

Glossary of Child Support Terms

A

ACCRUAL

Sum of child support payments that are overdue.

ACKNOWLEDGMENT OF PATERNITY (AOP)

Form that establishes the paternity (legal fatherhood) of a child through a voluntary process, without going to court. It must be completed and signed by both parents.

ADD AMOUNT (ALSO CALLED ADDITIONAL AMOUNT)

Amount to be paid by income execution in addition to the regular child support obligation in order 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 OCSE instead of by courts and judges.

AFFIDAVIT OF NET WORTH

Document given to both parties in a child support case, requesting detailed financial, wage, and expense information. Used by the court to determine child support, medical support, childcare and other parts of the child support order.

AFFIVADAVIT OF SUMMONS SERVICE

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

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

Person agrees to turn over to the State any right to child support payments that accrue while in receipt of 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 expenses for child care, health care and/or educational expenses are added on.

BONUS PAYMENT

Cash assistance clients may receive up to \$100 (\$200 for 2 or more children) per month of the child support collected in the same month that it is owed; also called Pass-Through payment or child support “disregard.”

BURDEN OF PROOF

Duty of a party to produce the greater weight of evidence on a point at issue.

BOROUGH OFFICE

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

C

CASH ASSISTANCE

Government benefit providing financial support for very low income individuals and families, administered in New York City by HRA (Human Resources Administration). Cash assistance is delivered to clients electronically by EBT (Electronic Benefit Transfer).

CASH BOND (ALSO CALLED CASH UNDERTAKING)

Cash deposit of up to 3 years worth of child support payments. Payments can be taken out of this deposit if the noncustodial parent fails to pay support regularly.

CHANGE OF CIRCUMSTANCES

Unexpected change in noncustodial parent’s financial situation due to injury, illness, or sudden loss of employment.

CHANGE OF PAYEE

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

CHILD SUPPORT

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

CHILD SUPPORT STANDARDS ACT (CSSA)

Legislation passed in 1989 to make child support orders fair and consistent throughout New York State by standardizing the formula for calculating basic child support orders.

COLA (COST OF LIVING ADJUSTMENT)

Increase to a child support order, without a court hearing; COLA is based on changes in the Consumer Price Index for Urban Areas (CPI-U).

CPI-U (CONSUMER PRICE INDEX FOR URBAN AREAS)

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

CONCURRENT JURISDICTION

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

CONTINUING EXCLUSIVE JURISDICTION

Authority to modify a child support order. Only one state at a time has this power.

CORPORATION COUNSEL

Division of New York City Law Department. Custodial parent may be referred to Corporation Counsel to file an Interstate/Intrastate case.

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.

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.

DEPENDENT

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

DIRECT PAY INCOME DEDUCTION ORDER

Child support order is payable directly from the noncustodial parent's employer to the custodial parent.

DIRECT PAY ORDER

Child support order is made payable directly from the noncustodial parent to the custodial parent.

DISBURSEMENT

Paying out of collected child support funds to custodial parents or to the Department of Social Services, if the client is receiving cash assistance.

DISMISSAL WITH PREJUDICE

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

DISMISSAL WITHOUT PREJUDICE

Petition is dismissed now but may be taken up at a later date in court. For example, there is no summons service.

DISPOSABLE INCOME

Amount of income left after taxes and Medicare and Social Security deductions are taken out.

DNA TEST

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

DOCKET NUMBER

Number assigned by the court to identify the case.

E

EBT (ELECTRONIC BENEFIT TRANSFER)

Method by which the New York State Office of Temporary & Disability Assistance (OTDA) delivers cash and food stamp benefits to recipients. Benefits are accessed by using an ID card and PIN.

EMANCIPATED

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

ENFORCEMENT

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

ESTABLISHMENT

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

F

FAMILY COURT SUPPORT SERVICES

Division of OCSE that handles the intake of local non-cash assistance child support cases.

FAMILY SUPPORT ACT

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

FEDERAL CONSUMER CREDIT PROTECTION ACT (FCCPA)

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

FEDERAL PARENT LOCATOR SERVICE (FPLS)

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

FIA (FAMILY INDEPENDENCE AGENCY)

Human Resources Administration (HRA) agency that is responsible for administering cash assistance.

FILE NUMBER

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

FINDINGS OF FACT

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 is withheld for payment of a debt like child support. This term is usually used when an income or wage withholding is involuntary.

GOOD CAUSE

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

H

HEARING

Legal proceeding held in front a judge. The judge at a child support hearing is called a Support Magistrate.

I

INCOME

Any regular form of payment to an individual, regardless of source, including salaries, commissions, bonuses, unemployment insurance, worker's compensation, disability, pension or interest. All income is considered in calculating the child support order.

INCOME EXECUTION (IEX)

Administrative process by which a noncustodial parent's child support payments are deducted directly from his/her wages or other income and sent to the Child Support Collection Unit. May be referred to as wage withholding, garnishment, or payroll deduction.

INTERCEPT

Method of securing child support by taking a portion of non-wage payments made to a noncustodial parent. Non-wage payments subject to interception include federal tax refunds, state tax refunds and lottery winnings.

INTERSTATE CASES

Cases in which the dependent child and noncustodial parent live in different states and where 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 and placement services, childcare and child support information, vocational, educational and training services, as well as referrals for Medicaid and Food Stamps. OCSE 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.

L

LEGAL FATHER

Man who is recognized by law as the male parent of a child. In order to be recognized as the legal father, paternity must be established if the parents are not married to each other.

LIEN

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

LOTTERY INTERCEPT

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

M

MEDICAL ASSISTANCE (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.

MEDX

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

MISTAKE OF FACT

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

MISTAKEN IDENTITY

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

MODIFICATION PETITION

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

MODIFIED ORDER OF SUPPORT

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

MONEY JUDGMENT

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

N

NATIONAL MEDICAL SUPPORT NOTICE (NMSN)

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

NEW HIRE REPORTING

Program that requires all employers to report newly hired employees to the New York State Directory of New Hires for possible enforcement of child support obligation by wage deductions.

NONCUSTODIAL PARENT (NCP)

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

NUNC PRO TUNC

Latin meaning 'now for then' – it refers to changing the date of an order, judgment, or filing of a document, back to an earlier date.

O

OBJECTION

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

OBLIGATION AMOUNT

Amount of child support that the noncustodial parent is required to pay.

OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE)

Division of the Human Resources Administration whose job is obtaining and enforcing child support orders for families living in New York City.

ORDER

Written signed direction of a Support Magistrate or Judge.

ORDER OF FILIATION

Court order which establishes a legal father (paternity).

ORDER ON CONSENT

Order agreed to by both parties in an action. At a child support hearing, the parents may agree to an order amount that is different from the Child Support Standards Act guidelines.

P

PARTY

Person or organization directly involved in a legal matter.

PARENT LOCATOR SERVICES

Computerized network of state databases used to locate respondents in child support cases.

PASS-THROUGH PAYMENT

Child support clients who are on cash assistance may receive up to \$100 (\$200 for 2 or more children) per month of the child support collected in the same month that it is owed. Also called bonus payment or child support disregard.

PATERNITY

Legal determination of fatherhood; Paternity must be established before child support or medical support can be ordered.

PATERNITY HEARING

Hearing to establish the legal father of a child.

PATERNITY PETITION

Formal written application to a court requesting judicial action to determine legal fatherhood of a specific man for a specific child.

PAYEE

Person or organization in whose name child support money is paid.

PAYOR

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

PETITION

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

PETITIONER

Person or organization that files a formal request to initiate a court action.

PIN (Personal Identification Number)

Unique identification number assigned to clients in order to access their child support account information from the New York State child support website (*newyorkchildsupport.com*) and from the New York State Customer Service Helpline @ 888-208-4485.

POVERTY LEVEL

Level of income considered too low to purchase life's necessities according to the Federal government. The 2010 poverty level for a single person is \$10,830 per year. For each additional person in the family, \$3,740 is added.

PROPERTY EXECUTION (PEX)

Administrative process by which the Office of Child Support Enforcement (OCSE) seizes the financial assets, usually bank accounts, of a noncustodial parent who is delinquent in paying child support.

PRO RATA SHARE

The portion of the total amount that each parent must pay for items included in the child support order.

PRO SE

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

PUTATIVE FATHER REGISTRY

This registry keeps a record of legal fathers for New York State. It can be consulted in issues of inheritance, adoption and any other legal issues that require notifying a child's father.

R

RECIPIENT

Person or organization that receives support funds and/or public assistance benefits, including cash assistance, food stamps, Medicaid, etc.

RELIEF

Legal remedy.

RESPONDENT

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 (see Add Amount).

S

SANCTION

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

SELF-SUPPORT RESERVE

Factor in calculating child support when either parent is at or near the poverty level; the self support reserve is 135% of the poverty level. The New York State self-support reserve for 2010 is \$14,620 a year.

STEP (SUPPORT THROUGH EMPLOYMENT PROGRAM)

Provides job training and placement for noncustodial parents who are unable to pay child support because they are unemployed or have low-paying jobs. Referrals to STEP are made at the child support hearing.

STIPULATION

Written agreement by parties on opposite sides of a case.

SUMMONS

Document ordering the party to show up in court for a hearing. A summons for a child support hearing will tell the parent where and when to show up, and what information to bring.

SUPPORT COLLECTION UNIT (SCU)

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

SUPPORT MAGISTRATE

Attorney appointed by the local Family Court who can hear and make decisions in child support cases. Formerly called Hearing Examiner.

SUPPORT ORDER

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

T

TAX REFUND OFFSET

Process where 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.

VIOLATION PETITION

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

W**WAGE WITHHOLDING**

Automatic deduction from income that starts as soon as an IEX (Income Execution) notice is sent to the employer.

WILLFUL NON-PAYMENT

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

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