

Chapter **1** Child Support Handbook

INTRODUCTION



Are you a parent – divorced, separated or never married – with children to support? Are you a noncustodial parent with questions about your rights and responsibilities? Do you need to locate a parent? ...establish paternity? ...get a child support order? Do you need help to collect child support?

We want to make it as easy as possible for children to have the love and the financial support of both their parents as they grow up. We want to ensure that child support orders are fair – that noncustodial parents are not burdened by a debt they cannot pay – and that children receive regular support payments. We want to ensure that people who bring a child into the world shoulder the responsibility that it entails.

Those parents who are willing and able to pay support have their children’s best interests at heart. These children likely will flourish and grow to responsible adulthood. If the parents miss a payment, a caseworker’s early telephone call will often reveal the reason – a change of job or other circumstance, an error in payment identification – and the problem usually can be resolved.

For parents who are willing but unable to pay, a number of states have started programs to improve job skills or find employment. States are looking at the benefits of ensuring that child support orders are set at a realistic amount. Many states work with these parents effectively to ensure that child support debt does not drive them away from their children.

Parents who are unwilling but able to pay face strong enforcement tools, such as wage withholding, tax offset, passport denial, and asset seizures. Just as important, parents who have a close relationship with their children are more inclined to pay child support: removing barriers to access may lead to increased collections, and to a better chance for children to have a secure, successful adulthood.

For parents who are unwilling and unable to pay, services are sometimes available to give them the skills to earn enough money to support their children and help them discover the satisfaction of parenting. Setting fair support orders and helping these parents acquire job and parenting skills might help them to make their children’s lives, and their own, more rewarding.

We hope the child support program will serve the families who need it well: that children will have all of the love and support – both emotional and financial – that both parents, working together, can provide for them.



We have learned a great deal from research. There is clear and convincing evidence that children benefit greatly if both parents are actively involved in their lives. It is critical to children as they grow and develop.

Children need two involved parents.

Over the last four decades, the number of children growing up in homes without fathers has dramatically increased. In 1960, fewer than 10 million children did not live with their fathers. Today, the number is nearly 25 million. More than one-third of these children will not see their fathers at all during the course of a year. Studies show that children who grow up without responsible fathers are significantly more likely to experience poverty, perform poorly in school, engage in criminal activity, and abuse drugs and alcohol. From the point of view of ensuring financial support, research suggests that there is a positive correlation between noncustodial fathers' involvement with their children and their payment of child support.

Visitation and custody seem closely connected to child support, although the law presently separates the issues. However, each state receives grant money from the federal Office of Child Support Enforcement to develop model programs to promote access and visitation programs to increase noncustodial parents' involvement in their children's lives. Your state child support agency can tell you about the program in your state, and if there are other resources through the courts or other systems set up by the state.

Most noncustodial parents, like custodial parents, want to be good parents.

Most parents love their children and want to do right by them, whether they live with their children or not. However, not all parents have the same level of financial security. Just like custodial parents, some noncustodial parents struggle to make ends meet. And sometimes, there are other problems that interfere with healthy parenting, including regular child support payments. Child support offices work with both parents, regardless of their circumstances, to provide respectful and effective services that can help parents address the issues that stand in the way of being the parents they want to be.

The Department of Health and Human Services (HHS) supports programs and policies that reflect the critical role that both fathers and mothers play in building strong and successful families and in the well-being of children. Some programs reach out directly to fathers to promote responsible fatherhood and strengthen parenting skills. Other programs work to discourage young people from becoming parents until they are married and ready for the responsibility. HHS also partners with states and with faith-based and community organizations to promote healthy relationships and responsible fatherhood in local communities. Find more information about HHS initiatives promoting fatherhood at fatherhood.hhs.gov.



Child support orders should be fair.

The goal of the child support program is to ensure that children receive reliable support from their parents. Unfortunately, child support debt can drive a wedge between a parent and child. Child support orders that are set too high relative to low-income obligors' ability to pay contribute to child support arrears.

Another cause of child support orders not matching a parent's ability to pay is the establishment of orders by default. Default orders are written if a noncustodial parent fails to appear in the child support case being brought against him or her. All too often, a noncustodial parent will not get the notice of the proceeding, or will not understand that a fairer order might be written if he or she attends the hearing.

The most effective way to avoid arrears for low-income noncustodial parents is to make sure that they are a part of the order establishment process and that the process ends with a reasonable obligation based upon the noncustodial parent's ability to pay it. A number of states' guideline formulas rely on a "self-support reserve" for the basic living expenses of a noncustodial parent before a child support obligation is determined.

Enforcement, when required, should be effective.

In addition to actions that can be taken through law enforcement and judicial proceedings (such as citations for contempt of court and filing of state and federal criminal charges), over the years, Congress has provided the child support program with strong enforcement tools including: wage withholding, offsetting federal and state income tax refunds, and the ability to secure liens on property.

Most—nearly 70 percent—of child support is collected through payroll and other income withholding. Child support programs have additional enforcement tools to collect support:

An expanded Federal Parent Locator Service: Provisions in the 1996 bipartisan welfare reform legislation established a Federal Case Registry and National Directory of New Hires to track delinquent parents across state lines. This legislation required that employers report all new hires to state agencies for transmittal to the national directory. It also required expanded and streamlined procedures for direct withholding of child support from wages.

Financial Institution Data Matching: In 1998, Congress made it easier for multistate financial institutions to match records by working with the federal Office of Child Support Enforcement. Accounts of non-payers can be seized or frozen to help satisfy a child support debt.

Passport Denial: The State Department is notified for passport denial when a parent falls \$2,500 behind in child support payments. If that person applies for a passport, or tries to renew or update it, the passport will be denied until the state that submitted the case is satisfied that the debt is paid or a payment plan is agreed to.

Project Save Our Children: An initiative on criminal child support enforcement, Project Save Our Children, is succeeding in its pursuit of chronic delinquent parents who owe large sums of child support. Multi-agency regional task forces, involving federal and state law enforcement agencies, work together to obtain convictions in interstate cases.



In this Handbook, you will find the basic steps to follow to establish paternity, to obtain a support order, and to collect the support due, whether you are working with your state, local, or tribal *child support program* or your own attorney. There is information for noncustodial parents about providing financial and emotional support to your children, about keeping in touch with them, and keeping support orders fair. Although the function of the child support program is to collect and distribute child support payments, throughout the Handbook we hope to give the message that children fare best when both parents play an active, supportive role in their lives.

Child support enforcement is handled according to state or tribal laws and practices. The states and tribes determine the forum under which child support activities take place. In this Handbook, we may use the term “*tribunal*” to refer to the office (court, judicial, or administrative) with authority to make legally binding decisions.

Who can get help?

Any parent or person with custody of a child who needs help to establish a child support or medical support order or to collect support payments can apply for child support services. People who have received assistance under the *Temporary Assistance for Needy Families (TANF)*, *Medicaid*, and *federally assisted Foster Care* programs are automatically referred for child support services.

Either parent can get help to have a child support order reviewed at least every three years, or whenever there is a substantial change of circumstances, to ensure that the order remains fair. An unmarried father can apply for services to establish paternity – a legal relationship with his child.

A *noncustodial parent* whose case is not in the child support program can apply for services and make payments through the program. Doing so ensures that there is a record of payments.

Location services are available for noncustodial parents whose children have been hidden from them in violation of a custody or visitation order.

Although the majority of custodial parents are mothers, keep in mind that either the mother or father may have primary custody of the child.

Where do I apply for help in obtaining child support?

You can apply through the local, state or tribal child support office. Usually, applying to your local child support agency is most effective; however, you have the right to apply to another tribunal if that will result in service that is more efficient. The telephone numbers for state child support agencies can be found in telephone directories, usually under the state/county social services agency.

What does the child support agency need to know?

No matter where you start in the process – establishing paternity, finding a noncustodial parent, establishing or enforcing a support order – the child support office must have enough information to work on your case effectively. All information you provide will be treated in confidence. The more details you provide, the easier it will be to process your case and collect child support payments for your children.



What documents do I need to bring to the child support agency?

Bring as much as you can of the following information and documents. This will help the child support office to locate the parent, establish paternity, and establish and/or enforce your child support order.

- Information about the noncustodial parent
 - name, address and Social Security number
 - name and address of current or recent employer
 - names of friends and relatives, names of organizations to which he or she might belong
 - information about his or her income and assets – pay slips, tax returns, bank accounts, investments or property holdings
 - physical description, or photograph, if possible
- birth certificates of children
- if paternity is an issue, written statements (letters or notes) in which the alleged father has said or implied that he is the father of the child
- your child support order, divorce decree, or separation agreement if you have one
- records of any child support received in the past
- information about your income and assets
- information about expenses, such as your child's health care, daycare, or special needs

You play a big role in getting the child support your children deserve.

Is there an application fee?

People receiving assistance under Medicaid, Foster Care, or cash assistance programs do not have to pay for child support services. For all others, a fee of up to \$25 is charged, although some states absorb all or part of the fee or collect payment from the noncustodial parent.

Are there any other costs?

Because child support agencies may recover all or part of the actual costs of their services from people who are not in a public assistance program, there may be other costs to parents. These can include the cost of legal work done by agency attorneys, costs of establishing paternity, and costs of locating a noncustodial parent. The costs may be deducted from the child support payment before it is sent to you or may be collected from the noncustodial parent. Not all states recover the costs of their services. Your local child support office can tell you about the practices in your state.

Due to a change in law, there is a \$25 annual fee for those individuals who do not receive public assistance after the state has collected and disbursed \$500 on their behalf in a given year. In some states, this fee is charged to the noncustodial parent, in others it is charged to the custodial parent. States also have the option to pay the fee themselves or take it out of the child support collection. Your local child support office can tell you about the practices in your state.



My state recovers costs from the custodial parent. How will I know how much will be deducted from my support checks?

Your caseworker should be able to estimate the costs involved in your case, and give you an idea of how much they will deduct from each check before sending it to you.

Will there be an extra cost if the child support agency is dealing with the child support agency in another state?

There may be extra costs if more than one tribunal is handling your case. Ask your caseworker to estimate these costs, if any.

Will the child support agency keep track of my child support payments to make sure they keep coming? I am not in a cash assistance program.

Child support offices are required to monitor payments to make sure they are made regularly and fully. But you should inform the agency if payments are late or for the wrong amount, or if you receive payments directly. When you monitor your case, you can keep the child support office informed so that it can act quickly if needed.

The noncustodial parent lives across the state. I cannot afford to take time off from work to travel there for a hearing. How can I get enforcement of my child support?

Most local child support offices handle enforcement in different jurisdictions of the same state without your having to travel outside your own jurisdiction. Ask your local child support office for details about how enforcement would work in your case.

I am applying for TANF. Do I have to provide information about the father?

To be eligible for assistance programs, you must provide information to help identify the father and collect child support from him. Any child support collected will be used to help support your children – going either directly to you or to repay the state for your assistance grant. Your state child support agency will explain how the child support will be used.



I don't have any way to support my baby without help, but her father is dangerous. I'm afraid to tell the caseworker who he is.

If you think that you or your baby would not be safe if you try to establish paternity or collect child support, and you need to be in a cash assistance program, you can talk with your caseworker about showing good cause for not naming the father. There are safeguards in place to protect you, such as a family violence indicator that can be placed in your records so that your personal information is not released to anyone who is not authorized to view it.

My children and I need money now. The noncustodial parent left us ten years ago. Can the child support office still take my case?

If you apply for services, the child support office will try to find the noncustodial parent to establish or enforce a child support obligation. Be sure to give your caseworker all the information you have that might help find the parent.



For information about your specific child support case or how the child support system works in your state or tribe, contact your [state or tribal child support agency](#).

For general information about the child support program, contact the Office of Child Support Enforcement, 370 L'Enfant Promenade, SW, Washington, D.C. 20447, or visit our [website](#) at www.acf.hhs.gov/programs/css. OCSE does not have case-specific information.