

Child Support 101

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



ACF

OFFICE OF CHILD SUPPORT ENFORCEMENT

Goal of this Presentation

Help community service providers
for veterans and other professionals
understand child support basics

Topics Covered

- Key child support acronyms
- Program overview
- Federal and state locate resources
- Establishing, enforcing, and modifying a child support order
- Intergovernmental cases
- Veterans in the child support caseload
- Frequently Asked Questions

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 |

What is the Child Support Program?

Federal, state, and tribal child support agencies work together to collect and distribute child support payments and to provide health care coverage



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)
- Initially designed to recoup welfare costs; later also used to recoup Medicaid and Foster Care costs
- Has evolved into a federal/state/tribal/local partnership to help families by promoting family self-sufficiency and child well-being
- IV-D programs now operate in 50 states, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and more than 50 federally recognized tribes



Federal Office of Child Support Enforcement

- OCSE administers the federal child support program
- OCSE is within the Administration for Children and Families (ACF) — an operating division in the Department of Health and Human Services (HHS)



Federal Office of Child Support Enforcement

OCSE staff work in the central office in Washington, D.C., and in 10 regional offices throughout the U.S.



Mission

- Enhance the well-being of children by assuring that assistance in obtaining child support — financial and medical — is available
- This is accomplished through:
 - Locating parents
 - Establishing parentage
 - Establishing, enforcing, and modifying support obligations
 - Monitoring, collecting, and distributing collections

Child Support Policies and Practices Vary

- Federal statutes and regulations form the backbone of the Title IV-D child support program
- Family law is a state responsibility
- State law, policies, and practices vary even though each state must have certain child support laws in order to receive funding for its child support program
- As sovereign nations, tribes with IV-D child support programs 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:

- An amount of money that a parent must pay for the support of the parent's child(ren) and/or
- The responsibility to provide health insurance or cash medical support for the child(ren)

Can include:

- Court order
- Administrative order
- Voluntary agreement with legal effect of an order
- Current support, medical support, arrears, interest, retroactive support

Who Can Receive Services from a Child Support Agency?

- Parents receiving certain types of public assistance programs are automatically referred to the IV-D Child Support Program
- 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 noncustodial parents can apply for child support services through child support agency

- Parents do not have to apply where they reside. There are no residency requirements
- Agency attorneys do not “represent” parents who apply for IV-D services

Services may include:

- Parentage establishment
- Order establishment
- Enforcement of order
- Modification of order (an increase or decrease)
- Referrals to fatherhood or employment and job training programs

The diagram illustrates the components of the Federal Parent Locator Service. It features a large blue circle containing a white circle. Inside the white circle are four smaller blue circles. The text 'Federal Parent Locator Service' is positioned in the upper left of the large blue circle. The text 'Federal Case Registry' is inside the white circle, to the right of the 'Federal Parent Locator Service' text. The text 'National Directory of New Hires' is inside the white circle, below the 'Federal Case Registry' text. The text 'New Hire Data' is inside the bottom-left blue circle. The text 'Unemployment Data' is inside the bottom-right blue circle. The text 'Quarterly Wage Data' is inside the bottom-center blue circle.

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graph TD
    FPLS[Federal Parent Locator Service]
    FCR[Federal Case Registry]
    NDNH[National Directory of New Hires]
    NHD[New Hire Data]
    UD[Unemployment Data]
    QWD[Quarterly Wage Data]

    FPLS --- FCR
    FPLS --- NDNH
    FCR --- NDNH
    NDNH --- NHD
    NDNH --- UD
    NDNH --- QWD
  
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Federal Parent Locator Service

Federal Case Registry

National Directory of New Hires

New Hire Data

Unemployment Data

Quarterly Wage Data



Additional
Federal
Agencies

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

Parentage Establishment

- The determination of parentage establishes the legal obligation to pay child support
- Parentage can be legally established in several ways, including:
 - Marriage
 - Voluntary acknowledgment of parentage
 - Court or administrative order

Order Establishment

Depending on the jurisdiction, the proceeding may take place before a judicial or an administrative decision-maker

- States and tribes with IV-D programs must use presumptive child support guidelines
- Support includes current support and medical support
- Order may include retroactive support if allowed by law

Child Support Guidelines

- There is no federal child support guideline
- States — and tribes with Title IV-D child support programs — must use numerical formulas
- Formulas must include noncustodial parent's income. Most also include custodial parent's income
- If no evidence of actual income, guidelines may impute income based on certain factors
- 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
- Child support may be increased or decreased



Importance of Timely Requesting Modification

- Arrears can build quickly and automatically become judgments
- Many states charge interest on unpaid 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. Reasons for the arrearage may include:
 - Parent's failure to request modification when unemployed
 - Court or agency based order on imputed – rather than actual income – because parent did not appear and produce evidence of earnings

Common Issues in Child Support Cases

- Parentage has not been established
- Location of alleged father or noncustodial parent is unknown
- Support order is based on imputed income because noncustodial parent did 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

State Support Collection

Federal law requires states to have enforcement laws, including:

- 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 offset
- License suspension

Federal Support Collection

Federal law provides for federal enforcement remedies, including:

- Federal income tax refund offset
- Passport denial
- Federal criminal nonsupport prosecution
- Federal administrative offset

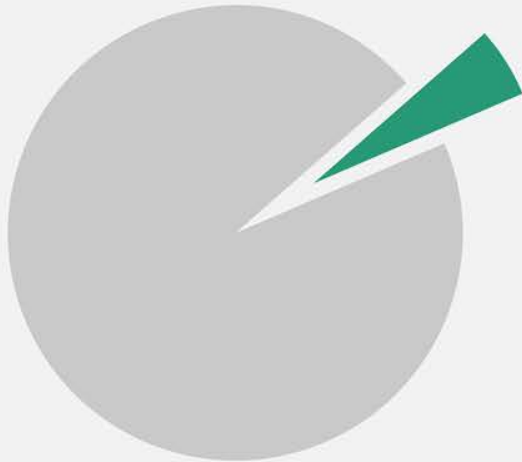
Intergovernmental Cases

- 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 traveling to the other jurisdiction
- Tools — standardized forms
- Limitations — different laws, policies, procedures



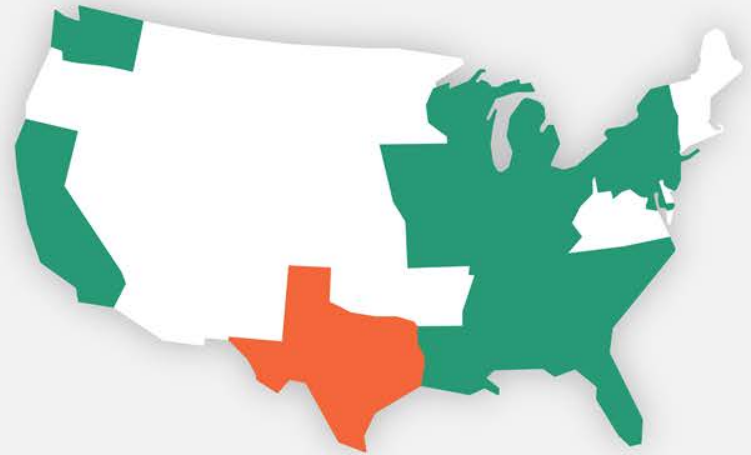
How many veterans are in the child support caseload?

Over 535,000 (5%) are veterans who receive VA benefits



10.7 million cases

Half of state child support programs have over 10,000 veterans



Texas has more than 61,000 veterans

OCSE - VA Data Match, conducted Dec. 2010 between OCSE Federal Case Registry and VA Beneficiary Identification Location Subsystem Database

Characteristics of Veteran Child Support Cases*

- About 50% of veterans in caseload are more than 50 years old
- Many cases are arrears-only
- Average support amount owed by veterans is about \$24,500

* OCSE-VA National Data Match conducted Dec. 2010 between OCSE Federal Case Registry and VA Beneficiary Identification Location Subsystem Database.

How Can Child Support Agencies Help Veterans?

- Help veteran manage arrears
 - Arrears management programs
 - Realistic payment plans
- Reinstate driver's and professional licenses
- Review order for modification
- Review case for closure



A photograph of a classroom scene. A female teacher with long brown hair, wearing a grey vest over a black long-sleeved shirt, stands at the front of the room. She is holding a clipboard and looking towards the students. Several young students are seated at green tables, and their hands are raised in the air, indicating they want to ask a question or answer. The background features a large whiteboard with some faint writing, a bulletin board with various papers pinned to it, and a bookshelf filled with books. The overall atmosphere is one of an active learning environment.

Frequently Asked Questions

Question

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.

Question

My client said 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 the parent being present
- A copy of the order may be sent by regular mail to the address of record

Question

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.

Question

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.

Question

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:

<https://www.acf.hhs.gov/css/resource/garnishment-of-federal-payments-for-child-support-obligations>

Question

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>

Question

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.
 - For more information, see:

<http://www.acf.hhs.gov/programs/css/resource/release-of-arrears-management-practical-resource-guide>

Answer (cont'd)

- 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.

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 the State
 - Some address child support owed to the custodial parent, if the parent agrees

Promising Practices (cont'd)

- Limited Enforcement – Child support agency suspends enforcement if the 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>

Promising Practices (cont'd)

- Suspension of Order upon Incarceration – By law, incarceration results in an automatic suspension of the current support order or is the basis for a modification
- Fatherhood Program – Child support agency or court requires participation in fatherhood program

OCSE Home Page

www.acf.hhs.gov/programs/css

OFFICE OF CHILD SUPPORT ENFORCEMENT

An Office of the Administration for Children & Families

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A new tool for tribal directors


How is the child support program funded?

Final Rule Upgrades Child Support Practices

Processing international child support cases




OCSE partners with federal, state, tribal and local governments and others to promote parental responsibility so that children receive support from both parents even when they live in separate households. [Learn more!](#)




Parents

- Contacting Your Local Child Support Office




Child Support Professionals

- IRG



Employers

- Responsibilities
- Electronic & Online Services

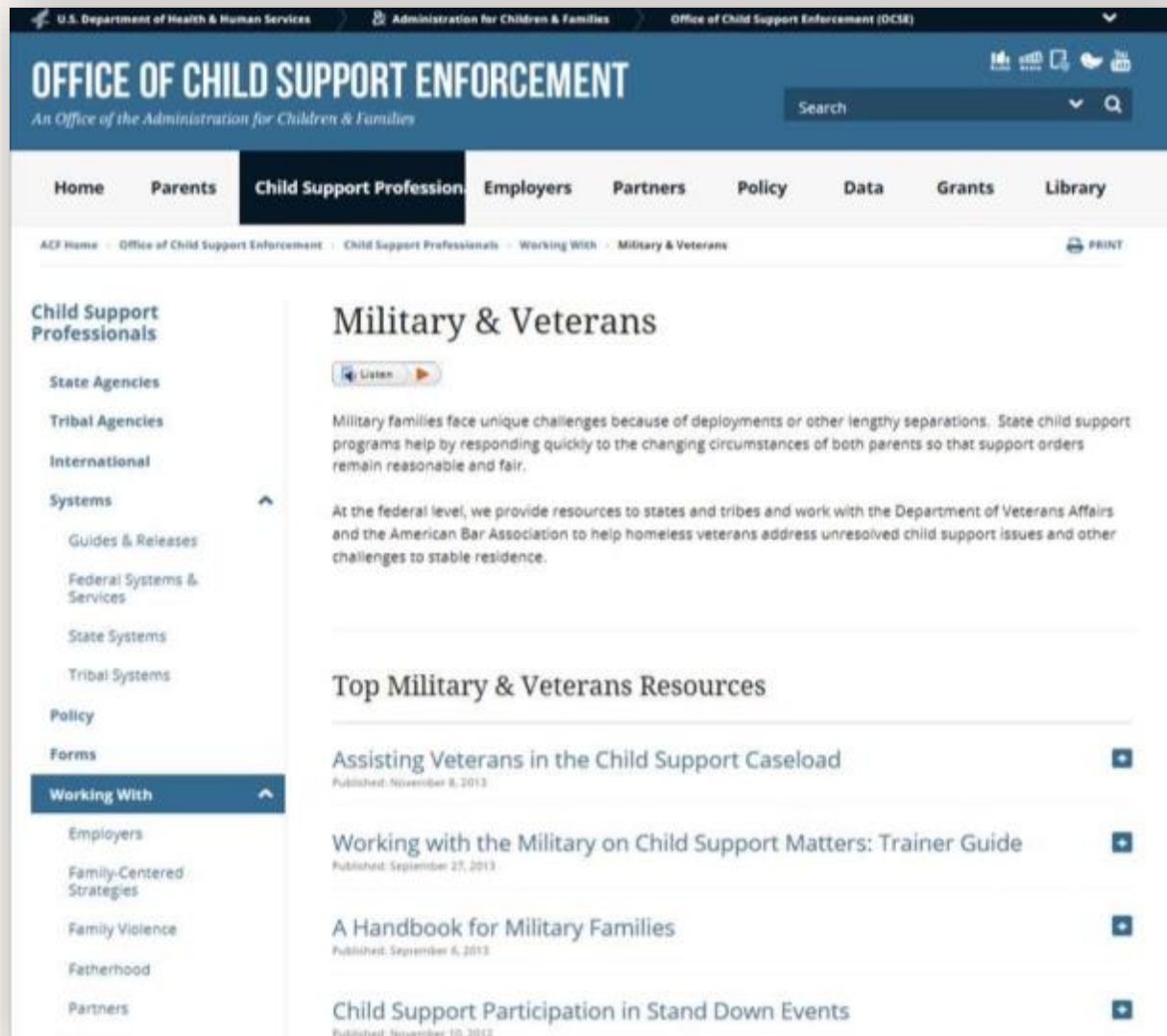


Partners

- Courts
- International

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OCSE Military/Veterans Resource Page



The screenshot displays the official website of the Office of Child Support Enforcement (OCSE), part of the Administration for Children & Families, U.S. Department of Health & Human Services. The page is titled "OFFICE OF CHILD SUPPORT ENFORCEMENT" and "An Office of the Administration for Children & Families". A search bar is located in the top right corner. The main navigation menu includes links for Home, Parents, Child Support Professionals (which is the active section), Employers, Partners, Policy, Data, Grants, and Library. Below the navigation menu, a breadcrumb trail reads: "AEC Home > Office of Child Support Enforcement > Child Support Professionals > Working With > Military & Veterans". A "PRINT" button is also visible. The left sidebar contains a list of categories: Child Support Professionals, State Agencies, Tribal Agencies, International, Systems (with a sub-menu for Guides & Releases, Federal Systems & Services, State Systems, and Tribal Systems), Policy, Forms, and Working With (which is the active category). The main content area is titled "Military & Veterans" and includes a "Listen" button. The text states: "Military families face unique challenges because of deployments or other lengthy separations. State child support programs help by responding quickly to the changing circumstances of both parents so that support orders remain reasonable and fair." It also mentions: "At the federal level, we provide resources to states and tribes and work with the Department of Veterans Affairs and the American Bar Association to help homeless veterans address unresolved child support issues and other challenges to stable residence." Below this, a section titled "Top Military & Veterans Resources" lists four resources: "Assisting Veterans in the Child Support Caseload" (Published: November 8, 2013), "Working with the Military on Child Support Matters: Trainer Guide" (Published: September 27, 2013), "A Handbook for Military Families" (Published: September 6, 2013), and "Child Support Participation in Stand Down Events" (Published: November 10, 2013). Each resource has a blue square icon with a white plus sign.

U.S. Department of Health & Human Services Administration for Children & Families Office of Child Support Enforcement (OCSE)

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AEC Home > Office of Child Support Enforcement > Child Support Professionals > Working With > Military & Veterans PRINT

Child Support Professionals

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- Tribal Agencies
- International
- Systems
 - Guides & Releases
 - Federal Systems & Services
 - State Systems
 - Tribal Systems
- Policy
- Forms
- Working With**
 - Employers
 - Family-Centered Strategies
 - Family Violence
 - Fatherhood
 - Partners

Military & Veterans

Listen

Military families face unique challenges because of deployments or other lengthy separations. State child support programs help by responding quickly to the changing circumstances of both parents so that support orders remain reasonable and fair.

At the federal level, we provide resources to states and tribes and work with the Department of Veterans Affairs and the American Bar Association to help homeless veterans address unresolved child support issues and other challenges to stable residence.

Top Military & Veterans Resources

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Published: September 27, 2013
- A Handbook for Military Families**
Published: September 6, 2013
- Child Support Participation in Stand Down Events**
Published: November 10, 2013

For More Information

- Information for Parents

<https://www.acf.hhs.gov/css/parents>

- Information about State Laws and Policies

<https://www.acf.hhs.gov/css/irg-state-map>

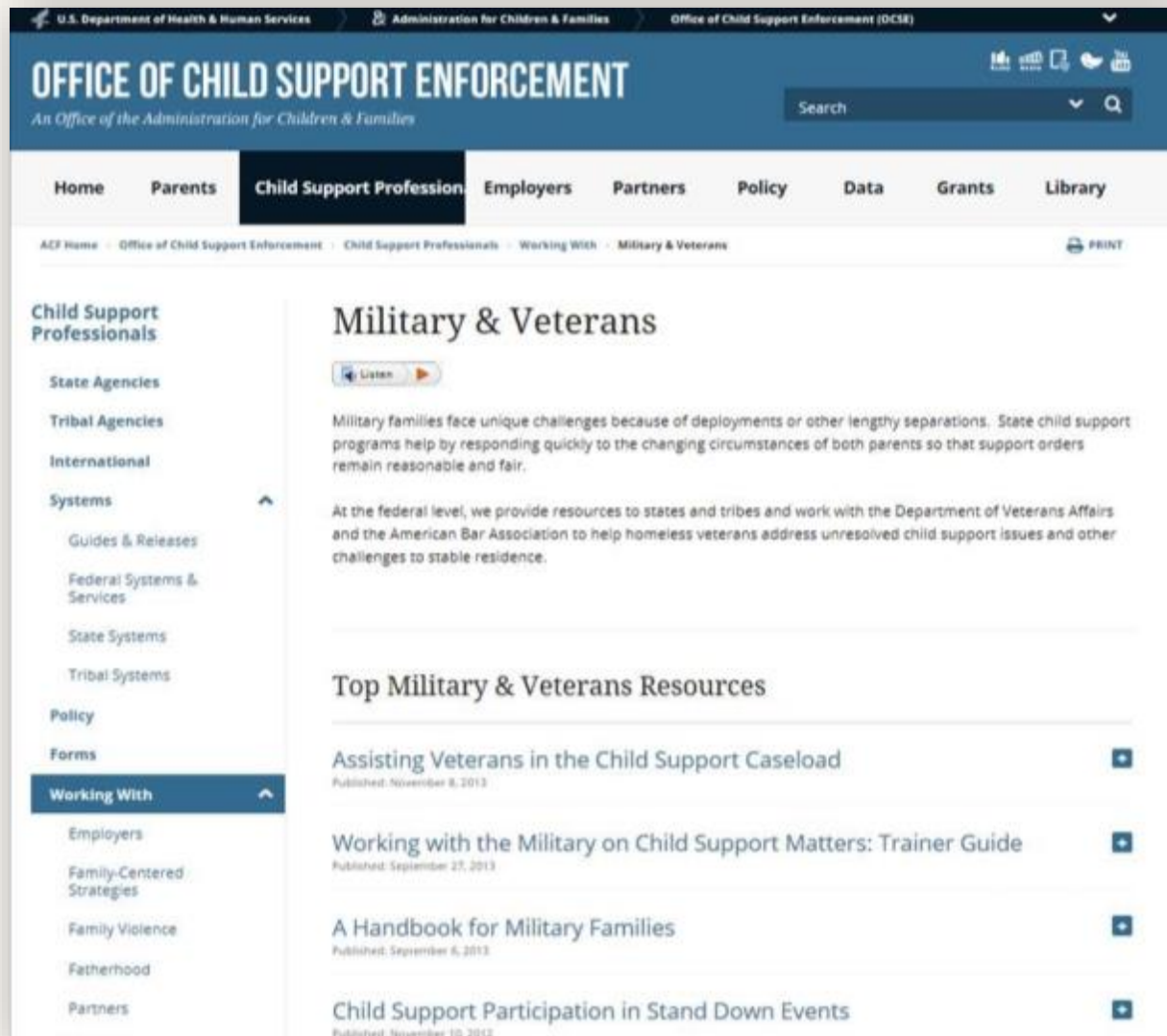
Click on a state to learn about that state's child support laws and policies

- Contact Information

<https://www.acf.hhs.gov/css/resource/state-and-tribal-child-support-agency-contacts>

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.

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U.S. Department of Health & Human Services Administration for Children & Families Office of Child Support Enforcement (DCSE)

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