

What happens if you do not pay what is owed

OCSE can enforce the child support order if you are not paying what is owed and your case meets certain requirements. You will receive a notice before anything happens. If you receive a notice that an enforcement action will be taken against you, read it carefully. The notice will instruct you about how to make payments, or file a challenge or mistake of fact if you disagree. The OCSE Customer Services Walk-in Center, at 151 West Broadway in lower Manhattan, may be able to help you work out a payment agreement.

OCSE can take the following enforcement actions without a court hearing:

- Temporarily increase orders by 50% until arrears are paid off
- Seize bank accounts, income tax refunds, lottery winnings, and insurance settlements
- Suspend driver's licenses
- Report unpaid child support to credit reporting agencies
- Refer cases to the NY State Department of Taxation and Finance for collection/seizure of property, cars, boats, etc.
- Deny new and renewed passports, and business and professional licenses issued by NYC

The following enforcement actions require a court hearing:

- Violation petition that may result in a money judgment with interest added on
- Referral to the (STEP) work program if lack of payment is due to unemployment or a low-paying job
- Suspension of professional, business, and occupational licenses
- Referral for criminal prosecution



Michael R. Bloomberg
Mayor

**Human Resources
Administration**
Department of
Social Services

Robert Doar
Commissioner

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Important Information

NYC

What You Need
to Know About
**Paying Your Child
Support Order**



OFFICE OF CHILD SUPPORT ENFORCEMENT
HUMAN RESOURCES ADMINISTRATION/
DEPARTMENT OF SOCIAL SERVICES

Making payments

You are responsible for paying the child support amount stated in your order. In most cases, child support payments are taken directly from your paycheck or other income such as pension, military allotment, social security, disability or unemployment insurance. It may take a few weeks after the hearing before payments are automatically deducted from your paycheck/income. Until then, you are responsible for sending the payments on your own. If you wait until payments are deducted from your income, your current child support payments will be increased by 50% until your account is paid up. Non-custodial parents who are self-employed are expected to send their payments by certified check or money order to the New York State Processing Center or pay through participating Western Union locations for a small flat fee. Do not give payments directly to the custodial parent if the order is made payable to the OCSE Support Collection Unit (SCU). Only payments received by OCSE will be credited to your account. An employer cannot take more than 65% of your disposable income, which is your income after taxes and social security are taken out. If your income has changed and you cannot afford the amount of your child support order, you must petition the court to have it changed.



Where payments go

If your child is receiving public assistance, the custodial parent is entitled to receive the first \$50.00 of child support collected each month for current support. The rest of the money collected is used to pay back the government for providing benefits. Once the child is no longer receiving public assistance, all collections for current support will be forwarded to the custodial parent. If the child was never on public assistance, all of the money collected is forwarded to the custodial parent. The custodial parent may use the child support payments in any way that benefits the child, including household expenses like food and rent.

Change of address or employment

If you move or change jobs, you are required by law to let OCSE know immediately so that we can stay in contact with you about your case and continue collecting child support payments without a break. If payments are missed, we will notify your new employer to increase your deductions by an additional 50% until all arrears are paid up. The fastest way to let us know about any change is by calling the New York State Customer Services Help Line at 888-208-4485 or by visiting the OCSE Customer Services Walk-in Center at 151 West Broadway in Manhattan.

How child support orders are changed

The amount of your child support order may change over time based on a cost of living adjustment (COLA), a change in your income, or the child's needs. OCSE can increase your child support order by adding a COLA without going back to court. Before any change based on COLA can go into effect, you will receive a notice telling you of the new order amount and instructing you to file an objection in family court if you disagree. If either parent files an objection, a hearing will be scheduled where the Support Magistrate will decide how much the order should be. Changes to the order at the hearing will be based on the Child Support Standards Act. Orders may also be changed if either parent files a modification petition in family court due to a change in circumstances, such as increased expenses for the child, shared custody, or change in income.

If you cannot afford to pay

If your income changes and you cannot afford to make your child support payments, you must go back to family court immediately and file a petition to have the amount of the order lowered. Any change in the amount of the order will go back to the date that you filed the petition, not the date when your circumstances changed. At the hearing, bring as much information as you can to prove your change in income, such as pay stubs, proof of unemployment, W-2, or tax returns. The Support Magistrate may adjust the amount of the order, depending on the situation. If you are unemployed or have a low paying job, you may be referred to a program called STEP (Support Through Employment Program) as part of your court order. STEP is a program providing non-custodial parents with training, education, and job placement to help support their children. To learn more about STEP, call 212-487-5837.



Child support and visitation

Child support and visitation are handled separately, in different hearings, in family court. Paying court ordered child support does not guarantee that you will be able to see your child. If the custodial parent is not allowing you to see your child, you can file a petition for visitation in family court. You are obligated to pay child support whether or not you are seeing your child.

Stopping the child support order

In New York State, you are required to pay child support until the child reaches age 21, unless the court orders something different. Child support orders may go past age 21 for education or medical reasons. The child support order will not be terminated if you become incarcerated. The order will also not be terminated if the custodial parent goes off public assistance. In that case, OCSE will continue to collect your payments and forward the entire amount of current support to the custodial parent. A child support order may be terminated by the court before age 21 for any of the following reasons:

- The child is living independently and working full time, joining the military, or supported by a spouse
- You get custody of the child, which means that the other parent may have to pay you child support
- You move in with the custodial parent and form one household with the child

Even when the child support order is terminated, you may still owe arrears to either the custodial parent or the Department of Social Services if you were not up to date on your payments.