

Glossary of Child Support Related Terms

A

ACCRUAL

Sum of child support payments that are overdue.

ACKNOWLEDGMENT OF PATERNITY

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.

ADD AMOUNT (ALSO CALLED ADDITIONAL AMOUNT)

A temporary increase to the regular child support obligation of \$50 per week or 50%, whichever is more, to satisfy arrears owed by the noncustodial parent.

ADJOURNMENT

A 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 OF NET WORTH

A 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.

AFFIDAVIT OF SUMMONS SERVICE

Notarized document used to prove to the court that the summons was served.

ALLOCATED CHILD SUPPORT ORDER

An order that lists each party of the order (children, spouse) with a specific amount assigned for each dependent.

AMEND

A change to a legal document.

ARREARS

The amount of child support that is overdue and unpaid.

B

BONUS PAYMENT

Cash assistance clients may receive up to \$100.00 per month of the child support collected in the same month that it is owed; also called Pass-Through payment or child support "disregard."

BOROUGH OFFICE

Child Support Enforcement offices located in each borough (except for Staten Island, which is serviced by the Manhattan office) to which cash assistance (TANF) applicants or recipients must report for the mandatory process of establishing paternity and a child support order.

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 BOND (ALSO CALLED CASH UNDERTAKING)

A cash deposit 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.

CHANGE OF PAYEE

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

CHILD SUPPORT

Financial support paid by a parent to help support a child or children not living in their household.

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)

An 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).

CPI-U (CONSUMER PRICE INDEX FOR URBAN AREAS)

The consumer price index for urban areas annually tracks the prices of items like food, clothing and housing; Cost of Living Adjustments (COLA) to child support orders are based on the yearly changes in the CPI-U.

CONCURRENT JURISDICTION

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

CONTINUING EXCLUSIVE JURISDICTION

The authority to modify a child support order; only one state at a time has this power.

CORPORATION COUNSEL

A division of New York City's Law Department; A custodial parent may be referred to Corporation Counsel to file an Interstate/Intrastate case.

COURT ORDER

A 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.

CUSTODIAL PARENT (CP)

A 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

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.

DEPENDENT

A child who is under of the care of some one else; Most children who are eligible to receive child support must be a dependent. Children cease to be dependents in New York State when they reach the age of 21 or become emancipated (move out and are self-supporting; join the military; get married).

DIRECT PAY INCOME DEDUCTION ORDER

An order payable directly from the noncustodial parent's employer to the custodial parent.

DIRECT PAY ORDER

The child support order is made 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 WITH PREJUDICE

The facts of a petition for a child support hearing lead the case to be permanently dismissed from court. For example: DNA proves that the respondent is not the biological father.

DISMISSAL WITHOUT PREJUDICE

The petition is dismissed now but may be taken up at a later date in court; for example, there is no summons service.

DISPOSABLE INCOME

Amount of income left after taxes and Medicare and Social Security 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

The number assigned by the court to identify the case.

E

EMANCIPATED

A child is not living with his or her parents and has a source of income, or is in the military, or is married. If emancipation can be proven to the satisfaction of the court, the child support order may be terminated.

ENFORCEMENT

The application of remedies to obtain payment of a child or medical support obligation contained in a child and/or spousal support order. Examples of remedies include garnishment of wages, seizure of assets, liens placed on assets, revocation of license (e.g., drivers, business, medical), denial of U.S. passport, etc.

ESTABLISHMENT

The process of proving paternity and/or obtaining a court order to put a child support obligation in place.

F

FAMILY SUPPORT ACT

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

FEDERAL CONSUMER CREDIT PROTECTION ACT (FCCPA)

Limits how much an employer can take from an employee's income for child support payments. It takes into consideration: net income after mandatory taxes are taken out, the amount of arrears owed and if an additional family is being financially supported.

FEDERAL PARENT LOCATOR SERVICE (FPLS)

A computerized national location network service that helps states locate noncustodial parents by matching database information; FPLS can provide information helpful to establishing custody, paternity, child support and for adoption and foster care issues.

FIA

The Family Independence Administration is the program within the Human Resources Administration (HRA) agency that is responsible for administering cash assistance.

FILE NUMBER

Identifying number which corresponds to all docketed cases for a particular family.

FINDINGS OF FACT

The notes and calculations used by the Support Magistrate in establishing a child support order.

G

GARNISH

A legal proceeding under which part of a person's wages and/or assets is withheld for payment of a debt like child support. This term is usually used when an income or wage withholding is involuntary.

GENETIC TESTING

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

GOOD CAUSE

A legal reason for which a cash assistance recipient is excused from cooperating with the child support enforcement process, such as past physical harm by the noncustodial parent; It also includes situations where rape or incest resulted in the conception of the child and situations where the custodial parent is considering placing the child for adoption.

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; All income is considered in calculating the child support order.

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 deduction.

INTERCEPT

A 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 federal tax refunds, state tax refunds and lottery winnings.

J

JOB CENTER

Formerly known as income support center or welfare office; job centers act as the entry point for people seeking cash assistance. Job centers also provide on-site access to job search and placement services, childcare and child support information, vocational, educational and training services, as well as referrals for Medicaid, Food Stamp and other emergency assistance benefits.

JUDGMENT

The official decision or finding of a Judge or Support Magistrate.

L

LEGAL FATHER

A 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

A claim upon bank account or property to prevent sale or transfer until a debt is paid up.

LOTTERY INTERCEPT

The process by which a noncustodial parent's lottery prize winnings are directed to the Office of Child Support Enforcement to satisfy past-due support obligations.

M

MEDICAL SUPPORT

Legal provision for payment of medical or other health care costs through either parent's employment or union; All child support orders must include a plan for medical support.

MEDX

Notice sent to the noncustodial parent's employer requiring that health insurance coverage be provided, where available.

MISTAKE OF FACT

A claim that can be made if you believe that there is an error in information being sent to you regarding your child support order.

MISTAKEN IDENTITY

A claim that information you receive about a child support order was incorrectly sent to you.

MODIFICATION PETITION

A formal written application to a court requesting a change in an existing child support order.

MODIFIED ORDER OF SUPPORT

An existing child support order that has been changed based on a petition filed by either party.

MONEY JUDGMENT

A specific amount of child support arrears set by the Support Magistrate, in a formal judgment, which accrues 9% interest annually.

N

NATIONAL MEDICAL SUPPORT NOTICE (NMSN)

Notice sent to the noncustodial parent's employer requiring that health insurance coverage for the child must 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 obligation by wage deductions.

NONCUSTODIAL PARENT (NCP)

Parent who does not live with and is not the primary caretaker of a minor child.

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

A claim that can be made within a specified amount of time, when either party disagrees with the child support order or believes there is some type of error.

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 whose job is 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 which establishes a legal father (paternity).

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

PARTY

A person or organization directly involved in a legal matter.

PASS-THROUGH PAYMENT

Child support clients who are on cash assistance may receive up to \$100 per month of the child 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 HEARING

A hearing to establish the legal father of a child.

PATERNITY PETITION

A 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.

PAYOR

Person who makes a payment, usually noncustodial parent or someone acting on their behalf; Also known as the obligor.

PETITION

A formal written request to a court to initiate a court action (establishing or modifying a child support order).

PETITIONER

The 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 from the New York State 24 hour automated helpline (800) 846-0773.

POVERTY LEVEL

Level of income considered too low to purchase life's necessities according to the Federal government. The 2009 poverty level for a single person is \$10,830 per year. For each additional person in the family, \$3,740 is added.

PROPERTY EXECUTION (PEX)

An 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.

PRO SE

Latin meaning "for oneself," it refers to someone who represents himself/herself in court without an attorney. This can be done in family court where an attorney is not required.

PUTATIVE FATHER REGISTRY

This registry keeps a record of legal fathers for New York State. It can be consulted in 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.

RELIEF

Legal remedy.

RESPONDENT

The person who responds to the petition; The term is used in Family Court to refer to the noncustodial parent (NCP) in a child support case.

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 (see Add Amount).

S

SANCTION

Recipients of cash assistance may be sanctioned by reducing cash benefits, food stamp amounts, eliminating medical benefits or other measures if they do not cooperate with child support investigations.

SELF-SUPPORT RESERVE

Factor in calculating child support when either parent is at or near the poverty level; the self support reserve is 135% of the poverty level. The New York State self-support reserve for 2009 is \$14,620 a year.

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

A written agreement by parties on opposite sides of a case.

SUMMONS

A document ordering the party to show up in court for a hearing; 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)

The division of the Office Child Support Enforcement responsible for the collection, monitoring and disbursement of child support payments.

SUPPORT MAGISTRATE

An attorney appointed by the local Family Court who can hear and make decisions in child support cases; formerly called Hearing Examiner.

SUPPORT ORDER

A court issued order establishing child support obligations. Support orders may be temporary or final and subject to modification; Support orders may include monetary support, health care insurance, and payment of arrearages, interest, penalties and other forms of relief.

T

TAX REFUND OFFSET

The process by which a noncustodial parent's federal or state tax refunds are taken to satisfy a child support debt.

TERMINATE AN ORDER

The effective end date of a child support order; Any arrears owed 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.

V

VACATE AN ORDER

An order is determined to be non-existent. Arrears will not have to be paid.

VIOLATION PETITION

Petition filed when the noncustodial parent is not paying child support according to the court order. A violation hearing will follow.

W

WAGE WITHHOLDING

An 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 does not pay court-ordered child support even though he or she can afford it.