

# UNDERSTANDING CHILD SUPPORT

Franklin County CSEA  
Hamilton County CSEA  
Office of Child Support  
Talbert House

# WHAT IS CHILD SUPPORT AND WHY DOES IT EXIST?

**Child support is the court ordered financial assistance that is paid by a non-custodial parent to a custodial parent or caretaker for the care and welfare of a child.**



## WHY DOES IT EXIST?

1950 – First Federal Child Support Law

- The law required state welfare agencies to notify appropriate law enforcement officials upon providing Aid to Families with Dependent Children (AFDC) with respect to a child who had been abandoned or deserted by a parent.

1975 – Social Security Act, Title IV-V, Part D

- The law created the Child Support Enforcement program under the Secretary of Health, Education and Welfare to oversee child support enforcement operations at the state level.
- Provided greater assistance to the states in establishing paternity and enforcing child support orders.

# STATE REQUIREMENTS

- 1) Locate absent parents
- 2) Establish paternity
- 3) Establish support orders, including medical support
- 4) Enforce support orders
- 5) Periodic review and adjustment of support orders



# WHAT IS PATERNITY ESTABLISHMENT?

Legal method of determining if you are the father of a child.

You can establish paternity 4 different ways in Ohio.

- ❖ Presumptive
- ❖ Acknowledgement of Paternity Affidavit
- ❖ Administrative
  - Genetic Testing
  - Results usually obtained within 8 weeks
- ❖ Judicial
  - ❖ Genetic Testing
  - ❖ Default



# WHAT IS SUPPORT ESTABLISHMENT?

## Two Ways an Order can be Established

- At your local CSEA office (Administrative Order)
  - ❖ Provide all required documentation
  - ❖ Respond so that the order can be right-sized based on your actual income
  - ❖ The CSEA has the authority to impute income if you do not provide your information\*
- Through Court (Judicial Order)



# WHAT IS REVIEW & ADJUSTMENT?

- Review & Adjustment is the process of recalculating the current support obligation by utilizing the current financial information from both parties
  - ❖ Also known as Modification
- Reviews can be initiated by a request from either party or a court order. The County CSEA can request a review if the case involves public assistance
- Parties can request a review every 36 months
  - ❖ Parties can request a review sooner if certain circumstances are met. Ask your CSEA for an application and provide documentation to support your request.
- Review & Adjustment through the CSEA can only be conducted on cases with orders for Current Support.
  - ❖ Arrears only cases cannot be adjusted at CSEA.
- The CSEA cannot estimate the outcome of any request for a Review & Adjustment.
  - ❖ The amount of support ordered could go up, down, or stay the same. A medical support order could also be added.
- You will be notified by mail
  - ❖ Read all notices, respond to requests for information
  - ❖ Pay attention to deadlines and objection periods
  - ❖ Notify the CSEA of any contact information changes





**VOLUNTEERS PLEASE** |

# WHAT IS WAIVER & COMPROMISE?

- This is the process to negotiate a waiver (reduce to zero) or compromise (reduce a certain amount) of permanently assigned child support or medical support arrears owed to the state.
- Each review is on a case-by-case basis
- Not every county participates in Waiver & Compromise.
  - ❖ Each county that does participate has different guidelines and processes
- Contact your CSEA for more information



# DRIVER'S LICENSE SUSPENSION

- A child support enforcement agency (CSEA) may choose to suspend occupational or professional license, driver's license, or recreational license.
- To be eligible for license suspension, the parent must be in default (owe more than 1 month's obligation) **and** have paid less than half of the support due for the previous 90 days.
- The CSEA will send a pre-suspension notice to the parent's last known address.
  - ❖ The parent has 10 days to make arrangements to avoid suspension.
- To prevent license suspension, parents are encouraged to notify their CSEA of employment or address changes, contact the agency with any questions, and work with their CSEA to establish a payment plan if needed.

# LIFTING DRIVER'S LICENSE SUSPENSIONS

Once a license has been suspended, the parent must contact the CSEA. The CSEA may ask for payment in full of all past due support. However, if the parent is unable to pay the full amount, one of the following will be required:

- Evidence of employment or an active bank account from which support can be paid.
- Payment of the balance of past due support for the previous 90 day period.
- Documentation of circumstances that the parent is unable to work, such as a disability.
- Enrollment in a family support program administered or approved by the CSEA.

# LIFTING DRIVER'S LICENSE SUSPENSIONS

- Once arrangements have been made with the CSEA, the parent will need to go to the BMV to pay reinstatement fees and to finish the process.
- Senate Bill 337: the court *may* grant limited driving privileges.



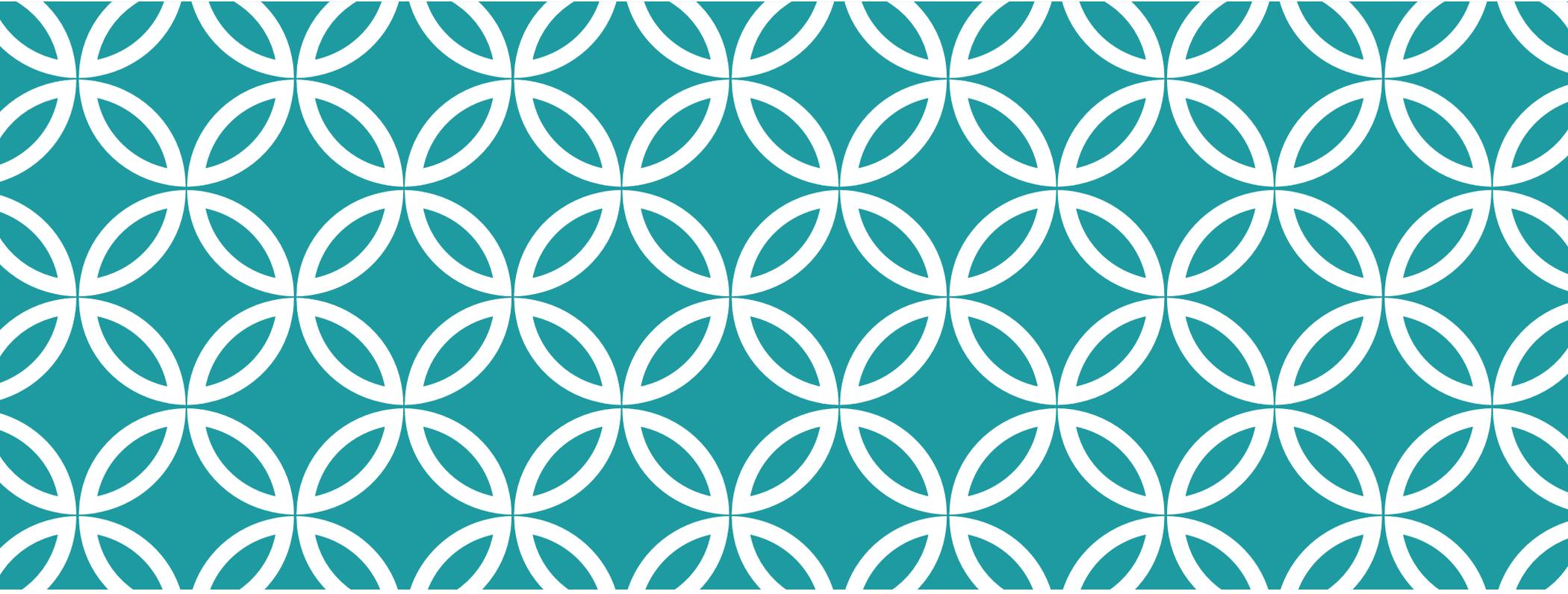
# ADDITIONAL ENFORCEMENT TOOLS

- Adding 20% to an income withholding
- Intercepting federal and state tax refunds
- Reporting delinquent obligors to credit bureau
- Suspending drivers, recreational and professional licenses
- Freezing and seizing assets held in a financial institution
- Placing liens on certain property
- Issuing an order to require the obligor to seek work
- Blocking passport usage when past due support is at least \$2,500
- Intercepting lump sum payments, such as bonuses, lottery/casino winnings, and insurance settlements
- Criminal Non-Support



# TIPS ON WORKING WITH LOCAL CSEA

- Encourage clients to always be open and communicate
- Encourage clients to ask questions especially when they do not understand something
- Encourage clients to always pay the support through the system



# **PERSPECTIVE FROM A FATHERHOOD PROGRAM**

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# REFERRALS

- Referrals come from CSEA caseworkers and supervisors
  - Referrals mostly result from license reinstatement request
  - Cases can be maintained in specialized caseload if needed
- Caseworker acts a single point of contact for questions

# CLIENT INTAKE

- What are the Client's needs?
  - ❖ Visitation Issues
  - ❖ Custody Disputes
  - ❖ Divorce
  - ❖ Child Support concerns
- Complete a Release of Information form

# CHILD SUPPORT ASSISTANCE

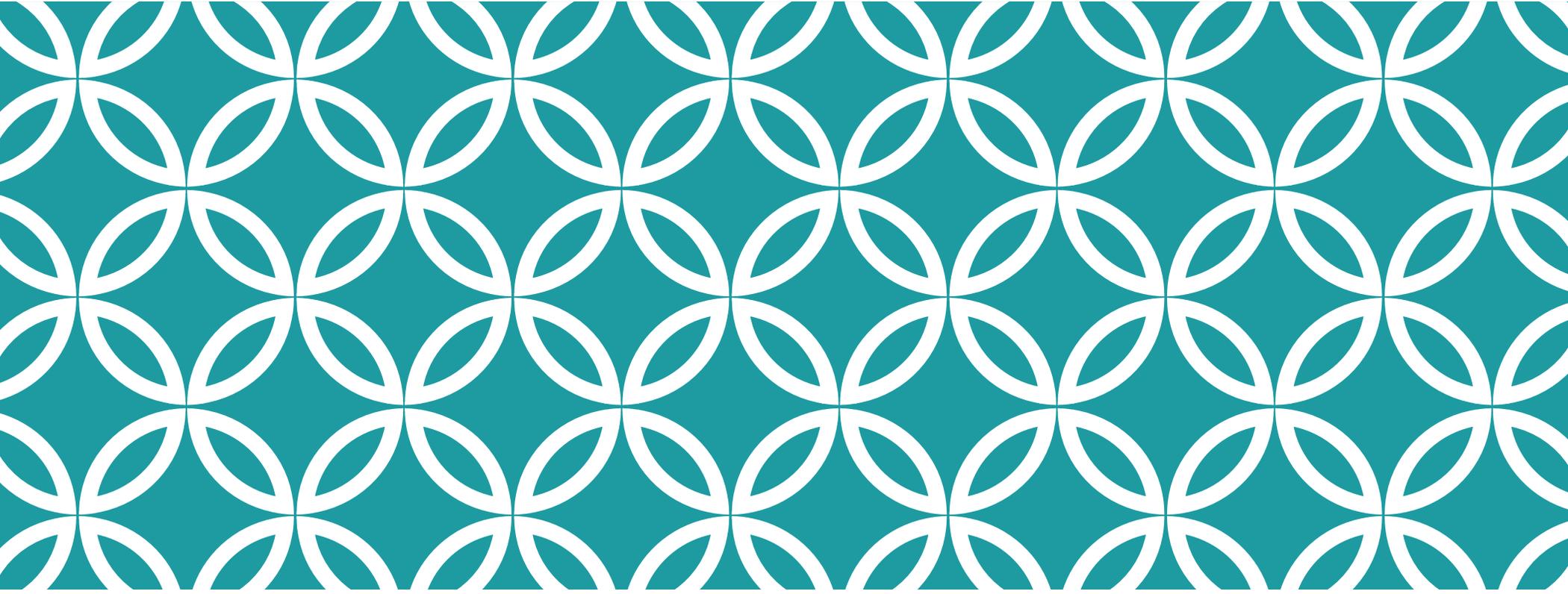
- Determine the child support owed
  - ❖ Who is it owed to?
  - ❖ Multiple mothers?
  - ❖ CSEA?
- Explain arrearage
  - ❖ Why it exists and how to work with it.
- Make a plan
  - ❖ How can we best help the client?
  - ❖ Our partnership with JFS really comes into play here- we begin to determine the best plan for client to address the situation, which may be overwhelming and many years past.

# OPTIONS TO ADJUST SUPPORT

- Assist in applying for an Administrative modification
  - ❖ Help clients fill out the basic form asking for a modification
    - Often it has been more than 3 years or there was a substantial decrease in income.
  - ❖ Send the form to CSEA for review and processing
- Help clients file court motion when appropriate
  - ❖ Different motions that can be filed are motion to terminate arrearage (forgiveness), motion to modify support, motion to modify arrearage, motion to suspend arrearage or support.

# OUR AGENCY'S GOAL:

- Get client involved in the process
- Have Case Managers provide emotional support and guidance
- Make available an Attorney who can provide direct legal representation when necessary and appropriate.
  - ❖ Because these cases are financially driven and often don't require legal representation, we often just help with the paperwork, fees etc. However there are times direct legal is provided.
- The partnership between Talbert House and JFS in Hamilton County empowers clients to stay active with their child support case resulting in thousands of dollars of child support being paid and improved relationships with families.



**QUESTIONS?** |