



Enforcement Actions

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 arrearages are paid up. Once payments fall behind, there are a number of enforcement tools that can be used to collect payments. Activities for enforcing child support orders are either **administrative** (which do not require going back to court) or **judicial** (which require a court hearing).

Administrative/Automated Enforcement Processes

Add Amount

If child support payments fall behind, the order may be temporarily increased by up to 50% above the court-ordered amount, until the arrears are paid off.

Tax Refund Offset

If the noncustodial parent is expecting a federal or state income tax refund, it may instead be sent to OCSE to pay off past-due child support. State tax refund offset will take place if at least \$50 is owed. Federal tax refund offset will take place once the amount owed reaches \$500 (\$150 if the custodial parent and child receive cash assistance).

Lottery Prize Intercept

OCSE intercepts New York State lottery prize winnings if the noncustodial parent's past-due support obligation is at least \$50 and the lottery winnings are at least \$600.

Property Execution (PEX)

OCSE identifies and seizes delinquent parents' bank accounts and other financial assets to satisfy past-due support obligations. PEX requires that the amount owed be equal to or greater than two months' current obligation amount, excluding retroactive support, and at least \$300. Noncustodial parents who are paying from payroll deduction are excluded from PEX unless they have \$3,000 or more in the bank.

Driver's License Suspension

Driver's licenses can be suspended if the amount owed in child support is equal to or greater than four months of the current obligation amount, excluding retroactive support, and the noncustodial parent is not paying by payroll deduction. Generally speaking, suspension of the driver's license will not be lifted unless the noncustodial parent pays all delinquent money that is owed, enters into a payment arrangement or provides employment information that will result in payroll deductions for child support. Under certain circumstances, the Department of Motor Vehicles may grant noncustodial parents requests for a restricted driver's license that will allow them to drive only to and from work.

Credit Bureau Reporting

OCSE submits the names of delinquent parents to major Consumer Reporting Agencies (CRAs) when they owe at least \$1,000 in child support or are two months in arrears, whichever happens first. Submission of a delinquent account to a CRA will result in a negative entry on the noncustodial parent's credit profile and may affect his or her ability to obtain credit (e.g., mortgages, car loans, credit cards, etc.).

Referral to the New York State Division of Taxation and Finance

Cases are referred to the NY State Department of Taxation and Finance for identification and seizure of assets to satisfy past-due support obligations if the amount owed is equal to or greater than four months of the current obligation amount, greater than \$500, and no payments have been received from payroll deductions in the last 45 days.

Denial of New and Renewed Passports

The State Department is authorized to deny a passport to a new or renewal applicant if at least \$2,500 is owed in child support. Noncustodial parents who fall into this category will be notified of the denial of the passport application by the

State Department and they will have to contact OCSE to resolve the matter. Unless noncustodial parents can prove an emergency circumstance, they can only get a new passport by paying arrears in full.

Denial of New and Renewed NYC Business and Professional Licenses

OCSE may place restrictions on issuing new and renewed licenses issued by New York City agencies when the applicant owes back child support equal to or greater than four months of current support. Generally speaking, to get a license application approved under these circumstances, noncustodial parents are required to resolve any child support debt by paying what they owe, entering into a payment agreement, or providing employment information to start payroll deductions for child support.

Judicial Enforcement Processes

Violation Petition

A violation petition is a petition requesting Family Court to enforce the child support order after administrative enforcement remedies have been exhausted. A violation petition may be filed by the custodial parent or by OCSE, if the custodial parent is receiving cash assistance. Outcomes of a violation petition may include:

- **Money Judgment**
A decision made in court that the noncustodial parent is behind in child support payments in a specified amount, which accumulates 9% interest until it is paid off.
- **Lien**
A Lien may be placed on the noncustodial parent's property requiring that the child support debt be paid before the property can be sold or transferred.
- **Cash Deposit**
The noncustodial parent may be required to deposit money (up to three years' worth) toward future child support. Payments can be taken out of this deposit if the noncustodial parent fails to pay support regularly in the future.
- **Referral to STEP**
The noncustodial parents who are unemployed or under-employed may be required to participate in OCSE's Support Through Employment Program (STEP) in order to find employment and begin making child support payments.
- **Arrest/Incarceration**
The court may issue an arrest warrant if the noncustodial parent fails to appear in court for a violation hearing or falls seriously behind in child support payments. In certain cases of willful nonpayment of child support, the delinquent parent may go to jail for up to six months.

Suspension of State-Issued Professional, Business and Occupational Licenses

Noncustodial parents who owe child support arrears equal to or more than four months of current support may be eligible to have their state-issued licenses suspended through the court process. Some of the State Agencies issuing licenses are the NYS Office of Court Administration, Department of Environmental Conservation, Department of Education, Department of State, and the Liquor Authority.

Referral for Criminal Prosecution

Willful nonpayment of past-due child support is a federal offense. OCSE can request criminal prosecution by the United States Attorney's Office or the District Attorney's Office when significant arrearages have accumulated, other child support enforcement mechanisms have failed, and the noncustodial parent is demonstrated to have willfully violated the support order.

Participation in a Work Program (STEP)

During a child support hearing, the Support Magistrate may establish that the noncustodial parent is unable to provide adequate financial support for his or her children due to lack of employment or low-paying work. The Support Magistrate may refer the parent to STEP (Support Through Employment Program), a program that assists parents with education, job training, and placement. Once the noncustodial parent starts earning money, OCSE can automatically collect child support payments through payroll deductions.