

CONFRONTING STRUCTURAL RACISM IN THE CHILD SUPPORT PROGRAM: LISTENING. UNDERSTANDING. TAKING ACTION.

Child Support in New York City

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This Conference and Our Program



Not everything that is faced can be changed; but nothing can be changed until it is faced.

> — James Baldwin, "As Much Truth as One Can Bear" (1962)



Photo: Allan Warren (1969).

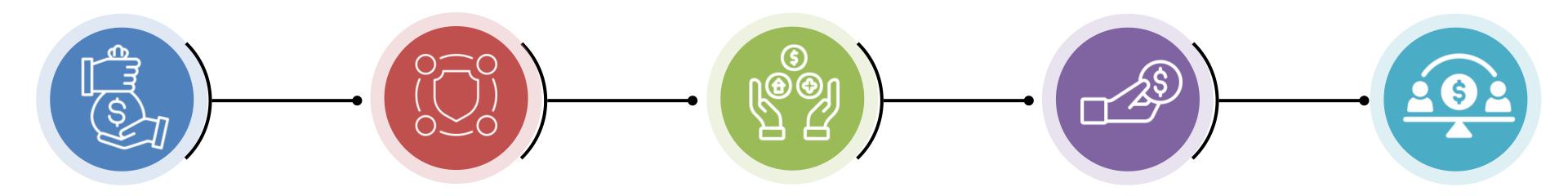
A Few Key Dates in Child Support History

Program expanded, enforcement strengthened, and mandates added

1984 & 1988

Distribution rules changed to encourage a Family First model

2006



1975

Title IV-D program established to recover PA costs

1996

Welfare reformed further and PRWORA adds many changes

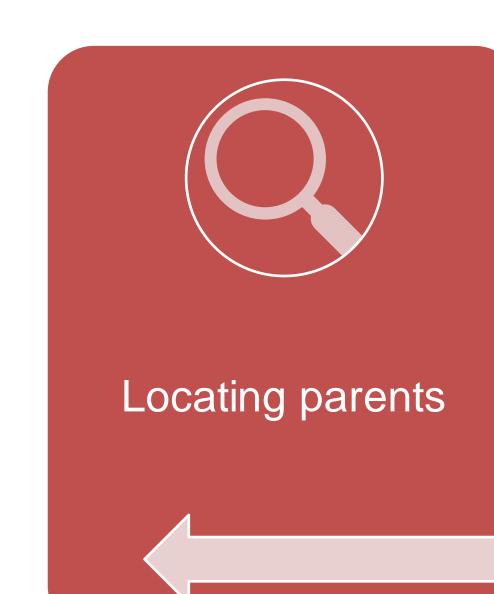
2016

Rules issued on imputed income and incarceration to make the program fairer



Child Support: Definition and Services

Child support is the ongoing contribution of money to help pay for the living and medical expenses of a child or children.





Establishing parentage



Establishing and modifying support orders (including medical support)



Collecting and distributing support payments



Enforcing child support orders

Participants on a Child Support Case

Child or Children on the Case

Custodial Parent (or Guardian) (CP)

Receives child support (or assigns rights to the state)

Noncustodial Parent (NCP)

Pays child support



Two Primary Types of Child Support Situations



INFORMAL

Outside all Systems

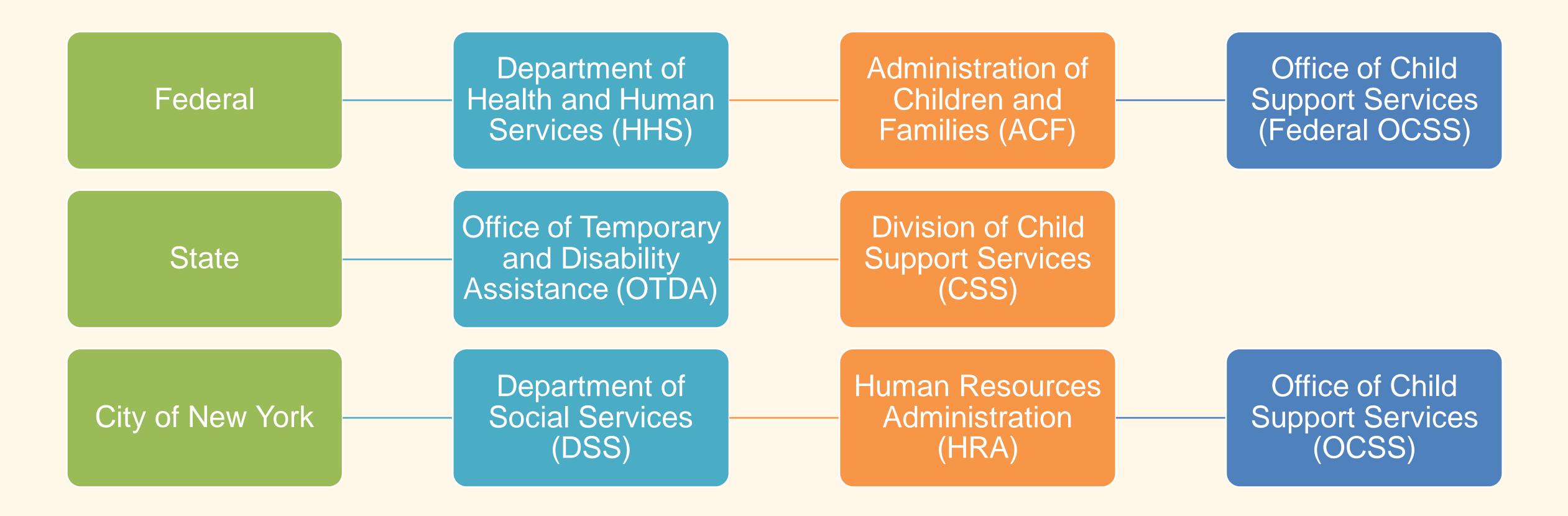


FORMAL

- 1. Court only
- 2. Court & OCSS Child Support Services



Regulatory Structure



- All 50 states, 3 territories (Guam, Puerto Rico, and the U.S. Virgin Islands), and the District of Columbia have IV-D child support programs
- ❖ 60 tribal child support programs connected to the federal OCSS



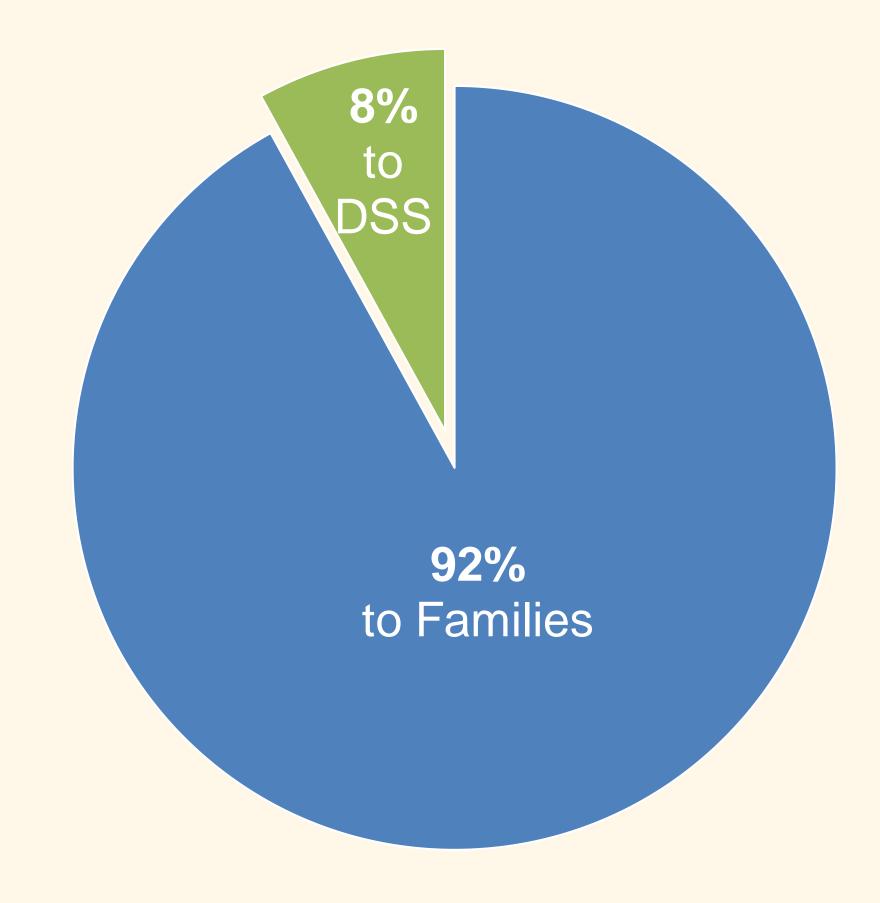
One Equity Issue: The Distribution of Payments

	0/ of NIVC OCCC	Type of Participation	What the CP Receives in New York State	
Type of Case	% of NYC OCSS Caseload		Payments of Current Support	Payments on Child Support Debt
Never PA	47%	Voluntary	100%	100%
Current PA	13%	Mandatory	Up to \$100/\$200 per month	0%
Former PA	40%	Voluntary (Now)	100%	Paid first (except for tax intercepts)

Where the Money Goes

Total Collections
Distributed to Families vs Retained by NYC DSS

2022 Total Collections: \$670,975,022

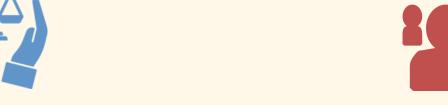


Qualities that Set NYS Apart from Other States in Terms of Equity



Protections

Strong legal protections for poor NCPs



Exemptions

Exemptions from many administrative enforcement actions



No Fees

No administrative fee charged*



Due Process

Strong due process protections for enforcement actions



Significant Pass-through

NYS pass-through higher than most states





No Path

No path to full administrative orders



Prescriptive

Laws & regulations are heavily prescriptive



Automated

Administrative enforcement actions are highly automated



High Interest

9% interest on money judgements



Not Full Pass-through

States such as
Colorado pass through
all current and past-due
support



^{*}Non-PA CPs pay \$35/year on any case with over \$550/year in collections. This fee is federally required. Current or former-PA CPs are exempt from this requirement.

Critical Protections and Supports for Low-income Noncustodial Parents in New York State

\$0 orders for people who have no income

\$25 orders for people with income at or below the federal poverty level for one person

Also caps your arrears at \$500 for however long your earnings stay at this level

\$50 orders If your yearly income is below the New York State self-support reserve (\$19,683 for 2023)

 Hardship review also exempts payments on arrears if they would bring a noncustodial parent below the self-support reserve

NYS Noncustodial Parent Earned Income Credit

Exemptions from certain enforcement actions depending on income



The Courts and the NYC OCSS



Supreme Court serves married parents and hears custody.

Family Court serves unmarried parents and doesn't discuss custody.

Establishes & modifies all orders

Judicially enforces orders including contempt or incarceration

Ensures parents understand their rights



Services non-PA & PA cases

Supplies documentation to CPs & NCPs

Answers questions for CPs & NCPs

Reviews cases for modification or enforcement

HRA attorneys appear at PA hearings only

Law Dept handle inter-state cases



Special Programs in New York City

Employment Agreements **Debt Reduction for NYC DSS Arrears** • Note: these only address arrears owed to NYC DSS, not the custodial parent and not other governments outside of NYC Arrears Cap Arrears Credit. • Parent Success. • Pay It Off. **Referrals to Mediation Providers** NYC ACCESS HRA Child Support Mobile App

Valuable Resources

Websites	NYC HRA OCSS	NYS Child Support
Videos	OCSS Playlist on YouTube	How to Request a Phone Appointment with OCSS
Resources	Managing Your Child Support	Handbook for NCPs Handbook for CPs
Contact Us	OCSS Customer Services dcse.cseweb@dfa.state.ny.us	
Important Numbers	NYS Child Support Helpline (888) 208-4485	



