

CHILD SUPPORT HANDBOOK

for Noncustodial Parents



Human Resources
Administration
Department of
Social Services

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INTRODUCTION

Every child should be able to count on both parents for love and support. That's true even when both parents do not live together or were never married to each other. It's best to be involved with your child from birth, but it's never too late to become a responsible and caring parent. Part of being a responsible parent is providing financial support for your children.

The Office of Child Support Enforcement (OCSE) puts children first by helping parents assume responsibility for the economic and social well-being and health and stability of their children. We recognize the value of improved relationships with both parents.

Services to custodial parents (parents living with and caring for their children) include locating the noncustodial parent (parent living outside the household), establishing paternity, serving the summons, helping to establish court-ordered child support and medical support, and collecting and enforcing those orders. OCSE assists noncustodial parents by offering programs to help them meet their child support obligations and manage their child support cases. Services are provided to all parents regardless of income or immigration status.

Although most noncustodial parents are fathers, it is not always the case. In some families, the father is the custodial parent and the mother is the noncustodial parent. In other families the grandparents, or other relatives, are the primary caretakers and both the mother and father are considered noncustodial parents.

The information in this handbook is for all noncustodial parents. We encourage you to read this handbook and learn about your rights and responsibilities throughout the child support process. This knowledge will help you make informed decisions and manage your child support case to achieve the best outcomes for your children.

Child Support & Family Court

Many people think that Family Court and OCSE are part of the same agency. That is not true. Each has different functions in the child support process.

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. OCSE is the first stop in the child support process for custodial parents. Once an application for services is filed, OCSE starts the child support case. OCSE establishes paternity through a voluntary process, locates noncustodial parents, and serves summonses. After the child support order has been established in court, OCSE monitors, collects, and distributes the payments. When payments fall behind, OCSE has the authority to enforce orders through administrative means.

Family Court is part of the New York State Unified Court System. The court's role in child support is to process petitions, set hearing dates, establish orders of filiation (if paternity has not been established through the voluntary process), establish new child support and medical support orders, and make changes to existing ones. When payments fall behind, a violation petition may be filed and the court may enforce the order through judicial means. A request to either raise or lower the amount of a child support order must be made by filing a

modification petition in court. OCSE cannot make those changes for you.

Paternity

Paternity means fatherhood. Establishing paternity refers to the legal identification of the biological father when parents are not married to each other. Paternity can be established anytime before the child turns 21. There are no age restrictions for parents establishing paternity. Teen parents can establish paternity without their parents' consent or signatures.

Why You Should Establish Paternity

- To give your child benefits like: health insurance, child support, social security, military allowance, pension, the right to inherit from you, and have access to your family medical history.
- To have the father's name on the child's birth certificate.
- For the right to ask for visitation or custody through Family Court.
- For the right to be consulted about decisions concerning the child's future if the custodial parent is unable to care for the child.

How to Establish Paternity

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

If both parents agree, they can sign an Acknowledgment of Paternity (AOP) as soon as the baby is born. Acknowledging paternity in the hospital, when the baby is born, means that the

father's name will appear on the birth certificate right away. Otherwise, that area of the birth certificate is left blank.

After the baby goes home from the hospital, paternity can still be established through the voluntary process by contacting OCSE or the New York City Department of Health and Mental Hygiene (DOHMH). If paternity is established after the baby has left the hospital, the birth certificate will be amended to include the father's name and change the child's last name, if requested.

- Parents do not have to sign the AOP at the same time.
- Paternity can be established even if you are in the military, in jail, or out of the country.
- If you are not sure that you are the father, do not sign the AOP form. Request a DNA test and wait for the results before making that decision.

CANCELING THE ACKNOWLEDGMENT OF PATERNITY (AOP)

- Once the AOP is filed with the DOHMH, it becomes a legal document. If you change your mind about establishing paternity, you have to go to court to file a petition to cancel the AOP.

If you were 18 years or older when you signed the AOP, you must file by the **earlier** of

- 60 days after signing the AOP, or
- 60 days after having to answer any court petition about the child.

If you were younger than 18 years when you signed the AOP, you must file by the **earlier** of

- 60 days after reaching age 18, or
- 60 days after having to answer any court petition about the child if you were advised of your right to cancel the AOP at a proceeding related to the child.

- After these time limits have passed, the only way to challenge the Acknowledgment of Paternity in court is to show proof of fraud, duress, or material mistake of fact. Even then, the court could decide it is in the child's best interest not to order genetic tests.

PATERNITY ESTABLISHMENT IN COURT

It may be necessary to establish paternity in court if:

- Parents are unable to agree about signing the AOP form.
- The mother is still legally married to someone else, even though she knows that her husband is not the father of the child.
- There is doubt about the identity of the father and either parent refuses DNA testing.
- You are in court for a child support hearing and paternity has not already been established.

Either parent may file a petition to establish paternity in court. You can go to court to file the petition or go online to New York State DIY (Do-It-Yourself) Forms at www.nycourthelp.gov to fill

out a paternity petition through an interactive computer program. Once you download and sign the petition, you can bring it, or mail it, to Family Court. You will be given a hearing date and instructions about what to do next. When paternity is established at a court hearing, an Order of Filiation is issued and filed with the DOHMH. The birth certificate will be amended to include the father's name and change the child's last name, if that is requested.

PUTATIVE FATHER REGISTRY

Once paternity is established, that information is forwarded to the New York State Putative Father Registry (PFR), which keeps a record of legal fathers for the State. The PFR may be consulted in issues of inheritance, adoption or any other legal issues that require notifying a child's father.

DNA TESTING

- If there is any doubt about the identity of the biological father, ask for a DNA test. Contact the birth registrar in the hospital where the baby was born, or the OCSE Outreach and Paternity Services Unit at 929-221-5008. If you are going to court for a child support hearing, the Support Magistrate may order a DNA test if it is necessary.
- You will be referred to a state-certified laboratory for low-cost DNA testing. A swab is used to take DNA samples from inside the cheeks of the baby and both parents; the test is quick and painless.
- You do not have to go to the lab the

same day as the other parent; if you are under 18, the lab may require you to have one of your parents accompany you.

- Results will be sent to you by mail approximately 2 weeks after the lab receives all of the samples.
- If you are already paying court-ordered child support and want a DNA test, that request must be made in court. If a DNA test proves that you are not the biological father, the order will not be automatically terminated. A court hearing will be required and a decision will be made that is in the best interests of the child.

Going to Court

Child support orders are legal documents that are established in court. Either parent may file a petition in Family Court for a child support hearing. If the custodial parent and/or child are applying for or receiving cash assistance, the Department of Social Services (also known as the Human Resources Administration, HRA) will automatically file a petition on behalf of the child. Custodial parents receiving cash assistance are required to cooperate with child support in order to get full benefits for their families. Custodial parents who do not comply with child support requirements may have their cash benefits reduced by 25% and lose Medicaid for themselves. Custodial parents may be excused from cooperating if there is "good

cause,” which usually means there is fear of domestic violence.

For more information about child support hearings, please see the online video at http://www.youtube.com/watch?v=7G_5uOvMCj4

What You Need to Know About the Court Hearing

- When a petition for paternity or child support is filed, you will receive a summons, either by mail or in person. It will include the date, time, and location of the hearing as well as a Financial Disclosure Affidavit for you to fill out, and a list of documents you should bring to the hearing.
- For useful information on the court process and guidance on how to complete the forms, see the website of Legal Information for Today: www.liftonline.org.
- OCSE’s Cash Assistance Agreement Pilot (CAAP) enables cash assistance families in all five boroughs to establish paternity, child support orders, and medical support orders at OCSE’s Customer Service Walk-in Center. Agreements are signed and forwarded to the Family Court for approval, often without parents having to appear in court.
- You will *not* be asked about your immigration status in court or at any other time during the child support process.
- Bring as much information as you can about your income and expenses. A Support Magistrate will listen to testimony from both parents, review the information presented and use

the New York State Child Support Guidelines to calculate the amount of the child support order.

- Family Court is separate from Criminal Court and information is not shared.
- It is not necessary to have a lawyer in Family Court but you may hire one if you wish. If the custodial parent and/or child are receiving cash assistance, a lawyer will be there to represent the Department of Social Services. That’s because when cash assistance is involved, the petition requesting child support services is filed by the Department of Social Services, not the custodial parent.

Why You Should Show up at the Hearing

- You are required to be present at the hearing. If you are unable to be there, contact the court and ask that the date be changed.
- If you do not provide sufficient financial information or fail to show up, the Support Magistrate can still order you to pay child support by issuing a default order. Since a default order is not based on your exact income, it may be more than you can afford to pay.
- Once a default order is issued, you can file a petition in court to have it lowered. Until then, the amount of child support you owe will increase if it is not paid and the order may become eligible for strong enforcement actions.
- If you think that you are not the father, go to the hearing and ask for a DNA test.



Documents You Will Need

Bring as much of the following information as you can:

- Document showing your name and social security number or ITIN (Individual Taxpayer Identification Number)
- Completed Financial Disclosure Affidavit that came with your summons
- Proof of address
- Name, address, and phone number of current or most recent employer
- Health insurance card
- Proof of income/benefits:
 - 3 most recent pay stubs
 - W2 form
 - Letter from employer verifying employment and salary
 - Copy of most recent tax return with attachments
 - Social security or other disability benefits
 - Unemployment insurance benefits
 - Bank statements
- Proof of any other children or former spouse being supported
- Proof of household expenses, unpaid bills, and loans

Presenting Yourself in Court

When you go to court, you want the Support Magistrate to listen to what you have to say and make a fair decision. If you want to be taken seriously, you must be respectful of the court:

- Arrive on time.
- Wear appropriate clothing like a shirt with a collar and sleeves, and long pants.

- Be prepared with a list of important things you want to say.
- Speak when it is your turn; do not speak directly to the custodial parent; be direct and to the point since time is limited.

How Much Child Support You Can Expect to Pay

The New York State Child Support Standards Act (CSSA) sets the basic child support amount at a fixed percentage of the parents' income. Using these percentages ensures that children benefit from the same standard of living they would have if their parents were living together. 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.

HOW THE AMOUNT OF THE ORDER IS CALCULATED

The basic support amount is a percentage of your gross income minus NYC taxes, social security and Medicare deductions, and any child or spousal support actually paid to another family. It also depends on how many children are involved. Income can be salary from a job, worker's compensation, disability payments, unemployment benefits, social security payments, and many other forms of income. Cash assistance and SSI are not considered income.

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

For example, if you earn \$35,000 a year after the deductions allowed by CSSA, and have 1 child, the basic child support order amount will be approximately \$115 per week. For two children in the same family, the order would increase to \$168 per week.

In addition to the basic obligation amount, the child support order must include medical support, which means 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 income. Either parent may be required to enroll the child in a health insurance plan, if it is available through their jobs.

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 income.

The effective date of any child support order is the date that the petition was filed, not the date that the order was established in court. For example, if a petition was filed on October 1,

and a child support order for \$115 per week was established at a hearing on December 5, the noncustodial parent would start out already owing more than \$1,000 in retroactive child support.

Child Support Order Amounts for Low-Income Noncustodial Parents

It is very important to show up at the hearing and bring your financial information, so the Support Magistrate can establish an order based on your income.

- If your yearly income is below the New York State self-support reserve (SSR) (\$16,038 for 2016), your child support order may be established at \$50 per month. The SSR and the federal poverty level change every year.
- If your yearly income is below the federal poverty level for one person (\$11,880 for 2016), your child support order may be established at \$25 per month and the amount of arrears you owe will be limited to \$500.
- If you have a low-paying job or no job, the Support Magistrate may refer you to the Support Through Employment Program (STEP). You will be referred to an organization that will help you get a job. Once you start making more money, the amount of your child support order may be increased at a court hearing.

After the Hearing Is Over

- If a child support order is established, you will be given a payment instruction sheet, stating the amount of your child support order and how to start making payments. In most

cases, you will be given a copy of the order on the same day as the hearing. If that isn't possible, the order may be mailed to you or you may go back to court at a later date to request a copy.

- Read your child support order, make sure you understand it, and keep a copy. If you disagree with the child support order, you have 30 days from the date of the order to file a written objection in court. A judge will review the case record and decide if the order is correct or should be changed. A sample of a child support order is provided in the back of this booklet.
- After the order has been entered into the child support computer system, you will receive a letter in the mail telling you how much you have to pay and how payments are to be made. Read this letter carefully to make sure that all of the information is accurate. Contact OCSE with any corrections.
- You can go to childsupport.ny.gov, login, and see the status of your account, including information about payments.

Paying Your Child Support Order

How Payments Are Made

You are responsible for paying your child support order. If you are working, a notice will be sent to your employer with instructions for taking child support payments from your salary and sending the money to OCSE. Child support payments can also be

taken directly from other sources of income including pension, military allowance, social security, disability, and unemployment insurance. Child support payments cannot be taken from cash assistance or SSI benefits. If your child support order includes medical support, a notice will be sent to your employer to deduct the cost of the health insurance benefits for your child from your paycheck.

- It may take a few weeks from the time that the child support order is established until payments are deducted from your paycheck. Until then, you will be expected to make payments directly to OCSE. If you are self-employed you will be expected to make payments directly to OCSE on a regular basis. Send your payments by certified check or money order to the New York State Child Support Processing Unit, P.O. Box 15363, Albany, NY 12212-5363. Include your account number on your check. You may also make payments electronically. Refer to the New York State website (childsupport.ny.gov) for details. Credit card payments can also be made at the OCSE Customer Service Walk-In Center (151 West Broadway, 4th floor, in Manhattan).
- It is important that payments are made on time. If payments fall behind and your payments come directly from your job or other source of income, your regular deductions may be increased by an additional 50% until your account is paid up to date, and you may be subject to other enforcement measures.



For example, if your child support order is \$115 per week and you owe back child support, you will be charged an additional amount of \$57.50 (50% of \$115) for a total of \$172.50 per week until your account is paid up to date.

Hardship Review

- If your payments are temporarily increased by an additional 50% above your regular order, New York State ensures that paying this additional amount does not create a hardship by leaving your income below the annual self-support reserve, which is \$16,038 for 2016. For example, if your child support order is \$300 per month, the add amount will be \$150, for a total of \$450 per month. If that extra \$150 reduces your annual income below the self-support reserve, you should visit the OCSE Customer Service Walk-in Center and request a Hardship Review.
- Some, or all, of the additional \$150 amount may be removed if you can prove a hardship, but the child support order will not change. In some cases the Customer Service worker may be able to permanently lower your child support order and/or arrears (see section called Debt Reduction Programs for Low-Income

Noncustodial Parents). Otherwise, you must go back to the Family Court where the order was established and file a petition for a downward modification.

Responsibility of Your Employer

Your employer is required by law to take out court-ordered payments for child support and medical support from your salary. Payroll deductions for child support and medical support are the same for everyone and employers are aware of this process. Your employer cannot fire you, charge you a fee, or discriminate against you in any way because of child support deductions. If your employer has questions, assistance is available by calling the New York State Child Support Helpline at 888-208-4485, and, after selecting the language, choosing option 2 (Employers and Income Providers).

The Federal Consumer Credit Protection Act (FCCPA) limits the amount that your employer can take from your paycheck. The maximum amount that can be taken is a percentage of your disposable income (amount left after federal, State, local taxes, social security and Medicare deductions are taken out). The percentage depends on how much you owe and the number of child support orders you have.

Federal Consumer Credit Protection Act (FCCPA) Limitations on Withholdings for Support

50% - support a 2nd family; no arrears or less than 12 weeks in arrears

55% - support a 2nd family; more than 12 weeks in arrears

60% - single family; no arrears or less than 12 weeks in arrears

65% - single family; more than 12 weeks in arrears

For example:

Noncustodial parent has 1 child support order (not supporting a 2nd family)

- *Child support order is \$200 per week*
- *No arrears*
- *Disposable income is \$300 per week*
- *Maximum that can be taken out is \$180 per week (\$300 x 60%)*

In this case, the noncustodial parent should speak to his or her employer about lowering the child support payroll deduction because the amount being taken out is over the FCCPA limit. At the same time, the noncustodial parent should go back to the Family Court where the child support order was established and file a petition for a downward modification. That's because even if the employer takes out less from the paycheck, the child support order amount will not change. Any change to the order must be made in the Family Court where it was established.

Help Getting a Job

If you can't afford to pay child support because you are unemployed or have a job that doesn't pay enough, there are programs that can help:

- **Support Through Employment Program (STEP)** is a court based program. To participate in STEP, the Support Magistrate must give you a referral at the time of your child support hearing. Before leaving Court, you will meet with an OCSE worker who will assign you to a community-based organization that will help you get a job. Your participation and progress in STEP will be reported back to the court and will effect decisions the Support Magistrate makes about your child support order.
- **TXT-2-Work** is a voluntary job search aid that sends up-to-date job posting information and job search and resume writing tips to low-income

New Yorkers who subscribe to the service, mainly recipients of public assistance. The speed of electronic delivery means that TXT-2-Work subscribers can read about and apply for a job within 24 hours of the opportunity opening. Sign up by texting the word JOBS to 877877 or filling in the online form at http://home.nyc.gov/html/hra/businesslink/html/contact/text_2_Work.shtml.

- **Workforce1** is a service provided by the NYC Department of Small Business Services; it prepares and connects qualified candidates to jobs. Services are delivered through a network of Workforce1 Career Centers located throughout the City's five boroughs and are available for New Yorkers age 18 and older. For more information and Workforce1 locations visit their website www.nyc.gov/workforce1.

Filing for Bankruptcy

Filing for bankruptcy does not wipe out the obligation to pay current and past due child support. Child support debt has priority over all other creditors. If you already have a child support order, payroll deductions will continue and most enforcement actions can still take place, if applicable. If you do not have a child support order, one can still be established, regardless of your bankruptcy status.

You Move or Change Jobs

You are required by law to inform OCSE if you move so that we can stay in contact with you about your case. If you change jobs, let us know so we can notify your new employer to start taking child support payments out of your paycheck. Any break in payments will result in unpaid child support and can make you eligible for strong enforcement measures.

Giving Money or Gifts to the Custodial Parent

- Once you have a child support order payable to OCSE, you cannot give payments directly to the custodial parent. Payments given to the custodial parent will not be credited to your child support account and you may owe child support debt.
- Custodial parents who are receiving cash assistance benefits are considered to have committed welfare fraud if they accept direct child support payments and do not report those payments to HRA.

- Clothing, diapers, and other things you give to the custodial parent for the child are considered gifts. They do not count as payment for child support.

Where the Payments Go

- If the custodial parent and/or child are receiving cash assistance, the family is entitled to keep up to the first \$100 (\$200 for 2 or more children) of current child support collected each month. This is called a pass-through or bonus payment and is in addition to cash benefits. The pass-through payment cannot be more than we collect and cannot be more than the amount of the order. Anything collected above the bonus payment is used to pay back the Department of Social Services (DSS) for benefits received.
- When the family goes off cash assistance, the child support order continues unless the custodial parent requests to have it closed. All of the money collected for current support goes directly to the custodial parent. In some cases, OCSE will still keep past due support owed from the time when the family was getting cash assistance.
- If the custodial parent has never received cash assistance, all payments are forwarded to him or her.
- Child support payments may be used for any expense related to the child's

well-being. In addition to things like school, clothing, and medical and dental expenses, child support payments may be used by the custodial parent for household expenses like rent and food – anything that contributes to the child’s quality of life. Remember, the cost of raising a child is very high. For single-parent families making under \$56,870 before taxes, the estimated cost for raising a newborn to two-year-old child is \$7,330 per year.

Custody & Visitation

Custody and visitation are not discussed at the child support hearing and are not included in the child support order. But they are emotional issues for parents. Even if you are not seeing your child, you are still legally responsible for paying court-ordered child support. If the custodial parent won’t let you see your child, or you cannot agree on other parenting issues, consider mediation. Mediation can help you resolve your differences and help you improve your relationship with the other parent.

Either parent may file a petition in Family Court for a custody/visitation hearing to establish custody of the child or enforce visitation rights. These issues will be discussed at a different hearing, separate from the child support case. At the hearing, the judge/referee may refer the parents for

mediation. It is an opportunity for both parents to work out an agreement that can become a court order. If an agreement cannot be reached, the parents must return to court and the judge/referee will make the necessary decisions.

Mediation services are also available without going to court. Parents may contact 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:
212-799-4302
- COMMUNITY MEDIATION SERVICES:
718-523-6868
- PARENT HELP:
800-716-3468 – federally funded program offering a free and confidential telephone helpline to mothers and fathers living apart.

Noncustodial Parent Earned Income Tax Credit

You may be eligible for a New York State Noncustodial Parent Earned Income Tax Credit if you meet all of the conditions listed below. To get this credit, you must file a New York State tax return and include tax form IT-209.

- Be a NY State resident for the entire year
- Be at least 18 years old

- Have a social security number that is valid for work (Individual Taxpayer Identification Number [ITIN] cannot be used)
- Have a minor child who does not live with you
- Have a child support order that is payable to the New York State OCSE Support Collection Unit
- Be up to date on payments for the entire tax year
- Do not have more than \$3,400 in investment income (savings, stocks, bonds, etc.)
- Have a maximum yearly gross income of \$39,131 (tax year 2015). This figure changes every year; refer to nyc.gov for the annual gross income value.

Changing Your Child Support Order & Debt Owed

Requesting a Modification in Court

Your child support order is based on information available at the time of the hearing. 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 or the needs of the child are not being met. If your income changes (no longer doing overtime, lose your job and go on unemployment, receiving disability, etc.) and you can no longer afford to pay the child support order, you should

immediately go back to the court where you had your last child support hearing and file a petition for a downward modification. You may also go online to NYS DIY (Do-It-Yourself) Forms at www.nycourthelp.gov and fill out a support modification petition. Once you download the completed petition and sign it, you can bring it, or mail it, to Family Court. You will be given a hearing date and instructions about what to do next. The custodial parent will need to be notified to appear in court. OCSE can help you serve the summons.

For child support orders established on or after October 12, 2010, there are additional reasons for modification. You can request a modification if any of the following apply to your case:

- 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 tried to find work that would be appropriate to 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.

When the Oldest Child Turns 21

If there is more than one child listed on the same child support order, the obligation amount may be allocated. This means that a specific amount is assigned to each dependent child. When the oldest child turns 21, OCSE will automatically reduce the child support order by the amount allocated for that child. If the order is not allocated, the noncustodial parent must file a petition in court for a downward modification when the oldest child turns 21. If your order was established outside of New York State, the emancipation date may not be 21.

What Happens at the Modification Hearing

Once you file a modification petition in Family Court, a hearing will be scheduled where you will have an opportunity to present your current income and expenses. The Support Magistrate will review the information in accordance with the New York State Child Support Standards Act guidelines and decide if the order should be changed. Any change to the amount of the order will only go back to the date the petition was filed in court, not the date that the circumstances actually changed.

Cost of Living Adjustment

- OCSE may increase a child support order with a Cost of Living Adjustment (COLA) when the case becomes eligible, without going to court.
- 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 takes approximately 4 years to reach the required 10% increase in the CPI-U.
- You will be notified before a COLA is added to your order and have an opportunity to object to it. If you object to the COLA, a modification hearing will be scheduled in Family Court to review the amount of your order. The Support Magistrate will decide if the order should be changed, or remain the same, based on the New York State Child Support Standards Act guidelines.

Debt Reduction Programs for Low-Income Noncustodial Parents (NCPs)

OCSE has programs that can reduce child support orders and/or debt (arrears) owed to the Department of Social Services (DSS). An order may be owed to DSS when the custodial parent and child are current or past recipients of cash assistance.

MODIFY DSS ORDER (MDO) helps low-income NCPs who have child support orders that are not based on their current income. If your financial situation has changed since the order was established, or you did not present your financial information

in court, MDO can lower your order without going to Family Court.

TO QUALIFY:

- Current child support order with at least one child on cash assistance
- Income below the New York State self-support reserve (\$16,038 for 2016) or
- Receiving cash assistance, SSI, or Medicaid

ARREARS CAP can lower the accumulated child support debt you owe to the government (DSS) down to \$500, without going to Family Court.

TO QUALIFY:

- Must owe arrears to DSS; not required to have current or active child support order.
- Arrears must have built up while income was below the federal poverty level (see chart at right). If you do not have proof of past income (tax returns, pay stubs), request a wage statement from the Social Security Administration.

ARREARS CREDIT PROGRAM (ACP)

can reduce the amount of arrears owed to DSS by \$5,000 a year for up to three years, without going to court. However, arrears (debt) must be owed to DSS.

ACP is available to NCPs who have current child support orders and NCPs who only owe arrears. Current orders may be payable to either DSS or the custodial parent.

TO QUALIFY:

- There are no income requirements to qualify for ACP.

- Make full payments on current child support for an entire year.
- Qualified NCPs will receive a credit of \$5,000 per year, for up to three years, toward child support arrears owed to DSS.

To find out if you qualify for one or more of these debt reduction programs, visit:

OCSE Customer Service Walk-in Center
151 West Broadway, 4th floor
New York, NY 10013

Monday – Friday, 8 am – 7 pm

POVERTY LEVEL FOR ARREARS CAP

YEAR	FEDERAL POVERTY LEVEL
1997	\$7,890
1998	\$8,050
1999	\$8,240
2000	\$8,350
2001	\$8,590
2002	\$8,860
2003	\$8,890
2004	\$9,310
2005	\$9,570
2005	\$9,800
2007	\$10,210
2008	\$10,400
2009	\$10,830
2010	\$10,830
2011	\$10,890
2012	\$11,170
2013	\$11,490
2014	\$11,670
2015	\$11,770
2016	\$11,880

Falling Behind on Payments

OCSE keeps track of how much child support is collected and how much is owed. It is our job to see that payments are received regularly and on time. If you fall behind with your child support payments, there are a number of enforcement actions that may take place. Before any enforcement action can take place, you will receive a notice in the mail explaining how to prevent the action from happening and how to file a challenge or mistake of fact. If you are receiving cash assistance or SSI, you will be exempt from certain enforcement actions.

A case may be eligible for multiple enforcement actions at the same time. OCSE has the authority to enforce child support orders through administrative/automated processes, without going back to court. If these methods do not work, the case may be referred to Family Court for judicial enforcement actions.

Administrative/Automated Enforcement Actions

ADD AMOUNT

Your child support payments may be temporarily increased by 50% above the regular order amount, any time payments fall behind. On a new order, this may happen immediately because child support is owed back to the date that the petition was filed in court, not the date of the hearing.

TAX REFUND OFFSET

If you are expecting a federal or state income tax refund, it may be sent to OCSE instead 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).
- The tax offset list is made up the year before the refund is taken. If you no longer owe the money by the time the tax refund is taken, a refund will be issued to you once OCSE receives the money from the IRS or New York State Department of Taxation and Finance. That can take six to eight weeks from the time that you are notified that your tax refund is being sent to OCSE.
- If a joint tax return has been filed, the spouse with no financial responsibility for the child may file an Injured Spouse form with the IRS and/or the NY State Department of Taxation and Finance to request his/her portion of the refund. OCSE will hold the IRS refund for 6 months to give the injured spouse a chance to file a claim for a portion of the tax refund. After 6 months, all of the refund will be credited to the noncustodial parent's account.

LOTTERY PRIZE INTERCEPT

If you win \$600 or more in the New York State lottery and owe at least \$50 in back child support, the prize money may be paid to OCSE. Parents owing child support will be informed

when they go to claim their prize if any or all of it is being taken for child support arrears. An official letter will follow in the mail.

PROPERTY EXECUTION (PEX)

Your bank accounts (savings, checking, money market, Certificate of Deposit, IRAs) and other financial assets may be frozen and seized to pay OCSE if you owe at least two months current child support and have arrears of at least \$300.

- If you are paying current child support through salary deductions, your bank account will be frozen if the balance is \$3,000 or more.
- If you are not paying current child support payments through salary deductions, your bank account will be frozen if the balance is at least \$25.
- If the funds in your bank account come from SSI, cash assistance, Veterans Administration disability from military service, child support or alimony, they cannot be seized by OCSE.
- In the case of a joint bank account, some banks will release all of the funds requested by OCSE. Other banks may require a written statement signed by both parties to release half of the account balance for child support arrears.

DRIVER'S LICENSE SUSPENSION

Driver's licenses are suspended if the amount owed in child support is equal to or greater than four months of the current child support order amount and payments are not coming in by

payroll deductions. Noncustodial parents receiving SSI or cash assistance are exempt from having their driver's license suspended. If you receive a letter that your license is going to be suspended, you may prevent it from happening by doing any of the following:

- Pay all that is owed.
- Prove income is below the New York State self-support reserve (\$16,038 for 2016).
- Provide employment information so your employer can take payments directly from your salary.
- Enter into a payment agreement with OCSE to pay the court ordered amount plus an additional 50% towards arrears. Arrears included in driver's license payment agreements accrue interest at 9% a year because they are considered money judgments, which are registered in court.
- In certain situations, which will be listed on the notice you receive, you may be able to file a challenge to the driver's license suspension. If the challenge is denied by OCSE, an objection to the denial may be filed in Family Court. A judge will decide if the suspension should remain or be removed.
- If suspension takes place, a restricted driver's license may be requested from the Department of Motor Vehicles to allow you to drive to and from your job.

CREDIT BUREAU REPORTING

Names of noncustodial parents are submitted to major Consumer

Reporting Agencies (CRAs) when they owe at least \$1,000 in child support or are two months behind in payments, whichever happens first. This referral will create a negative entry on the parent's credit report, making it difficult, or more costly, to get a credit card, mortgage or other type of loan.

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 if the amount owed is more than four months of the current child support order, is at least \$500, and no child support payments have been received in the last 45 days from payroll deductions. If you are receiving SSI or cash assistance, you will be exempt from this process.

DENIAL OF NEW AND RENEWED PASSPORTS

Noncustodial parents are notified in advance that their child support debt is being reported to the State Department (a federal agency). The State Department will deny an application for a new or renewed passport if at least \$2,500 is owed in child support. The passport will not be issued until the child support debt is resolved with OCSE.

DENIAL OR GRANTING OF TEMPORARY NYC PROFESSIONAL LICENSES

Applications for new and renewed New York City professional licenses will

be denied, or a temporary six-month license will be granted, if the applicant owes back child support equal to at least four months of current child support. Examples of New York City licensing agencies include the Department of Consumer Affairs, the Taxi and Limousine Commission, and the Fire Department, among others. Applicants may pay what they owe or enter into an agreement with OCSE in order to have their license applications approved. If you are having problems getting a NYC professional license because of an outstanding child support debt, visit OCSE's Customer Service Walk-in Center at 151 West Broadway between 8 am and 7 pm, Monday to Friday, for assistance.

Judicial Enforcement Actions

VIOLATION PETITION

When administrative enforcement methods do not result in child support collections, a violation petition may be filed by the custodial parent or OCSE (for families receiving cash assistance) in Family Court. A violation hearing may result any of the following:

- **MONEY JUDGMENT:** Child support arrears are fixed, by the court, at a specific amount that accumulates 9% interest annually 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

of payments) toward future child support. Payments can be taken out of this deposit if the noncustodial parent fails to pay support regularly. Also called Cash Bond or Cash Undertaking.

- **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 non-payment of child support, the noncustodial parent may go to jail for up to six months. Willful non-payment means that the noncustodial parent can afford to pay child support but chooses not to, or intentionally avoids employment, or transfers money in order to avoid paying.
- **SUSPENSION OF STATE-ISSUED PROFESSIONAL, BUSINESS, AND OCCUPATIONAL LICENSES:** Family Court may recommend to the appropriate licensing board that noncustodial parents who owe an amount of child support equal to or more than four months of current support have their state-issued licenses suspended. Examples of occupations that must be registered or licensed by New York State include security guards, barbers, physical therapists, lawyers, and doctors.

PARTICIPATION IN A WORK PROGRAM (STEP)

When a noncustodial parent is unemployed or has a low-paying job, the Support Magistrate may order him or her participate in STEP (Support Through

Employment Program), a work referral program that helps noncustodial parents get jobs so that they can pay child support.

REFERRAL FOR CRIMINAL PROSECUTION

OCSE can request criminal prosecution of an NCP by the United States Attorney's Office or the local District Attorney's Office when willful non-payment of child support has been established, significant arrears are owed, and other enforcement actions have failed.

Terminating the Child Support Order

In New York State, you will have to pay child support until the child reaches age 21, unless the court orders something different. Orders can be extended past age 21 for education or medical reasons. Orders may be terminated by Family Court sooner under certain circumstances.

AN ORDER MAY BE TERMINATED BEFORE THE CHILD REACHES AGE 21 IF ANY OF THE FOLLOWING HAPPENS:

- **CHILD BECOMES EMANCIPATED**
The child moves out and becomes self-supporting, gets married, or joins the military.
- **YOU GET CUSTODY OF THE CHILD**
In that case, the other parent may be ordered to pay child support to you.
- **YOU MOVE IN** and form one household with the custodial parent and child.



CALL

New York State Child Support
Customer Service Helpline
888-208-4485

TTY (Hearing Impaired)
866-875-9975

Speak to a Representative
Monday – Friday, 8 am – 7 pm
Automated Account information*
24 hours/7 days

VISIT

New York City Office of Child Support
Enforcement (OCSE)
Customer Service Walk-In Center
151 West Broadway, 4th floor
New York, NY 10013

Monday – Friday, 8 am – 7 pm
BRING A PHOTO ID

WEBSITES

New York City Office of Child Support
Enforcement (OCSE)
NYC.gov/hra/ocse

Information about events and
programs for fathers
NYC.gov/NYCDADS



View child support videos
youtube.com/hranyc

New York City Office of Financial
Empowerment, free financial counsel-
ing and education **NYC.gov/ofe**

New York State Division of Child
Support Enforcement (DCSE),
View your account information*
childsupport.ny.gov

New York State Unified Court System
courts.state.ny.us

WRITE

New York City Office of Child
Support Enforcement
P.O. Box 830
Canal Street Station
New York, NY 10013

SEND PAYMENTS

New York State Child Support
Processing Center
P.O. Box 15363
Albany, NY 12212-5363

*To get updated account information,
you will need your social security
number and PIN (Personal Identifica-
tion Number). NCPs who need a PIN
or do not remember their PIN may
request one by phone or mail.
Call 1-888-208-4485 and speak to
a representative or mail a signed,
written request including your full
name, address, social security
number, and child support account
number to:
Attention: PIN
NYS Child Support Processing Center
P.O. Box 15365
Albany, NY 12212-5365



Acknowledgment of Paternity

LDSS-4418 (Rev. 1/14)

New York State Office of Temporary and Disability Assistance
 New York State Department of Health
 Pursuant to Section 4135-b of Public Health Law

Recorded District _____
 Hospital Code (PFI Number) _____
 Register Number _____

ACKNOWLEDGMENT OF PATERNITY

(Please type or print clearly in blue or black ink.)

Check where signed: Hospital Child Support Office Birth Registrar Other

CHILD	First name		Middle name		
	Last name		Sex	Male Female	
	Date of birth (MM/DD/YYYY)				
	Facility of birth		City of birth		County of birth
<i>If the child's birth certificate was already filed and you wish to change the child's last name, complete the following section:</i>					
Last name on original birth certificate			New last name		

We understand that signing this Acknowledgment of Paternity is voluntary and will establish paternity of our child and have the same force and effect as an order of filiation determining paternity and entered after a court hearing including an obligation to provide support for our child. Except that only if this Acknowledgment of Paternity is filed with the Registrar where the birth certificate is filed will the Acknowledgment of Paternity have such force and effect with respect to inheritance rights. We have received written and oral notice of our legal rights (including the timeframes to withdraw), responsibilities, alternatives and the consequences of signing the Acknowledgment of Paternity, and we understand what the notice states. A copy of the written notice has been provided to us. We certify that the information we provide below is true.

FATHER	First name		Middle name		Last name	
	Street address (house/apt. number)					
	City			State		Zip
	Place of birth	City		State		Country
	Date of birth (MM/DD/YYYY) / /			Social Security number - -		
	<i>I hereby acknowledge that I am the biological father of the child named above.</i>					
Signature			Date (MM/DD/YYYY) / /			
WITNESS SECTION <small>(Witness cannot be related to mother or father.)</small>	Witness Signature		Print Name		Date (MM/DD/YYYY) / /	
	Witness Signature		Print Name		Date (MM/DD/YYYY) / /	

MOTHER	First name		Middle name		Last name	
	Maiden name (last name only)					
	Street address (house/apt. number)					
	City			State		Zip
	Place of birth	City		State		Country
	Date of birth (MM/DD/YYYY) / /			Social Security number - -		
<i>I hereby consent to the Acknowledgment of Paternity for my child named above, and acknowledge that the man named above is the only possible father of my child who was born to me. I state that I was not married at any time during the pregnancy or when the child was born OR, I state that I have subsequently married the child's biological father.</i>						
Signature			Date (MM/DD/YYYY) / /			
WITNESS SECTION <small>(Witness cannot be related to mother or father.)</small>	Witness Signature		Print Name		Date (MM/DD/YYYY) / /	
	Witness Signature		Print Name		Date (MM/DD/YYYY) / /	

For Official Use Only

The above Acknowledgment of Paternity is hereby filed with the _____ registrar on ____/____/____. If this document is to amend a birth certificate, I certify that I have examined the original record this seeks to amend and the information on this document matches. There are no omissions or apparent errors that render it unacceptable for amending the birth record. This document is therefore approved.

 State Registrar/Deputy City Registrar Signature

 MM/DD/YYYY

Sample of 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 **File #: XXXXX** **Child support case and court identifying information**
Docket #: F-XXXXX-XX
CSMS #: XXXXXXXXX
ORDER OF SUPPORT **Type of order**

Custodial Parent, SSN: XXX-XX-XXXX, Petitioner, **Parties involved**
 – against –
Noncustodial Parent, SSN: XXX-XX-XXXX, Respondent.

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. **Filing an objection**
 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.

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

PART D **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 #
 And the Court finds further that: The Noncustodial party's pro rata share of the basic child support obligation is neither unjust nor inappropriate;

PART E **Noncustodial Parent** is currently unemployed; **Noncustodial parent's employment status** **Effective date of the child support order (Your date will be different)**
 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
 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:
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 Child Support 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, nonresident parent, and 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 3 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 whether 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) | 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 and 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 & Disability Assistance (OTDA) delivers cash and 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, childcare 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 is 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 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 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, e.g., the child's 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 (newyorkchildsupport.com) 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. 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, 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 of 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 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



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