

CHILD SUPPORT:

Getting Help When You Need It

A Guide for Parents

WHO WE ARE	1
WHO CAN APPLY FOR CHILD SUPPORT	1
WHAT WE CAN DO FOR YOU	1
WHAT HAPPENS IN COURT	3
HOW MUCH CHILD SUPPORT TO EXPECT.....	3
WHY IT IS IMPORTANT TO APPLY FOR CHILD SUPPORT.....	4
IMPORTANT INFORMATION FOR PARENTS APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE	5
WHAT INFORMATION AND DOCUMENTS YOU WILL NEED	8
GETTING ASSISTANCE WITH CHILD SUPPORT.....	9



If you are a single parent - divorced, separated or never married - you know how difficult it can be to raise a child alone in New York City - especially if the other parent isn't helping to pay the bills. But under the law, that parent must provide child support and we can help you get it.

WHO WE ARE

The **Office of Child Support Enforcement (OCSE)**, a program of the NYC Human Resources Administration, helps custodial parents (parents living with and caring for their children) obtain the financial support that their children deserve, from non-custodial parents (parents not living with their children). OCSE can help you get a fair child support order and receive payments regularly. In fact, every year we collect over half a billion dollars in child support payments for New York City's children.

WHO CAN APPLY FOR CHILD SUPPORT

We can help any custodial parent living in New York City, regardless of income or immigration status and there are no fees for our services.

- *If you are applying for or receiving public assistance, you will automatically be referred to one of OCSE's borough offices for child support services.*
- If you are applying for or receiving child care services through ACS (New York City Administration for Children's Services), you are now required to actively pursue child support if the other parent does not live in the same household. Your child care worker will give you more information about what you need to do to qualify for child care benefits. You can apply for child support services in the family court in the borough where you live.
- If you are not applying for or receiving government assistance, you can visit the family court in the borough where you live to file a petition for a child support hearing.

WHAT WE CAN DO FOR YOU

If you are a custodial parent, we can help you:

- **FIND the non-custodial parent**, if you don't know where he or she lives, by using computer searches. We can even locate missing parents who live or work in other states.
- **ESTABLISH paternity** (legal fatherhood), if necessary. If you are not married to the other parent, you should give your child the advantage of a legal father by establishing paternity. Establishing paternity gives your child benefits that may include social security, military allowance, pension, health insurance, and the right to inherit from the father. In addition, paternity must be established before a child support order can be issued. If both parents agree, they can sign an Acknowledgment of Paternity form in the hospital when the baby is born. The form can also be signed after the baby has left the hospital. Parents can contact OCSE or the NYC Department of Health and Mental Hygiene to establish paternity, any time until the child reaches age 21. If there is a question about the identity of the father, a DNA test may be requested in the hospital. If paternity cannot be established through the voluntary process, either parent can file for a paternity hearing in family court.

- **SERVE a summons** on (deliver a summons to) the non-custodial parent. Once you file a petition for a child support hearing in family court, the other parent must be notified by summons of the date and time of the hearing and the requirement to show up. OCSE will provide summons service. If you prefer, you may handle summons service on your own
- **GET a child support order** from the family court serving you. You will be expected to be present at the child support hearing, along with the non-custodial parent. You do not need a lawyer in family court, but you may hire one if you wish. The child support order will state the amount and frequency of the child support payments. It may also include childcare and education expenses. The child support order must include medical support, which means that the order must include a plan for medical insurance coverage for the child.
- **COLLECT child support payments.** Once a support order is established, the non-custodial parent must pay child support until the child reaches age 21 or becomes self-supporting. We will collect the non-custodial parent's payments on a regular basis, usually through payroll deductions. Non-custodial parents who are self-employed can send their child support payments in by check or money order. OCSE also has an agreement with Western Union to take child support payments, for a small fee. Payments are then forwarded to you by check or by direct deposit, to your bank. If payments fall behind, we will increase the amount of regular collections to reduce the amount owed. If you move, it is important to notify OCSE of your new address in writing or by logging on to the New York State website at: newyorkchildsupport.com. This will allow us to continue to send your child support checks.

If you already have a child support order where the non-custodial parent pays you directly, OCSE will not be able to help you collect and enforce payments unless you request a "Change of Payee". Requesting a Change of Payee means that child support payments will be sent to OCSE for processing, record keeping, and distribution. A Change of Payee can be done on any child support order issued by New York State Family Court or Supreme Court, without going back to court for a hearing. You can request the Change of Payee form the child support office in your family court.

- **ENFORCE the child support order.** OCSE can take actions against parents who are not paying their child support.

The enforcement actions listed below are administrative. They do not require a court hearing.

- 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
- Denying and revoking passports
- Denying new and renewed New York City business and professional licenses

The following enforcement actions require a court hearing, which you may be required to attend.

- Violation Petition that may result in a money judgment with interest added on
- Participation in a work program if the non-custodial parent is unable to pay child support because of unemployment or low paying work
- Suspension of professional, business and occupational licenses
- Referral for criminal prosecution

- **INCREASE the amount to be paid on child support orders** that are eligible for a cost of living adjustment (COLA), without going back to court. The COLA is based on yearly changes in the consumer price index for urban areas (CPIU), which tracks the prices of items like food, clothing and housing. Clients are notified by mail when their cases are eligible for COLA. A child support order can also be increased by filing a petition for a modification in family court, if there is a change in circumstances.

WHAT HAPPENS IN COURT

The child support hearing is held before a Support Magistrate in family court.

Both parents are expected to attend the hearing and present proof of their income and expenses. The Support Magistrate will listen to both parents and calculate how much support the non-custodial parent must pay to the parent with custody, and set a schedule for regular payments.

You will be asked whether you want the support to be paid directly to you or through OCSE's Support Collection Unit. If you choose direct payment, OCSE cannot help you enforce the order if payments fall behind.

If you disagree with the support order, you have 30 days from the date of the order to file a written objection with the court clerk's office. A judge will review the case file and make a decision.

If the non-custodial parent has been served with a summons and does not show up at the hearing, the Support Magistrate may establish a "default" order, without having all of the parent's financial information. Or, the hearing may be adjourned to another date in the future.

HOW MUCH CHILD SUPPORT TO EXPECT

In order to make child support orders in New York State fair and consistent, the Child Support Standards Act sets guidelines for the courts to use in deciding how much child support the non-custodial parent has to pay. The guidelines ensure that children benefit from the same standard of living they would have if their parents were living together.

Determining the amount of the order: Under the law, the basic support amount that the non-custodial parent has to pay is a fixed percentage of income and depends on how many children are involved.

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

This percentage is used for earnings up to \$80,000 (minus certain local and social security taxes). This includes wages, worker's compensation, disability payments, unemployment benefits, social security payments, and many other forms of income. For income above \$80,000, the Support Magistrate (formerly Hearing Examiner) can choose whether or not to use the percentage guidelines, and may consider other information in setting the full support amount.

In addition to the basic support amount, you can also expect the child support order to include:

- Childcare expenses if the custodial parent is working, in school, or in a job-training program
- Reasonable educational expenses for the child
- Medical expenses for the child, including the cost of health insurance coverage and unpaid medical bills

WHY IT IS IMPORTANT TO APPLY FOR CHILD SUPPORT

Applying for child support will help to ensure your child's financial future.

You should be aware that some cases take more time and work than others to successfully collect child support. So don't be discouraged if you don't get regular child support payments right away.

Even if you think it's not worth going to court for child support because the other parent isn't working and can't afford to pay, you should still get a child support order now. The obligation to pay support continues until the child reaches age 21, and the non-custodial parent's financial situation may change. If the non-custodial parent gets a job at a later date, he/she will be able to pay child support.

OCSE works with community-based organizations that help non-custodial parents get education, job training and job placement services through a program called STEP (Support Through Employment Program). The goal of STEP is to help parents get work with a steady income so that they can help support their children. Non-custodial parents who may benefit from the STEP program will receive a referral at their court hearing.

Once the non-custodial parent starts earning money, we can automatically collect child support payments from his/her paycheck.

It is important for OCSE to have your case information in our computer so that we can search 24 hours/7 days a week to find a way to collect child support for your children.

IMPORTANT INFORMATION FOR PARENTS APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE

If you are applying for public assistance (also called TANF or Temporary Assistance for Needy Families) or need to have a newborn child added to your case, you will be referred to the Office of Child Support Enforcement (OCSE) for an interview. Cooperating with the OCSE worker and providing the information and documentation requested is required in order to receive public assistance. OCSE's job is to make sure that non-custodial parents (parents not living with their children) support their children. That's important because the Federal Government has put a limit on how long you can receive cash benefits. And, once you stop receiving public assistance, child support payments will help you support your family. In New York State, the non-custodial parent must pay child support until the child reaches age 21 or becomes self-supporting.

The Child Support Interview

When you go for your child support interview, bring the appointment notice and the "Questions about the Absent Parent" form that you were given when you applied for public assistance. In addition, you will be expected to bring information about the non-custodial parent. The most important information is listed below and other helpful documents are listed on page?

- *The non-custodial parent's name and a document showing his/her social security number*
- *Birth certificates of all children you have together*

Any other information that will help us locate the non-custodial parent should also be brought to the interview, including a picture of the parent. If possible, bring the non-custodial parent with you to the child support office with proof of social security number, address and employment.

Cooperating With The Child Support Program

Cooperating with the child support program is the best way to ensure that your child receives financial support from the non-custodial parent now, and in the future. If you do not cooperate fully, you may be sanctioned. If you are sanctioned, it means that your public assistance benefits may be denied or reduced by 25%. The sanction will remain in effect until you provide the specific information requested. Once you bring in the information needed for your case, the sanction will be lifted. If you do not want to cooperate with child support because you fear the non-custodial parent will retaliate with physical or emotional harm, let the worker know. You will be referred to a domestic violence counselor who will decide if you should be excused from some or all of the child support requirements.

Going To Court

Once your case is referred for a child support order, you will be expected to appear at a hearing in the Child Support Enforcement Term (CSET) in Manhattan Family Court, no matter which borough you live in. CSET is where all child support cases for public assistance clients are handled. A lawyer will be there to represent the Commissioner of Social Services. That's because HRA files for child support on behalf of children who are on public assistance. But, you should still be prepared to answer some questions.

How Much Child Support You Will Get

In court, the Support Magistrate will decide how much money the non-custodial parent has to pay, based on guidelines set by New York State. Families receiving public assistance can get up to \$50 per month of the total amount of child support collected in addition to cash benefits. This is called a bonus or pass-through payment. It will be available to you on your Electronic Benefit Transfer (EBT) account. Anything collected over \$50 is used to pay back the Department of Social Services for your cash benefits. When you are receiving public assistance, any money you receive directly from the non-custodial parent must be turned over to the Department of Social Services.

What Happens When Your Public Assistance Case Closes.

Once you are no longer receiving public assistance, all of the money we collect from the non-custodial parent for current child support will be sent directly to you by check, or direct deposit to your bank. We will continue to make sure that payments are made regularly, and on time. There are no fees for our services. If you do not have a child support order because there wasn't enough information about the other parent, we will continue to try and locate him or her. If you have new information that will help us get a child support order for your child(ren) after your public assistance case has closed, contact the Family Court Support Services office located in the family court in your borough.

Getting Child Support without Public Assistance

If you decide not to complete the application for public assistance or your application for public assistance is denied, you can still get a child support order. You can file an application for child support services in the Family Court Support Services office located in the family court in the borough where you live.

Child support payments added to a job can help you become financially independent and support your family.

WHERE TO GO TO APPLY FOR CHILD SUPPORT

If you are applying for or receiving Temporary Assistance for Needy Families (public assistance), you will be referred to OCSE automatically and do not need to apply for child support services on your own. If you have more information about the non-custodial parent after your appointment, call the OCSE office where your child support interview was held.

Bronx Borough Office

serving the Bronx
260 East 161st Street
Bronx, NY 10451
(718) 664-1845

Brooklyn Borough Office

serving Brooklyn and the Rockaways
481 Hudson Street (10 Metrotech)
Brooklyn, NY 11201
(718) 330-2119

Manhattan Borough Office

serving Manhattan/Staten Island
115 Chrystie Street
New York, NY 10002
(212) 334-7654

Queens Borough Office

serving Queens (except the Rockaways)
32-20 Northern Boulevard
Long Island City, NY 11101
(718) 784-6979

If you are not applying for and not receiving public assistance (TANF or Temporary Assistance for Needy Families) and want to apply for child support services, visit the OCSE Family Court Support Services Office in the family court in your borough. Some offices have evening hours. Call first to be sure.

Bronx

Bronx County Family Court
900 Sheridan Avenue, 1st Floor
Bronx, NY 10451
(718) 590-3924

Brooklyn*

Kings County Family Court
283 Adams Street, 1st floor
Brooklyn, NY 11201
(718) 643-8890

Manhattan

New York Family Court
60 Lafayette Street, 1st floor
New York, NY 10013
(212) 385-8218

Queens

Queens Family Court
151-20 Jamaica Avenue, 1st floor
Jamaica, NY 11432
(718) 725-3148,9

Staten Island

Richmond Family Court
100 Richmond Terrace
Staten Island, NY 10103
(718) 720-2495

Child Support Enforcement
Customer Services Helpline 1 (888) 208-4485

Brooklyn Family Court is moving from 283 Adams Street to 330 Jay Street in late 2005

WHAT INFORMATION AND DOCUMENTS YOU WILL NEED

When you go to the child support office, you should bring documents that will help locate the non-custodial parent. You will also need information that proves your relationship and your child's relationship to the non-custodial parent.

- A document showing the **non-custodial parent's social security number is the most important piece of information you can provide.** It allows OCSE to trace the parent's address and employer.
- Birth Certificate for each child listed on the petition
- Marriage certificate, divorce decree or separation papers, if applicable
- Voluntary Acknowledgement of Paternity or Order of Filiation from family court, if applicable
- *Non-custodial parent's address, phone number and employer*

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

- Income and assets such as pay stubs, tax returns, bank accounts and other investments and property holdings
- Date and place of birth
- His or her parents' names (including the mother's maiden name)
- Recent photograph

When you go to family court for your child support hearing, bring the information that proves your relationship and the child's relationship to the non-custodial parent plus the following financial information.

- Copies of your most recent tax return and recent pay stubs
- Completed financial disclosure form showing earnings and expenses
- Proof of household expenses such as rent and food
- Proof of medical, child care, and education costs

GETTING ASSISTANCE WITH CHILD SUPPORT

You can get general information about the child support program and receive assistance with your child support case once you have a child support order from family court. Or, you may have additional information that will help us collect child support for your family.

Call

New York State Child Support Information Line*
For automated information about available child support services
and account information on existing cases
(7 days/24 hours)
(800) 846-0773

The New York State Child Support Help Desk
To speak with a customer services representative about your case
8:30 to 5:00 p.m. Monday – Friday
(888) 208-4485

Visit:

New York City Office of Child Support Enforcement

for child support case related issues

Customer Services Office
151 West Broadway 4th floor
Walk-in : Monday - Friday 8:00 AM to 7:00 PM
By appointment: - Saturday 9:00 AM to 5:00 PM

Or

Write

New York City Office of Child Support Enforcement
PO Box 830
Canal Street Station
New York, New York 10013

Websites

NY State Division of Child Support Enforcement newyorkchildsupport.com
NYC Office of Child Support Enforcement nyc.gov/hra

*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, send a signed request that contains your name, account number, social security number, and address to: *NYS DCSE 40 North Pearl Street, 13-C / ATTN: PIN Albany, NY 12243-0001*

City of New York

Michael R Bloomberg, Mayor

Human Resources Administration
Verna Eggleston, Administrator/Commissioner

Revised, February 2005