



Child Support and You

Virginia Department of Social Services

Thank you for your interest in the Virginia Department of Social Services Division of Child Support Enforcement (DCSE). This booklet provides a brief overview of what we do, the services we provide, your rights and responsibilities, and how we can help both parents support their children.



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Child support can be voluntary or ordered by a court or by DCSE.

What is Child Support?

Child support is money paid by a parent to help support a child or children not in the parent's custody. This money is sent to the person who has custody of the child or children. Child support can be voluntary or can be ordered by a court or by DCSE.

Child support can include payments of money as well as health care coverage for the child or children.

Applying for Child Support Services

Who may apply?

You may apply for child support services if:

- You are the custodial parent or guardian of a child. A custodial parent (CP) is generally one who has physical custody and lives with the child.
- You are the noncustodial parent (NCP) of a child who lives with the CP or guardian. An NCP is usually a parent who does not have physical custody of the child.
- Your child is over 18, but you had a child support order established before the child turned 18, and you are owed past due child support.

If you currently receive Temporary Assistance for Needy Families (TANF), you do not have to complete an application. Your local Department of Social Services refers your information directly to us and a case is automatically opened for you.

How and where can I apply?

To apply for services, call the DCSE Call Center, write or visit the child support office serving your area and ask for an application package, or obtain an application from our website:

<http://www.dss.virginia.gov/family/dcse>

Once you have completed the application, mail or take it to the office serving your area. You can expect to hear from us in approximately three weeks.

What do I need to apply?

When you apply for services, you need to provide:

- Your picture ID,
- Your Social Security number and driver's license number,
- Each child's Social Security number,
- A copy of each child's birth certificate,

- A signed, notarized Acknowledgment of Paternity, if available,
- Copies of any previous child support orders,
- Copies of any child custody, protective or visitation orders,

DCSE also needs to know if you are in the process of getting a divorce and about any government help you have received and/or are receiving for you and/or your child. If you are receiving child support already through another state or a private child support collection agency, we need to know that as well.

Our ability to work on your case depends on your providing information about both the mother and father of the children for whom you are applying for child support, including:

- Full legal names,
- Dates of birth,
- Social Security numbers and driver's license numbers,
- Present address or past addresses,
- Current or last known employer's name and address,
- A recent paycheck stub for the NCP,
- Unions, professional associations, clubs or other organizations the NCP may belong to,
- Names and locations of the NCP's parents,
- Professional or occupational licenses of the NCP,
- The NCP's vehicle and license plate number,
- The NCP's assets – such as a house, boat or bank account.

What if I have a protective order?

Home and job information about both parents appear on all child support orders. If you have a protective order or concerns about your safety should the other parent know your whereabouts, please ask for an Affidavit of Nondisclosure or print it from our website. In most cases, arrangements can be made to prevent disclosure of residential and employment information.

What if I need help with the application?

If you need help completing the application, please call the DCSE Call Center at 1 (800) 468-8894.



Our ability to work on your case depends on your providing information...



Children respond to love and support from both parents. They need to know who their father is and that he cares about them.

Establishing Paternity

Establishing paternity means legally identifying the father of a child.

Why should I establish paternity?

There are many important reasons to establish paternity:

- Every child deserves a mother and a father.
- Paternity creates a legal relationship between the father and the child.
- Establishment of paternity is required to make the father legally responsible for child support.
- Paternity may provide legal benefits for your child, including a share of Social Security or veterans benefits if the father dies, becomes disabled or is already deceased; rights to any inheritance from the father; and rights to the father's health or life insurance benefits.

Establishing paternity can provide personal benefits for your child, such as:

- Self esteem – Children respond to love and support from both parents. Ideally every child needs to know his or her father and know that he cares.
- Family identity – When children know they are part of a family, they are likely to be more secure about who they are. Establishing paternity identifies the father's side of the family and may encourage contact with other family members, such as grandparents, uncles, aunts, and cousins.
- Health history – It is important for children and their health care providers to know the family's medical history, particularly genetic traits or histories of prevalent conditions or diseases.

How is paternity established?

A father can voluntarily acknowledge paternity by signing a form that states he is the father. The form is available at any Virginia child support office, most hospitals, local health department child clinics and the Vital Records office in Richmond. The form can be completed at any time following the birth of the child.

If the named father does not acknowledge paternity, or he denies being the father, a genetic test can be administered. If the named father refuses to take this genetic test, a court hearing will be scheduled and a judge will be asked to make a legal determination of paternity. Courts may require a

genetic test to establish paternity. Such testing requires genetic samples from the mother, father, and child. The sample is usually obtained by gently rubbing the inside of the mouth with a cotton swab.

If you were married when the child was born, your husband at the time is considered the presumed father and may be financially responsible for the child. If your husband does not believe he is the father, he has the right to ask the court to declare he is not the father.

How can the NCP be located?

Before establishing paternity, the NCP must be contacted. By law, NCPs must be given notice of any legal action being taken to collect child support from them, and they must be given a period of time to appeal the action if they disagree.

CPs as well as NCPs should keep DCSE informed of their contact information. It is very important for the CPs to make every effort to find the NCP or to help DCSE do so by providing any information that could be beneficial.

We have many locate resources available to us. When NCPs are found, we may notify them to come to DCSE or that legal action may be taken against them.

One resource available to DCSE is the Putative Father Registry. The registry allows any man who has engaged in sexual intercourse with a woman who may have conceived a child to register his name, address, phone number and other personal identifying information. We can access that information from the Registry to contact the NCP regarding paternity establishment.

When NCPs are found, we may notify them to come to DCSE or that legal action may be taken against them.

Establishing the Support Order

How is the support order established?

After paternity is legally established, work begins to establish a child support order. The support order will spell out exactly what the NCP must pay on a monthly basis to support his or her child or children. It may also order that health insurance coverage be provided by one or both of the parents. The support order also requires NCPs and CPs to report changes of their home or work addresses and telephone numbers.



If the named father does not acknowledge paternity, or denies being the father, a genetic test can be administered to determine whether he is the father.



Whenever possible, DCSE tries to establish child support orders administratively instead of taking the case to court because it is faster.

How is the support amount determined?

To set the amount of the child support order, Virginia uses the Child Support Guidelines approved by the Virginia General Assembly. Virginia's guidelines take into consideration such factors as the needs of the child and each parent's income. The guidelines are available at all public libraries, at child support offices throughout the Commonwealth, and on the DCSE website. The actual amount of the order will ultimately depend on the individual circumstances of your case.

Important factors that may affect the order include work-related child care expenses, child health care premiums, and other children for whom either parent is legally responsible. Only the incomes of the legal parents are considered and not incomes of current spouses.

Must a court establish the order?

No. It is not always necessary to go to court to establish a child support order. Virginia law allows many child support orders to be established administratively, which means that DCSE can establish an order for you. Whenever possible, DCSE tries to establish child support orders administratively instead of taking the case to court because this can be done more quickly.

Occasionally, the order must be established in court due to extenuating circumstances that a judge can consider when establishing the order. These are known as deviating factors. (An example of a deviation factor is when children have independent financial resources.) If an order is established administratively and extenuating circumstances exist, either parent may appeal the administrative order. All administrative support orders provide information about the appeal process. Keep in mind that all appeals must be made within 10 days of the date the order is received.

How is the support order served?

Once an administrative support order is entered it must be legally served on the NCP before it can take effect. In other words, until the NCP is legally served with a copy of the order, he or she is not legally required to begin making payments. Uncooperative NCPs sometimes flee to avoid being served. This requires DCSE to locate the NCP again. This problem does not occur with court orders, which are effective as soon as they are entered by the court.

Enforcing the Support Order

How is the support order enforced?

When the NCP fails to pay his or her child support order on a timely basis, DCSE will begin enforcing the order. Enforcement begins when payments are 30 days or more overdue.

Virginia has a number of ways to enforce support orders. The most common way is income withholding, which means that part of the NCP's paycheck is automatically taken out to pay child support. Income withholding can be used even if the NCP changes jobs or moves to another state.

For NCPs who do not receive a regular paycheck, who work for cash or commissions, or who are self-employed, there are other ways to collect support. The amount of arrears owed may determine the actions which can be taken. Collection actions may include:

- Intercepting state and federal income tax refunds,
- Placing liens on real or personal property,
- Reporting the NCP's child support debt to credit reporting agencies,
- Seizing other income or financial assets,
- Suspending Virginia driver's licenses.

In addition, notices are sent to encourage the NCP to pay. Taking the NCP to court for stronger enforcement measures also is possible, but this is usually not done until many of the above efforts have been tried.

What is review and adjustment?

- Review and adjustment means reviewing an administrative or court support order to see if the child support amount should be changed. Reviews are usually limited to once every 36 months from the date of entry of an order. DCSE will initiate a review of the order after 36 months in TANF cases. Otherwise, either parent can request a review of the support order for any of the following reasons:
- There is a change of at least 25 percent in either parent's gross income,
- The CP's work-related day care expenses change at least 25 percent,
- Medical support is not a part of the current support order,
- The support order does not include a provision for unreimbursed medical/dental expenses.



Review and adjustment means reviewing a child support order to see if the child support amount should be changed.



All states pursue child support across state lines. The process used by Virginia is based on the Uniform Interstate Family Support Act (UIFSA).

- The parent providing health insurance changes or the cost to provide health insurance changes at least 25%.
- A child needs to be added to, or removed from, the existing order.

All requests for review must be in writing and include a reason for the request. DCSE cannot conduct a review if the case involves arrears (past-due child support) only.

Not all reviews result in a change to the order, and the amount may not change as you think it will. A review may show the child support amount needs to go up, go down or stay the same. Look carefully at changes in your own income. Support is based on a percentage of your income as well as the other parent's. The review process can often take six months to complete.

We cannot always stop the review process once it has begun. Therefore, be certain you want a review before you request it.

Interstate and International Cases

What about interstate and international cases?

All states pursue child support across state lines. The process used by Virginia is based on the Uniform Interstate Family Support Act (UIFSA), which helps to establish paternity, establish child support orders and collect support from NCPs across state lines.

Interstate cases are often the most difficult and time consuming. The time it takes to finish an interstate action depends on the amount of information you can provide, how easily the other parent can be located, the type of action to be taken and whether the other parent cooperates. Most of all, it depends on the policies and procedures of the other state's child support agency. Many interstate actions can take a year or longer. You will be notified when interstate actions have been taken on your case.

If the NCP does not live in the United States, the case can be enforced only if we have an international agreement with the country where the NCP resides. For a list of these countries or more information about interstate or international cases, contact the DCSE Call Center.

Payment Information

How are payments received by DCSE?

DCSE receives child support payments in many ways:

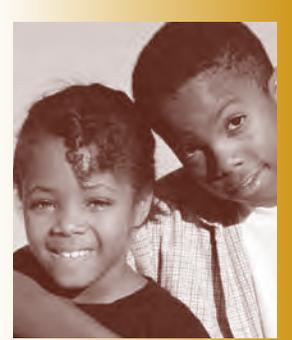
- Directly from the NCP,
- Withholding from paychecks or assets,
- Intercepting of income tax refunds,
- My Child Support Payments,
- From courts in other states and other agencies.

How are payments made by DCSE?

DCSE will disburse your child support payment to you within two business days of receiving a payment, as long as the payment is properly identified and due to you. With your authorization, payments may be deposited directly to your bank account.

By law, child support payments must be divided among all children for whom the NCP has support orders. When an NCP owes support to more than one family, the payments received are prorated among all of the NCP's families receiving DCSE services. Current support is paid first. If there is more than enough to pay all current support, any remaining amount is applied to past-due support.

You can get information on payments, arrearages and some of the recent actions on your case by calling our toll-free customer service number 24 hours a day, seven days a week, by dialing 1 (800) 468-8894. This is an automated system. You will need your case number and the last four digits of your Social Security number to get information about your case. The voice response system will tell you the last payment that posted to your account if a payment was posted within the last 45 days.



By law, child support payments must be divided among all children for whom the NCP has support orders.



As the CP, you can authorize the electronic deposit of your child support payments directly into your savings or checking account.

How do TANF benefits affect my child support?

If you are currently receiving TANF, payments must be distributed according to the following federal regulations:

- Up to the first \$100 collected in the current month is sent to you.
- This payment will not reduce your TANF grant, but it cannot exceed \$100 regardless of how many NCPs are paying child support for your cases.
- Any remaining money is applied to satisfy the state and federal shares of the current month's public assistance paid to you.
- Any remaining money is then applied to satisfy the state and federal shares of debt owed for past public assistance paid to you.

If you received TANF in the past, you will be paid your past-due child support before the state keeps any money to pay back public assistance paid to you, except for certain special collections.

Can payments be made by direct deposit?

Yes. A CP can authorize the electronic deposit of child support payments directly into a savings or checking account. With direct deposit:

- Payments are received faster because mailing is eliminated,
- Payments are not subject to being lost or stolen,
- The need to interact with the bank, either in person or by mail, is eliminated.

To learn more about direct deposit, or to sign up, simply call the DCSE Call Center or visit our website and select the Forms & Applications option.

What is the EPPICard or debit card?

The EPPICard is a debit card that may be used to receive child support or TANF payments.

- Payments are posted quickly and are available for use immediately.
- You can use the EPPICard to purchase items and receive cash back at any retail location that uses MasterCard or Maestro debit cards.
- You do not need a bank account to use the EPPICard.
- You can manage your account 24 hours a day/7 days a week at www.EPPICARD.com or by calling 1(800) 961-8423. Fees may be associated with certain transactions and/or usage.

Should the NCP make direct payments to the CP?

No, NCPs should not make payments directly to the CP if ordered to pay through DCSE. Further, CPs must not accept child support payments directly from the NCP. Any money paid by the NCP directly to the CP will be considered a gift by DCSE and the NCP will not receive credit for that payment. If the CP receives a support payment directly, the CP should not cash the payment. Forward the payment to:

DCSE
Virginia Department of Social Services
P.O. Box 570
Richmond, VA 23218-0570

What if I get money not due me?

If you are mistakenly sent a payment to which you are not entitled, DCSE will request that you return the money. If you do not respond, DCSE may keep future payments to recover the payments made in error.

What do I do if I lost my check?

DCSE can reissue a check that is lost, stolen, discarded or damaged as long as the check has not been cashed and a stop payment affidavit is completed. It may take up to six weeks to reissue a child support check that has not been cashed. Using direct deposit or a debit card will eliminate lost, stolen, discarded or damaged checks. A check that has been cashed cannot be reissued until an investigation is completed.

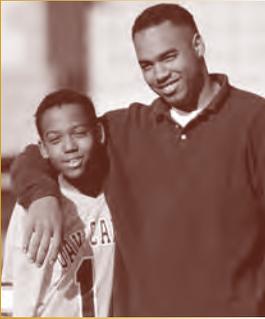
Are there fees?

DCSE may charge fees for certain items to either the CP or the NCP. We may charge the NCP for:

- DCSE’s use of an attorney,
- DCSE’s use of a private process server or sheriff to serve notice,
- Paternity tests,
- Intercepted tax refund processing,
- Bounced checks,
- Fees charged by other states when DCSE is enforcing a case for them,
- DCSE’s cost of seizing and selling property to pay past-due support,
- Copies of documents.



Using direct deposit will eliminate lost, stolen, discarded or damaged checks.



The best service DCSE can provide is to ensure that your child receives the child support ordered. Your cooperation is needed to do this.

DCSE may charge the CP for:

- Copies of documents,
- Paternity tests if the CP challenges the original test results,
- Fees charged by other states enforcing a case (if this occurs, the fees are deducted from child support payments),
- An annual fee of \$25 for each IV-D case when the CP has never received TANF and in which \$500 in child support has been collected and distributed. This fee applies every federal fiscal year (Oct. 1 - Sept. 30),
- A \$25 fee for services when the applicant reapplies for child support services within six months of requesting case closure.

Is interest charged?

DCSE charges interest on past-due support owed by any NCP whose support order was issued in Virginia. The same collection methods used to collect child support are used to collect interest. For orders issued in other states, DCSE uses that state's interest rate.

You Can Help DCSE



You can help us with all aspects of your case by doing the following:

- Whenever you have questions, call the DCSE Call Center number or visit the DCSE website.
- Use the DCSE website to obtain information and payment records.
- Write DCSE whenever your address, telephone number or employer changes. All address changes must be in writing and signed.
- Tell us whenever the other parent’s address, telephone number or employer changes.
- Promptly respond to requests for written information.
- Tell us if you are working with a private attorney or agency to collect your child support, and if the attorney or agency files any legal pleadings in court that deal with your child support. Make sure you tell the private attorney or agency that you have a case with us.
- Tell us of any important changes affecting your case, such as:
 - the child reaches 18 years of age, is adopted by someone else, graduates from (or no longer attends) high school, marries, no longer lives with you or dies,
 - the CP and NCP decide to live together or marry,
 - the NCP or CP goes to jail or dies.

Remember: The best service DCSE can provide is to ensure that your child receives the child support ordered. Your cooperation is needed to do this. The more information you can provide about yourself and the other parent, the better DCSE can help you.

Notify DCSE in writing about any change of address 30 days in advance of the change or about any intent to close your case.



DCSE cannot help with custody, visitation or property settlement issues.

Services DCSE Cannot Provide

Does DCSE provide all services related to child support?

There are some things DCSE cannot do.

- DCSE cannot help with custody, visitation or property settlement issues.
- DCSE cannot provide full services to collect spousal support (alimony), unless it is combined with a child support case and a child support order has been established for the NCP.
- DCSE cannot give legal advice.
- DCSE cannot provide you with an attorney or represent either parent in court. DCSE may be assisted by attorneys from the Attorney General's Office or private attorneys hired to represent DCSE. These attorneys represent the state and are not personal attorneys for either parent. If you want legal advice, you should consult a private attorney.
- DCSE cannot get a judgment against the NCP for uninsured medical bills. You may petition the court to do this yourself. If you have a court judgment that orders the NCP to pay a certain dollar amount for medical bills, DCSE can work to enforce that judgment.
- DCSE cannot enforce a child support order that does not have a specific start date, dollar amount and children identified.
- DCSE cannot collect child support from a parent who has no income. It is not our purpose to "punish" CPs or NCPs, but to collect child support. The best way to accomplish this is to keep the NCP in the workplace and earning an income.
- DCSE has no authority over the court's rulings.
- DCSE has no authority to arrest or jail a noncustodial parent.
- DCSE cannot guarantee results. We want your children to receive the child support they deserve, but we can promise only that we will take appropriate actions on your case to collect support.
- DCSE makes the final decision about the actions to be taken on your case. If you want a legal action or service we don't provide, or if you want to decide how your case is worked, you may want to hire a private attorney.

Other Information

Additional Rights and Responsibilities

What are the rights of applicants/recipients?

As a recipient of DCSE services, you have the right to:

- Receive notice regarding major decisions about your case,
- Appeal decisions made on your case if you do not agree with them. Check with our DCSE Call Center or visit our website for information on how to file an appeal,
- Be informed periodically about the progress of your case,
- Receive prompt payment of your collected child support,
- Receive copies of notices and orders pertaining to your case,
- Receive timely notices of scheduled hearings and copies of decisions made in court or in administrative hearings,
- Participate in hearings held on your case, including those held in other states,
- Close your case if it is not active to TANF.

If you are a TANF recipient, you have the additional rights to:

- Receive full DCSE services upon termination of TANF benefits, unless you request in writing that your DCSE case be closed.
- Tell your TANF worker and DCSE worker if you believe you have good cause for not pursuing your child support case. For example, if you believe it would result in physical or emotional harm to you or your child.

What are the responsibilities of applicants/recipients?

- Provide any information necessary to locate the NCP to establish paternity, if needed, and to establish or enforce a support obligation. Priority is placed on cases where DCSE has employment information about the NCP.
- Notify DCSE in writing about any change of address 30 days in advance of the change or about any intent to close your case.
- When DCSE asks, complete a written document that details your earnings, number of dependents and expenses, and supply all necessary documentation.



Unless good cause is determined by a local Social Services agency, your child support case cannot be closed if you are receiving TANF benefits.



A response will be supplied in a timely manner consistent with State and federal law.

What are the rights of DCSE?

DCSE has the right to summons you to appear at one of its district offices to provide information needed to pursue child support or paternity establishment.

DCSE also has the right to close your case when:

- Genetic tests exclude the alleged father,
- The NCP cannot pay support because he is institutionalized in a psychiatric facility, is incarcerated past the emancipation date of the youngest child, is medically verified to be totally and permanently disabled with no evidence of support potential, or is deceased with no attachable assets,
- The only service being provided is locating the NCP and this service has been completed,
- You provide a written request that the case be closed, and there is no arrearage owed to the state,
- There has been a finding by a local social services agency that enforcement of support may cause risk or harm to you or the child,
- We determine that you failed to cooperate with DCSE when your cooperation was needed for the next step in providing services,
- DCSE is unable to contact you despite sending two letters 60 days apart to your last known address.

Please note: Unless good cause is determined by a local social services agency, your child support case cannot be closed if you are receiving TANF benefits.

What are the responsibilities of DCSE?

- Act in a way within its policies that is in the best interests of the child. Inform CPs and NCPs of any administrative or judicial proceedings in their cases and tell them about the nature, date and location of such proceedings.
- If you want DCSE to close your case, DCSE must give the NCP written notice before payments can be sent to you directly.
- Inform CPs who receive TANF that a debt owed to the Commonwealth for public assistance may be paid before any obligation is payable to the CP.



- Provide periodic notice to CPs who receive TANF of the amount of support payments collected and distributed during the calendar year, within 60 days after the end of the calendar year.
- Respond to requests from the CP or NCP for information that is in DCSE case records. Such requests should be made to the district office serving your area.

What are the rights of NCPs?

- Due process under the law. Due process includes notice of child support enforcement actions being taken. Virginia law allows an NCP to appeal most actions taken by DCSE.
- Receive notice from DCSE when there is a change in where payments are to be sent.
- Request a review of the child support obligation.
- Apply for DCSE services, if desired.

What are the responsibilities of NCPs?

- Notify DCSE in writing if the address or employer has changed.
- Complete a statement that details earnings, number of dependents and expenses, and to supply all necessary documentation when requested by DCSE.
- Pay as ordered.

Visit our website: <http://www.dss.virginia.gov/family/dcse> for a current listing of our District Office locations.





VIRGINIA DEPARTMENT OF
SOCIAL SERVICES

DIVISION OF CHILD
SUPPORT ENFORCEMENT

DCSE Program Services
801 East Main Street
Richmond, VA 23219
1 (800) 468-8894 (toll free)
1 (804) 692-1438 (fax)

The hearing impaired may contact us
by dialing 1 (800) 828-1120

Visit our website for general information regarding
child support and select case and payment information:

www.dss.virginia.gov/family/dcse