

Glossary of Child Support Related Terms

The following is a glossary created to help ease you through the child support process by clarifying various terms. We hope you find it helpful.

A

ACCRUAL

Sum of child support payments that are overdue

ADJOURNMENT

At a hearing, it becomes necessary to continue the case at a later date

ADMINISTRATIVE PROCESS

Method by which support orders are enforced by OCSE instead of by courts and judges

AMEND

Change an order

ARREARS

Unpaid child support for past periods owed by a parent who is obligated to pay

B

BONUS PAYMENT

Child support clients who are on public assistance may receive up to \$50.00 per month of the child support collected in the same month that it is owed; also called Pass-Through payment or child support "disregard"

BOROUGH OFFICE

Child Support Enforcement offices located in each borough (except for Staten Island, which is serviced by the Manhattan office) to which public assistance (TANF) applicants or recipients must report for the mandatory process of establishing paternity and a child support order

C

CHANGE OF PAYEE

Allows for private child support payments to be sent to OCSE for processing, record keeping, distribution, and enforcement

CHILD SUPPORT

Financial support paid by a parent to help support a child or children not living in their household. Child support orders must be established at a court hearing

CHILD SUPPORT STANDARDS ACT (CSSA)

Legislation passed in 1989 to make child support orders fair and consistent throughout New York State by standardizing the formula for calculating basic child support orders

COLA

Cost of Living Adjustment, used to increase child support order amounts, without going back to court. COLA is based on changes in the Consumer Price Index for Urban Areas (CPI-U)

CONTINUING EXCLUSIVE JURISDICTION

The authority to modify a child support order; Only one state at a time has this power

CORPORATION COUNSEL

A division of New York City's Law Department; A custodial parent may be referred to Corporation Counsel to file an Interstate/Intrastate case

COURT ORDER

A legally binding document issued by a court of law. A court order related to child support will include how often, how much, how long and what kind of support the non-custodial parent must pay and whether an employer must withhold support from their wages

CPI-U

The consumer price index for urban areas (CPI-U) annually tracks the prices of items like food, clothing and housing; Cost of Living Adjustments (COLA) are based upon the yearly changes in the CPI-U

CUSTODIAL PARENT (CP)

A parent, relative, or guardian who lives with and is the primary caretaker of the child or children

CUSTODY

Legal determination that establishes with whom the child shall live: the mother, father, or other adult

D**DEFAULT ORDER**

A child support order issued when the non-custodial parent fails to appear in court

DEPENDENT

A child who is under of the care of some one else; Most children who are eligible to receive child support must be a dependent. Children cease to be dependents in New York State when they reach the age of 21 or become emancipated (move out and are self-supporting; join the military; get married)

DISBURSEMENT

The paying out of collected child support funds to custodial parents or to the Department of Social Services, if the client is receiving public assistance

DISMISSAL WITH PREJUDICE

The facts of a petition for a child support hearing lead the case to be permanently dismissed from court

DISMISSAL WITHOUT PREJUDICE

The petition for child support may be heard at a later date in court

E

EMANCIPATED

A child is not living with his or her parents and has a source of income, or is in the military, or is married. If emancipation can be proven to the satisfaction of the court, the child support order may be terminated.

ENFORCEMENT

The application of remedies to obtain payment of a child or medical support obligation contained in a child and/or spousal support order. Examples of remedies include garnishment of wages, seizure of assets, liens placed on assets, revocation of license (e.g., drivers, business, medical), denial of U.S. passport, etc.

ESTABLISHMENT

The process of proving paternity and/or obtaining a court order to put a child support obligation in place.

F

FAMILY SUPPORT ACT

Law passed in 1988 which mandates immediate wage withholding on child support orders and requires States to use guidelines to decide the amount of support for each family

FIA

The Family Independence Administration is the program within the Human Resources Administration (HRA) agency that is responsible for administering public assistance

FEDERAL PARENT LOCATOR SERVICE (FPLS)

A computerized national location network service that helps states locate non-custodial parents by matching database information; FPLS can provide information helpful to establishing custody, paternity, child support and for adoption and foster care issues.

FINDINGS OF FACT

The actual facts of a child support order, such as notes and calculations, of a case that determine the child support order

G

GARNISHMENT

A legal proceeding under which part of a person's wages and/or assets is withheld for payment of a debt like child support. This term is usually used to specify that an income or wage withholding is involuntary.

GENETIC TESTING

Analysis of inherited factors, usually by DNA, taken from the mother, father and child, to determine if a particular man is the child's father; DNA samples are taken from inside the cheek, using a specially designed swab.

GOOD CAUSE

A legal reason for which a public assistance recipient is excused from cooperating with the child support enforcement process, such as past physical harm by the non-custodial parent;

It also includes situations where rape or incest resulted in the conception of the child and situations where the custodial parent is considering placing the child for adoption.

I

INCOME

Any regular form of payment to an individual, regardless of source, including salaries, commissions, bonuses, unemployment insurance, worker's compensation, disability, pension or interest; All income is considered in calculating the child support order.

INCOME EXECUTION (IEX)

Administrative process by which a non-custodial parent's support payments are deducted from his/her wages or other income and sent to the Child Support Collection Unit to satisfy the non-custodial parent's support obligation; May be referred to as wage withholding or garnishment

INTERCEPT

A method of securing child support by taking a portion of non-wage payments made to a non-custodial parent. Non-wage payments subject to interception include federal tax refunds, state tax refunds and lottery winnings.

J

JOB CENTER

Formerly known as income support centers or welfare offices; job centers act as the entry point for people seeking public assistance. Job centers also provide on-site access to job search and placement services, childcare and child support information, vocational, educational and training services, as well as referrals for Medicaid, Food Stamp and other emergency assistance benefits

JUDGMENT

The official decision or finding of a Judge or Support Magistrate

L

LEGAL FATHER

A man who is recognized by law as the male parent of a child; In order to be recognized as the legal father, paternity must be established if the parents are not married to each other

LIEN

A claim upon property to prevent sale or transfer until a debt is paid up

LOTTERY INTERCEPT

The process by which a non-custodial parent's lottery prize winnings are directed to the Office of Child Support Enforcement to satisfy past-due support obligations

M

MEDICAL SUPPORT

Legal provision for payment of medical or other health care costs through either parent's employment or union; All child support orders must include a plan for medical support

MEDX

Notice sent to the non-custodial parent's employer requiring that health insurance coverage be provided, where available

MISTAKE OF FACT

A claim that can be made if you believe that there is an error in information being sent to you regarding your child support order

MISTAKEN IDENTITY

A claim that information you receive about a child support order was incorrectly sent to you

MODIFICATION PETITION

A formal written application to a court requesting a change in an existing child support order

MONEY JUDGEMENT

An order that puts a specific amount of arrears into a child support order with interest added on

N**NEW HIRE REPORTING**

Program that requires all employers to report newly hired employees to the New York State Directory of New Hires; This data is then submitted to the National Directory of New Hires (NDNH), where it is compared against child support order information contained in the Federal Case Registry (FCR) for possible enforcement of child support obligation by wage garnishment

NON-CUSTODIAL PARENT (NCP)

A parent who does not live with a child or children and is not the primary caretaker

O**OBJECTION**

A claim that can be made within a specified amount of time, when either party disagrees with the order or believes there is some type of error

OBLIGATION

Amount of money to be paid as support by the non-custodial parent on a regular basis; can be financial support, medical support or spousal support

OFFICE OF CHILD SUPPORT ENFORCEMENT (OCSE)

Division of the Human Resources Administration responsible whose job is obtaining and enforcing child support orders for families living in New York City

P**PASS-THROUGH PAYMENT**

Child support clients who are on public assistance may receive up to \$50.00 per month of the child support collected in the same month that it is owed; Also called bonus payment or child support "disregard"

PATERNITY

Legal determination of fatherhood; Paternity must be established before child support or medical support can be ordered.

PATERNITY PETITION

A formal written application to a court requesting judicial action to determine legal fatherhood of a specific man for a specific child

PAYEE

Person or organization in whose name child support money is paid

PAYOR

Person who makes a payment, usually non-custodial parents or someone acting on their behalf; Also known as the obligor

PROPERTY EXECUTION (PEX)

An administrative process by which the Office of Child Support Enforcement (OCSE) seizes the financial assets, usually bank accounts, of a non-custodial parent who is delinquent in paying child support

PRO SE

Acting as your own attorney; This can be done in family court where an attorney is not required.

PETITIONER

Term used in Family Court to refer to the custodial parent (CP) in a child support case

PIN (Personal Identification Number)

Unique identification number assigned to you in order to access account information on your child support case from the New York State child support website (*newyorkchildsupport.com*) and from the New York State 24 hour automated helpline (800) 846-0773

PUTATIVE FATHER REGISTRY

This registry keeps a record of legal fathers for New York State. It can be consulted in issues of inheritance, adoption and any other legal issues that require notifying a child's father

R

RECIPIENT

A person or organization that receives support funds and/or public assistance benefits

RESPONDENT

Term used in Family Court to refer to the non-custodial parent (NCP) in a child support case. The word itself refers to responding to a petition.

S

SANCTION

Recipients of public assistance may be sanctioned by reducing cash benefits, food stamp amounts, eliminating medical benefits or other measures if they do not cooperate with child support investigations.

STEP (SUPPORT THROUGH EMPLOYMENT PROGRAM)

A program to assist non-custodial parents who are unable to pay child support because they are unemployed or underemployed; OCSE partners with family court and community-based organizations to provide job training and placement in an effort to help parents join the mainstream workforce and support their children.

SUMMONS

A notice stating that an action against AN individual has been started in the court issuing the summons. A summons for a child support hearing will tell the parent where and when to show up

SUPPORT COLLECTION UNIT (SCU)

The division of the Office Child Support Enforcement responsible for the collection, monitoring and disbursement of child support payments

SUPPORT ORDER

A court issued order establishing child support obligations. Support orders may be temporary or final and subject to modification; Support orders may include monetary support, health care, and payment of arrearages, interest, penalties and other forms of relief

SUPPORT MAGISTRATE

An attorney appointed by the local Family Court who can hear and make decisions in child support cases; formerly called Hearing Examiner

T**TANF**

Temporary Assistance for Needy Families replaced the Aid to Families with Dependent Children (AFDC) program. It provides limited financial assistance and also offers job preparation and support services to help families become self-sufficient

TAX REFUND OFFSET

The process by which a non-custodial parent's federal or state tax refunds are taken to satisfy a child support debt

TERMINATE AN ORDER

The effective end date of a child support order. Any arrears owed, must still be paid

U**UIFSA (Uniform Interstate Family Support Act)**

Takes the place of the Uniform Reciprocal Enforcement of Support Act (URESAs); The Uniform Interstate Family Support Act is a law under which the state may establish and enforce child support orders when the non-custodial parent and the child live in different states; Generally, federal laws require that states cooperate with each other to get and enforce child support orders; UIFSA also permits New York State to enact 'Direct Income Withholding' with employers, regardless of state barriers

V

VACATE AN ORDER

An order is determined to be non-existent. Arrears will not have to be paid

VIOLATION PETITION

A request for the Family Court to enforce a child support order

VOLUNTARY ACKNOWLEDGMENT OF PATERNITY

A form that, if completed by the mother and father of the child, establishes paternity (legal fatherhood) of the child without a hearing in family court

W

WAGE WITHHOLDING

An automatic deduction from income that starts as soon as an IEX (Income Execution) notice is sent to the employer

WILLFULL NON-PAYMENT

The non-custodial parent is not paying child support even though he/she can afford to meet that obligation; May result in being taken to court on a violation petition or, in some cases, going to jail