

Need more information about child support?

Office of Temporary and Disability Assistance,
Division of Child Support Enforcement
www.childsupport.ny.gov/DCSE/HomePage
Child Support Helpline at:
888-208-4485; TTY: 866-875-9975
Mon.-Fri., 8 a.m. - 7 p.m.

What you need to know about child support in New York State

from...
Speaker of the Assembly
Carl E. Heastie



Important Message about COVID-19

For updates on essential Child Support Program operations and court activity through this public health crisis please visit www.childsupport.ny.gov/dcse/covid19_services.html.

Updated 1/22

Dear friend,

Financial support is a child's right and a parent's responsibility. That's why, under New York State law, children are entitled to adequate child support from their parents – even if the parents aren't living together.

This brochure outlines the responsibilities of parents under New York's child support system. It also explains ways for custodial parents to make sure they are getting the support their children deserve. This brochure is informational in nature and is not meant to be a substitute for advice from an attorney or information from your local Department of Social Services Child Support Enforcement Unit (CSEU) or the Child Support Collection Unit (SCU). Please check with these sources before making any decisions regarding child support. If I can be of additional help in this or any other matter, please do not hesitate to let me know.

Sincerely,

A handwritten signature in black ink that reads "Carl E. Heastie".

Carl E. Heastie
Speaker of the Assembly

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The facts about child support

► Child support is based on state guidelines.

The Child Support Standards Act requires the courts to issue fair, adequate and standardized support awards for all New York children. With that in mind, child support is based on the adjusted gross annual income of both parents.

The combined adjusted gross income of the parents is multiplied by the following percentages:

- 17 percent for 1 child
- 25 percent for 2 children
- 29 percent for 3 children
- 31 percent for 4 children
- no less than 35 percent for 5 or more children

The child support obligation is then divided proportionately between the parents, based on their respective incomes.

The court can deviate from the standardized award when it finds the support established in a particular case is inappropriate or unjust based on factors such as the financial resources of the parents, the child's physical or emotional health or special needs.

The child support obligation is made up of the percentage amount plus the child care, health care and educational expenses.

► Health care, child care and education costs are divided between the parents.

Courts must order the parent who has health insurance coverage available to him/her, that may be extended or obtained, to enroll a child in his or her health insurance plan if the insurance is reasonable in cost and reasonably accessible. When medical coverage is ordered, insurers and employers must enroll the child immediately. In most situations, private health care is shared

proportionately between the parents based on their incomes. Where private health insurance coverage is unavailable to parents, the court must order parents to seek coverage through New York's Child Health Plus program or Medicaid.

When the custodial parent is working or going to school, child care costs are shared proportionately between the parents based on their incomes and added to the child support award. If the custodial parent is looking for work, the court may, but does not have to, apportion child care costs between the parents.

If the court determines post-secondary, private, special or enriched education is in the best interest of the child, these expenses may also be added to child support paid by the noncustodial parent.

► The Child Support Enforcement Unit will determine any adjustments.

If you receive services through the CSEU, your order will be reviewed automatically, or upon your request, on a periodic basis. You will also be notified when a cost-of-living adjustment may be made to increase your order based on changes in the consumer price index.

You may also petition the court to modify your order of support when there is a substantial change in your or the noncustodial parent's circumstances, or upon the passage of three years or a 15 percent or more change in either parent's gross income since the most recent child support order was entered.

How to get the support your child deserves

The Legislature has strengthened and simplified the methods for enforcing child support orders. Many of these methods can be used to collect overdue spousal maintenance also owed to you. In addition, the CSEU may be able to help locate a nonpaying parent, collect payments from a parent living in another state or establish paternity so custodial parents become eligible to collect support.

If you are having trouble collecting child support, you should call the CSEU or an attorney. Most CSEU services are free if you have ever received Temporary Assistance for Needy Families (TANF) benefits. Others may be charged a \$35 per year fee under certain circumstances. Contact an attorney or the CSEU for additional information.

Income withholding

To ensure that custodial parents receive support with less risk of default and delay, all new or newly modified child support orders require that payments be immediately withheld from the wages or other income of the obligated parent, unless other arrangements have been made by the parties. This method of enforcement may also be used if the obligated parent refuses to pay medical support.

Tax refund and lottery interception

The CSEU can intercept a parent's federal and/or state income tax refund checks, as well as lottery winnings of \$600 or more, for failing to pay child support.

NYS Tax Department action

The Tax Department has the authority to collect child support if four or more months of support are owed, a payment has not been made within 45 days and the parent owes at least \$500.

License suspension

If support is four or more months late, the CSEU can suspend the driver's license of the parent. The court can also suspend professional, business and recreational licenses of the obligated parent.

Notifying credit bureaus

If the obligated parent has failed to pay \$1,000 or two months in support, the CSEU can notify the major credit rating agencies to prevent extension of credit.

Making the obligated parent post a cash deposit

If the custodial parent convinces the court that other enforcement methods will not work, the court can order the obligated parent to deposit a sum of money with the CSEU or a private attorney. Support payments can then be deducted from the money whenever there is a default.

Getting a money judgment

If the custodial parent keeps accurate records of the amount owed, the courts can issue a money judgment. A judgment is very important because without it, there could be a problem collecting support. It's good for 20 years, and even if the parent doesn't have any money when it is issued, it can still be enforced in the future.

Seizing assets or placing property liens

The CSEU can freeze the obligated parent's bank account, IRA or other financial assets and seize the amount of money owed after two months of failing to pay child support. The CSEU can also place a lien on real estate or personal property, like cars or boats, after four months of failing to pay support.

Jail

A court can impose a jail sentence for willful refusal to pay court-ordered support.