



## HRA/DSS Human Resources Administration Department of Social Services

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## Child Support Enforcement

### Who is eligible to apply for child support services?

The Office of Child Support Enforcement (OCSE) provides services to all parents and legal guardians who are the primary caretakers of children living in their household. Services are free and available to all parents regardless of income or immigration status:

### What child support services can I get?

The Office of Child Support Enforcement (OCSE) provides the following services:

- Location of the non-custodial parents using computer searches, even if they live or work in other states
- Summons service to notify the non-custodial parent to appear in court
- Establishment of paternity (legal fatherhood) for children born to unmarried parents
- Establishment of child support and medical support orders in family court
- Collection and disbursement of child support payments
- Enforcement of the child support order, if payments fall behind

### Where do I go to apply for child support services?

Parents applying for or receiving public assistance do not need to apply on their own. They will be referred for child support services automatically and must cooperate in order get their public assistance benefits. All other custodial parents must apply for services in the OCSE office in the family court in the borough where they live. Parents applying for state subsidized child care through the NYC Administration for Children's Services (ACS) Agency for Child Development (ACD) will be asked to show proof that they have a child support order or are seeking child support through private means or through OCSE.

### What does establishing paternity mean?

Paternity means fatherhood. Establishing paternity refers to the legal identification of the biological father of a child born to unmarried parents. Only the biological parents of the child may establish paternity. This includes parents who are under age 21. Paternity must be established before a child support order can be issued.

### How can I establish paternity?

If both parents agree, they can sign an Acknowledgement of Paternity form immediately after the baby is born. Forms and information about establishing paternity are available from prenatal clinics, birthing centers, and hospital Birth Registrars. After the baby leaves the hospital, Acknowledgment of Paternity forms can be obtained from the Office of Child Support Enforcement or the New York City Department of Health and Mental Hygiene. If paternity cannot be established through the voluntary process, either parent can file a petition for a paternity hearing in family court.

### Can DNA testing be requested to prove paternity?

If there is any doubt about the identity of the father, DNA testing may be requested. Low cost (no cost in certain circumstances) DNA testing is available through New York State certified laboratories. At the lab, DNA samples will be taken from inside the cheek of the mother, father and baby. For more information or a referral for DNA testing, ask the Birth Registrar in the hospital or birthing center where the baby is born, or contact OCSE Paternity and Community Outreach services at (212) 487- 5837.

### Will I need a lawyer at the child support hearing?

If you are on public assistance, an attorney will be present at the hearing to represent the Commissioner of Social Services. That's because the Agency files for child support on behalf of children in receipt of public assistance. If you are not receiving public assistance, you do not need a lawyer in family court, but you may hire one if you wish.

**How is the amount of the child support order calculated?**

Child support orders are established in family court. It is best for both parents to attend the child support hearing and present their financial information. At the hearing in family court, the Support Magistrate will decide the amount of the child support order based on standards set by New York State. These standards use a fixed percentage of the non-custodial parent's adjusted gross income (gross income minus New York City taxes and FICA), and the number of children involved to determine the amount of the order.

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

The child support order must also include a plan for health insurance and payment of medical expenses for the child. This is called medical support. The child support order may also include costs for child care and education expenses.

**Can the amount of the child support order be changed?**

Child support orders can be changed over time. Orders may be increased by the Office of Child Support Enforcement without going to court, by adding a Cost of Living Adjustment (COLA) when the case becomes eligible. Orders may also be modified by filing a petition in family court if there is a change in circumstances. There will be a hearing in family court and the Support Magistrate will decide if a change to the order is necessary. Any change in the child support order will go back to the date that the petition was filed, not the date that the circumstances changed.

**How does OCSE collect child support payments?**

Most child support payments are collected automatically from payroll deductions or other sources of income and benefits like pensions, military allowances, social security and unemployment insurance. Non-custodial parents who are self-employed are directed to send certified checks or money orders to OCSE or they may pay their child support at participating Western Union locations for a small flat fee.

**Once the child support order has been established, how long will it take before I start receiving payments?**

After the court hearing, the child support order is entered into the statewide child support computer system. If there is a steady source of income, an income execution is sent to the non-custodial parent's employer or other income source, to begin making deductions. It takes approximately 6 to 8 weeks from the date of the hearing to receive the first payroll payment. However, payments are owed from the date the petition was filed in court. At the hearing, the non-custodial parent will be advised to send payments in to OCSE until the payroll deductions start. If that doesn't happen, the amount owed will be added on to the current payments until the account is paid up to date.

**If I get public assistance, can I still get child support payments?**

As a public assistance recipient you must cooperate with the child support program to establish paternity and a child support order. You will be able to keep the first \$50 collected each month in current child support. This is called a bonus, or pass-through payment. You will get the bonus payment on your EBT card the month after OCSE receives the child support payment. The bonus payment does not affect your cash benefits but may reduce your food stamp benefits.

**What will happen to my public assistance benefits if I don't cooperate with the child support program?**

If you do not provide all of the information required, your public assistance benefits may be sanctioned. If you are sanctioned, it means that your cash benefits may be reduced by 25% or you may lose Medicaid for yourself. The sanctions will not be lifted until you provide the specific information required for your case. If you do not want to cooperate with child support because you are afraid of physical or emotional abuse from the other parent, let the worker know. You will be referred to a domestic violence counselor who will decide if you are eligible for a waiver that will excuse you from some or all of the requirements to cooperate with the child support program.

**When my public assistance case closes, what happens to my child support case?**

OCSE is notified by HRA's Family Independence Agency (FIA) as soon as your public assistance case is closed. Your child support case is then changed over to non-public assistance status.

That means that you will still get all of the services offered by OCSE at no charge. All of the child support payments collected for current support will be sent to you as soon they are processed by OCSE. Once your are off public assistance, child support payments are sent to you by check or electronically by direct deposit to your bank or through the State's EppiCard Debit MasterCard program. OCSE may collect an additional amount if it was owed from the time when you were on public assistance.

**What happens if the non-custodial parent does not make the payments stated in the order?**

If payments fall behind, OCSE can increase the amount of the regular collections to make up for what is owed. If necessary, enforcement actions can be taken, including: seizure of bank accounts, income tax refunds and lottery winnings; suspension of drivers licenses; denial of new and renewed passports; denial of new and renewed business and professional licenses, and referral of cases for criminal prosecution. Before any of these things can happen, the non-custodial parent will receive a notice in the mail with instructions on what to do to stop the enforcement action. The non-custodial parent will have an opportunity to pay what is owed, enter into a payment plan with OCSE, or file an objection or challenge if the amount owed is incorrect. If the non-custodial parent is unable to pay due to a change in circumstances, petitioning the court to have the child support modified may be appropriate. If the non-custodial parent is unable to pay child support because of unemployment, he or she may be referred to STEP (Support Through Employment Program) for job training and placement through a community based organization.

**When do child support payments end?**

In New York State, the non-custodial parent is required to pay child support until the child reaches age 21. Support may stop earlier if it can be proven to the court that the child is emancipated. That means the child is not living with his or her parents and has a source of income, is in the military, or married. In some cases, support may continue past age 21 for education or medical reasons, if ordered by the court. The child support order will not be terminated if the non-custodial parent becomes incarcerated. If the support order was established in another state, the age of emancipation of that state will be followed.