

Child Support:

Getting Help When You Need It

A Guide For Parents



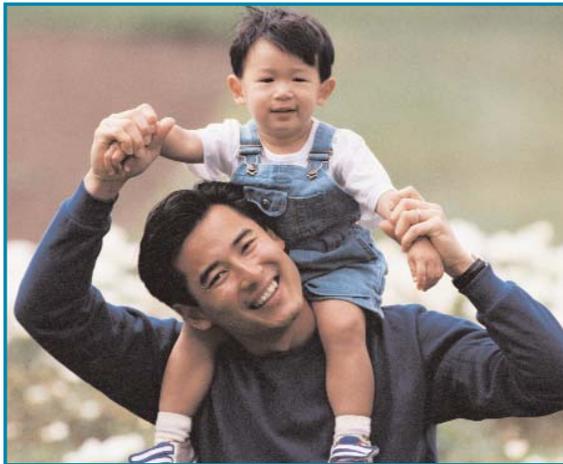
If you are a single parent - divorced, separated or never married - you know how difficult it can be to raise a child alone in New York City - especially if the other parent isn't helping to pay the bills. But under the law, that parent must provide child support and we can help you get it.

WHO WE ARE

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

WHO CAN APPLY FOR CHILD SUPPORT

We can help any custodial parent living in New York City, regardless of income or immigration status and there are no fees for our services. Public assistance clients are automatically referred for child support services. If you are not applying for or receiving public assistance, you may apply for child sup-



port services by visiting the OCSE office in the family court in your borough. If you are a single parent applying for or receiving child care services through the Administration for Children's Services (ACS), Agency for Child Development (ACD), you may be required to show proof that you have or are pursuing a child support order.

WHY IT IS IMPORTANT TO APPLY FOR CHILD SUPPORT

Applying for child support will help ensure your child's financial future. You should be aware that some cases take more time and work than others to successfully collect child support. So, don't

be discouraged if you don't get regular child support payments right away. Even if you think it's not worth going to court for child support because the other parent isn't working and can't afford to pay, you should still get a child support order now. If the non-custodial parent is unemployed or has a low paying job, we may be able to help. OCSE works with community-based organizations that help non-custodial parents get education, job training and job placement services through a program called STEP (Support Through Employment Program). The goal of STEP is to help



parents get work with a steady income so that they can help support their children. Non-custodial parents who may benefit from the STEP program will be referred for services by OCSE or family court. Once the non-custodial parent starts earning money, we can automatically collect child support payments from his or her paycheck.

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

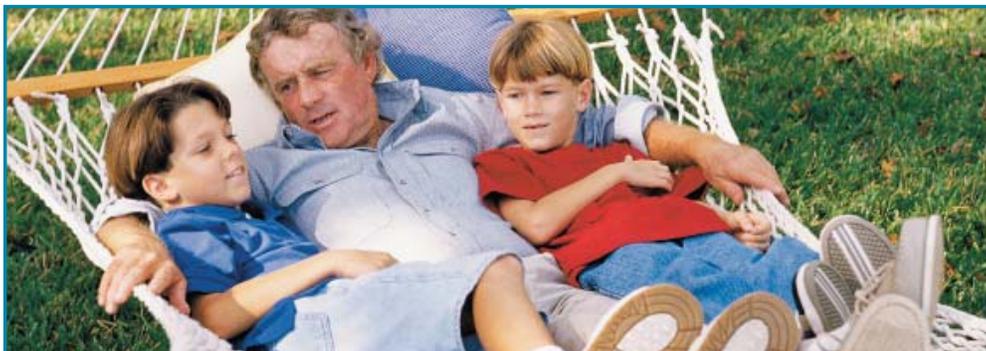
WHAT WE CAN DO FOR YOU

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

- ◆ **FIND the non-custodial parent** by using computer searches, if you don't know where he or she lives. We can even locate missing parents who live or work in other states.
- ◆ **ESTABLISH paternity** (legal fatherhood), if necessary. If you are not married to the other parent, you should give your child the advantage of a legal father by establishing paternity. Establishing paternity gives your child benefits that may include social security, military allowance, pension,

health insurance, and the right to inherit from the father. In addition, paternity must be established before a child support order can be issued. If both parents agree, they can sign a Voluntary Acknowledgment of Paternity form in the hospital when the baby is born. The form can also be signed after the baby has left the hospital. Parents can contact OCSE any time before the child reaches age 21 to establish paternity using the voluntary process. If there is a question about the identity of the father, you may request a DNA test once the baby is born. OCSE will refer you to a state certified laboratory for low cost paternity testing. Both parents and the child must provide DNA samples. If paternity cannot be established through the voluntary process, either parent can file for a paternity hearing in family court.

- ◆ **SERVE a summons** on the non-custodial parent. Once you file a petition for a child support hearing in family court, the other parent must be notified by summons of the date and time of the hearing and the requirement to show up. OCSE may provide summons service, if your case is eligible. If you prefer, you may ask someone to serve the summons for you. You may not serve the summons yourself.
- ◆ **GET a child support order** from the family court serving you. You will be expected to be present at the child support hearing, along with the non-custodial parent. You do not need a lawyer in family court, but you may hire one if you wish. The child support order will state the amount and frequency of the child support payments. The child support order must include medical support, which means medical insurance coverage and other medical expenses for the child. The child support order may also include child care and education expenses.



- ◆ **COLLECT child support payments** from the non-custodial parent. Once a support order is established in New York State, **the non-custodial parent must pay child support until the child reaches age 21** or becomes self-supporting.



We will collect the non-custodial parent's payments on a regular basis, usually through payroll deductions, and forward them to you. You can have your child support payments sent to you by check, or electronically by direct deposit to your bank, or through the New York State EPPICard Debit MasterCard program. If payments fall behind, we will increase the amount of regular collections to reduce the amount owed. If you move, it is important to notify OCSE of your new address so that we can continue to send your child support payments to you, without delay.

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

- ◆ **ENFORCE the child support order** by taking action against a parent who is not paying what is owed.

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

- Seizing money from bank accounts, income tax refunds, lottery winnings and insurance settlements
- Suspending driver's licenses
- Reporting unpaid child support to credit reporting agencies
- Referring cases to the New York State Department of Taxation and Finance for collection
- Denying new and renewed passports
- Denying new and renewed New York City business and professional licenses

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

- Filing a violation petition that may result in a money judgment with interest added on
- Participating in a work program if the non-custodial parent is unable to pay child support because of unemployment or low paying work
- Suspending professional, business and occupational licenses
- Referring cases for criminal prosecution



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

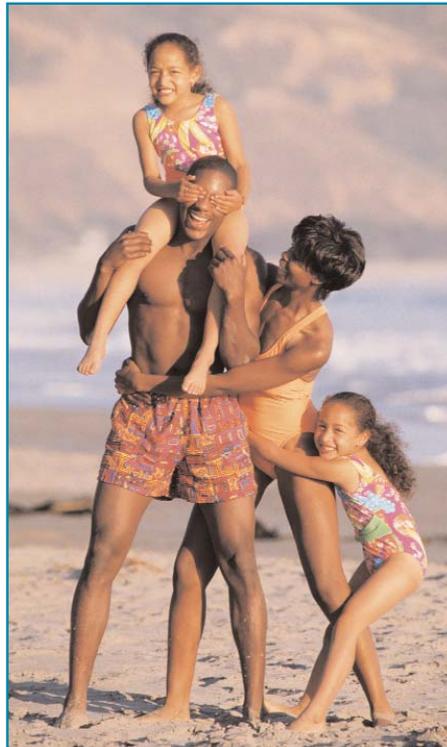
WHAT HAPPENS IN COURT

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

If you are not receiving public assistance, you will be asked whether you want the support to be paid directly to you or

through OCSE's Support Collection Unit. If you choose to have the non-custodial parent pay you directly, OCSE cannot help you enforce the order if payments fall behind. If you disagree with the support order, you have 30 days from the date the order was made to file a written objection with the Court Clerk's office. A judge will review the case file and make a decision.

If the non-custodial parent has been served with a summons and does not show up at the hearing, the Support Magistrate may adjourn the hearing to another date. The Support Magistrate also has the option of establishing a 'default' order without having all of the non-custodial parent's financial information.



WHERE TO GO TO APPLY FOR CHILD SUPPORT

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

Bronx Borough Office

serving the Bronx
260 East 161st Street, 1st floor
Bronx, NY 10451
(718) 664-1845

Manhattan Borough Office

serving Manhattan/Staten Island
115 Chrystie Street, 3rd floor
New York, NY 10002
(212) 334-7654

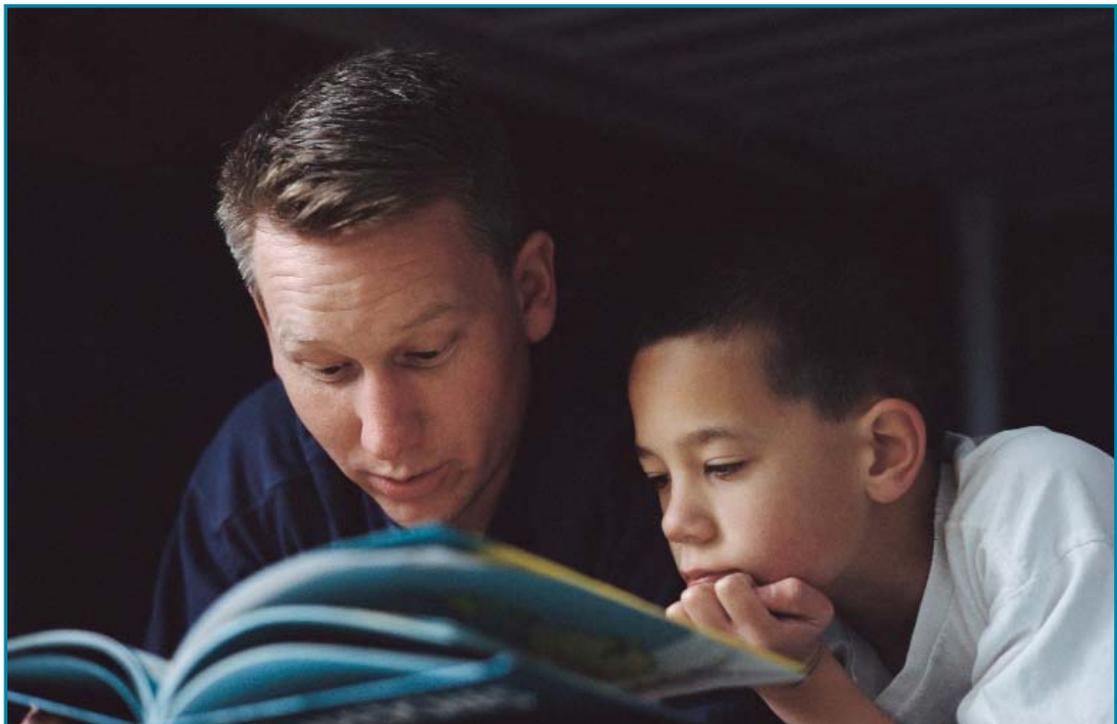
Brooklyn Borough Office

serving Brooklyn and the Rockaways
481 Hudson Avenue
(10 Metrotech), 1st floor
Brooklyn, NY 11201
(718) 330-2119

Queens Borough Office

serving Queens (except the
Rockaways)
32-20 Northern Boulevard, 5th floor
Long Island City, NY 11101
(718) 784-6979

If the non-custodial parent needs a job or needs help finding a better job, OCSE can help. Ask your child support worker about STEP (Support Through Employment Program) or call (212) 487-5837 for more information.



If you are not applying for and not receiving public assistance and want to apply for child support services, visit the OCSE Office in the family court in your borough. Some offices have evening hours. Call first to be sure.

Bronx

Bronx County Family Court
900 Sheridan Avenue, 1st Floor
Bronx, NY 10451
(718) 590-3924/3432

Queens

Queens County Family Court
151-20 Jamaica Avenue, 1st floor
Jamaica, NY 11432
(718) 725-3148/49

Brooklyn

Kings County Family Court
330 Jay Street, 12th floor
Brooklyn, NY 11201
(718) 246-7962/68

Staten Island

Richmond County Family Court
100 Richmond Terrace, Room #B-5
Staten Island, NY 10301
(718) 720-2495

Manhattan

New York County Family Court
60 Lafayette Street, 1st floor
New York, NY 10013
(212) 385-8218/19

**New York State Division of Child Support Enforcement
Customer Services Helpline (888) 208-4485**



IMPORTANT INFORMATION FOR PARENTS APPLYING FOR OR RECEIVING PUBLIC ASSISTANCE

If you are applying for public assistance or need to have a newborn child added to your case, you will be referred to the Office of Child Support Enforcement (OCSE) for an interview.

Cooperating with the OCSE worker and providing the information and documentation requested is required in order to receive public assistance. It is also the best way to ensure that your child receives financial support from the non-custodial parent now, and in the future. OCSE's job is to make sure that non-custodial parents (parents not living with their children) support their children. That's important because the Federal Government has put a limit on how long you can receive federally funded cash benefits. Once you leave public assistance, child support payments will help you support your family. In New York State, the non-custodial parent must pay child support until the child reaches age 21 or becomes self-supporting.



The Child Support Interview

When you go for your child support interview, bring the appointment notice and the 'Intake for Child Support Services' form (formerly called 'Absent Parent Questionnaire') that you were given when you applied for public assistance. In addition, you will be expected to bring information about the non-custodial parent. The most important information is listed below and other helpful documents are listed on page 13 of this brochure.

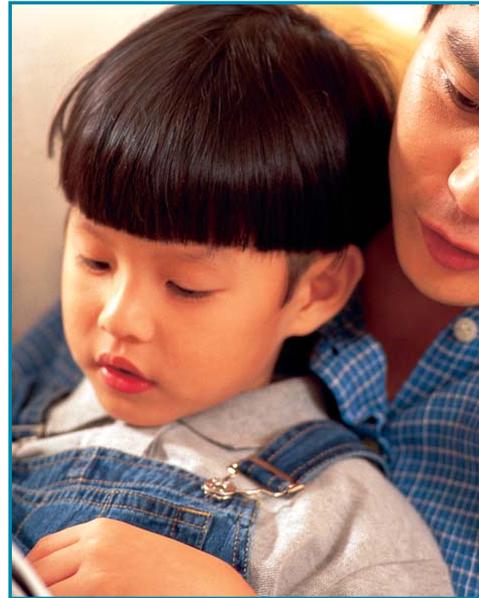
Remember – The most important things to bring are:

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

If possible, bring the non-custodial parent with you to the child support office with proof of social security number, address and employment information.

What Happens If You Do Not Cooperate With The Child Support Program

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



Going To Court

Once your case is referred for a child support order, you will be expected to appear at a hearing in family court. The child support worker will give you information on where and when to appear. There will be a lawyer at the hearing to represent the Department of Social Services (DSS). That's because DSS files for child support on behalf of children who are on public assistance. But, you should still be prepared to answer some questions.

How Much Child Support You Will Get

In court, the Support Magistrate will decide how much money the non-custodial parent has to pay, based on standards set by New York State. Custodial parents receiving public assistance can get up to \$50 per month of the current child support collect-

ed for that month. This is called a bonus or pass-through payment. Anything collected over \$50 is used to pay back the Department of Social Services (DSS) for your family's cash benefits. When you are receiving public assistance, any child support payments you receive directly from the non-custodial parent must be turned over to DSS.

What Happens When Your Public Assistance Case Closes

Once you are no longer receiving public assistance, all of the money we collect from the non-custodial parent for current child support will be processed and forwarded to you. In some cases, OCSE will still have the right to keep past due support owed from the time when your child was receiving public assistance. We will continue to make sure that payments are made regularly, and on time at no cost to you. If you did not have a child support order while you were receiving public assistance, but now have new information that will help us locate the other parent, contact the OCSE office located in the family court in your borough.



Getting Child Support Without Public Assistance

If you decide not to complete the application process for public assistance or your application for public assistance is denied, you can still get a child support order. To apply for child support services, visit the OCSE office located in the family court in the borough where you live.

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

WHAT IS INCLUDED IN THE CHILD SUPPORT ORDER

In order to make child support orders in New York State fair and consistent, the Child Support Standards Act sets the basic child support award at a fixed percentage of parental income. Unless there are documented reasons not to, the Support Magistrate must use these percentage guidelines in deciding how much child support the non-custodial parent has to pay. Using these guidelines ensures that children benefit from the same standard of living they would have if their parents were living together.

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

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

This percentage is used for earnings up to \$80,000 (minus certain local and social security taxes). This includes wages, worker's compensation, disability payments, unemployment benefits, social security payments, and many other forms of income. For income above \$80,000, the Support Magistrate can choose whether or not to use the percentage guidelines, and may consider other information in setting the full support amount. The child support order must also include medical support, which consists of health insurance and other medical expenses for the child. Either parent may be required to enroll the child in a health insurance plan, if it is available through work at a reasonable cost. In addition, the child support order may include reasonable education and child care expenses.



WHAT INFORMATION AND DOCUMENTS YOU WILL NEED

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

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

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

- ✓ Date and place of birth
- ✓ His or her parents' names (including the mother's maiden name)
- ✓ Recent photograph

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

- ✓ Completed financial disclosure form showing earnings and expenses
- ✓ Income and assets such as pay stubs, tax returns, bank accounts and other investments and property holdings
- ✓ Proof of household expenses such as rent and food
- ✓ Proof of medical, child care, and education costs

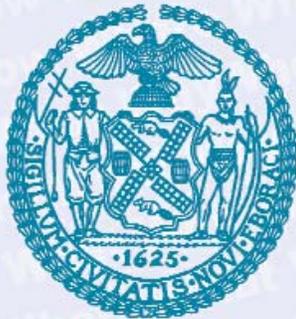
GETTING ASSISTANCE WITH CHILD SUPPORT

You can get general information about the child support program and receive assistance with your child support case, including change of address. Or, you may have additional information that will help us collect child support for your family.

Call	Visit
<p>New York State Child Support Information Line* For automated information about child support services and account information on existing cases (7 days/24 hours) (800) 846-0773</p> <p>The New York State Child Support Customer Services Help Line To speak with a representative about your case 8:30 a.m. to 5:00 p.m. Monday – Friday (888) 208-4485 TTY (Hearing Impaired) (866) 875-9975</p>	<p>New York City Office of Child Support Enforcement/Customer Services Office For child support case related issues 151 West Broadway, 4th floor New York, NY 10013 Monday - Friday 8:00 a.m. to 7:00 p.m. no appointment necessary</p> <p>Saturday 9:00 a.m. to 5:00 p.m. by appointment only To schedule a Saturday appointment , call Monday - Friday (212) 274-6482 or (212) 274-4920</p>
Write	Websites
<p>New York City Office of Child Support Enforcement PO Box 830 Canal Street Station New York, New York 10013</p>	<p>New York State (DCSE) Division of Child Support Enforcement newyorkchildsupport.com New York City (OCSE) Office of Child Support Enforcement nyc.gov/hra</p>

* You will need the PIN number that you were assigned for your account, and your social security number. If you do not remember your PIN, send a signed request that contains your name, account number, social security number, and address to:

NYS DCSE
40 North Pearl Street - Attn: PIN
Albany, NY 12243



City of New York
Michael R. Bloomberg, Mayor



Human Resources Administration
Robert Doar, Administrator/Commissioner