

# CHILD SUPPORT AND YOU



Thank you for your interest in the Division of Child Support Enforcement. This booklet gives an overview of what we do, the services we provide, your rights and responsibilities and how we can help both custodial and noncustodial parents support their children.

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## 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 is one who lives with the child.*)
- You are the noncustodial parent of a child who lives with the custodial parent or guardian. (*A noncustodial parent is one who does not live with 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) or Medicaid, you do not have to complete an application. The local Department of Social Services refers your information directly to us, and a case is automatically opened for you.

### How And Where To Apply

To apply for services, call or write the child support office serving your area and ask for an application package. Office addresses, telephone numbers, and areas served are listed on this web page under the “district offices” link.

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 3 weeks.

### What You Need To Apply

When you apply for services, we need:

- Your picture ID.
- Your social security number.
- Your child’s social security number.
- A copy of your child’s birth certificate
- Copies of any previous child support orders.
- Copies of any child custody, protective or visitation orders.
- Your most recent paycheck stub.
- To know if you are in the process of obtaining a divorce.
- To know of any government assistance you have received for you or the child.

Our ability to work your case efficiently depends on your providing certain information about the parents of the children for whom you are applying, including:

- Full legal name.
- Date of birth.
- Social Security number.
- Present address or past addresses.
- Current or last known employer's name and address.
- A recent paycheck stub from where the noncustodial parent works.
- Unions, professional associations, clubs or other organizations the noncustodial parent may belong to.
- The names and locations of the noncustodial parent's parents.
- Professional or occupational licenses the noncustodial parent may have.
- The noncustodial parent's vehicle and license plate number.
- Any assets the noncustodial parent owns, such as a house, boat or bank account.

***If You Have  
Concerns...***

As a rule, residential and employment information about both parents appears on all child support orders. If you have a protective order, or concerns about your safety should the other parent know your whereabouts, please mention this to your case worker. In most cases, arrangements can be made to prevent residential and employment information from being disclosed.

***Need Help  
With The  
Application***



If you need help completing the application, please call the customer service number of the district office serving your area. If your questions cannot be answered over the phone, the office will schedule an appointment to help you complete the application.

## **ESTABLISHING PATERNITY**

Establishing paternity means legally identifying the father of a child.

### **Why 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.
- Paternity is required to make the father legally responsible for paying child support.
- Paternity may provide legal benefits for your child, such as:
  - ◆ A share of social security, disability or veterans benefits if the father dies, becomes disabled or is already deceased.
  - ◆ Rights to any inheritance from the father.
  - ◆ Rights to the father's medical or insurance benefits.

Establishing paternity provides personal benefits for your child, such as:

- Self esteem. Children respond to love and support from both parents. They need to know who their father is and that he cares about them.
- Family identity. When children know they are part of a family, they are likely to be more secure about who they are and where they come from. Establishing paternity identifies the father's side of the family, and may encourage contact with other family members, such as grandparents, uncles, aunts or other relatives.
- Health history. It is important for children---and your children's doctor---to know their family's medical history, particularly genetic traits or histories of prevalent conditions or diseases.

If the child is born of a marriage, the husband is considered the legal father, and is financially responsible for the child. If the husband does not believe he is the father, he has the right to ask the court to declare he is not the father.

**How Is Paternity Established?**

A father can acknowledge paternity voluntarily 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 anytime following the birth of the child.

If the named father does not acknowledge paternity, or denies being the father, we can administer a genetic test to determine whether or not he is the father. If the named father refuses to take our genetic test, a court hearing will be scheduled, and a judge will make a legal determination about who the father is. Courts may *require* a genetic test to establish paternity beyond any doubt. The mother, the child and the named father usually all take the test.

If the named father does not appear at the court hearing, the judge may rule there is enough evidence to declare he is the father for the purpose of collecting child support.

**Locating The Noncustodial Parent**

Before we can establish paternity, we must contact the noncustodial parent. By law, noncustodial parents *must* be given notice of the 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.

Our ability to contact the noncustodial parent depends upon your full cooperation. It is very important for you to make every effort to find the noncustodial parent yourself, or to help us by providing any information we may need.

We have many locate resources available to us, but we are not detectives. We are not able to look for noncustodial parents by patrolling around town or doing a “stakeout.”

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

## **ESTABLISHING THE SUPPORT ORDER**

After paternity is legally established, we can begin to establish a child support order. The support order can include both financial support and health insurance coverage, and spells out exactly what the noncustodial parent must pay on a monthly basis to help support his or her child. The support order also requires noncustodial and custodial parents to report changes to their home or work address or phone number.

### ***Determining The Amount Of The Order***

To set the amount of the child support order, Virginia uses the child support Guideline approved by the Virginia General Assembly. Virginia's Guideline takes into account such things as the needs of the child, and each parent's income. The Guideline is available at all public libraries and child support offices throughout the Commonwealth. The actual amount of the order will ultimately depend on the individual circumstances of your case.

Important information that may affect the order includes:

- Work related child care expenses.
- Child health care expenses.
- Other children.

### ***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 we can arrange it for you. Whenever possible, we try to establish child support orders administratively instead of taking the case to court, because it is faster.

If the noncustodial or custodial parent contests the actions being taken by us, an appeal process is available.

***Serving the  
Support Order***

Once the support order is established, it must then be legally served on the noncustodial parent *before* it can take effect. In other words, until the noncustodial parent is legally served, he or she is not legally required to begin making payments. Uncooperative noncustodial parents sometimes flee to avoid being served. This requires DCSE to locate the noncustodial parent all over again.

## **ENFORCING THE SUPPORT ORDER**

Unfortunately, just because parents have been identified and served with a child support order, it does not mean they are always willing to pay. When the noncustodial parent fails to pay his or her child support order on a timely basis, we will usually begin proceedings to enforce the order. Typically, enforcement proceedings begin when payments are 30 days overdue.

### ***How Is The Support Order Enforced?***

Virginia has a number of options it can use to enforce support orders. The most basic option is income withholding, which means that a portion of the noncustodial parent's paycheck is automatically taken out and applied to the child support order. Income withholding can be used even if the parent changes jobs or moves to another state.

For noncustodial parents who do not receive a regular paycheck, or who work for cash or commissions, or are self-employed, we can use other ways to try and collect support. Some of these ways may include:

- 1) Intercepting state and federal income tax refunds.
- 2) Placing liens on real or personal property.
- 3) Reporting the noncustodial parent's child support debt to credit reporting agencies.
- 4) Garnishing other income or financial assets.
- 5) Suspending Virginia driver's and occupational licenses of those who have child support debts.

In addition, we may generate notices to encourage the noncustodial parent to pay. Taking the noncustodial parent to court for stronger enforcement measures is also an option, but this option is usually not taken until many of the above efforts have been tried.

## ***Review And Adjustment***

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

Either parent can request a review by sending the district office a written request for review. Reasons for requesting a review may include:

- When there is a change in the employment status of either parent.
- When there is a change of at least 25% in the gross income or work related daycare expenses of either parent.
- When medical support is not a part of the current support order.
- When extraordinary medical expenses for the children occur.
- When a change in the family's size occurs.
- When the party providing medical support changes.

We limit reviews to one every 36 months, unless certain very specific conditions are met. DCSE's customer service representatives can advise you of these conditions.

We cannot conduct a review if the last or only child on the order will turn 18 *and* graduate from high school within 6 months of the request.

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**, **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.

We cannot always stop the review process once it has begun, and the process usually takes at least 6 months to complete. Therefore, be certain you want a review before you request it.

## ***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. This act helps us to establish paternity, establish child support orders, and collect support from noncustodial parents across state lines.

This type of child support case can be the most difficult and time consuming to pursue. The time it takes to complete an interstate action depends on the amount of information you can provide us, how easily the other parent can be located, the type of action to be taken and whether the other parent objects to the action. Most of all, it depends on the policies and procedures of the other state's child support office. **Many interstate actions can take a year or longer.**

If the noncustodial parent does not live in the United States, the case can only be enforced if we have an international agreement with the country where the noncustodial parent lives. You can get a list of countries we have agreements with by calling your area's customer service number.

We will notify you in writing when significant interstate actions have been taken on your case.

For more information about interstate or international cases, contact the customer service representative in your area.

## **PAYMENT INFORMATION**

You can obtain payment and arrearage information, and information on recent actions on your case by calling any of our district office toll free customer service numbers 24 hours a day, seven days a week, or by dialing the following number:

**1-800-468-8894 (Nationwide)**

You will need your case number and the last 4 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.

### **Payments**

We receive child support payments in many forms:

- Payments direct from the noncustodial parent.
- Withholding from paychecks or assets.
- Intercepting income tax refunds.
- Payments from out of state courts and agencies.

We will mail your child support check to you within 15 days or less of our receiving a payment.



If there is more than one family with a current support order, each family receives some support. Child support payments are divided among all children for whom the noncustodial parent has support orders. When a noncustodial parent owes support to more than one family, the payments received **are prorated among all families receiving DCSE services**. Current support is paid first. If there is more than enough to pay all current support, DCSE will then look at past-due support. If you are a non-TANF client, and have never received TANF benefits, your share of any payment is immediately disbursed to you. If you formerly received TANF benefits, you will be paid your past-due support before the state retains any payments to reimburse itself for the public assistance paid to you.

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

- Up to the first \$50 collected in the current month is sent to you. This payment will not reduce your TANF grant, but it cannot exceed \$50 regardless of how many noncustodial parents are paying child support to your case.
- 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.

### ***Direct Deposit***

You can authorize the Department of Social Services to electronically deposit your child support payments directly into your savings or checking account. With Direct Deposit:

- You receive your payment faster because mailing is eliminated.
- Your payment cannot be lost or stolen.
- You save a trip to the bank.

To learn more about Direct Deposit, or to sign up for it, simply call the customer service number serving your area.

### ***Direct Payments To The Custodial Parent***

Do *not* accept child support payments directly from the noncustodial parent or any other source. If you receive a support payment directly, **do not cash the payment**. Send the payment to us at:

DCSE  
P.O. Box 570  
Richmond, VA 23218-0570

Any money paid directly by the noncustodial parent to the custodial parent or children may be considered a gift, and may not be credited to the child support obligation.

***Recovering Payments Made In Error***

If you are mistakenly sent a payment to which you are not entitled, we will request that you return the money. **If you do not respond to our notice, we may keep payments owed to you.**

***Reissuing a Child Support Check***

We can reissue a check that is lost, stolen, discarded or damaged, as long as the check has not been cashed. A check that has been cashed cannot be reissued until an investigation is conducted. It may take up to 6 weeks to reissue a child support check.

***Fees***

We may charge fees for certain items to either the custodial parent or the noncustodial parent. We may charge the noncustodial parent for such items as:

- Our use of an attorney.
- Our 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 we are enforcing a case for them.
- Our cost of seizing and selling property to pay past-due support.
- Copies of documents.

We may charge the custodial parent for such items as:

- Copies of documents.
- Paternity tests, if the original paternity test results are challenged by the custodial parent.
- Fees charged by other states enforcing a case. If this occurs, the fees are deducted from child support payments.

***Interest***

We charge interest on overdue support owed by any adult noncustodial parent. The same collection methods used to collect child support are used to collect interest.

## **HOW YOU CAN HELP US**

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

- Whenever you have questions, call the customer service number serving your area.
- If you plan to visit your child support office, call customer service to schedule an appointment.
- Write us whenever your address, telephone number or employer changes. All address changes *must* be in writing.
- 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, agency or court that you have a case with us.
- Remember: the best service we can provide is to ensure that your child receives the ordered child support. We need your cooperation to do this.

Tell us of any important changes affecting your case, such as:

- The child reaches 18 years of age.
- Someone else adopts the child.
- The child graduates from (or no longer attends) high school.
- The child marries.
- The child no longer lives with you.
- The child dies.
- The custodial and noncustodial parent decide to live together or marry.
- The custodial or noncustodial parent goes to jail.
- The custodial or noncustodial parent dies.

The more information you can provide about yourself and the other parent, the better we can help you.

## **SERVICES WE CANNOT PROVIDE**

While we will do our best to help you, there are some things we cannot do:

- We cannot give you legal advice.
- We cannot provide you with an attorney, nor do we represent either parent. We may be assisted by attorneys from the Attorney General's Office or from a Commonwealth Attorney. They represent the state and are not personal attorneys for either parent. If you want legal advice, you should consult a private attorney.
- We make 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 use a private attorney or agency.
- We cannot address custody, visitation, or property settlement issues.
- We cannot get a judgment against the noncustodial parent for uninsured medical bills. (However, if you have a court judgement that orders the noncustodial parent to pay a certain dollar amount for medical bills, we *can* work to enforce that judgment.)
- We cannot enforce a child support order that does not have a specific start date, dollar amount, and children identified.
- We 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 noncustodial parent.
- We cannot collect child support from a parent who has no income. Our purpose is to collect child support. The best way to accomplish this is to keep both parents in the workplace and earning an income.
- We have no authority over the court's rulings.
- We have no authority to arrest or jail a noncustodial parent.
- We cannot guarantee results. We want your children to receive the child support they deserve, but we can only promise that we will take all available actions appropriate for your case to collect support.

## **ADDITIONAL RIGHTS AND RESPONSIBILITIES**

The information presented in this booklet includes some of the rights and responsibilities of custodial parents, noncustodial parents and DCSE. There are additional rights and responsibilities for each of the parties involved in a child support case. The following section includes additional rights and responsibilities, some of which DCSE is required by regulations to inform all parties of.

### ***Rights of Applicants / Recipients***

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

- Receive prior notice regarding major decisions about your case.
- Be informed periodically about the progress of your case.
- Receive copies of relevant notices and orders pertaining to your case.
- Receive timely notices of scheduled hearings and copies of decisions made in court or administrative hearings.

If you are a Temporary Assistance for Needy Families (TANF) recipient, you have the right to:

- Receive full DCSE services upon termination of TANF, Medicaid or Children's Medical Security Insurance Program (CMSIP) benefits, unless you request in writing that your DCSE case be closed.
- Tell your TANF or Medicaid 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.

### ***Responsibilities of Applicants / Recipients***

Recipients are expected to:

- Provide any information that may be necessary to locate the noncustodial parent to establish paternity, if needed, and to establish or enforce a support obligation. Priority is placed on cases where DCSE has employment information on the noncustodial parent.
- Notify DCSE in writing regarding any change of address 30 days in advance of the change. If you need assistance in this matter, DCSE's customer service can help you.
- If you want DCSE to close your case, DCSE must give the

noncustodial parent written notice before payments can be sent to you directly.

### ***Rights of DCSE***

DCSE has the right to:

- Summons you to appear at one of its district offices to provide information necessary to pursue child support or paternity establishment.

DCSE has the right to close your case when:

- Genetic tests exclude the alleged father, and no other alleged father can be identified.
- The noncustodial parent cannot pay support because he is institutionalized in a psychiatric facility, is imprisoned with no chance of parole, 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 location of the noncustodial parent, 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.
- DCSE determines that you failed to cooperate when your cooperation is essential 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 office, your case cannot be closed if you are receiving TANF or Medicaid benefits.

### ***Responsibilities of DCSE***

DCSE has the responsibility to:

- Act in a manner consistent with the best interests of the child.
- Inform you of any administrative or judicial proceedings in your case and advise you of the nature, date and location of such

proceedings.

- Inform you that a debt owed to the state for public assistance paid to you may be satisfied first.
- Provide notice to you---if you 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 your requests for information from your DCSE case record. Such requests should be directed to the district office serving your area. A response will be supplied in a timely manner consistent with the Virginia Privacy Protection Act and the Freedom of Information Act.

***Rights of  
Noncustodial  
Parents***

The noncustodial parent has the right to:

- Due process under the law. Due process includes notice of child support enforcement actions being taken. Virginia law allows a noncustodial parent to appeal most actions taken by DCSE.
- Receive notice when there is a change in where payments are sent.
- Request review of the child support obligation.

***Responsibilities  
of Noncustodial  
Parents***

Noncustodial parents are required to:

- Notify us in writing if your address or employer has changed.
- Complete a statement that details earnings, number of dependents and expenses, and to supply all necessary documentation.

# NOTES





**PEOPLE HELPING PEOPLE**

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**DEPARTMENT OF SOCIAL SERVICES**

**An Equal Opportunity Agency**

**The Virginia Division of Child Support  
Enforcement prohibits discrimination in all its services  
on the basis of race, color, national origin or handicap.**

**Virginia Department of Social Services  
Division of Child Support Enforcement  
730 East Broad Street  
Richmond, Virginia 23219  
[www.dcse.dss.state.va.us](http://www.dcse.dss.state.va.us)**

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