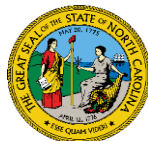


NORTH CAROLINA CHILD SUPPORT SERVICES HANDBOOK



**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF SOCIAL SERVICES**

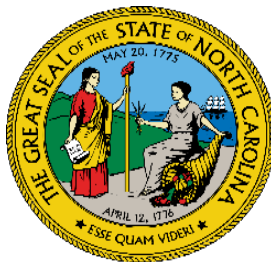
North Carolina Child Support Services Handbook

State of North Carolina
Roy Cooper, Governor

NC Department of Health and Human Services
Kody H. Kinsley, Secretary
www.ncdhhs.gov

Division of Social Services
Phone: (919) 855-4500
www.ncdhhs.gov/dss

Child Support Services
PO Box 20800, Raleigh, NC 27619
Phone: (919) 855-4755 ♦ Toll Free (800) 992-9457
www.ncchildsupport.ncdhhs.gov



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I. INTRODUCTION

The purpose of this handbook is to provide general information about the North Carolina Child Support Services Program. We hope that this handbook will benefit individuals that are in need of child support, have been asked or ordered to pay child support, or employs someone who pays support.

Some terms in this publication are defined or further explained in the glossary, beginning on page 34. These terms appear in ***bold italic*** type each time they are used.

The Child Support Services (CSS) Program

In 1975, federal law required that all states establish programs to aid in the establishment and collection of child support, ensuring that both parents support their children. The North Carolina Child Support Services (**CSS**) program is administered by the North Carolina Department of Health and Human Services, Division of Social Services. Local child support offices, many of which are located in county Departments of Social Services, serve each county in the state.

Services Available Through CSS

Child Support Services offers assistance in the areas of:

- ***Location of noncustodial parents***
- ***Paternity*** establishment for children born outside of marriage
- Establishment of support ***obligations***
- Collection and distribution of support
- Enforcement of support ***obligations***

The **CSS** program is not authorized to help with some issues that may seem similar to child support, such as custody, visitation, or property settlements. You may want to contact a private attorney to discuss these concerns.

Certain child support services are offered by private attorneys and the county Clerk of Superior Court. To learn more about what assistance is available, you may contact these offices individually.

For more information about the program

The following resources are available to answer questions about the **CSS** program:

Phone: 1-800-992-9457 toll-free

Internet: www.ncchildsupport.ncdhhs.gov
www.ncdhhs.gov/divisions/social-services/child-support-services

To request services from CSS

Services are available to anyone, regardless of income, who is the **custodian** responsible for a child, who is a **noncustodial parent**, or who is owed **arrear**s from a court order in which ongoing support has ended.

Families who receive public assistance through Temporary Assistance for Needy Families (**TANF**) are automatically referred to the local **CSS** office. Cooperation with efforts to pursue **paternity** and support is required as a condition of eligibility for assistance.

If you do not receive public assistance, you may apply for services by completing an application and paying an application fee at a local **CSS** agency, contacting our Customer Service Center at 1-800-992-9457, Monday through Friday, 7:30 a.m. until 5:30 p.m. to request that a representative mail you a Child Support Services Application (DSS-4451), completing your application online at www.ncchildsupport.ncdhhs.gov, or downloading the application from the DSS website located at: www.ncdhhs.gov/divisions/social-services/child-support-services.

What is my role in the child support process?

If you are a *custodian* of a child and are seeking help:

- Respond to all requests for information, appear for interviews and court hearings, and submit to **paternity testing**, if necessary.
- Give the caseworker as much information about the noncustodial parent as you can. Some items that are very helpful include, but are not limited to:
 - Name(s), address(es), telephone phone number(s), Social Security number
 - Current and/or former employers' names and addresses
 - Divorce, separation, protective or child support orders
 - Income information, such as tax returns, bank account(s), pay stubs, professional licenses, and property records
 - Names of friends, relatives, and/or organizations that may have information
 - If **paternity** is at issue, your child's birth certificate plus any form, letter, or card that may indicate parenthood
- Notify the Child Support Services office of any changes in your status, such as name, address, custody of the child, and desire for continued services.
- Cooperate with the **CSS** office. If you are a **TANF** or Medicaid recipient, failure to cooperate may result in a loss of benefits. Cooperation is required unless you are granted a waiver for **good cause** by that program.
- Stay involved in your case. Ask questions when you need to understand something. Work with your caseworker. A team effort produces the best results.

I am afraid that my child's father will be angry or even violent if asked to pay support. Do I have to give his name to get TANF assistance?

Make your **TANF** caseworker aware of your concern. You may be able to claim **good cause** for not cooperating with the child support office. Your **TANF** caseworker will explain how to make a claim. If your claim is approved by the public assistance program, you may be entitled to receive assistance without providing information to the **CSS** agency.

How can I apply for child support services?

If you would like to apply for child support services, you may contact our Customer Service Center at 1-800-992-9457, Monday through Friday, 7:30 a.m. until 5:30 p.m. A representative will mail you a Child Support Services Application (DSS-4451).

You can also download this application from the DSS website located at: www.ncdhhs.gov/divisions/social-services/child-support-services, complete an online application at www.ncchildsupport.ncdhhs.gov, or you may apply for services by completing an application and paying an application fee at a local **CSS** agency.

You must fully complete the Child Support Services Application. Read all the information, fill in all of the blanks, and sign and date in the three areas that require a signature. An unsigned application cannot be processed. Once you have completed the application and attached any required documents, you can submit them to the local child support office in the county in which you reside.

Are there any additional documents that I should send in with my application?

Please include with your application any copies of paternity, child support and/or divorce orders, and/or separation agreements.

Is there an application fee?

Non-public assistance applicants are required to pay a nonrefundable application fee of \$25 before child support services can be provided. This fee may be reduced if the applicant is indigent.

What if I cannot afford to pay the application fee?

You may qualify for a reduced fee. Ask about this when you apply for services. Likewise, if you are receiving any government assistance, please inform the office as you may not have to pay the application fee or may have a reduced application fee.

Are there any other fees that I will be required to pay?

If you have never received public assistance, you may be assessed an **annual fee for services** of \$35. Contact the **CSS** office in your area to determine if your case meets the criteria for the fee.

I am a father and I have custody of my child. Can I get child support from the mother?

Child support services are available to all **custodians**, regardless of gender or relationships. This includes fathers, guardians, grandparents, aunts, etc.

I have a court order for child support in the county where I used to live. Should I go to the Child Support Services office in that county or the one where I now live to get help enforcing my order?

You may apply for services in any **CSS** office that you choose. Depending on what services are needed, you will be advised which is the better place for your case to be handled.

My ex-husband and I have both moved from the county where our divorce order was entered. Do I have to get a new child support order where I live now to collect support, even though child support is in the divorce order?

No, it is possible to enforce an existing order, even when no one still lives in the area. Contact the **CSS** office in your area to determine what is best for your case.

* * * * *

If you are the parent being asked to pay support for your child:

- Respond to all requests for information and appointments. Failure to acknowledge a request may lead to court action.
- Notify the **CSS** office of any changes in your status such as name, address, telephone number, employment, or custody of your child.
- Ask questions when you need information. The child support staff will provide any information they can to help you through the process.
- Know your rights. The Child Support Services agency cannot provide you with an attorney or legal advice; however, you have the right to seek legal counsel.

I know I need to support my child(ren), but it isn't fair that my ex-wife will not let me see my child(ren).

The **CSS** agency cannot help you with this; however, you may want to consult with an attorney about visitation.

Why does the Child Support Services office want to know so much information about me?

They need to know how to contact you whenever necessary. They must ask for financial information to determine the amount of support you are required to pay. It is always important to understand the complete situation to best determine the needs of a family.

Are there any other fees I will be required to pay?

You may be asked to pay some or all cost of **paternity testing**. When support is established voluntarily, there is a small fee due for filing the documents with the Clerk of Court.

* * * * *

If you are an employer whose employee is expected to pay support:

- You could be asked to provide information to verify the employment, wages, and other information about the employee, as requested.
- You are required to withhold and send in child support payments from the earnings of the employee.
- You may be required to enroll the child(ren) in your medical plan and deduct premiums.
- Under certain circumstances, it may be necessary for you to attend a court hearing.
- You are required by North Carolina law to report the hiring of new employees, whether or not they pay child support. This reporting is used by **CSS** to locate parents to establish or collect support.

* * * * *

The Child Support Services agency's role is to:

- Gather all available information from individuals and other agencies.
- Evaluate the case and determine the support activities to be pursued.
- Contract with attorneys to represent cases in civil court actions. These attorneys represent the agency and not the individual client in a case.
- Work with all parties in a case, providing information or explanation of case activities when appropriate.
- Keep information received by the agency confidential. Only information that is public record may be divulged. (**CSS** is required by North Carolina law to list social security numbers of all parties involved in a child support case on documents that establish *paternity* and support.)
- Abide by federal and state laws and regulations in handling child support cases. The use of automation increases the speed and accuracy of information gathering, taking actions, and disbursing support payments for children.
- Continue providing necessary services to all cases after termination of public assistance, unless the client requests that services not be provided and there are no amounts owed to the state.

* * * * *

II. FINDING THE NONCUSTODIAL PARENT

The **noncustodial parent** must be located before any actions to establish paternity, establish support, or enforce a child support order can take place.

While some of the questions asked may seem irrelevant or appear not to have any link with the child support case, collecting and identifying information on the parent increases the success rate in the **location** process.

The primary source of information about the **noncustodial parent** is the **custodian**. The date of birth, Social Security number, address, employer, and vehicle ownership information can assist the Child Support Services (**CSS**) agency in locating the **noncustodial parent**. A person may have various types of licenses, such as driver, professional/occupational, hunting and fishing licenses, which can provide information for **location** purposes.

The **custodian's** assistance in providing information is critical for **location** success and proceeding with the next step in the child support process.

What if I don't know much about the noncustodial parent – we were only together a short amount of time?

You may know more than you think. Where did you meet? Did the **noncustodial parent** speak of the type of work he/she did? Do you have mutual friends who may have information? Think about the conversations you had. You may remember small things to help in locating the parent.

The noncustodial parent moved out of state. How can the child support agency locate him/her?

The **CSS** program can access information from both state and national computer databases to assist in **location** efforts. In addition, **CSS** offices in other states can assist in **location** and pursuing support.

Are there any documents the child support agency can use to help locate the noncustodial parent?

Yes. Any documents you find concerning the **noncustodial parent** may be used to complete our **location** effort. For example, letters, employment related documents, and/or tax or insurance documents can be used.

Is the child support office always able to locate the noncustodial parent?

No. The more information we have increases our ability to locate an individual. Social Security number, date of birth, and the first, middle, and last name of the individual are vital to a successful ***location***.

III. ESTABLISHING PATERNITY FOR A CHILD

A critical step in a child's life is determining the child's father. Establishing the legal responsibility of a father for his child ensures certain rights for the child, such as a greater sense of identity and possible knowledge of the father's family medical history and to Social Security, insurance, and military benefits. A child support **obligation** cannot be established for a child who is born to unmarried parents unless the **alleged father** acknowledges **paternity** or is proven to be the father.

Identifying the **legal father** of a child may be done by voluntary acknowledgment of **paternity** or by court order.

The most convenient time for parents to establish **paternity** for their child is in the hospital when the child is born. To voluntarily establish paternity, both parents must sign an **Affidavit of Parentage**. When this document is filed with North Carolina Vital Records, the father's name can be entered on the birth certificate. Brochures and videos that provide more information on **paternity** establishment are available in the hospital.

Paternity testing is recommended if there are doubts regarding the father's identity. DNA testing, the most frequently used type of testing, is highly accurate in determining the probability that a man is the father of a child. A popular method uses tissue swabbed from the inside of the cheek. Test results may provide peace of mind to parents establishing **paternity** voluntarily or may be presented as evidence in legal proceedings to establish paternity.

If **paternity** is not established voluntarily, legal action may be filed with the courts. A formal **complaint** is served upon the **alleged father**, initiating court action. A court hearing is held, and the court enters an order establishing paternity.

What are the benefits of establishing paternity?

A child gains legal rights and privileges. **Paternity** imposes a duty of support on the father.

Will the father's name be placed on the birth certificate?

Yes. When the natural mother and **biological father** sign an **Affidavit of Parentage**, which is filed with N.C. Vital Records, the father's signature gives his permission for his name to be entered on the birth certificate. If **paternity** is established by court order, Vital Records is notified to include the father's name in the birth record.

If the father is unable to sign the Affidavit of Parentage in the hospital, can it be done at a later time?

Yes. The ***Affidavit of Parentage*** may be signed at your local **CSS** office or N.C. Vital Records.

What happens if I am not sure who the biological father of my child is?

When more than one person could be the father of the child, ***paternity testing*** may be required for each potential father.

Who is required to participate in paternity testing?

The natural mother, ***alleged father*** and the child are all usually required to participate in ***paternity testing***.

What happens if the alleged father refuses to submit to paternity testing?

If either party refuses to submit to ***paternity testing***, the court can order the parties to submit to the testing or determine the matter against the uncooperative party. Paternity can be established by the court.

I was married when my child was born; however, my husband is not the child's father. How do I go about establishing paternity?

Both the ***biological father*** and ***legal father*** may be needed to legally establish paternity. By law, the mother's husband is considered the father of a child until there is a court order stating otherwise. Your local **CSS** agency will seek appropriate legal advice to determine the appropriate action necessary.

What happens after paternity is established?

Once ***paternity*** is established, the child has access to financial, social, emotional and medical benefits that a child of a marriage enjoys. An order for support may be obtained either voluntarily or by court order.

What should I do if I signed an Affidavit of Parentage but have changed my mind about it?

Either parent may change his/her mind or **rescind** a decision by filing a motion with the Clerk of Court. The motion must be filed within 60 days of signing the Affidavit if no court order involving the child has already been entered. Changing your mind after the 60-day allowance is not a simple process. You should consult an attorney for further information and assistance.

Can I start my case while I'm pregnant, before the baby is born?

No. North Carolina Child Support Services will not open a case until after the child is born.

Can paternity be established for my child even if the father lives in another state?

Yes. **CSS** will ask that a genetic test be done in the other state. Also, the father can sign an **Affidavit of Parentage** voluntarily declaring he is the child's father even if he lives in another state or another country.

My girlfriend says that I'm the father of her child, but I have doubts. How can CSS help me know for sure?

By opening a child support case, your local child support office can assist you with genetic testing, paternity establishment, and setting an appropriate child support **obligation**.

IV. ESTABLISHING THE SUPPORT ORDER

It is necessary to have a legal order for child support spelling out the amount of the child support **obligation**. The success of establishing a support order depends upon several critical areas: locating the **noncustodial parent**, identifying what he or she can pay, and determining the financial needs of the child.

States are required to develop **guidelines** for the determination of child support amounts. North Carolina Child Support **Guidelines** are determined by the North Carolina Conference of Chief District Court Judges. These **guidelines** are based on the ability of parents to pay and the needs of the children. States must use the **guidelines** unless they can be shown to be unfair to the child.

In **nonpublic assistance** cases, after reviewing the facts of the case, the court may determine an amount of child support that varies from the **guidelines**.

An **obligation** to provide **medical support** may be obtained either voluntarily or by court action and may be in the form of health insurance or cash payments toward medical expenses. **CSS** may be required to release the social security numbers of parties in the case to an employer or insurance provider to enroll the child in a health insurance plan.

Employers are notified by the **noncustodial parent** or **CSS** to enroll the child in the insurance plan and withhold premiums from the employee's income or wages. Employers are not allowed to deny a child for any of the following reasons:

- Specified enrollment periods (certain times of the year they allow enrollment).
- The parents' marital status.
- The child is not claimed as a dependent on the employee's or **noncustodial parent's** federal income tax return.
- The child does not reside with the employee or is in the insurer's service area.

Employers cannot terminate coverage of a child unless notified by **CSS** that the order for **medical support** is no longer in effect.

An employer can terminate coverage if the employee leaves employment or coverage is terminated for all employees.

How does the caseworker find out about the other parent’s income or assets?

The caseworker makes every possible effort to identify the parent’s employment, any other sources of income, and assets by gathering information from employers, the Employment Security Commission, banks, credit bureaus, insurance companies, court records, and other sources. This information is verified before the support order is final.

Are the earnings of both parents considered in setting support amounts?

A support **obligation** is established based on the needs of the child and the ability of both parents to provide support. North Carolina Child Support **Guidelines** are used to compute a child support **obligation** based on the combined gross income of the parents. The **noncustodial parent** may voluntarily agree to the amount of support or the **obligation** can be established through court action.

I just learned that the mother of my child has been receiving public assistance. I am willing to pay support for my son, but do I have to pay for the period of time she received assistance?

By law, **CSS** must seek repayment of public assistance received. The amount of public assistance that you would be required to repay is based on your income and ability to pay. It is determined at the time the initial child support **obligation** is set.

What happens if the noncustodial parent gets a huge increase in his/her salary? What can I do to get my support increased if it is too low?

CSS automatically reviews child support orders every three years if the family is receiving public assistance. Other orders being enforced through **CSS** may be reviewed every 36 months if either parent requests such a review. A review may be requested at any time if there has been a **substantial change** in circumstances that affects the child. The present income and assets of both parents and the needs of the child must be determined. The agency may then seek a modification of the order. If your case does not meet the state’s standards for review, you may still be able to petition the court for a hearing.

I can’t get health insurance with my job, but the noncustodial parent gets good benefits where he works. Can he be required to carry the child(ren) on his/her insurance?

Yes. Health insurance coverage may be required if it is available to either parent. However, the insurance must be **reasonable in cost**. Contact your caseworker for more information and to determine if the insurance is **reasonable in cost**.

The father of my child is in prison. Can I get support?

Yes, but only under certain circumstances. If the parent is in prison and has any source of income or assets (such as wages from a work release program or property), child support may be collected while the parent is in prison.

My husband has left me and my 17-year-old child. The child is in high school but will not graduate next year. Can I still ask for child support?

Child support orders may be established for children up to age 18 and may continue until the age of 20 if the child is still in high school.

I am an employer and CSS requests that a child be enrolled in our insurance plan, but the employee refuses to fill out the paperwork. What should I do?

If the employee fails to enroll a child for health insurance coverage, **CSS** may ask that you enroll the child. You should complete all necessary paperwork to ensure enrollment and deduct any required premiums from the employee's earnings.

If our company has more than one medical insurance plan, in which plan should a child be enrolled?

If a comprehensive plan is available, it must be selected rather than more restrictive coverage, such as dental or accident plans. If multiple similar plans are offered, any one may be selected. However, the plan must be **reasonable in cost**.

What happens if I fail to enroll a child or deduct insurance premiums from an employee's pay?

You may be joined in a legal action requiring the **noncustodial parent** to provide **medical support**.

V. COLLECTION AND DISTRIBUTION

Collection and distribution of child support payments is one of the many advantages to receiving child support services. A court order for child support dictates the amount of support to be paid and how often. Support is collected from payments made directly by the ***noncustodial parent***, through income withholding and from the interception of tax refunds and other sources. Distribution of the support collected is based on federal regulations.

All child support payments for cases handled by the Child Support Services Program are issued by the NC Department of Health and Human Services (DHHS). Payments are made to families by either direct deposit or debit card.

Does this mean my money will be sent to the county child support office?

No. Child support payments for North Carolina orders must be sent to NC Child Support Centralized Collections. Payments made on orders in other states will be forwarded by those states to NC Child Support Centralized Collections.

If I get public assistance, will I get the child support also?

In order to receive **TANF** payments, you are required to assign your rights to support to the agency. This means that all child support collected is paid to the state for repayment of **TANF** payments you receive.

What if I do not receive public assistance now?

If you currently do not receive **TANF**, the monthly ordered child support will be paid to you. If any extra money is collected, it is applied to past due child support owed to you. After your past due support is repaid, any excess collected is applied to repay the state for **TANF** benefits you may have received.

If the noncustodial parent owes child support for children other than my children, who will receive the money?

Payments will be applied to all of the parents' cases. The amount of the payment applied to each case is determined by the amount owed as current support and the amount of past due child support owed on each case.

What happens to the money taken from the noncustodial parent's tax refund?

Federal tax refunds are used to repay past due child support only. When we receive funds from an IRS refund, it is first used to repay the state for any support that was not paid during times when you received public assistance. Any remaining funds will be paid to you for payments that were not made when you did not receive public assistance. State tax refunds will pay the current month's child support payment, if it has not yet been made, and then will be applied to past due support.

If a ***noncustodial parent*** and spouse file a joint tax return, any refund payment that child support intercepts will be held for six months before the funds are distributed. If an amended return is filed or other changes in the tax filing occur, you could be asked to return a payment. This delay will help to keep that from happening. However, since tax returns are subject to review for six years, payments made to you may be subject to adjustment for six years following the end of the tax year.

If the noncustodial parent pays more than is owed, will I receive the money?

Any money paid in excess of what is owed is held until the ***noncustodial parent's*** next payment is due. Money is never paid until it is owed to you. In some instances, refunds of this money may be made to the ***noncustodial parent***.

If I receive a notice that I have been overpaid, will I receive my regular child support?

You will be notified and given 30 days to repay the overpayment. If after 30 days you have not repaid the overpayment, your regular child support payments will be reduced by 10 percent until the overpayment has been recouped.

What should I do if I change my address?

You should immediately notify your child support agent. Any child support payments not disbursed to you due to a bad/invalid address are reissued immediately when a new address is provided.

How can I request a history of all child payments that I have received?

A record of child support payments for the past 13 months can be obtained through our website at www.ncchildsupport.ncdhhs.gov. You will need to register as a user and establish a password. You can also request this information by contacting our Customer Service Center at 1-800-992-9457.

Records of child support payments older than the last 13 months are archived and must be requested from your local child support office. Contact your caseworker to request a copy of these records.

I do not have an employer sending in my payments. How do I make my child support payments?

Most child support is paid through income withholding. If you do not have income withholding in place, make a check or money order payable to NC Child Support. Mail your payment coupon with the check or money order. Be sure to include your Social Security number, MPI number, docket number, name, and address on the coupon. If you do not have a payment coupon, please include this information with your payment. Send the payment to:

**NC Child Support Centralized Collections
P.O. Box 900006
Raleigh, NC 27675-9006**

I have several employees for whom I withhold income for child support payments. Can I send all the child support payments to the same place?

Yes. North Carolina has a centralized collection process for receipting child support payments. Employers should send all income withholding payments to:

**NC Child Support Centralized Collections
P.O. Box 900012
Raleigh, NC 27675-9012**

How long after I receive the notice do I begin the withholding?

You must start withholding from the first check due to the ***noncustodial parent*** after the 14th day following your receipt of the notice to withhold.

Why does it matter when I send payments?

Three reasons:

1. Families need this income on a regular basis to meet their expenses and provide for the needs of the child(ren).
2. The ***noncustodial parent*** is under court order to pay regularly. Receipt of irregular payments could cause the parent to be held in ***contempt*** of the order.
3. State law requires that payments be sent within seven business days of withholding.

What is the maximum amount that can be withheld each pay period from the obligated parent's income?

By state law, the percentage of ***disposable income*** that you withhold cannot exceed the following:

- 40 percent of ***disposable income*** when only one support order exists.
- 45 percent of ***disposable income*** when multiple support orders exist and the employee is supporting a spouse or other children.
- 50 percent of ***disposable income*** when multiple support orders exist and the obligated parent is not supporting a spouse or other children.

What do I do if my employee quits or is fired?

Report the termination of employment to the Child Support Services (***CSS***) agency or court that sent the notice. You must continue to withhold income through the employee's final paycheck.

VI. ENFORCING THE SUPPORT ORDER

Establishing a child support order does not guarantee the ***noncustodial parent*** will pay the support as ordered. There may be times when the parent makes partial payments, skips payments or never makes a payment. **CSS** identifies these cases and utilizes several enforcement tools to encourage the ***noncustodial parent*** to pay the support as ordered.

Income withholding by employers is the single most effective method of child support collection. Income withholding is the deduction of a specified amount from the ***noncustodial parent's*** income for payment of child support. The employer deducts the specified amount each pay period and sends it to the NC Child Support Centralized Collections within seven days of the deduction.

Income withholdings can also be initiated with entities other than employers when the ***noncustodial parent*** has other sources of income, such as unemployment compensation, worker's compensation, Social Security benefits, and veteran's disability benefits. Employers may also be required to withhold income for child support orders enforced by other states. Employers are obligated to withhold from income in accordance with the laws of the state in which the ***noncustodial parent*** employee works.

Some other enforcement remedies include monthly billing to ***noncustodial parents*** who do not pay through income withholding, filing court action against parents who have not paid support as ordered, credit bureau reporting of all child support ***obligations*** handled by **CSS**, interception of state and federal tax refunds, interception of state lottery winnings, revocations of passports, ***liens*** on real or personal property owned by the ***noncustodial parent***, levies on bank and other financial accounts (such as checking accounts and ***thrift savings plans***), and revocation of professional, driver's, or hunting and fishing licenses.

How can I find out the status of my case and child support payments?

You may call 1-800-992-9457, 24 hours a day, seven days a week. You may also check on the status of your case by logging on to the eChildSupport portal at www.ncchildsupport.ncdhhs.gov. You will need to register as a user and establish a password.

Can the noncustodial parent be arrested for failure to pay child support?

A parent cannot be arrested solely because child support payments are not paid. The ***noncustodial parent*** must be served with a ***Motion and Order to Show Cause***. This allows your case to be heard before a judge and gives the ***noncustodial parent*** the opportunity to explain why he or she has failed to abide by the terms of the support order. You may also have the opportunity to address the court about your case. If the judge determines that the parent had the ability, but chose not to pay as ordered, the parent may be found in ***contempt*** and a penalty will be applied.

Can the noncustodial parent be forced to get a job?

Child support workers may offer suggestions on where to seek employment, but they do not have the authority to require someone to go to work. If your case has reached the court system and the ***noncustodial parent*** has a history of unemployment, the judge may require the parent to seek employment and return to court at a later date.

I am an employer and withhold child support payments from several employees. May I combine the payment and send in one check?

You may send one check each pay period to cover all child support withholdings for that pay period, providing you itemize the amount withheld from each employee, the date each amount was withheld, and required docket number(s).

When will you take his/her taxes for past due child support?

Whether or not you will receive a tax refund from a noncustodial parent is dependent on whether or not he or she files a return, is due a refund, and meets the criteria for tax interception. We may intercept a state tax refund if the ***noncustodial parent*** owes at least \$50 in past due support. The federal tax refund may be intercepted when the ***noncustodial parent*** owes at least \$500 in past due child support for ***non-public assistance*** cases and at least \$150 in public assistance cases.

When can the noncustodial parent's driver's license be taken?

If a ***noncustodial parent*** is 90 days behind in child support payments and has a valid driver's license, a judge may order that the driver's license be revoked.

Can a professional license (i.e. doctor, lawyer, realtor, nurse, plumber, barber, etc.) be taken?

Yes. If the ***noncustodial parent*** is 90 days behind in paying child support, **CSS** may refer the parent's name to the state board that issued the license. The licensing board revokes the license. The license may not be reissued until either the entire debt is paid or a satisfactory payment plan is established.

Is it possible to collect child support from other sources other than wages?

Yes. It may be possible to collect past due child support from many types of assets that a parent may have, including tax refunds, insurance settlements, unemployment compensation, property owned, worker's compensation benefits, or bank accounts. These remedies require the caseworker to work with the agency's attorney and possibly the court system to collect past due child support. To determine if past due child support may be obtained from any of these assets, you should advise the caseworker of any property or settlement the ***noncustodial parent*** may have.

The noncustodial parent has a home and property in another county. Can anything be done with the property?

A ***lien*** can be placed on the ***noncustodial parent***'s property to ensure that child support payments are made. If the noncustodial parent has ***arrearages*** that equal three months of their child support obligation or \$3,000 whichever is less, **CSS** can petition the court to place a lien on the ***noncustodial parent***'s property. Contact your caseworker for more information.

I am trying to buy a house. However, child support is showing up as a debt on my credit report. Should this be happening?

Child support obligations are considered to be judgments, renewable each month, and therefore are appropriate to be reported to consumer reporting agencies. Each monthly payment satisfies the current month's obligation, but each new month begins a new obligation until the judgment ends. If you have any additional questions or concerns, contact your caseworker to discuss credit bureau reporting.

I am trying to go to another country for vacation. However, when I tried to apply for a passport, it was denied. Why is this?

The U.S. Department of State is required to refuse to issue a passport, except a passport for direct return to the United States, to any noncustodial parent who has been certified by the Health and Human Services Secretary as owing a child support **arrears** amount that is at least \$2,500. Once all **arrears** are paid in full, your passport will be released. There are special reinstatement policies that apply when the **noncustodial parent** needs a passport to travel for certain emergency situations. Contact your caseworker for more information.

The noncustodial parent has a bank account that he/she uses regularly. Is it possible to collect money from this account?

Cases with an amount of unpaid child support owed that is at least \$1,000 or an amount equal to six months' current support, whichever is less, may be eligible to be submitted for a financial account levy. However, there are exceptions. Contact your case manager to determine if your case is eligible for a financial institution levy.

The non-custodial parent has a thrift savings plan. Is it possible to collect money from this plan to be applied toward my child support?

Yes. Per federal regulations, it is possible to garnish funds from Thrift Savings Plans to satisfy child support and spousal support debt. Child support **arrears** must be at least \$3,000 and other enforcement remedies must have been attempted by **CSS** before these accounts can be garnished. There are other criteria that make a case ineligible for this garnishment. Contact your caseworker for additional information.

What can be done if the noncustodial parent is paid in cash?

Income withholding may not be effective if the **noncustodial parent** is paid in cash. When payments are overdue, **delinquency** notices are mailed to the **noncustodial parent**. If payments are not made, court action may be filed, a **lien** may be applied to property owned by the **noncustodial parent**, his/her occupational and/or driver's licenses may be revoked, or other appropriate remedies may be used.

How will I get child support if the judge puts the child's father in jail for not paying child support?

When a parent is sentenced to jail for not paying child support, the judge sets a **purge**, or an amount that the **noncustodial parent** must pay to be released from jail. When paid, the **purge** is applied to the child support debt.

How will I get child support if the noncustodial parent is in jail on other charges?

If a **noncustodial parent** is incarcerated, is not on work release, and does not have any assets or income to pay the ordered child support, there may be little your caseworker can do until or unless the noncustodial parent is released. In addition, either party has the right to request a review of the child support order if the **noncustodial parent** is incarcerated for more than 180 days.

My support is due on the first of each month. The payments are always late. Can you make the noncustodial parent pay on time?

The current month's payment is considered delinquent after thirty days have passed and the amount owed is equal to the **obligation** owed for one month.

What can I do to get my child support modified (increased or decreased)?

All child support **obligations** may be reviewed upon request by either parent every 36 months. The child support agency assesses the present income of each parent and the needs of the child to determine if a modification is warranted.

If I would like to have my child support modified before the 36-month period ends, what would warrant the modification?

A change in circumstances regarding the child(ren) or parent(s) must have occurred since the date of the last order. Contact your caseworker to discuss your change in circumstances to determine if your case qualifies for a review.

What information do you need from me in order to modify my child support order?

You should provide any and all documentation or verification regarding the change in circumstances. Documentation and verification can include proof of income and expenses (i.e. W2, pay stubs, tax returns, etc.), child care expenses, medical insurance, disability and/or veteran's benefits received, jail or prison status, unemployment benefits, retirement income, custody and visitation arrangements, and extraordinary expenses (i.e. doctor's bills, therapy, medications, etc.). Contact your caseworker to determine what specific information is needed.

My ex-spouse has asked for a review of our current child support order. How will you make sure that the amount I will have to pay will be fair based on what I earn?

CSS makes every effort to ensure that "right size orders" are established, consistent with the **noncustodial parent's** ability to pay. It is **CSS's** duty to pursue support obligations in amounts that are reasonable within the circumstances of each family. All child support orders are set using state-established guidelines that are "fair and equitable" to the child and parents. The **income shares concept** is used to set orders in an amount similar to what would be spent on the child if the family were intact. Each parent will be notified of the recommended support order and given the ability to review the **guidelines** worksheet prior to agreeing to and signing an order.

My child is almost 18-years-old. The noncustodial parent still owes a lot of back support but says he/she will not have to pay after my son is 18. Is this true?

It depends on which state established your initial support **obligation**. Each state has their own laws regarding emancipation of children. If the order was established in North Carolina and your child has graduated or stopped attending high school at age 18, the **noncustodial parent** may stop paying ongoing child support. However, the **noncustodial parent** is still responsible for paying all support that was owed up to that time/any arrears that remain. Contact your caseworker to discuss this question.

VII. WORKING ACROSS STATE LINES

When the parties involved in a child support case live in different states, countries, tribes, or territories, more than one child support agency may be involved. The case may then be considered an intergovernmental case. All states have adopted the Uniform Interstate Family Support Act (**UIFSA**), which makes intergovernmental case processing easier and more effective. In addition, North Carolina has adopted **UIFSA** 2008, which allows more child support options when individuals live in different countries.

CSS is required to provide the same services to persons seeking child support in intergovernmental cases as in local cases. Since more than one child support agency is involved, the processing of intergovernmental cases may be a little different and more time consuming than in local cases.

Establishment of **paternity** or support can be obtained either by **long-arm** action or by filing a petition to the other governmental entity requesting establishment of **paternity** and/or support.

To enforce a child support order in intergovernmental cases, **direct income withholding, registration** of a foreign order, or a request that the other entity enforce its own order may be used. When the **noncustodial parent's** employer is known, **direct income withholding** enables the caseworker to send the income withholding request directly to the employer in the other state. The other state's **CSS** agency is not involved, court time is not necessary, and payments to the family can be forthcoming in a more timely manner. When an order is registered in another state, all enforcement remedies available in that state (such as tax intercept, license revocation, credit reporting, etc.) may be used to enforce the order.

I have just moved to North Carolina and the father/mother of my child lives in another state. How can I get child support?

Contact your local **CSS** office to apply for services. North Carolina **CSS** may request the assistance of the other state's child support agency in whatever action is needed. For assistance in locating the **CSS** office in your area, call our Customer Service Center at 1-800-992-9457.

I have never married the father/mother of my child and he/she lives in another state. What should I do?

Apply for services with your local **CSS** office. A request for appropriate services will be prepared by the caseworker and forwarded to the other state.

Will I ever have to go to the other state to deal with child support matters?

Under the intergovernmental law (**UIFSA** 2008), it generally is not necessary for you to travel to the other state. Your caseworker will handle the case for you. However, there may be times when you may have to appear by telephone for court hearings.

My spouse and I divorced, but I do not have a child support order. Can I petition the other state where my ex-spouse lives to obtain a child support order?

Yes. You can contact your local child support office and apply for services. After the agent obtains pertinent information concerning your situation, a petition is sent to the state where your ex-spouse lives. The child support agency and court in that state reviews the information and establishes the support **obligation**.

Some years ago, I obtained a court order in another state and the noncustodial parent has never paid. How can I get enforcement of my court order?

After the **noncustodial parent** is located, your caseworker can seek enforcement of the court order. The caseworker may request that the other state enforce the court order. If the **noncustodial parent** is found to be in a different state, it will be necessary to ask the new state to enforce the other state's court order. If an employer is known, a **direct income withholding** may be sent to the employer in the state where he/she lives.

Every time my court order is registered for enforcement in another state, my children's noncustodial parent moves. How can I get support?

It is difficult to enforce child support orders when the **noncustodial parent** moves on a regular basis. Keep your caseworker informed of any new information you obtain. The caseworker accesses all resources available, but you are their best source of information.

I have an order from another state, but neither of us lives in that state. Is this still a good order?

Yes. Please contact your local **CSS** office to determine how to enforce the most recent order. Your order is enforceable no matter where the parties reside.

Several years ago, my court order was registered in another state and that state has now reduced the amount of support. Is there anything that can be done about this?

Under ***UIFSA***, the modification of court orders is allowed only under specific circumstances. Contact your caseworker for more information.

My child is over the age of 18 and the noncustodial parent, who lives in another state, owes a lot of past due child support. Am I no longer able to get this money?

Not necessarily. A request may be made to the other state to enforce the order and collect the past due support. The longest statute of limitation of the states involved for judgements determines how long the ***arrearages*** can be collected.

Can I make sure that the noncustodial parent or caretaker won't have access to my address or other personal information?

If you are concerned about the release of personal information, please contact your caseworker to discuss this and review your options.

VIII. CONCLUSION

The goal of the Child Support Services Program is to ensure that children receive financial support from both parents. To this end, the agency strives to work with all involved parties to provide information, reach solutions to problems, and take appropriate actions. Whatever your role in a child support case, the most effective outcome is achieved when you are informed and active in the process. Do not hesitate to share information and ask questions at any time.

The better you understand your rights and responsibilities within this process, the better we can ensure that the rights and the welfare of all parties will be considered fairly, and most importantly, that our children will benefit from the parental support to which they are entitled.

IX. GLOSSARY

<i>Affidavit of Parentage</i>	A notarized statement that is signed by both parents to establish paternity
<i>Alleged father</i>	A man that has not been established as the <i>legal father</i>
<i>Annual fee for services</i>	A fee that is charged each year, only if AFDC or TANF funds have never been paid on behalf of the child and after child support of at least \$550 has been paid to the family during the year
<i>Arrears or Arrearage</i>	Total amount of unpaid child support
<i>Basic child support obligation</i>	The amount of money used to meet the subsistence needs of food, clothing, shelter, medical, transportation, and educational needs of a child. It is determined based on state <i>guidelines</i> . This amount is derived from the combined income of both parents and the number of children to be counted. The number of children refers only to those children for whom support is being sought in this action, not a total of all children presently being supported by the parents
<i>Biological father</i>	The birth father
<i>Complaint</i>	Written document filed in court initiating a legal action
<i>Contempt</i>	Willful disregard of an order of the court
<i>CSS</i>	A nationwide program. The North Carolina Support Services Agency is administered by the North Carolina Department of Health and Human Services, Division of Social Services
<i>Custodian</i>	The person with physical custody or with whom the child lives; this may be a parent, other relative or someone else
<i>Delinquency</i>	Overdue child support

<i>Direct Income Withholding</i>	Child support payments obtained by requesting deduction from the parent’s wages by an employer in another state
<i>Disposable Income</i>	The amount which remains after deductions for federal, state, and local taxes, Social Security, and involuntary retirement contributions
<i>Good cause</i>	A valid reason for failure to cooperate with CSS efforts to pursue child support payments from a noncustodial parent. A request to claim good cause is made to the public assistance program. If it is granted, CSS must decide whether to pursue support without assistance of the custodian or close the case
<i>Guidelines</i>	A standard method for setting child support obligations based on the income of the parent(s) and other factors as determined by state law
<i>Income Shares Concept</i>	A model based on the principle that child support obligations should be set in an amount that would be spent on a child’s needs in an intact family
<i>Legal father</i>	A man recognized as the legal father due to marriage to the mother, by voluntary acknowledgment, or by court order
<i>Lien</i>	A claim upon property to prevent sale or transfer until a debt is satisfied
<i>Location</i>	Obtaining a residential address or employment address
<i>Long-arm</i>	A means to obtain a paternity or support order by serving an individual in another state when this state has jurisdiction
<i>Medical support</i>	Legal provision for an obligation to provide health insurance for a child
<i>Motion and Order to Show Cause</i>	Court action served on the noncustodial parent requiring an appearance before a judge to show why he/she should not be held in contempt for failure to make court ordered child support payments

<i>Non-public assistance</i>	Case in which the <i>custodian</i> does not receive public assistance in the form of Medicaid or TANF
<i>Noncustodial parent</i>	Parent who does not have primary custody of a child but who has responsibility for financial support
<i>Obligation</i>	Amount of money to be paid as support by the responsible parent and the manner by which it is to be paid
<i>Paternity</i>	Legal fatherhood
<i>Paternity test</i>	A genetic test that can help prove or disprove that a particular man fathered a particular child
<i>Purge</i>	A specified amount of money to be paid to the Clerk of Court to avoid a jail sentence
<i>Reasonable cost</i>	Health insurance coverage that is available to a parent at a cost that does not exceed five percent of the parent's gross income
<i>Registration</i>	Enforcement remedy in an intergovernmental case where an order is enforced in the state of the <i>noncustodial parent</i> is located
<i>Rescind</i>	To cancel or revoke an admission of <i>paternity</i> made by signing the Affidavit of Parentage. Either parent can file a motion with the Clerk of Court.
<i>Substantial change</i>	Outlines special needs of the child(ren), such as physical and emotional health needs, daycare cost or needs related to the child's age, and changes in custody status
<i>TANF</i>	Temporary Assistance to Needy Families is the public assistance program. This program replaced the Aid to Families with Dependent Children program and is known as Work First Family Assistance in North Carolina
<i>UIFSA</i>	The intergovernmental law adopted by all states by which intergovernmental cases are processed

NOTES

NOTES continued

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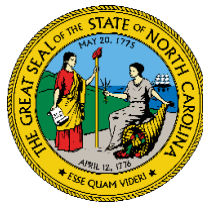
North Carolina Child Support Services Handbook

**State of North Carolina
Roy Cooper, Governor**

**NC Department of Health and Human Services
Kody H. Kinsley, Secretary
www.ncdhhs.gov**

**Division of Social Services
Phone: (919) 855-4500
www.ncdhhs.gov/dss**

**Child Support Services
PO Box 20800, Raleigh, NC 27619
Phone: (919) 855-4755 ♦ Toll Free (800)992-9457
www.ncchildsupport.ncdhhs.gov**



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