

# Important Information about Child Support Services

If you need language assistance, please visit the local child support office so that language translation and/or interpretation services can be provided.

## Safety Concerns

If you are concerned that seeking child support services may endanger you or your child, your local Child Support Program office can help you to access services safely. We can protect your address information by helping you sign up for the Address Confidentiality Program and by preventing your address from appearing on documents we send to the court. We will also not allow sharing of location information at your request, or if we learn:

- You are residing in a domestic violence shelter;
- You have an order of protection involving the Other Party;
- You have a domestic violence referral or other written statement from a public or private service provider; or
- A court has determined that contact with the Other Party creates a risk of physical or emotional harm to you or the child.
- For additional safety information see <https://childsupport.ny.gov/dcse/accessCssSafely.html>.

## Definitions

**Child** – an individual under age 21 for whom support is sought.

**Custodial Parent** – the parent with primary care and custody of the child. In equal shared custody cases, this is the parent eligible to receive child support.

**Guardian** – a nonparent caregiver with physical custody of at least one child under age 21. If the child lives with the guardian on a day-to-day basis, the guardian has physical custody of the child.

**Noncustodial Parent** – the parent obligated to pay child support.

**Alleged Parent** – the person who may be the child's genetic parent but who has not yet been legally declared to be the parent.

**Intended Parent** – an individual who intends to be legally bound as the parent of a child resulting from assisted reproduction.

**Disbursement** – the process of money being sent out to the custodial parent once child support has been received; the paying out of collected child support funds.

## Protecting Confidentiality

Your information will be kept confidential in accordance with the law. There may be instances in which your information may need to be shared with the State and federal government. We will only share what is necessary to provide services or required by law.

## Eligibility

In New York State, both parents are required to support their child until the child is 21 years of age. Any parent or person with custody of at least one child under age 21 can apply for child support services. A parent without custody may also apply for services in order to make payments through the program to ensure there is a payment record. Further, a child under age 21 may apply for child support services.

When you apply for or receive Temporary Assistance, child support services may be provided to you based on your referral to the Child Support Program. Child support services may also be provided if you are applying for Medicaid for yourself and the child or your child has been placed in foster care.

## Assignment and Cooperation with Child Support

**If you are an applicant/recipient of Temporary Assistance for the child, or Medicaid for yourself and the child, or if your child is in Title IV-E Foster Care**, you are required to assign to the social services district (district) rights you have to support on your own behalf and any rights to support on behalf of any family member for whom you are applying for, or receiving, assistance. For Medicaid applicants/recipients, this assignment is limited to medical support only. When applying for or receiving Temporary Assistance, your assignment of support rights is limited to support that accrues during the period that you or the family member receives assistance. You are required to assign these support rights and, unless you claim good cause or domestic violence for not doing so, cooperate with the Child Support Program to locate the other parent; establish parentage for the child; establish, modify, or adjust orders of support; and collect and enforce orders of support.

If you **are** receiving Temporary Assistance for the child or Medicaid for yourself and the child, you will be sanctioned for failing to cooperate absent a determination of good cause or domestic violence, if applicable.

## Services

The following child support services are provided, as appropriate:

- **Location** of the Other Party, including obtaining information about addresses, employment, other sources of income and assets, and health care coverage;
- **Establishment of Parentage** for a child through the voluntary acknowledgment process or through a court based process;
- **Establishment and/or Modification** of an order of support, including establishment of health insurance coverage or cash medical support, if available, from either parent;
- **Collection and Distribution** of child support or combined child and spousal support, including educational expenses, child care expenses, and cash medical support; and
- **Enforcement of Support Obligations** through income withholding; tax refund intercept; seizure of assets and lottery winnings; credit bureau reporting; suspension of the noncustodial parent's New York State driver license; filing and prosecuting Violation Petitions and referral to the New York State Department of Taxation and Finance for collection

All services listed above are also provided to parents who live in other counties, states, and some countries.

## Child Support Obligations

The basic child support obligation includes a percentage-based obligation, a provision for health insurance coverage and/or cash medical support, child care expenses, and educational expenses for the child, if determined by the court (Family Court Act § 413 and Domestic Relations Law § 240).

The percentage guideline is applied to combined parental income up to \$163,000. Above \$163,000 the court determines whether to use the percentage guideline. The court may deviate from the percentage-based obligation based on the factors set forth in Family Court Act § 413(1)(f) and Domestic Relations Law § 240(1-b)(f).

### Child Support Percentages

1 child	17%
2 children	25%
3 children	29%
4 children	31%
5 or more	at least 35%

**Low Income Obligation:** If the noncustodial parent's income is below the federal poverty level, the support amount may be limited to \$25 per month. When income is below the self-support reserve (135% of the federal poverty level), but above the federal poverty level, the support amount may be limited to \$50 per month.

**Cost of Living Adjustment (COLA):** An order is eligible for COLA when it is at least two (2) years old and the sum of the average annual percentage change in the CPI-U is equal to or greater than ten (10) percent since the order was issued, modified, or adjusted. Every two years your account will be reviewed to determine whether your order is eligible for a COLA. A notice is sent to both parties when an order is eligible for a COLA. COLA adjustments are made without going to court.

**Modification of Orders:** The Child Support Program can assist you in filing a petition to modify your order of support, if needed. Either party has the right to seek a modification of the order of support based on a substantial change in circumstances, a three year passage of time, or a 15% or more change in the income of either parent.

**Rights to Information Regarding Legal Proceedings:** You have the right to be kept informed of the time, date, and place of any court proceedings involving you. You will be provided with a copy of any order establishing, modifying, adjusting, or enforcing an order of support, or any order dismissing the petition.

## Distribution of Payments

Support payments are distributed according to federal and New York State distribution rules.

- **If the custodial parent has never received Temporary Assistance**, they will receive all support that is collected and due, except for the Annual Service Fee and the recovery of costs for legal services, if applicable.
- **If the custodial parent is receiving Temporary Assistance**, child support collections received will be paid to the State and to the district for reimbursement of up to the total amount of Temporary Assistance that has been paid to the custodial parent. The custodial parent will be paid a child support "pass-through" payment from the current support collected each month in addition to the Temporary Assistance paid. The pass-through is an amount up to \$100 per month of current support collected or up to the current support obligation, whichever is less, for any household with one individual under the age of 21 active on the Temporary Assistance case. The pass-through paid to the family increases to up to \$200 per month of current support collected or up to the current support obligation, whichever is less, for Temporary Assistance families with two or more individuals under the age of 21 active on the Temporary Assistance case. The custodial parent will be paid any support collected after the total Temporary Assistance paid to the custodial parent has been reimbursed.
- **If the custodial parent formerly received Temporary Assistance**, child support collections received will first be used to pay current support followed by payments for support arrears/past due support owed to the custodial parent and then to support arrears/past due support due to the district. Collections received from federal tax refund offset will first be paid to satisfy any support arrears/past due support due the district and then to support arrears/past due support owed to the custodial parent.
- **If the custodial parent is in receipt of Medicaid**, medical support payments will be paid to the State and to the district for reimbursement of up to the total amount of Medicaid that has been paid to a provider.
- **If the child is in receipt of foster care**, support collected will be paid to the district. Any support collected exceeding the foster care maintenance payments will be paid to the district supervising the child's placement and foster care to use in the manner it determines will serve the child's best interests.

## Recoupment of Overpayments

The Child Support Program collects child support payments on your behalf and sends them to you. In rare instances, an overpayment may occur. If an overpayment occurs, you are responsible to return or repay these funds.

## Legal Services and Cost Recovery for Legal Services

Applicants not receiving Temporary Assistance or Medicaid may choose to request and pay for legal services to establish parentage or to establish, modify, or enforce a child support order by completing the Right to Recovery Agreement for Legal Services (LDSS-4920). Legal services are **not** provided for matters of custody or visitation, negotiation, or drafting of surrogacy agreements.

The attorney assigned to your case is the legal representative of the Commissioner of the district and **does not represent you personally**. Any information that you provide to the social services district's attorney or staff **may not remain confidential**.

## Annual Service Fee

There is a \$35 annual service fee, if you have never received Temporary Assistance for Needy Families (TANF) and the Child Support Program collects at least \$550 for you during the federal fiscal year (which begins October 1<sup>st</sup> each year).

## Customer Service

You may obtain additional information about child support as well as payment and account information online at [childsupport.ny.gov](https://childsupport.ny.gov) or by calling the New York State Child Support Helpline at **888-208-4485 (TTY: 866-875-9975 – Relay Service <https://www.fcc.gov/general/internet-based-trs-providers>)**. A personal identification number (PIN) is required to set up your online child support account. You will receive your PIN by mail when your child support account is established.

## Nondiscrimination Notice

New York State prohibits discrimination based on race, color, national origin, disability, age, sex, and in some cases, religion, or political beliefs. New York State additionally prohibits discrimination based on gender identity, transgender status, gender dysphoria, sexual orientation, marital status, domestic violence victim status, pregnancy-related conditions, predisposing genetic characteristics, prior arrest or conviction record, familial status, and retaliation for opposing unlawful discriminatory practices. For more information about how to file a discrimination complaint, please visit [childsupport.ny.gov](https://childsupport.ny.gov).