

**SUMMARY OF CHILD SUPPORT SERVICES**  
**THAT ARE AVAILABLE THROUGH**  
**THE DEPARTMENT OF HUMAN SERVICES:<sup>1</sup>**

<http://www.mdhs.state.ms.us/cse.html>

**SERVICES:**

Locating non-custodial Parents  
Establishing Paternity  
Establishing and enforcing child support orders  
Establishing and enforcing medical support orders for children  
Collecting and Distributing support payments

**TOOLS:**

Withholding child support from paychecks or unemployment benefits  
Intercepting federal and/or state income tax refunds to pay child support arrears  
Garnishing Workers' compensation benefits  
Reporting to credit bureaus of parents who are behind more than \$1,000 in child support payments  
Suspending or revoking driver's, professional, occupational and recreational licenses for failure to pay child support  
Reviewing and modifying child support orders periodically (order must have been in place at least 3 years)  
Intercepting lottery winnings of more than \$5,000  
Filing contempt of court actions which may result in a jail sentence if the custodial parent is found in contempt  
Filing liens and levy on tangible or intangible property  
Seizing bank accounts after notice

**DHS does not:**

Obtain Divorces for parents  
Find custodial parents  
Generally take legal action regarding visitation or custody, although some states may take action regarding visitation for non-custodial parents.  
Enforce court-ordered payments that are not related to child support

Please note that the exact programs that are available vary from State to State, and all services may not be available in all states. The programs are administered in some states by District Attorneys' Offices and in others through state Departments of Human Services.

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<sup>1</sup> Materials compiled from "HANDBOOK ON CHILD SUPPORT ENFORCEMENT," U.S. Department of Health and Human Services, Administration for Children and Families, Office of Child Support Enforcement, Washington, D.C. 20447.

## **GENERAL INFORMATION:**

### **Who can get help?**

Any parent or person with custody of a child who needs help to establish a child support or medical support order or to collect support payments can apply for child support enforcement services. People who have received assistance under cash assistance programs - *Aid to Families with Dependent Children (AFDC)*, or the new *Temporary Assistance for Needy Families (TANF)*, or *Medicaid* or *Federally-assisted Foster Care* programs are automatically referred for child support enforcement services.

An unmarried father can apply for services to establish paternity and have a legal relationship with his child.

A noncustodial parent whose case is not in the CSE Program can request services to make payments through the Program. Doing so can ensure that there is a record of payments made.

### **Where do I apply for help in obtaining child support?**

Through your local child support enforcement (CSE) office. The number can be found in your telephone directory usually under the State/County social services agency.

### **Is there an application fee?**

People receiving assistance under Medicaid, Foster Care, or cash assistance programs do not have to pay for CSE services. For all others, a fee of up to \$25 is charged, although some States absorb all or part of the fee or collect payment from the noncustodial parent.

### **Are there any other costs?**

Because child support agencies may recover all or part of the actual costs of their services from customers who are not in a public assistance program, there may be other costs to parents. These can include the cost of legal work done by agency attorneys and costs for locating a noncustodial parent. Such costs may be deducted from the child support before it is sent to you or may be collected from the noncustodial parent. Not all States recover the costs of their services. Your local CSE office can tell you about the practices in your State.

### **My State recovers costs from the custodial parent. How will I know how much will be deducted from my support checks?**

Your caseworker should be able to estimate the costs involved in your case, and give you an idea of how much they will deduct from each check before sending it to you.

**Will there be an extra cost if the enforcement agency is dealing with the enforcement agency in another State?**

There may be extra costs if more than one State is handling your case. Ask your caseworker to estimate these costs, if any.

**What does the child support enforcement agency need to know?**

No matter where you start--establishing paternity, finding a noncustodial parent, establishing or enforcing a support order--the CSE office must have enough information to pursue your case. All information you provide will be treated in confidence. The more details you provide, the easier it will be to process your case and to collect child support payments for your children.

**What documents do I need to bring to the enforcement agency?**

The following information and documents will help the CSE office to locate the parent, establish paternity, and establish and/or enforce your child support order:

- Information about the noncustodial parent
  - name, address and social security number
  - name and address of current or recent employer
  - names of friends and relatives, names of organizations to which he or she might belong
  - information about his or her income and assets - payslips, tax returns, bank accounts, investments or property holdings
  - physical description
- children's birth certificates
- if paternity is an issue, written statements (letters or notes) in which the alleged father has said or implied that the child is his
- your child support order
- your divorce decree or separation agreement
- records of any child support received in the past
- information about your income and assets

**Is there a limit to the amount of money that can be taken from my paycheck for child support?**

The amount that can be withheld from an employee's disposable wages is limited by the Federal Consumer Credit Protection Act (FCCPA) to 50 percent of disposable earnings if an obligated parent has a second family and 60 percent if there is no second family. These limits are each increased by 5 percent (to 55% and 65%) if payments are in arrears for a period equal to 12 weeks or more. State law may further limit the amount that can be taken from a wage earner's paycheck.

**My ex-husband has remarried and has another family to support. How will this affect the support that my children are due?**

Even though the noncustodial parent has a second family, this does not eliminate responsibility to the first family. In some States, the judge may grant the noncustodial parent a decrease in the obligation based on guidelines for child support. You should be notified beforehand and given an opportunity to contest the proposed change. Other factors which could lower the support order include steady employment of the child or poor health or decreased earning ability of the noncustodial parent.

**My children's father is divorcing again and will have another child support order. We live in another State and I'm afraid that this second order will be enforced before mine.**

State guidelines may indicate how child support is to be shared when there is more than one support order. If his income will not provide for both orders, the amount of support for your children may be reduced, but you will receive a share of the support collected. For orders enforced by wage withholding, States must have a formula for sharing the available income among the support orders. Ask your caseworker for more information.

**My ex-wife has her own computer programming service. How can the CSE office find out how much she earns, and how can they collect the money?**

The CSE office has access to information from the Internal Revenue Service to determine her income and assets. This information will help to set the support order amount.

Cases involving self-employed noncustodial parents can be the most challenging to work, and often take more time and effort. If it is not possible to arrange for an allotment or withholding, it may be possible to secure liens on her payments from regular clients or to garnish her bank account. If her business depends on having a license, she may make arrangements to pay rather than risk losing her license. Knowing that arrears will be reported to a credit bureau may give her a strong incentive to comply with the order. Provide your caseworker with as much information as you can about the business and her clients.

**My children's father owns a cross-country moving van and a nice home. Why won't the child support office put a lien on either one?**

Most States will not put a lien on a primary residence or attach property which a person needs to make a living. Talk to your caseworker about what kinds of property are available for liens and attachment in your State.

**Doesn't the Internal Revenue Service have another method it can use to help us get the support owed?**

Yes, your caseworker may be able to make a request for use of the IRS "full collection" technique. Under certain conditions, the Internal Revenue Service can attach a parent's income and other assets for child support payments. The CSE agency can submit the request when the amount owed is over \$750 and there is good evidence that the obligated parent has assets that can be tapped for collection. Contact your caseworker for more information.

**WORKING WITH OTHER STATES AND COUNTRIES:**  
**INTERSTATE AND INTERNATIONAL COOPERATION**

The most difficult child support cases to pursue are those in which the parent obligated to pay child support lives in one State and the child and custodial parent live in another. However, all States are required to pursue child support enforcement, including location, paternity establishment, and establishment of support obligations, as vigorously for children who live outside their borders as for those under their own *jurisdiction*.

State enforcement agencies must cooperate with each other in handling requests for assistance, however, it has not been a simple matter for one State to automatically enforce the court orders of another State. Until recently, States used all or parts of a law called the *Uniform Reciprocal Enforcement of Support Act (URES A)*.

With the enactment of the Full Faith and Credit For Child Support Orders Act and the Federal mandate that all States enact the *Uniform Interstate Family Support Act (UIFSA)* by January 1, 1998, interstate enforcement of child support obligations should improve. UIFSA includes a provision designed to ensure that, when more than one State is involved, there is only one valid child support order which can be enforced for current support, and a provision which allows a State to work a case against an out-of-State obligor directly if certain conditions are met.

Both URESA and UIFSA have procedures under which an enforcement official (or private attorney) can refer a case for action in another State. The laws can be used to establish paternity and to establish, modify, or enforce a support order. A URESA State is able to refer a case to a UIFSA State, and vice versa.

Interstate *wage withholding* can be used to enforce a support order in another State if the *noncustodial parent's* employer is known. With interstate wage withholding, the Child Support Enforcement (CSE) office in the State where the noncustodial parent lives will make sure that a wage withholding order from another State contains all the information required by their State laws and will forward it to the noncustodial parent's employer. The order does not have to go through the courts as it would >with an interstate child support enforcement petition. State laws vary and you will need to ask your caseworker whether this option is available in your case.

State CSE Agencies all have an office called the Central Registry to receive incoming interstate child support cases, make sure that the information given is complete, send them to the right local office and respond to inquiries from out of State CSE offices. Standard forms make it easier for

caseworkers to find the information they need to enforce a case, and to be sure they are supplying enough information for another State to enforce their case.

**I know the address of my children's father in another State, and my caseworker sent a petition to establish my support order there. That was three months ago, and still no support payments. What's wrong?**

It may be any number of things: enforcement officials may not be able to serve notice on the noncustodial parent due to inadequate address information; if a hearing is necessary, it may take a while to get a court date. Continue to keep in touch with your caseworker to resolve any delay or to provide any new information you may have.

**I have had to wait several months for my enforcement agency to get a reply to its request for location assistance in another State. Why does it take so long to get an answer?**

Even though they try to be responsive, enforcement agencies have a very high demand for their services. A State's ability to act rapidly depends on the characteristics of the case, the quality of information received, and the amount of staff and other resources they have to devote to it. Be sure to follow up regularly with your caseworker to make sure that each State is actively working your case.

**As soon as the children's father is notified about enforcement, he moves. How will I ever be able to collect my support?**

Many custodial parents are angry when, after the noncustodial parent is finally located and served notice of the enforcement action, he or she moves on. It is difficult to enforce child support payments when the noncustodial parent intentionally moves to avoid paying. Try to be an active participant in your own case. Whenever you learn that the noncustodial parent has moved or has a new job, you should tell your caseworker as soon as possible. Starting October 1997, all States are required to have a State Directory of New Hires, and employers will be required to report hiring new employees within 20 days. The information will, in turn, be sent to a National Directory of New Hires. This will help in locating the noncustodial parent if he/she moves on to a new job.

**Isn't there a law now that makes it a Federal crime to not pay child support if the child lives in another State?**

The Child Support Recovery Act of 1992 makes it a Federal crime to willfully fail to pay support for a child living in another State.

Briefly, in order to prosecute under this Act, the United States Attorney's Office must prove that the noncustodial parent was financially able to meet his/her obligation at the time the payment was due. If support arrearages are more than \$5,000 or are unpaid for longer than one year, the noncustodial parent is subject to punishment. A major consideration in screening a case for Federal prosecution

is whether all reasonably available civil and State criminal remedies have been pursued first. Next, priority is given to cases: (1) where there is a pattern of moving from State to State to avoid payment; (2) where there is a pattern of deception (e.g., use of false name or social security number); (3) where there is failure to make support payments after being held in contempt of court; and (4) where failure to make support payments is connected to some other Federal offense such as bankruptcy fraud.

**My former wife lives in another State. She owns an expensive car, jewelry, and several pieces of property. Would the CSE Program be able to attach this property for child support?**

An interstate CSE action may be filed on your behalf to enforce your child support order. Before requesting the other State to attach this property, your enforcement worker or lawyer should see if a "withhold and deliver" or "attachment" of the property could be successfully carried out from your State.

**Will location and enforcement services cost more if my agency is dealing with another State? I am not receiving cash assistance.**

Possibly. It depends on what the CSE office has to do to find the noncustodial parent and to establish regular payment. The more solid information and leads you provide, the more efficiently your case can be conducted. For non-assistance cases, States vary in the fees they charge for services. Your caseworker should be able to tell you more about these costs in your particular case.

**The father of my child has left the United States. How can I get my court order for child support enforced?**

We suggest you check with your local CSE office and State CSE agency. Many State CSE agencies have agreements with foreign countries to recognize child support judgments made in other countries, or to help establish orders when there is none. The U.S. Government is in the process of negotiating federal-level reciprocity declarations with other countries on behalf of all U.S. jurisdictions. These international child support agreements specify procedures for establishing and enforcing child support orders across borders. While requirements for getting enforcement action may vary depending on the other nation involved, a parent will be asked to provide the same information as in a domestic case, including as much specific information, such as address and employer of the noncustodial parent, as is possible.

If the noncustodial parent works for an American company, or for a foreign company with offices in the United States, wage withholding might work even if the country he lives in does not have any agreement to enforce an American State's order. Even in cases where the noncustodial parent is living and working in a country that has no reciprocity agreement, approaching the foreign employer directly for help might prove successful.

**I checked with the CSE office, but my daughter's father lives in a country that has no agreement with any State to enforce child support obligations. Is there anything else to try?**

The Office of Citizens Consular Services may be able to give you information about how to have the support order enforced in that country and how to obtain a list of attorneys there. That address is: Department of State, Office of Citizens Consular Services, Washington, D.C. 20520.

**She is still in this country, but I understand that my children's mother is planning to live abroad with her new husband. She owes me \$14,000 in child support. Is there anything the CSE Office can do?**

Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) legislation, State CSE Agencies can certify child support arrearages of more than \$5000 to the Secretary of Health and Human Services, who, in turn, will transmit the certification to the Secretary of State for denial, revocation or limitation of passports. This becomes effective October 1, 1997.

## **GLOSSARY OF CHILD SUPPORT ENFORCEMENT TERMS**

*administrative procedure* - method by which support orders are made and enforced by an executive agency rather than by courts and judges

*Aid to Families with Dependent Children* - assistance payments made on behalf of children who don't have the financial support of one of their parents by reason of death, disability, or continued absence from the home; known in many States as ADC (Aid to Dependent Children)

*arrearages* -unpaid child support for past periods owed by a parent who is obligated to pay

*assignment of support rights* -a person receiving public assistance agrees to turn over to the State any right to child support, including arrearages, paid by the obligated parent in exchange for receipt of a cash assistance grant and other benefits

*complaint* -written document filed in court in which the person initiating the action names the persons, allegations, and relief sought

*consent agreement* -voluntary written admission of paternity or responsibility for support

*custodial parent* -person with legal custody and with whom the child lives; may be parent, other relative, or someone else

*custody order* -legal determination which establishes with whom a child shall live

*default* -failure of a defendant to appear, or file an answer or response in a civil case, after having been served with a summons and complaint

*default judgment* -decision made by the court when the defendant fails to respond

*defendant* -person against whom a civil or criminal proceeding is begun

*electronic funds transfer* -transfer of money from one bank account to another or to a CSE Agency  
*enforcement* -obtaining payment of a child support or medical support obligation

*Federal Income Tax Offset Program* -a program under the Federal Office of Child Support Enforcement which makes available to State CSE Agencies a route for securing the tax refund of parents who have been certified as owing substantial amounts of child support.

*Federal Parent Locator Service (FPLS)* -a service operated by the Federal Office of Child Support Enforcement to help the States locate parents in order to obtain child support payments; also used in cases of parental kidnapping related to custody and visitation determinations; FPLS obtains address and employer information from Federal agencies

*Federally-assisted Foster Care* -a program, funded in part by the Federal government, under which a child is raised in a household by someone other than his or her own parent

*finding* -a formal determination by a court, or administrative process that has legal standing

*Full Faith and Credit* -doctrine under which a State must honor an order or judgement entered in another State

*garnishment* -a legal proceeding under which part of a person's wages and/or assets is withheld for payment of a debt

*genetic testing* -analysis of inherited factors (usually by blood or tissue test) of mother, child, and alleged father which can help to prove or disprove that a particular man fathered a particular child

*guidelines* -a standard method for setting child support obligations based on the income of the parent(s) and other factors as determined by State law

*immediate wage withholding* -automatic deductions from income which start as soon as the agreement for support is established (see wage withholding)

*jurisdiction* -legal authority which a court has over particular persons, certain types of cases, and in a defined geographical area

*legal father* -a man who is recognized by law as the male parent

*lien* -a claim upon property to prevent sale or transfer until a debt is satisfied

*long arm statute* -a law which permits one State to claim personal jurisdiction over someone who lives in another State

*Medicaid program* -federally funded medical support for low income families

*medical support* -legal provision for payment of medical and dental bills

*noncustodial parent* -parent who does not have primary custody of a child

*obligation* -amount of money to be paid as support by the responsible parent and the manner by which it is to be paid

*offset* -amount of money taken from a parent's State or Federal income tax refund to satisfy a child support debt

*order* -direction of a magistrate, judge or properly empowered administrative officer

*paternity judgement* -legal determination of fatherhood

*plaintiff* -person who brings an action, complains or sues in a civil case

*presumption of paternity* -a rule of law under which evidence of a man's paternity (e.g. voluntary acknowledgment, genetic test results) creates a presumption that the man is the father of a child. A rebuttable presumption can be overcome by evidence that the man is not the father, but it shifts the burden of proof to the father to disprove paternity.

*probability of paternity* -the probability that the alleged father is the biological father of the child as indicated by genetic test results.

*public assistance* -money granted from the State/ Federal Aid to Families with Dependent Children program to a person or family for living expenses; eligibility based on need

*State Parent Locator Service (SPLS)* -a service operated by the State Child Support Enforcement Agencies to locate noncustodial parents to establish paternity, and establish and enforce child support obligations

*statute of limitations* -the period during which someone can be held liable for an action or a debt--

statutes of limitations for collecting child support vary from State to State

*stay* -an order by a court which suspends all or some of the proceedings in a case

*TANF* -Temporary Assistance to Needy Families; time- limited assistance payments to poor families. The program provides parents with job preparation, work and support services to help them become self-sufficient.

*Uniform Interstate Family Support Act (UIFSA)*, and *Uniform Reciprocal Enforcement of Support Act (URESA)* -laws enacted at the State level which provide mechanisms for establishing and enforcing support obligations when the noncustodial parent lives in one State and the custodial parent and the children live in another

*visitation* -the right of a non-custodial parent to visit or spend time with his or her children

*voluntary acknowledgement of paternity* -an acknowledgement by a man, or both parents, that the man is the father of a child, usually provided in writing on an affidavit or form

*wage withholding* -procedure by which automatic deductions are made from wage or income to pay some debt such as child support; may be voluntary or involuntary

## MISSISSIPPI

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