assigned to clients in order to access their child support account information from the New York State child support website (childsupport.ny.gov) and helpline (888-208-4485).

POVERTY LEVEL | Level of income considered too low to purchase life's necessities according to the federal government. The 2016 poverty level for a single person is \$11,880 per year. For each additional person in the family \$4,160 is added.

PROPERTY EXECUTION (PEX) | Administrative process by which the Office of Child Support Enforcement (OCSE) seizes the financial assets, usually bank accounts, of a noncustodial parent who is delinquent in paying child support.

PRO RATA SHARE | The portion of the total amount that each parent must pay for items included in the child support order like child care or unreimbursed medical expenses.

PRO SE | Latin meaning 'for oneself'; someone who represents him/herself in court without an attorney.

PUTATIVE FATHER REGISTRY (PFR) | Record of fathers kept by New York State. Examples of documents that are stored at the PFR are Acknowledgments of Paternity (AOP), court orders establishing paternity, and non-legally-binding statements regarding paternity. The PFR may be consulted on issues of inheritance, adoption, and any other legal issues that require notifying a child's father.

R

RECIPIENT | Person or organization that receives support funds and/or public assistance benefits, including cash assistance, SNAP (food stamps), Medicaid, etc.

RECIPROCITY | Relationship in which one state or country grants certain privileges to other states or countries on the condition that they receive the same privilege.

RELIEF | Legal remedy.

RESPONDENT | Person who responds to the petition; this is whichever party is filed against for relief.

RETROACTIVE SUPPORT | Child support that is ordered to be paid back to a past date, usually the date that the petition was filed. Retroactive support creates an immediate debt.

S

SANCTION | Penalty for violation or lack of cooperation. At OCSE, refers to a reduction of benefits imposed on a cash assistance client for not cooperating with child support requirements.

SELF-SUPPORT RESERVE | Factor in calculating child support in New York State when either parent is at or near the poverty level; the self-support reserve is 135% of the federal poverty level. The self-support reserve for 2016 is \$16,038.

STEP | Support Through Employment Program. Provides job training and placement for noncustodial parents who are unable to pay child support because they are unemployed or have low paying jobs. Referrals to STEP may be made at the child support hearing.

STIPULATION | Written agreement by parties on opposite sides of a case.

SUMMONS | Notice stating that an action against the recipient has been started. A summons for a child support hearing will tell the parent where and when to show up, and what information to bring.

SUPPORT COLLECTION UNIT (SCU) | Division of the Office Child Support Enforcement responsible for the collection, monitoring, and disbursement of child support payments.

SUPPORT MAGISTRATE | Attorney, appointed by the local Family Court, who can hear testimony and make decisions in child support cases.

SUPPORT ORDER | Court-issued order establishing a child support obligation. Support orders may be temporary or final and subject to modification. Support orders may include monetary and medical support, child care, education expenses, and payment of arrearages, interest, penalties, and other forms of relief.

T

TAX REFUND OFFSET | Process by which a noncustodial parent's federal or state tax refunds are taken to satisfy a child support debt.

TERMINATE AN ORDER | End current obligation; provided effective end date of a child support order. Arrears must still be paid.

U

UIFSA | Uniform Interstate Family Support Act. Federal law enacted in 1996 to ease the process of receiving child support payments across state lines. It requires states to cooperate with each other to get and enforce child support orders; permits states to enact 'Direct Income Withholding' with employers in other states; prevents multiple child support orders being issued for the same case in different states.

V

VACATE AN ORDER | Set aside a previous order, as if it never existed.

W

WAGE WITHHOLDING | Automatic deduction from income that starts as soon as an IEX (Income Execution) notice is sent to the employer.

WILLFUL NON-PAYMENT | The noncustodial parent deliberately fails to pay court-ordered child support even though he/ she can afford it.



Bill de Blasio
Mayor

**Human Resources
Administration**
Department of
Social Services

Steven Banks
Commissioner



NYCHRA



HRA NYC



NYCHRA

BRC 940 (E)
Rev. 07/16

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