Child Support 101

A Training Resource to Assist Service Providers in Understanding the Basics of the Child Support Program

Key Acronyms

- CP/NCP: Custodial Party/Noncustodial Party
- AF/PF: Alleged Father/Putative Father – Man who may be child’s biological father, but who is not married to child’s mother on or before child’s birth and whose paternity has not yet been determined legally
- FPLS: Federal Parent Locator Service
- IV-D: Part D of Title IV of the Social Security Act that authorizes child support program
- IWO: Income Withholding Order
- FIDM: Financial Institution Data Match (also MSFIDM)
- SDU: State Disbursement Unit
Goals of this Presentation

Help community service providers and other professionals understand child support basics

Topics covered:

- Key child support acronyms
- Program overview
- Establishing, enforcing, and modifying a child support order
- Child support services
- Intergovernmental cases
- Federal and state locate resources
- Frequently Asked Questions

Program Overview

Federal/state child support program established in 1975 due to high divorce rates and increased use of welfare (Title IV-D of Social Security Act)

Designed to recoup welfare costs; later also used to recoup Medicaid and Foster Care costs

Nation’s Child Support Program has evolved into a federal/state/tribal/local partnership to help families by promoting family self-sufficiency and child well-being.

All 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and 53 federally recognized tribes, run IV-D programs.
Mission

Enhance the well-being of children by assuring that assistance in obtaining child support—financial and medical—is available through:

- Locating Parents
- Establishing Paternity
- Establishing, Enforcing, and Modifying Support Obligations
- Monitoring, Collecting, and Distributing Collections

Family Centered Approach

- Child Support Prevention
- Engagement of Fathers from Birth
- Economic Stability
- Healthy Family Relationships
- Health Care Coverage
- Family Violence Collaboration

CSE Core Mission:
- Locate Parents
- Establish Paternity
- Establish Orders
- Collect Support
Child Support Policies and Practices Vary

Federal statutes and regulations form the backbone of the program

Family law—the portion of the law that pertains to marriage, divorce, paternity and parental obligations to their children—is a state responsibility

Policies and practices may vary from place to place even though federal and state law

As sovereign nations, tribes are subject to some, but not all, of the federal child support regulations governing states.

What is a Child Support Order?

- The document that sets: (1) an amount of money that a parent must pay for the support of the parent’s child(ren) and/or (2) the responsibility to provide health insurance or medical support for the child(ren).

- Can include:
  - Court order
  - Administrative order
  - Voluntary agreement with legal effect of an order
  - Current support, medical support, judgment for arrears
Who Can Receive Services from a Child Support Agency?

Public Assistance programs trigger an automatic referral to Child Support

Parents not on assistance can apply for child support services at little or no cost.

Parents with private attorneys can also apply for child support services.

Application for Services

Custodial and non-custodial parents can apply for child support services through the child support agency

Services may include:

- Agency and agency attorneys do not “represent” either party
- There are no residency requirements
- Paternity establishment
- Order establishment
- Enforcement of order
- Modification of order (an increase or decrease)
- Processing cases from other countries, states, or tribes
- Referrals to fatherhood or employment and job training programs
Federal Locate Services

Federal Parent Locator Service (FPLS)
National Directory of New Hires (NDNH)
Federal Case Registry (FCR)
New Hire Data
Quarterly Wage Data
Unemployment Data

State Locate Sources

- Department of Motor Vehicles
- Employers (new hire reports)
- Other State Agencies (TANF, State Tax Agency)
- Department of Corrections
- Public & Private Utilities
- State Lottery
- Social networks, Internet resources
Paternity Establishment

The determination of paternity establishes the legal obligation to pay child support.

Paternity can be legally established in several ways, including:
- Marriage
- Voluntary acknowledgment of paternity
- Court or administrative order

Order Establishment

Depending upon jurisdiction, the proceeding can be Judicial, Quasi-Judicial, or Administrative.

- States and Tribes must use presumptive Child Support Guidelines
- Current support and medical support
Child Support Guidelines

- There is no federal child support guideline.
- State and Tribes must use numerical formulas.
- Formulas must include noncustodial parent’s income. Most also include custodial parent’s income.
- Most guidelines impute income if there is no proof of income.
- States and tribes must review guidelines every four years, and must update the economic data.

Modification

- Child support does not automatically change with changes in employment income
- Child support order does not automatically stop when employment ends
- A parent may request a modification if financial circumstances change
Importance of Timely Requesting Modification

- Arrears can build up quickly and automatically become judgments
- Many states charge interest on child support
- Noncustodial parents still owe arrears after their children are no longer dependents
- Low-income parents may have thousands of dollars in child support arrears, often based on imputed income

Common Issues in Child Support Cases

- Paternity has not been established
- Location of alleged father or noncustodial parent is unknown
- Support order is based on imputed income because noncustodial parent does not appear and provide proof of income
- Noncustodial parent is unemployed, self-employed, or works off the books
- Parents live in different jurisdictions
- Noncustodial parent has multiple families/child support orders
Support Collection Tools

Federal law requires states to enforce through:

- Income withholding
  - 70% of total support collections nationwide
  - Standardized forms to employers
- Reporting of arrears to Credit Bureaus
- Financial Institution Data Match (FIDM)
- State income tax refund intercept
- License suspension

Intergovernmental Cases

- Such cases can be from other states, tribes, or foreign countries
- There are laws, agreements, and international treaties specific to cases between jurisdictions
- Case processing occurs without caseworkers or parents travelling to other jurisdiction
- Tools
  - Standardized forms
- Limitations
  - Different laws, policies, procedures
Frequently Asked Questions

Can a father be responsible for a child he did not know about?
Answer:

Yes.
Even if:
- The relationship ended before the mother knew she was pregnant;
- The mother never told him she was pregnant;
- The mother does not want him to spend time with the child;
he is responsible for support if he is legally established as the father.
If a man is unsure that he is the father, he should request a paternity test.

My client said s/he did not know about this child support order. Is that possible?
Answer:

Yes. It is possible not to know of the order but the client should have received notice of the action.
- Due process requires notice of the support action
- State or tribal law may allow
  - Personal service by sheriff or process server
  - Service by certified mail, return receipt requested
- Many individuals ignore court summons out of fear or misunderstanding
- Child support proceedings may go forward without parent being present
- A copy of order may be sent by regular mail to address of record

My client says he doesn’t see the kids. Does he still have to pay support?
Answer:

Yes. He has to pay support.

- Although there is an emotional connection between spending time with one’s child and paying child support, there is no legal connection.
- A noncustodial parent must pay support even if that parent doesn’t get to see his or her child.
- The custodial parent must comply with a parenting plan/visitation order even if the noncustodial parent does not pay support as ordered.

Will the child support agency enforce the visitation terms of my client’s support order?
Answer:

No.

- The child support agency does not receive Title IV-D federal funding to handle access/visitation issues or any parenting issues.
- Some state child support agencies help establish parenting time plans when establishing a support order. However, no child support agency will take action to enforce a parenting plan or visitation order.
- The child support agency may refer your client to other resources, such as court services or dispute mediation services that help with parenting plans and access/visitation issues.

My client’s only income is from federal benefits. Can the child support agency garnish those benefits for child support purposes?
**Answer:**

It depends.

- A child support agency can garnish certain public assistance benefits such as Social Security Title 2 Retirement and Disability Benefits for child support purposes. It may also garnish VA Retirement Benefits.
- Supplemental Security Income (SSI) cannot be garnished.
- With limited exception, VA Disability Compensation cannot be garnished.
- For more information, see:  

My client says she has a different job now and cannot afford to pay the amount in her child support order. How can she get her support order changed?
Answer:

If it is a IV-D case, she can request the agency to review the order.
- Either parent in a IV-D case can ask the agency to review the support order at least every three years or whenever there is a substantial change of circumstances (such as loss of employment or incarceration).
- It is important for your client to contact the child support office as soon as possible.
- The agency will let your client know the result of its review, based on the support guidelines.
- Some child support agencies require the parents to file any modification action themselves.
- For more information, see http://www.acf.hhs.gov/programs/css/resource/state-by-state-how-to-change-a-child-support-order

My client is a veteran who owes thousands of dollars in arrears, even though he is homeless and has not worked in years. His children are all now adults. Does he still have to pay the arrears?
Answer:

Yes. However, the child support agency may be able to help him manage his arrears by reducing them or establishing a more realistic payment plan.

- Some states have laws or policies that authorize the child support agency to manage arrears owed to the state for past receipt of public assistance.
  - Arrearage management may include forgiveness of interest.
  - Arrears management may include a reduction of arrears owed to the State.

- Child support agencies may be able to establish an arrearage payment plan based on the veteran’s ability to pay.
- Child support agencies may also be able to suspend certain enforcement if the veteran is cooperating with the agency to address his or her child support issues.
Family Centered Child Support Services

“Our Vision is that children can count on their parents for the financial, medical, and emotional support they need to be healthy and successful”

- OCSE Commissioner Vicki Turetsky

Promising Practices – Availability Varies by State

- **Re-payment Plans** – Child support agency works with parent to establish plan to pay current support and reduce arrears

- **Arrears Management Programs** – Child support agency agrees to reduce arrears when noncustodial parent regularly pays current support over time
  - All programs address child support owed to State
  - Some address child support owed to custodial parent, if parent agrees
Promising Practices (cont’d) – Availability Varies

- **Limited Enforcement** – Child support agency suspends enforcement if noncustodial parent complies with requirements such as participation in job training or responsible fatherhood programs.

- **Job Services** – Child support agency actively participates in job training or employment programs for noncustodial parents. For more information, see: [http://www.acf.hhs.gov/programs/css/resource/work-oriented-programs-for-noncustodial-parents-with-active-child-support](http://www.acf.hhs.gov/programs/css/resource/work-oriented-programs-for-noncustodial-parents-with-active-child-support)

Promising Practices (cont’d) – Availability Varies

- **Suspension of Order upon Incarceration** – By law, incarceration results in an automatic suspension of current support order or is basis for a modification.

- **Fatherhood Program** – Child support agency or court requires participation in fatherhood program.
OCSE Home Page

For More Information:

- Information for Families

- Information related to Military Families and Veterans

- Information about State Laws and Policies
  - Click on a state to learn about that state’s child support laws and policies

- Contact Information
  - Click on a state for the address and main phone number of the state child support agency, as well as a link to its home page.