



### How does the court determine how much support a child receives?

The amount of money payable for child support depends on the needs of the child and how much each parent can afford to pay. Statewide Child Support Standards help the court to decide the specific amount owed.

### What if I receive public assistance?

If the child receives public assistance (welfare), the non-custodial parent must make child support payments to welfare's Support Collection Unit (scu). If the non-custodial parent is employed, the scu serves his employer with an income execution order to withhold the money owed in child support from the paycheck. The amount owed to welfare goes back to the date the child began receiving welfare benefits.

If child support is paid directly to welfare, the family receives a \$50 pass-through payment each month in addition to the regular welfare benefit if the child support is paid on time.

### What if the non-custodial parent can't afford the payments set by the court?

The parent may ask the court for a downward modification. The hearing officer will review his income and may agree to lower the child support based on the change in earnings.

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For in-depth information, contact The Children's Aid Society at (212) 358-8930 to get a complete set of **KNOW YOUR RIGHTS** brochures and other legal advocacy publications in both English and Spanish. You may also log onto [www.childrensaidsociety.org](http://www.childrensaidsociety.org).

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For over 150 years, The Children's Aid Society has been assisting New York City's children and their families without regard to race, religion, nationality or socio-economic status. Children's Aid helps children in every aspect of their lives from infancy through adolescence, providing guidance and resources to ensure a child's current well-being and future potential. With over 100 programs and 40 locations in New York that touch the lives of more than 150,000 children every year, Children's Aid is one of the country's largest and most innovative child and family social service agencies.

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THE CHILDREN'S AID SOCIETY

KNOW YOUR RIGHTS

# how to obtain child support



One of the most effective ways of raising children's standard of living is by insuring that they receive adequate financial support from *both* of their parents.

When parents do not live together, the best way to do this is for the non-custodial parent (the parent who does not live with the children) to contribute regularly to their financial and medical support.

### Who must pay child support?

By law, both parents are responsible for the support of their children, even if parents are not married to each other or they are minors. The non-custodial parent usually owes child support to the custodial parent. The custodial parent is also expected to pay some of the cost of caring for the child.

### What if I have an arrangement?

Some parents have informal agreements where the custodial parent (the parent who lives with the children) receives monthly payments from the non-custodial parent.

But in many instances, informal agreements mean that each month there is a discussion of whether the money will actually be paid, how much it will be, and when it will arrive. This uncertainty translates into stress and instability for the children and makes budgeting difficult.

### Court-ordered agreements

A far better solution is a legal support order that lays out reasonable monthly payments based on the income of both parents, and provides an "income deduction order" that allows support to be collected directly through the non-custodial parent's employer. This eliminates the need for parents to have disagreements and adds order to the children's lives.



### Who can help me get child a support order?

Custodial parents, regardless of income or immigration status, are eligible for *free* assistance from the City's Office of Child Support Enforcement (ocse) to get child support. Every year, ocse collects hundreds of millions of dollars in support payments for New York City's children.



### What services are provided at the ocse?

Below is a listing of some of the services ocse provides families:

- Finding the non-custodial parent by using computerized searches, even in other states
- Establishing paternity, if necessary
- Getting a child support order from the Family Court in the borough where the children reside. The custodial parent is expected to be present at the hearing, but it is not necessary to have an attorney. The Order will state the amount and frequency of payments and may also include childcare, medical and educational expenses. If the child is not currently covered by health insurance, the non-custodial parent may have to provide that if it is available through his or her job.
- Collecting all child support payments. The obligation of the non-custodial parent to pay continues until the child reaches age 21 or becomes self-supporting. If an order already exists but the parent is not paying, ocse can take enforcement action. If the order already exists but the family would prefer that someone else oversee collection, ocse can make the order payable to the Support Collection Unit without going back to court. This can be very helpful in cases of intimidation or domestic violence by minimizing the need for contact between the parents.
- Increasing the amount to be paid on orders that are eligible for a cost of living adjustment without going back to court.

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ocse offices are located in all five boroughs. For a complete listing, call the City's Infoline at 311. Those who have a child support order and need help with enforcement may call the Child Support Helpline at (212) 226-7125 (226-7652 TDD for hearing impaired.) You may also call The Children's Aid Society (212) 358-8930.

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