



When Mediation Can Help

Assisting child support families can be complicated, even when your first priority is creating the best outcome for their children. One of those complex situations is when noncustodial parents owe a large amount of debt for many years to the custodial parent. In 2020 in New York City, more than 84,000 child support cases, including some fathers with more than one child support case, owed the custodial parents a total of \$1.85 billion. The mean amount owed was \$21,970 – a considerable sum. A lot of this debt may be uncollectable because it has accumulated over time when high child support orders were not aligned with the low income of unemployed and underemployed noncustodial parents. And a portion of this debt is due to the 9% interest charged on court-ordered arrears.

This burden of debt has a huge effect on the family. According to the research cited in a 2020 publication from Ascend at the Aspen Institute “[Child Support Policy Fact Sheet: Reducing Arrears](#)”: Large child support arrears, in and of themselves, create a barrier to low-wage employment. They substantially reduce formal employment, earnings, and ongoing child support payments. Indebtedness can also create a barrier to father involvement. It can increase friction between parents, increase paternal depression and alcohol use, reduce contact between fathers and children, and get in the way of effective parenting.

Custodial parents – who understandably wish to be paid their overdue child support – may not be aware how the past-due amount and growing debt is interfering with the other parent’s regular payment of child support and involvement with their children. One of the advantages for custodial parents of agreeing to reduce this debt is that it can lead to consistent child support payments now and in the future.

[Mediation services](#), with free and low-cost options available through [OCSS](#), can provide a way forward for these hard conversations to take place between custodial and noncustodial parents along with an impartial mediator. Mediators are trained to listen, to be fair, and to keep the discussion safe and productive.

Reducing debt can benefit both parents and their children.

Lowering Debt – Pay It Off

We are pleased that during the pandemic we were able to offer noncustodial parents the opportunity to reduce their child support debt owed to the NYC Department of Social Services (DSS) by matching their payments during March and April totaling \$200 or more. We lowered the amount to participate in Pay It Off from \$500 to \$200 and extended the program from two weeks to two months this year. From March 2 to 16, 2020, 507 noncustodial parents signed an agreement to pay and got their DSS debt lowered by an equal amount. They reduced their DSS debt by an average of \$6,415. We don’t have final figures on the 2021 Pay It Off program, but as of May 20, we had 774 eligible Pay It Off agreements. That’s 53% more than in 2020, despite the adverse economic impact of the COVID-19 lockdown with widespread layoffs and lost income. Encouraging noncustodial parents to pay their DSS arrears has also benefited custodial parents; in the past an average of 22% of Pay It Off payments has been distributed to custodial parents. Thanks for your partnership as trusted messengers in connecting your clients with our debt reduction programs.

Stop Debt from Building Up!

We have redoubled our efforts to reach noncustodial parents who would qualify to have their child support order lowered. An order that is set higher than the parent’s ability to pay, usually a default order, guarantees that debt will accumulate. In addition, the backlog of hearings in Family Court with the pandemic has delayed parents’ access to the judicial process to modify their orders. We would like to assist noncustodial parents in decreasing their child support order with our new MOTS (Modifying Orders Through Stipulation) program. If you have clients who could benefit from MOTS, please refer them to us at dcse.cseweb@dfa.state.ny.us. We see MOTS as an opportunity to engage with parents, to allow them to discuss their order on the phone with a customer service worker outside of court, and to expedite the process of establishing or modifying their order by reviewing their documents and the stipulated agreement based on standard child support guidelines. Typically, one court hearing will ensure that parents understand their legal rights, and the Support Magistrate will issue an Order on Consent.