



CHILD SUPPORT HANDBOOK

For Custodial Parents



A GUIDE TO THIS HANDBOOK

INTRODUCTION 1

THE CHILD SUPPORT PROGRAM 4

The child support program puts children first and recognizes that both parents have an important role in supporting their children. When children receive financial support and positive parenting from both parents they are better off. The program is successful and effective at establishing parentage, collecting child support income, and connecting noncustodial parents to employment.

This section of the handbook explains:

- Enrolling in Child Support
- Locating the Noncustodial Parent
- Establishing Parentage
- Serving a Summons
- Going to Court
- Child Support and Medical Support Orders
- Collecting Child Support Payments
- Enforcing the Child Support Order
- Changing the Amount of the Child Support Order
- Terminating the Child Support Order

DIVORCE AND CHILD SUPPORT 15

The child support process differs for parents who are divorcing or have divorced.

CUSTODY AND VISITATION 17

Custody and visitation are not discussed during a child support hearing. Custody and visitation is a separate court process. Parents can also discuss custody and visitation using a mediation service.

DOMESTIC VIOLENCE AND CHILD SUPPORT 18

Aspects of the child support program could be triggers for domestic violence. To learn more about the program and whether it is the right decision for you, go to <https://on.nyc.gov/child-support-safely>. If you have concerns about your or your children's safety, let your child support caseworker or Job Opportunity Specialist (JOS) know. You may be excused from the child support requirement for receiving public assistance. The child support program and the court can put domestic violence safeguards in place to ensure the privacy of your child support case information and your security in court.

INFORMATION FOR CASH ASSISTANCE AND MEDICAL ASSISTANCE CLIENTS 20

You are required to cooperate with the Office of Child Support Services to get full public assistance benefits for your family.

This section of the handbook explains:

- Documents You Will Need
- Cooperating with Child Support
- Going to Court
- Foster Care
- How Much Child Support You Can Get
- Getting Child Support Once You Leave Public Assistance

CHILD SUPPORT CONTACT INFORMATION 24

SAMPLE CHILD SUPPORT ORDER 26

GLOSSARY OF CHILD SUPPORT TERMS 28



INTRODUCTION

The Office of Child Support Services (OCSS) works with New York City families, regardless of income or immigration status, to ensure that children receive financial support from both parents. OCSS helps the custodial parent (parent, relative, or guardian who lives with and is the primary caretaker of a minor child) to understand the child support program and provides services throughout the process. OCSS assists the noncustodial parent (parent who does not live with and is not the primary caretaker of a minor child) by offering programs to help them meet their child support obligations and manage their child support cases.

The child support program is not the same as the Family Court. Although they work closely and share the same goal of improving the lives of New York City children through the formal child support program, they are two different organizations, with different functions.

OCSS is part of the Human Resources Administration (HRA), an agency under New York City's Department of Social Services (DSS). Parents start the child support process by filing an enrollment form for services or being referred from Cash Assistance. OCSS will locate the noncustodial parent, serve a summons, and establish parentage. After the child support order is established in Family Court, OCSS monitors, collects, and distributes the payments. If payments fall behind, OCSS has the authority to enforce the child support order through administrative means.

FAMILY COURT is part of the New York State Unified Court System. The Court's role in the child support process starts when a parent, guardian, or the New York City Department of Social Services (DSS) files a petition for parentage and/or child support. The court is responsible for establishing new child support and medical support orders and for modifying existing ones. If payments fall behind, a violation petition may be filed in court. When that happens, the court has the authority to enforce the child support order through judicial means.

CHILD SUPPORT IS IMPORTANT

The noncustodial parent is obligated to pay support until the child emancipates (most often when they reach age 21). Child support payments can help you meet your child's daily needs and provide your child with a more secure financial future. Most noncustodial parents want to engage with their children beyond providing financial support and those who pay child support are more likely to take an interest in their children's lives and spend more time with them. Their children tend to have better social outcomes; they stay in school longer, get better grades, and have fewer behavioral problems.

Even if the noncustodial parent cannot afford to pay child support right now, you should still get a child support order. And if parentage is not established, that is an important first step. Establishing parentage in and of itself is in your child's best interest because it gives your child the right to Social Security, death, and military benefits and access to medical information.

The child support order will be based on current income but can be changed in the future if circumstances change. If an noncustodial parent is not working, the Support Magistrate will establish a poverty order (\$25 per month or \$0 per month and cap arrears at \$500). OCSS has employment programs to assist those who cannot afford to pay child support because they are unemployed or have low-paying jobs. The Support Magistrate may require an unemployed noncustodial parent to seek employment or participate in an employment program at the time of establishing the order. Once the noncustodial parent starts to get paid on a regular basis, OCSS can automatically collect child support payments from his or her paycheck and forward them to the custodial parent. If the order is \$0 then nothing can be collected until the order is modified.

In 2021, OCSS implemented two agreement programs. They allow parents to have a conversation outside of court about the child support order amount prior to a court hearing. One program is to establish the amount of the order and the other is to modify, or change, an existing order. Parents who meet the qualifications can enter into an agreement by having a conversation with a child support worker. Both parents do not have to be on the phone or present at the same time.

- A agreement is prepared with an OCSS representative and using the same rules as the Court.
- The agreement is submitted to Court for approval and converted to an order on consent.
- The Court requires both parents to attend at least one hearing to ensure they voluntarily participated in the process and understand their rights and responsibilities.
- These two programs offer parents an alternative approach to establishing and modifying child support orders, which should reduce the number of court hearings, empowering parents and make the process more parent-friendly than the usual process.



THE CHILD SUPPORT PROGRAM

ENROLLING IN CHILD SUPPORT SERVICES

Custodial parents who are applying for or receiving cash assistance or Medical Assistance Only (MAO) are automatically referred to an OCSS Borough Office for child support services. Cooperating with child support is required to get full cash benefits and/or Medicaid for their household.

Custodial parents who are not applying for or receiving cash assistance or MAO can apply for child support services as follows:

- Through the child support mobile app nyc.gov/childsupportmobile (to download the app go to the App Store or Google Play);
- In person at the OCSS Family Court Support Services (FCSS) Office located (<https://on.nyc.gov/contactocss>) in the Family Court in the borough where they live;
- Download the enrollment form at www.nyc.gov/hra/ocss and then mail a completed, signed enrollment form to OCSS or email it to dcse.cseweb@dfa.state.ny.us with subject "Child Support Enrollment Form."

Any adult who is living with and caring for a minor child may enroll in child support services. It is not necessary to have legal custody.

OCSS will need documents that help locate the noncustodial parent and prove your relationship and your child's relationship to the noncustodial parent. Provide as much of the following information as you can:

- Noncustodial parent's Social Security number or Individual Taxpayer Identification Number (ITIN)
- Birth certificate for each child to be listed on the petition
- Marriage certificate, divorce decree, or separation papers, if applicable
- Acknowledgment of Parentage or Order of Filiation from Family Court, if applicable
- Noncustodial parent's address and phone number(s)
- Name and address of noncustodial parent's employer
- Recent photograph

If you don't know the whereabouts or Social Security number or ITIN of the noncustodial parent, provide the following information to help us identify and locate him or her:

- Date and place of birth
- Last known address
- His or her parents' names (including the mother's maiden name)

LOCATING THE NONCUSTODIAL PARENT

Many custodial parents know where the other parent lives or works. If that information is not available, OCSS will search computer databases to find the noncustodial parent's current address and employer.

The noncustodial parent may be the father or the mother. In cases in which the person taking care of the child is not a biological parent, both the mother and father are considered noncustodial parents who are obligated to pay child support. OCSS can locate missing parents who live or work in other states. Let us know immediately if you learn new information that will help us locate the noncustodial parent.

ESTABLISHING PARENTAGE

When a child is born to unmarried parents, parentage must be established before a child support order can be issued:

- Establishing parentage gives your child benefits that may include Social Security, military allowance, pension, child support, health insurance, and the right to inherit from the other parent.
- Parentage can be established in the hospital as soon as the baby is born, or any time before reaching age 21. If both parents agree, they can sign an Acknowledgment of Parentage (AOP) form, which becomes a legal document once it is filed with the Department of Health and Mental Hygiene (DOHMH). Parentage can also be established at a hearing in Family Court. Either parent can file a petition for a parentage hearing.
- If there is a question about the identity of the other parent, low-cost DNA testing (<https://bit.ly/ocssdnatest>) is available through New York State-certified laboratories. For more information and a referral, contact the OCSS DNA Line at 929-221-5008. If you have a scheduled date to appear in Family Court for a child support hearing, you cannot request low cost DNA testing on your own. The Support Magistrate will order a DNA test if it is needed to establish parentage.

SERVING A SUMMONS

After a petition for parentage and/or child support is filed, the noncustodial parent must be notified by summons of the date and time of the child support hearing and the requirement to show up. Upon request, OCSS will provide summons service, usually by mail, at no cost to you. If you prefer, you may handle it on your own by having someone you know serve the summons. You may not serve the summons yourself.

GOING TO COURT

How You Can Bring An Agreement To Court

Custodial and noncustodial parents will be given the opportunity to enter into an agreement voluntarily before appearing in Court. This type of agreement is based on the child support standard guidelines used by the Court but would be discussed by the parent or parents with an Office of Child Support Services (OCSS) customer service representative. It is an alternative to a formal court proceeding and is designed to be friendly and supportive, allowing both parents the opportunity to talk.

For an agreement:

- An OCSS worker drafts the agreement according to the guidelines and helps the parents gather the required documents.
- The approved agreement package is filed in Court for a hearing to be scheduled.
- Usually only one Court appearance would be required for the Support Magistrate to make sure the parents voluntarily entered into the agreement and to approve the agreement as an order on consent.

If you are interested in learning more about entering into an agreement, call 1-929-252-5289 or email dcse.cseweb@dfa.state.ny.us with subject "CSSAP" to schedule an appointment and learn more.

How Much Money Will I Receive?

The amount of child support income received is based on the child support obligation set by the Court. Provided the noncustodial parent pays, the full amount of child support income is distributed to custodial parents, unless they are receiving cash assistance. For cash assistance clients, they receive up to \$100 in child support income with one child and \$200 with two children, above their cash assistance benefit amount. In those situations where a child resides in Foster Care, all of the child support income is retained by the DSS.

How Long Does The Process Take Before Payment Is Received?

The entire process from the point of enrolling in services to obtaining a court order can take many months, if the location of the noncustodial parent is known. If the noncustodial parent is employed, an Income Withholding Order (IWO) is sent to the employer and child support payments can generally be expected to arrive within a month of the employer receiving the IWO.

What You Need To Know About Your Court Hearing

In Court, the Support Magistrate will listen to testimony and review the income and expense information of both parents. That information will be used to calculate how much support the noncustodial parent must provide.

- Family court is set up so that you can represent yourself. You do not need a lawyer, but you may hire one if you wish. There are a few **low-cost options** (<https://on.nyc.gov/low-cost-legal>) available.
- Both parents must show up at the hearing. When both parents come prepared with their financial documents, there may be fewer hearings. If the noncustodial parent does not show up at the hearing or does not provide enough information about his or her income, the Support Magistrate may adjourn the hearing and reschedule it for another date. In that case, the custodial parent must show up at the next court hearing or the case may be dismissed. The Support Magistrate may proceed without the noncustodial parent present and establish a default order if there is proof of summons service.
- If either parent disagrees with the child support order, a written objection may be filed with the Court Clerk's office within 30 days of the date of the order or within 35 days of the date the order was mailed to the parties. The other parent will have a chance to answer the objection. A Family Court judge will review the case file and make a decision.

Documents You Will Need

- Completed Financial Disclosure Affidavit (<https://bit.ly/FinDisclosure>)
- Proof of income and assets such as pay stubs, tax returns, bank accounts, and investments and property holdings
- Proof of household expenses such as rent and food
- Proof of medical, child care, and education costs

Presenting Yourself In Court

- Arrive on time
- Dress appropriately
- Come with a prepared list of important points and stick to them since time is limited
- Come with your Financial Affidavit completed and any other supporting documentation
- Speak when it is your turn; do not speak directly to the other parent.

CHILD SUPPORT AND MEDICAL SUPPORT ORDERS

In order to make child support orders in New York State fair and consistent, the Child Support Standards Act sets the basic child support amount at a fixed percentage of the parents' income. Unless there are documented reasons not to, the Support Magistrate must use these percentages in deciding how much child support the noncustodial parent has to pay. Using these percentages ensures that children benefit from the same standard of living they would have if their parents were living together. The law does allow Support Magistrates some flexibility to deviate in accordance with the reasons identified in the law.

How The Amount Of The Order Is Calculated

Under the law, the basic support amount that the noncustodial parent has to pay is a percentage of his or her gross income minus NYC taxes, Social Security and Medicare deductions, and any child or spousal support actually paid to another family, and depends on how many children are involved.

Income includes salary from a job, worker's compensation, disability payments, unemployment benefits, Social Security payments, and many other forms of income. It does not include cash assistance or Supplemental Security Income (SSI) benefits.

This percentage is used for all cases in which the parents' combined income does not exceed \$163,000. For combined income above \$163,000, the Support Magistrate can choose whether or not to use the percentage guidelines and may consider other information in setting the full support amount.

There are protections in the law for low-income noncustodial parents. Those earning less than the New York State Self-Support Reserve can obtain a \$50 a month order, and those earning at or below the federal poverty level can obtain a poverty order of \$25 per month and have arrears capped at \$500. The point is there is value in establishing an order. OCSS will work with low-income noncustodial parents to connect them to employment services. When their income increases, there is an opportunity to have the order increase.

# of Children	%
1	17%
2	25%
3	29%
4	31%
5+	at least 35%

OCSS provides an online calculator (<http://bit.ly/CSCalc>) that can give you an idea about how much child support may be ordered.

What The Child Support Order Includes

- Obligation amount based on the New York State Child Support Standards Act.
- Medical support, which includes 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 incomes. Either parent may be required to enroll the child in a health insurance plan if it is available through his or her job. 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 child 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 incomes. Both medical and education expenses, if included, are in addition to the basic child support order amount.

COLLECTING CHILD SUPPORT PAYMENTS

Your child support order will be made payable to the OCSS Support Collection Unit (SCU). We will collect the noncustodial parent's payments on a regular basis, usually through payroll deductions. The child support payments will be forwarded to you electronically, by direct deposit to your bank, or through the New York State Debit MasterCard program. Checks will be sent only in hardship cases. For direct deposit into your savings or checking account, you can complete, sign, and return the form at childsupport.ny.gov. You can watch the video on how to fill out the direct deposit enrollment form at the HRA OCSS YouTube playlist at (youtube.com/hranyc). If you do not enroll in direct deposit, you will receive your child support payments through the New York State debit card.

If you move, it is important to give OCSS your new address <https://on.nyc.gov/3FAiB0S> so that we can contact you and ensure that you do not miss any payments or other important correspondence.

You may be charged an annual service fee of \$35. The fee applies only to custodial parents who have never received cash assistance benefits in any state. The fee will be charged if at least \$550 in support is collected for you during the federal fiscal year (October 1–September 30). The fee will continue to apply in each federal fiscal year when \$550 or more is collected.

OCSS cannot provide collection and enforcement services if you have an order that is payable directly to you. You may request a Change of Payee from Direct Payment to Payable through the Support Collection Unit (SCU) <https://on.nyc.gov/3TNqXXv> at the OCSS Family Court Support Services (FCSS) Office in the Family Court in your borough. A Change of Payee can be done on any child support order issued by New York State Family Court or Supreme Court without a court hearing.

ENFORCING THE CHILD SUPPORT ORDER

Enforcement means taking appropriate actions to collect past-due child support and ensure current and future payments. The enforcement process begins when the order is made payable to the Support Collection Unit (SCU) and ends when the order is terminated and any arrears are paid up. When payments fall behind, a number of enforcement tools can be used to collect what's owed.

Some enforcement actions are administrative. This means that a court hearing is not required. OCSS has the authority to enforce orders using these methods, including:

- Increasing the wage garnishment amount by 50% to reduce the child support debt (arrears)
- Seizing money from bank accounts, income tax refunds, lottery winnings, and insurance settlements
- Suspending driver license
- Reporting unpaid child support to credit reporting agencies
- Referring cases to the New York State Department of Taxation and Finance for collection of child support debt
- Denying new and renewed passports
- Denying new and renewed New York City business and professional licenses, permits, registrations, and certificates.

NYC licensing agencies include, but are not limited to, the Taxi and Limousine Commission, the Department of Consumer Affairs, the Fire Department, and the Police Department

Other enforcement actions are judicial. This means that a court hearing is necessary. If you are not receiving cash assistance, you would have to file a violation petition. Judicial enforcement methods include:

A violation hearing. This may result in any of the following:

- Money judgment with interest added on (mandated by law for all violation hearings)
- Lien on any owned property
- Cash undertaking (cash deposit up to three years' worth of child support payments) to guarantee payment of future child support
- Participation in an employment program
- Suspension of state-issued professional, business, and recreational licenses. State licensing agencies include, but are not limited to, the Departments of Education, State, and Environmental Conservation, the Office of Court Administration, and the Liquor Authority
- Incarceration
- Referral for criminal prosecution

CHANGING THE AMOUNT OF THE CHILD SUPPORT ORDER

Changing The Amount Through Family Court

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, which may be defined as a considerable and unplanned change in circumstances, or the needs of the child are not being met. The Support Magistrate will review the new information presented and decide if a change should be made.

The following additional standards for modification apply to child support orders established on or after October 13, 2010.

- 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 made diligent attempts to find work commensurate with 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 nonpayment of child support or an offense against the custodial parent or child.
- Any change to the order will go back to the date that the petition was filed in court, not the date that the change in circumstances took place.

Modifying Orders Through Stipulation (MOTS)

An alternative to the longer Court process for changing a child support order is a agreement between the custodial parent and the noncustodial parent, which can be facilitated by OCSS. This program, called Modifying Orders Through Stipulation (MOTS), typically requires one brief Court hearing appearance that results in a child support order on consent, which is an order that has been agreed to by both parties.

MOTS offers both custodial and noncustodial parents the opportunity to discuss, ask questions, and come to an agreement on the new child support obligation amount. This is accomplished with a child support worker, outside of Family Court, using the

same guidelines as the Court. Once an agreement is reached and both parents sign it, a Court hearing is scheduled. The parents need to appear but, usually, only once.

Changing The Order Amount Through A Cost Of Living Adjustment (COLA)

Child support orders may be increased with a Cost of Living Adjustment (COLA) without going back to court. Only custodial parents whose child support orders are paid through OCSS can get a COLA. The amount of the 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.

A 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 can take several years to reach the required 10% increase in the CPI-U. Cash assistance clients automatically receive the COLA when their child support cases become eligible. Non-cash assistance clients are notified by mail when their cases meet the requirements for a COLA. They must respond to the notice in order to receive the increase.

Changing The Order When A Child Emancipates

Orders may be allocated. This means a specific dollar amount is associated with each child. When this happens, as a child emancipates, the order will automatically be adjusted as each child emancipates. Some orders are not allocated. In such cases, both parents/guardians need to return to Court to have the order modified to reflect the emancipation of the child.

TERMINATING THE CHILD SUPPORT ORDER

In New York State, the noncustodial parent is obligated to pay support until the child emancipates (typically when they reach age 21). When the youngest child on a case turns 21, nothing needs to be done to terminate the order – it happens automatically. Under certain circumstances, child support orders may be terminated by the court before age 21 when:

- The child becomes emancipated—moves out and becomes self-supporting, gets married, or joins the military.

- The noncustodial parent gets custody of the child. In that case, the noncustodial parent must file a petition to terminate the order and establish a new order against the former custodial parent.
- You get back together with the other parent and form one household. Again, a petition must be filed with the court to terminate the order.

Once the order is terminated, you may still be entitled to receive child support if the noncustodial parent's payments were not up to date and he or she owes arrears.



DIVORCE AND CHILD SUPPORT

In New York State, divorce cases are heard in Supreme Court. A divorce decree, stating the terms of the divorce, is issued. The divorce decree may include a child support order. The amount of the child support order can be decided between the two parents and their lawyers, or the Supreme Court judge hearing the case. If the judge determines the obligation amount, he or she will base the order on the same New York State Child Support Standards Act used in Family Court. You can request to have the child support order payable to OCSS and use our services for collecting and enforcing payments.

TO DO THIS:

1. Complete the Child Support Enrollment Form (LDSS-5258) found at nyc.gov/hra/ocss, or at <https://otda.ny.gov/programs/applications/5258.pdf>
2. MAIL the LDSS-5258, a complete copy of the divorce decree, and indicate you want to convert it so that it's payable to OCSS. Mail the package to: OCSS, c/o Accounts Maintenance Director
PO Box 830
Canal Street Station
New York, NY 10013 **OR**
3. Bring your divorce decree to the OCSS Family Court Support Services (FCSS) Office in the Family Court in your borough and enroll in child support services in person. This will ensure the divorce decree is converted to an order payable to OCSS.

The support order amount will be entered into our computer system as it appears in your Supreme Court divorce decree. Either parent may file a petition to modify the child support order if their circumstances or the needs of the child change. If your divorce decree states that Supreme Court retains jurisdiction, then you must go back to Supreme Court to request the modification. If the order states that Supreme Court grants concurrent jurisdiction to Family Court, or does not mention jurisdiction at all, you may go back to either court.

You can go directly to Family Court to enroll for child support services if you have a divorce decree that does not include a child support order or you have not started the divorce process in Supreme Court yet. Once you have filed papers in Supreme Court and have a date for an upcoming hearing, you cannot request a child support hearing in Family Court until the other court matter is resolved.



CUSTODY AND VISITATION

Custody and visitation are not discussed at the child support hearing and are not included in the child support order. OCSS believes that noncustodial parents are more likely to pay child support if both parents/guardians have a verbal or written agreement in place for seeing their children and/or sharing responsibilities. A parent who needs help with custody and visitation may file a petition in court for a custody and visitation hearing (<http://ww2.nycourts.gov/COURTS/nyc/family/faqscustodyandvisitation.shtml>). At the hearing, a judge or referee may refer the parents to mediation services. If a satisfactory agreement is reached through this court-referred mediation process, the judge or referee will make the agreement into a court order. If an agreement is not reached, the case will be returned to the court and the judge or referee will decide how to resolve the issues.

TRYING MEDIATION TO RESOLVE YOUR DIFFERENCES

Mediation services are also available without a court referral to discuss child rearing issues. Parents may contact any of the following organizations directly for free or low-cost mediation (<https://bit.ly/ocssmediation>) services:

- **Center For Mediation And Training:** 212-799-4302 (all clients, hourly fee)
- **Community Mediation Services:** 718-523-6868 (Queens residents)
- **Institute For Mediation And Conflict Resolution:** 718-585-1190 (Bronx residents)
- **New York Legal Assistance Group:** hrasupport@nylag.org (low-income clients)
- **New York Peace Institute:** 212-577-1740, 718-834-6671 (Brooklyn and Manhattan residents)
- **Parent Help:** 800-716-3468 (federally funded program offering a free and confidential telephone helpline to mothers and fathers living apart)

DOMESTIC VIOLENCE AND CHILD SUPPORT

When most people hear the words “domestic violence,” they think of physical violence. However, in some cases, abusers never physically attack their victims. Other forms of abuse or ways to control victims include emotional, sexual, and financial abuse. Many abusers use money as a means of control. An abuser can deny a victim access to money, or housing, or a car, making it difficult to leave or stay away. Abusers can use threats about child support to control their victims. In addition to threatening physical violence, an abuser may say you will never see a dime of child support if you leave or that you will lose custody if you ask for child support.

If you have any concerns, please take a moment to read Information for All Child Support Applicants About Getting Child Support Safely (W-280a) <https://on.nyc.gov/child-support-safely> available on our website at www.nyc.gov/hra/ocss. This document describes the services we provide that could become triggers for domestic violence. If you still wish to pursue child support, there are ways to do so safely.

If you are applying for or receiving cash assistance, you are required to cooperate with child support to get full benefits for your family. But if there is a danger of domestic violence, you should tell the Job Opportunity Specialist (JOS) in the Job Center or the child support caseworker of your fears and you may be excused from that requirement.

If you are not applying for or receiving cash assistance and there is danger of domestic violence, you can decide if you want child support services. Many survivors of domestic violence are nervous about collecting child support but want to go forward with a support case because they need the money. Regardless of the situation, many feel that both parents should be responsible for the children they have together. If you decide to go forward, you can always change your mind.

- When you go to court to file a petition for child support, let the child support worker and State Family Court staff know of your fears. They will work with you to ensure the privacy of case information and security in the court. You can request that the court:
 - » Remove your address and employment information from petitions, notices, and any other court forms
 - » Not tell the other parent where you live or work
 - » Allow you to leave the court separately from the other parent
 - » Order that any DNA testing needed to establish parentage be conducted on different dates
 - » Refer you to domestic violence services
- Once you have a child support order, OCSS can provide administrative enforcement without your involvement. If your situation becomes dangerous and you are concerned for your safety or that of your children, you can ask OCSS to close your case at any time.

If you are experiencing domestic violence, or know someone who is, help is available. The New York City Domestic Violence Hotline (800-621-HOPE) provides information on counseling, shelters, services for children, and legal assistance.



INFORMATION FOR CASH ASSISTANCE AND MEDICAL ASSISTANCE CLIENTS

You will be scheduled for an interview with an Office of Child Support Services (OCSS) Borough Office if you are applying for or receiving cash assistance or Medical Assistance Only (MAO), or need to have a child added to your cash assistance case. At the interview, a child support worker will ask you questions about the noncustodial parent (parent living outside of the household). Your benefits may be reduced if you fail to keep your appointment or fail to provide documentation and information about the noncustodial parent.

DOCUMENTS YOU WILL NEED

Documents and information you will need for your OCSS Borough Office interview:

- Completed referral that you were given along with the appointment notice (copies can be found at www.nyc.gov/hra/ocss)
- Noncustodial parent's Social Security number or Individual Taxpayer Identification Number (ITIN)
- Birth certificate for each child to be listed on the petition
- Marriage certificate, divorce decree, or separation papers, if applicable
- Acknowledgment of Parentage or Order of Filiation from Family Court, if applicable
- Noncustodial parent's address and phone number(s)
- Name and address of noncustodial parent's employer
- Recent photograph

If you don't know the whereabouts or Social Security number or ITIN of the noncustodial parent, the following information will help us identify and locate him or her:

- Date and place of birth
- Last known address
- His or her parents' names (including the mother's maiden name)

COOPERATING WITH CHILD SUPPORT

If you are receiving or applying for cash assistance, you are required to cooperate with OCSS in order to get full benefits for your family. If you fail to provide the information requested, you may be sanctioned, which means your Cash Assistance benefit may be reduced by 25%, you may lose Medicaid for yourself, you may become ineligible for some rental assistance programs or have your rental supplement reduced, and the sanction will remain in effect unless and until you provide the specific information requested and comply with child support.

In some situations, there are good reasons not to cooperate. You may be allowed a good cause claim for the following reasons:

- You fear physical or emotional abuse from the other parent for yourself or your child(ren)
- Your child came from a pregnancy due to incest or rape
- You are working with an adoption agency to have your child adopted

Let the child support worker know if one of these situations applies to you. You will be referred to a domestic violence counselor if your claim is a result of physical or emotional abuse. The counselor will decide if you have good cause and are eligible for a full or partial waiver, which means you may not have to cooperate with some or all of the child support requirements right now.

If you are sanctioned for non-compliance, your sanction can be lifted at any time by providing the specific information requested and comply with child support. You can also reach out to OCSS Borough Office (<https://on.nyc.gov/contactocss>) and cooperate.

GOING TO COURT

You will be expected to attend the child support hearing if/when your case is referred to court. There will be a lawyer at the hearing to represent the New York City Department of Social Services/ Human Resources Administration (HRA), the agency that files the petition on behalf of children who are on cash assistance. But you should still be prepared to answer some questions. If your cash assistance or Medical Assistance Only case closes before the hearing date, you should still go to the hearing. The Support Magistrate can establish parentage and/or a child support order if both parents are there.

You may be eligible to participate in the Child Support Stipulation Agreement Program (CSSAP). CSSAP can simplify the child support process and may reduce the time you spend in Family Court. Call 1-929-252-5289 or email dcse.cseweb@dfa.state.ny.us with subject "CSSAP" to schedule an appointment and learn more.

FOSTER CARE

If your child is in foster care, you assign your rights to the child support income collected to the Department of Social Services/ Administration for Children's Services. Once you are reunited with your child, the child support income is directed to you, unless you are receiving cash assistance. If so, the cash assistance rules apply, meaning you receive the first \$100 (or \$200 for two or more children) and the remainder is retained by DSS.

HOW MUCH CHILD SUPPORT YOU CAN GET WHILE RECEIVING CASH ASSISTANCE

- The first \$100 (or \$200 for two or more children) collected each month in current child support will be forwarded to you in addition to your cash benefit. This is your bonus or pass-through payment and is available on your EBT card. In most cases, the rest of the money collected is used to pay back HRA for your cash benefits. If you already had a child support order before applying for cash benefits, you may be entitled to "family arrears payments." Ask your child support worker if that applies to you.
- Any child support payments you receive directly from the noncustodial parent, while you are receiving cash assistance, must be turned over to HRA. Keeping these child support payments is considered welfare fraud.

- If the amount of child support collected is more than your benefits, you may be able to close your cash assistance case and still be entitled to SNAP benefits (food stamps), Earned Income Tax Credit (EITC), child care, and Medicaid benefits.

GETTING CHILD SUPPORT ONCE YOU LEAVE CASH ASSISTANCE

- Once you are no longer receiving cash assistance or Medical Assistance Only (MAO), all payments from the noncustodial parent for current child support will be forwarded to you. We will continue to make sure that payments are made regularly and on time, at no cost to you.
- In some cases, OCSS will still have the right to keep child support payments owed from the time when your family was receiving cash assistance. This will only happen after you are paid everything owed to you based on your child support order or when income is collected by intercepting state or federal income tax refunds.
- If you did not have a child support order while you were receiving cash assistance but now have information that will help us collect child support for your family, let us know immediately by calling the New York State Child Support Helpline at 888-208-4485. If we are able to locate the noncustodial parent, you will be contacted so you can file a petition in Family Court to establish an order.

Child support payments—in addition to a job and other supports such as the Earned Income Tax Credit (EITC), Supplemental Nutrition Assistance Program (SNAP; also called food stamps), Medicaid, and subsidized child care—can help you become financially independent and support your family.

CHILD SUPPORT CONTACT INFORMATION

If you have questions about the child support program, need assistance with your child support case, or need to provide additional information to OCSS such as a new employer or a change of address:



Email HRA Office of Child Support Services Customer Service at dcse.cseweb@dfa.state.ny.us.

Include your full name, Child Support Case ID, and birth date. Please provide a descriptive subject and be detailed in your email so staff can provide you a thorough answer.



To schedule a phone appointment with a Customer Service representative, email us at dcse.cseweb@dfa.state.ny.us.

Provide your full name, Child Support Case ID, and birth date, description of your concern(s), phone number, and the best time to reach you. Enter "Requesting a Customer Service Appointment" in the subject line of your email. Phone appointment requests will receive a response within 3 business days.



Visit the HRA OCSS Customer Service Walk-in Center or a Family Court Office. Locations can be found at <https://on.nyc.gov/contactocss>.



Visit the HRA OCSS Website at <https://nyc.gov/hra/ocss> to learn more about child support services.



Call the New York State Child Support Helpline at 888-208-4485.



Send mail correspondence to:
OCSS
PO Box 830
Canal Street Station
New York, NY 10013

ONLINE RESOURCES

New York City Office of Child Support Services (OCSS)
nyc.gov/hra/ocss

View child support videos
youtube.com/hranyc

New York City Office of Financial Empowerment
Free financial counseling and education
nyc.gov/ofe

New York State Division of Child Support Services,
View your account information*
childsupport.ny.gov

New York State Unified Court System
nycourts.gov

NYC Access HRA Child Support Mobile App
<http://www.nyc.gov/childsupportmobile>

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Support
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Sample Child Support Order | 27

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 PARENTAGE (AOP): Form that establishes the parentage (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 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 OCSS 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: Agreement by a person to turn over to the State any right to child support income that accrue while receiving 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 for 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 of 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 the OCSS Support Collection Unit of up to three 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 that affects their ability to pay their court-ordered child support; grounds for filing a downward modification in court. Three years must have passed since the order was last established or modified and there needs to be at least a 15% change in income.

CHANGE OF PAYEE: Allows for private child support payments to be sent to OCSS 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 All Urban Consumers (CPI-U), which keeps track of day-to-day living expenses such as food, clothing, housing, etc.

CONCURRENT JURISDICTION: An order that 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 All Urban Consumers): Tracks the prices of items like food, clothing and housing on an annual basis. Cost of Living Adjustments (COLA) are based on 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.

DESK REVIEW: A review requested by a custodial parent receiving cash assistance to ensure the amount of pass-through payments received is accurate.

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, 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 and Disability Assistance (OTDA) delivers cash and SNAP benefits to recipients. Benefits are accessed using an ID card and PIN.

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.

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 parentage and/or obtaining a court order to put a child support obligation in place.

EXCESS SUPPORT: When the amount of child support income collected is more than the amount of cash assistance benefits received by a client.

F

FAMILY COURT SUPPORT SERVICES (FCSS): Division of OCSS 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, parentage, 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, child care, 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 are withheld for payment of a debt such as 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 WITHHOLDING ORDER (IWO): Administrative process by which a noncustodial parent's child support payments are deducted directly from his or her wages or other income and sent to the Child Support Collection Unit. May be referred to as wage withholding, garnishment, or payroll deductions.

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 when 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 such as Medicaid and SNAP, or food stamps. OCSS 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 that a court or administrative agency has over particular persons and over certain types of cases, usually in a defined geographical area.

L

LEGAL FATHER: Person who is recognized by law as the male parent of a child. In order to be recognized as the legal father, parentage 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 parentage 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 ONLY (MAO), OR MEDICAID ONLY: 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 when 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 SERVICES: Division of the Human Resources Administration responsible for obtaining and enforcing child support orders for families living in New York City.

ORDER: Written and 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 (or \$200 for two or more children receiving child support) of the support collected in the same month that it is owed; also called bonus payment.

PATERNITY OR PARENTAGE: Legal determination of fatherhood. Paternity or parentage must be established before child support or medical support can be ordered.

PATERNITY (OR PARENTAGE) PETITION: Formal written application to a court requesting judicial action to determine legal fatherhood of a specific person for a specific child.

PAYEE: Person or organization in whose name child support money is paid (for example, the 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 to access their child support account information from the New York State child support website (childsupport.ny.gov) and Helpline (888-208-4485).

POVERTY LEVEL: Level of income considered too low to purchase life's necessities according to the federal government. The 2021 poverty level for a single person is \$12,880. For each additional person in the family, \$4,540 is added. The poverty guidelines are published annually by the U.S. Department of Health and Human Services at aspe.hhs.gov/poverty-guidelines.

PROPERTY EXECUTION (PEX): Administrative process by which OCSS 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 such as child care or unreimbursed medical expenses.

PRO SE: Latin meaning 'for oneself'; someone who represents himself or herself in court without an attorney.

PUTATIVE FATHER REGISTRY (PFR): Record of fathers kept by New York State. Examples of documents stored at the PFR are Acknowledgments of Parentage (AOPs), court orders establishing parentage, and non-legally binding statements regarding parentage. 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, SNAP (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: Pertains to cash assistance clients who are mandated to comply with child support. If a client does not comply, cash assistance benefits, including rental assistance, may be lowered or stopped. Clients will not be eligible to receive or continue to receive medical assistance for themselves and will also not be eligible to start getting help from a Rental Assistance Program.

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 2021 is \$17,388.

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 Services 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 and enforcement. Support orders may include monetary and medical support, child care, education expenses, and payment of arrears, 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; provide 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 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.



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