Office of Child Support Enforcement

NYC Human Resources Administration Department of Social Services

Child support information 1-888-208-4485

Guide to Child Support Services

The Office of Child Support Enforcement (OCSE) is dedicated to helping custodial parents and guardians to obtain the support that their children need and deserve from noncustodial parents. Child support services are available to all custodial parents, regardless of income, cash assistance, or immigration status. New York State is now charging a fee of $25 per year to custodial parents who have never been on cash assistance and receive over $500 per year in child support. Specific services that are available to both cash assistance and non-cash assistance families include the following:

LOCATING THE NONCUSTODIAL PARENT (NCP)

If the noncustodial parent's home and/or work addresses are unknown, the custodial parent can still seek child support. OCSE will do a computerized search to locate the individual, regardless of which state the noncustodial parent may live and/or work.

Providing as much information as possible to the child support worker can help to facilitate the identification and location process. **The most important piece of information that the custodial parent can provide is a document showing the noncustodial parent's name and social security number**.

SUMMONS SERVICE

Once a petition has been filed for a child support hearing in family court, a summons must be served on the noncustodial parent. OCSE provides summons service for New York City child support applicants. For new cases and those requesting modification, the summons is served by priority mail. If the noncustodial parent fails to show up at the first hearing or a violation petition has been filed, OCSE provides personal service through the Sheriff's office. If the custodial parent chooses, he or she may ask someone to serve the summons for them. Custodial parents may not serve the summons themselves.

ESTABLISHING PATERNITY

Paternity means fatherhood. Establishing paternity refers to the legal identification of the father of a child born to unmarried to parents. If both parents agree, they can sign an Acknowledgment of Paternity form in the hospital or birthing center as soon as the baby is born or anytime until the child reaches age 21. If paternity cannot be established through the voluntary process, it can be established at a family court hearing where an order of filiation will be issued. Once paternity is established, information about the father is sent to the Putative Father Registry (PFR). The PFR keeps a record of legal fathers in New York State and may be consulted in issues of inheritance and adoption and any other legal issues that require notification of a child's father.

DNA TESTING

If there is any doubt about the identity of the father, ask the birth registrar in the hospital or contact the OCSE Outreach Services Unit at (212) 480-7564 for information about low- cost DNA testing. If you are married, or an order of child support has already been established, a request for DNA testing must be made in court. If a DNA test comes back negative for the alleged father, the child support order will not be automatically terminated. A court hearing will be required and the Support Magistrate will make a decision that is in the best interests of the child.

ESTABLISHING CHILD SUPPORT ORDERS

The amount of the child support order is decided at a hearing in family court before a Support Magistrate. A support order must include financial support and medical support. Medical support means payments for health insurance coverage and insurance co-payments for the child. The order may also include education and child care expenses. If necessary, paternity may be established in court, in addition to the child support order. Both parents are expected to attend the hearing and bring as much information as possible so that the Support Magistrate can establish the child support order.

COLLECTING CHILD SUPPORT PAYMENTS

If the order is payable through OCSE's Support Collection Unit (SCU), the noncustodial parent's payments will be collected on a regular basis and forwarded electronically, by direct deposit to the custodial parent's bank, or through the New York State EPPICard Debit MasterCard program. New child support clients will automatically be enrolled in the EPPICard Debit MasterCard program with an option to transfer to direct deposit to their own bank *(Scroll down to page 5 for a direct deposit application form).* The New York State Processing Center will no longer send checks unless a hardship situation exists.

Custodial parents receiving cash assistance will keep the first $100.00 ($200 for 2 children or more) of child support collected each month. This payment is called a bonus or pass-through payment and is paid to the client via EBT (Electronic Benefit Transfer). The rest of the child support money collected is used to help pay back the government for cash benefits paid to the custodial parent.

ENFORCING CHILD SUPPORT ORDERS

If child support payments fall behind, OCSE has the authority to enforce child support orders through various administrative/automated means. If administrative processes prove ineffective or inappropriate for the collection of child support, court intervention for support enforcement may be required:

Administrative/automated processes - no court action required

- Temporarily increase the amount of child support collected until the debt is paid off
- Tax refund offset
- Lottery prize intercept
- Property Execution
- Driver license suspension
- Credit bureau reporting
- Referral to Department of Taxation and Finance
- Denial of new and renewed passports
- Denial of new and renewed NYC Business and professional licenses

Judicial processes – court hearing required

- Lien on property
- Participation in a work program (STEP)
- Money Judgment with interest added on
- Suspension of Professional, Business, and Occupational licenses
- Referral for criminal prosecution
- Arrest/Incarceration

MODIFYING CHILD SUPPORT ORDERS

Either parent may file a petition for a modification of the child support order due to a substantial change in circumstances. The order may be increased if the noncustodial parent's income has gone up or if the child's needs have increased. The order may be reduced if the noncustodial parent has experienced an unplanned decrease in income. The following specific 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 is has been a change in either parent's gross income by fifteen percent 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 tried to find work appropriate to his or her education, ability and experience.

- Incarcerated individuals may file a modification petition due to a substantial change in circumstances as long at their incarceration is not due to non-payment 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.

Child support orders may be increased without going to court with a Cost of Living Adjustment (COLA). COLA increases child support orders according to rising living costs. Unlike the modifications done in family court, COLA increases are done by OCSE, for a specified amount, without going back to court. Child support cases are automatically reviewed for COLA eligibility by a computerized system. Cases must be at least 2 years old or have child support orders that were not modified in the last 2 years. Parents will be notified when their case becomes eligible for COLA.

Direct Deposit Enrollment Form

If you wish to enroll in Direct Deposit you must fill out this form and return it to us.

1. Complete and return this form, ONLY if you wish to enroll in Direct Deposit.
2. Return the completed form to: NYS Child Support Processing Center, PO Box 15367, Albany, NY 12212-5367

Required Information for Enrolling in Direct Deposit

_____ I would like to enroll in Direct Deposit.

Your Name

_____ _____ ____
Last First MI

Email Address (optional)_____

Phone Number (_____) _____-_____

Your Address:

CSMS County Code ____ ____

Street_____

CSMS Case ID ___ ___ ___ ___ ___ ___ ___ ___ ___

City_____

State_____ Zip Code_____

Social Security Number _____ - ___ - _____

Date of Birth (MM/DD/YYYY) ___ / ___ / _____ (Month-Day-Four Digit Year)

Account Number _____ Routing Transit Number___ ___ ___ ___ ___ ___ ___ ___ ___

I certify that I am entitled to child support and/or spousal support payments for the above child support account. I authorize the Support Collection Unit to send my child support and/or spousal support payments to the financial institution named below to be deposited in the account indicated by the financial institution. This authorization will remain in force until the Support Collection Unit receives a written notification from me of termination. The Support Collection Unit shall have a reasonable time to process the termination.

Signature _____ Date ___ / ___ / ___

Please take this form to your bank or credit union for their signature and the following information:

Bank Information: Name of Financial Institution (bank or credit union): _____

Address _____ City_____State_____ Zip_____

Account Information: _____Checking _____Savings

Account Number _____ Routing Transit Number___ ___ ___ ___ ___ ___ ___ ___ ___

As representative of the above named Financial Institution I certify this financial Institution is ACH capable and agrees to receive and deposit the child support payments to the account shown above.

_____ _____ _____
Representative Signature Representative Printed Name Date

To Request Continuing to Receive a Check: If you desire to continue to receive a check, you MUST submit your request in writing, along with the reason for your request to: PO Box 15367, Albany, NY 12212-5367. If you do nothing, you will receive a New York debit MasterCard® card and payments will be posted to this account.